

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH


P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0204RG.m2

February 12, 1993

To: HSERC Members

From: John C. Lewin, M.D. 
Director of Health

Subject: Hazardous Materials Transportation Uniform Safety Act
Application Packet

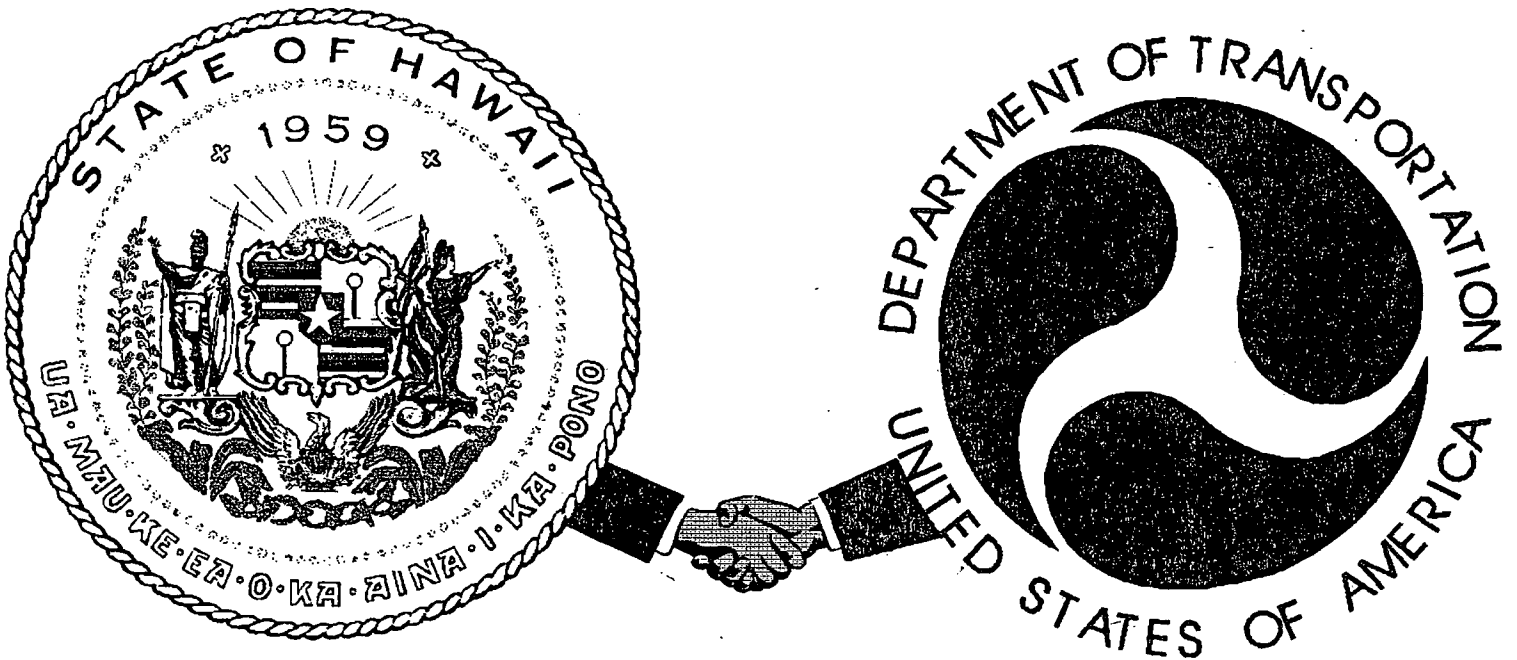
Attached is a copy of the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) applications packet that was prepared by State Civil Defense (SCD). Monies made available by the HMTUSA Grant are to be used for Hazardous Materials Training and Planning. Although the application was a joint effort by SCD and the Department of Health, Hazard Evaluation and Emergency Response Office (HEER), SCD has been designated the lead for HMTUSA. Due to the very tight deadlines imposed by the grant committee the application was mailed directly to the Federal Department of Transportation.

If you have general questions concerning the application or the "Training" sections of the application please contact SCD. Questions regarding the "Planning" sections should be directed to the HEER Office.

APPLICATION FOR FEDERAL ASSISTANCE

HAZARDOUS MATERIALS TRANSPORTATION UNIFORM
SAFETY ACT (HMTUSA)

STATE OF HAWAII PLANNING AND TRAINING
GRANT APPLICATIONS



SUBMITTED BY:

HAWAII STATE CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816

JANUARY, 1993

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APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED January 22, 1993	Applicant Identifier
	3. DATE RECEIVED BY STATE N/A	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: State of Hawaii	Organizational Unit: Civil Defense Division
Address (give city, county, state, and zip code): 3949 Diamond Head Road Honolulu, Hawaii 96816	Name and telephone number of the person to be contacted on matters involving this application (give area code): Roy C. Price, Sr. (808) 734-2161

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 9 9 - 6 0 0 0 8 9 6	7. TYPE OF APPLICANT: (enter appropriate letter in box) <input checked="" type="checkbox"/> A A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify) _____	9. NAME OF FEDERAL AGENCY: Department of Transportation

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: See [] Budget [] Information	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: HMTUSA Planning and Training Grants
TITLE: HMTUSA	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): Statewide, Hawaii	

13. PROPOSED PROJECT: Start Date: 3-1-93 Ending Date: 2-28-94	14. CONGRESSIONAL DISTRICTS OF: a. Applicant: Statewide b. Project: Statewide
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15. ESTIMATED FUNDING: <table border="1"> <tr><td>a. Federal</td><td>\$ 62,885 .00</td></tr> <tr><td>b. Applicant</td><td>\$.00</td></tr> <tr><td>c. State</td><td>\$.00</td></tr> <tr><td>d. Local</td><td>\$ 12,577 .00 (soft match)</td></tr> <tr><td>e. Other</td><td>\$.00</td></tr> <tr><td>f. Program Income</td><td>\$.00</td></tr> <tr><td>g. TOTAL</td><td>\$ 75,462 .00</td></tr> </table>	a. Federal	\$ 62,885 .00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$ 12,577 .00 (soft match)	e. Other	\$.00	f. Program Income	\$.00	g. TOTAL	\$ 75,462 .00	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input checked="" type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$ 62,885 .00														
b. Applicant	\$.00														
c. State	\$.00														
d. Local	\$ 12,577 .00 (soft match)														
e. Other	\$.00														
f. Program Income	\$.00														
g. TOTAL	\$ 75,462 .00														
	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No														

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative ROY C. PRICE, SR.	b. Title Vice Director of Civil Defense	c. Telephone number (808) 734-2161
d. Signature of Authorized Representative		e. Date Signed JAN 15 1993

BUDGET INFORMATION — Non-Construction Programs

SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Planning		\$	\$	\$	\$	\$
2. Training	N/A 1st Year	N/A	N/A	32,650.00	12,577.00	45,227.00
3.						
4.						
5. TOTALS		\$	\$	\$ 32,650.00	\$ 12,577.00	\$ 45,227.00

SECTION B — BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Planning	(2) Training	(3)	(4)	
a. Personnel	\$	\$ - 0 -	\$	\$	\$
b. Fringe Benefits		- 0 -			
c. Travel		- 0 -			
d. Equipment		- 0 -			
e. Supplies		- 0 -			
f. Contractual		32,650.00			
g. Construction		N/A			
h. Other		12,577.00			
i. Total Direct Charges (sum of 6a - 6h)		45,227.00			
j. Indirect Charges		- 0 -			
k. TOTALS (sum of 6i and 6j)	\$	\$ 45,227.00	\$	\$	\$
l. Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Planning	\$	\$	\$	\$
9. Training			12,577.00	12,577.00
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$ 12,577.00	\$ 12,577.00

SECTION D - FORECASTED CASH NEEDS

13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
		\$	\$	\$	\$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	02 Budget Period	03 Budget Period	04 Budget Period	05 Budget Period	06 Budget Period
16. Planning	\$	\$	\$	\$	\$
17. Training	32,650.00	32,650.00	32,650.00	32,650.00	32,650.00
18.					
19.					
20. TOTALS (sum of lines 16 -19)	\$ 32,650.00	\$ 32,650.00	\$ 32,650.00	\$ 32,650.00	\$ 32,650.00

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
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23. Remarks
 See details of project narrative statement for specifics.

BUDGET INFORMATION — Non-Construction Programs

SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Planning	N/A 1st Year	\$ N/A	\$ N/A	\$ 33,608	\$ - 0 -	\$ 33,608
2. Training						
3.						
4.						
5. TOTALS		\$	\$	\$ 33,608	\$ - 0 -	\$ 33,608

SECTION B — BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Planning	(2) Training	(3)	(4)	
a. Personnel (.75 FTE)	\$ 21,708	\$	\$	\$	\$
b. Fringe Benefits (23.15%)	5,025				
c. Travel	3,300				
d. Equipment					
e. Supplies	1,000				
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)	31,033				
j. Indirect Charges (8.3%)	2,575				
k. TOTALS (sum of 6i and 6j)	\$ 33,608	\$	\$	\$	\$
7 Program Income	\$	\$	\$	\$	\$

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. Planning	\$	\$	\$	\$
9. Training				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	13. Federal	\$	\$	\$	\$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	02 Budget Period	03 Budget Period	04 Budget Period	05 Budget Period	06 Budget Period
16. Planning	\$ 33,608	\$ 33,608	\$ 33,608	\$ 33,608	\$ 33,608
17. Training					
18.					
19.					
20. TOTALS (sum of lines 16 - 19)	\$ 33,608	\$ 33,608	\$ 33,608	\$ 33,608	\$ 33,608

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
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23. Remarks See details of project narrative for specifics. \$1,000 of Supplies (Sec. B.6.e.) and a portion of Travel (Sec. B.6.c.) to be funded by State.

JOHN WAIHEE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

[Handwritten signatures and initials]
REX D. JOHNSON
DIRECTOR
DEPUTY DIRECTORS
JOYCE T. OMINE
AL PANG
JEANNE K. SCHULTZ
CALVIN M. TSUDA
IN REPLY REFER TO:

DIR-H
1.076

December 14, 1992

TO: Roy C. Price, Sr.
Vice Director
State Civil Defense

FROM: Al Pang *[Signature]*
Deputy Director
Department of Transportation

SUBJECT: TRAINING GRANT APPLICATION

The following statement is provided in response to your inquiry concerning whether the State of Hawaii assesses fees for the transportation of hazardous materials.

"The State of Hawaii does not assess and collect fees for the transportation of hazardous materials."

91:363-11

C
O
P
Y



EXECUTIVE CHAMBERS

HONOLULU

July 1, 1992

JOHN WAIHEE
GOVERNOR

Mr. Travis P. Dungan, Administrator
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Attention: Mr. Charles G. Rogoff, Grants Manager DHM7
Hazardous Materials Transportation Uniform
Safety Act of 1990

Dear Mr Dungan:

I hereby designate the Civil Defense Division, State of Hawaii Department of Defense, as the lead agency to administer grants provided under the Hazardous Materials Transportation Uniform Safety Act of 1990.

Major General Edward V. Richardson, Director of Civil Defense, and Mr. Roy C. Price, Sr., Vice Director of Civil Defense, are my designated authorized representatives. Their mailing address is:

Civil Defense Division
Department of Defense
State of Hawaii
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

I appreciate your support and cooperation is assisting our hazardous materials emergency response and preparedness programs.

With kindest regards,

Sincerely,

JOHN WAIHEE

bcc: ✓ Hon. Edward V. Richardson

PROJECT NARRATIVE: STATEMENT OF THE GOALS AND OBJECTIVES OF THE PROPOSED PROJECT, PROJECT DESIGN AND LONG RANGE PLANS FOR THE HMTUSA PLANNING GRANT

Hawaii has made tremendous progress in implementing the mandates of the Emergency Planning and Community Right-to-Know Act (EPCRA) since its passage; however, the lack of sufficient funding has hindered both the development and implementation of the program. Resource constraints aside, Hawaii is very committed to the full implementation of the EPCRA requirements. In fact, the Governor has submitted a State EPCRA Bill for consideration by the legislature. This bill addresses many of the administrative issues and problems which the Hawaii State Emergency Response Commission (HSERC) has been facing and proposes a filing fee for Tier II reporting. The proposed fee is intended to be used to support the activities of the HSERC and Local Emergency Planning Committees (LEPCs).

In 1986 the HSERC was established and the Governor designating the Department of Health (DOH) as the implementing agency. Within the DOH the Office of Hazard Evaluation and Emergency Response (HEER) has been delegated the task of staffing the HSERC. In addition, the four counties have been designated as the local emergency planning districts and the LEPCs. However, the LEPCs are considered to be "State" entities and therefore the DOH, through the HEER Office, must support the HSERC and LEPCs to the extent possible.

Many unique challenges face Hawaii. The physical isolation from the mainland directs that Hawaii strive to be as self-sufficient as possible. In addition to the isolation, Hawaii is comprised of a series of islands. In a disaster situation, assistance will not be readily available from the island of Oahu where most support is currently housed. It is important that each county become as self-sufficient as possible and be able to handle hazmat emergencies until assistance can arrive from Oahu or the mainland.

Completed in 1992, thanks to an innovative projects grant provided by EPA, was a Macintosh computer program called CFISH or Computer Facility Information System for Hawaii. CFISH is simply an interactive, simplified version of CAMEO which has been made available for public access. We are anticipating that the CFISH program will help fill the void of public access to EPCRA information. However, outreach is needed, as well as equipment to fully utilize the innovative program.

Although tremendous progress has been made, much more remains to be done. The following is a list of what we feel are the top priorities for EPCRA implementation:

- Characterize EHS facilities. Including identification, outreach and education, and planning.
- Complete hazard analysis for all EHS facilities in accordance with EPA guidelines.
- Update LEPC EPCRA Emergency Operations Plans.
- Public outreach and education.

- Exercise the updated plans.
- Provide administrative support to the LEPCs.

Goal: Update and improve the LEPC Emergency Operation Plans.

Emergency Operation Plans (EOPs) were initially completed by all LEPCs in 1988. Since that time the EOPs have not been adequately updated and facility specific information is lacking. It is essential that the EOPs be adequately updated to add facility information and reflect any changes that have occurred since 1988.

Objectives:

1. Identify facilities which are not in compliance.
 - Work with local fire departments regarding suspected nonreporters.
 - Research business publications, phone books, etc.
2. Educate facilities required to comply.
 - Send out information packets.
 - Meet with facility personnel.
 - Encourage LEPC participation.
3. Complete hazard analyses for all EHS facilities.
 - EPA guidance will be followed.
 - Form a partnership with the facilities to gather required information.
4. Update EPCRA emergency operation plans for each county.
 - Work with State and County Civil Defense.
 - Follow National Response Team guidance as outlined in NRT-1 and NRT-1A.
5. Exercise the EPCRA plans in each county.
 - Develop a Hazardous Materials Exercise Program.
 - Follow National Response Team guidance as outlined in NRT-2.
 - Conduct a hazmat exercise in each county.

6. Assist the LEPCs.

- Provide administrative support.
- Coordinate activities of the LEPC.
- Assist with EPCRA training.

Monitoring: Distinct deliverables are required throughout the six-year period and EPA or NRT guidance will be used to judge the adequacy of the deliverables. In addition, accomplishments will be measured by quantifying the number of:

- New facilities identified, total facilities in compliance and the total number of noncomplying facilities.
- Information packets sent out, meetings and/or seminars with facility personnel and increased LEPC participation.
- Completed hazard analyses.
- EPCRA emergency operation plans completed and submitted to EPA and RRT for review.
- Exercises completed.
- LEPC meetings conducted.

Implementation: The lack of dedicated resources, namely personnel, is the major obstacle that faces the State of Hawaii. This lack of personnel prevents the State from completing many of the EPCRA projects. Funds from the HMTUSA Grant will allow a dedicated staff person to be hired by the State. This six-year plan could then be implemented by this new staff person. The new staff member will work solely on meeting the goal and objectives of this application and will work closely with the current EPCRA staff now in place.

Timeline: We are estimating that it would take approximately one year each for the three neighbor island LEPCs to complete the planning process, with specific hazards analysis for each EHS facility including transportation routes used. It would take approximately two years for the City and County of Honolulu to enhance their existing plan and complete the hazards analyses. It would take another year to complete exercises for all four counties.

RRT Involvement: Being isolated as we are from the mainland, Hawaii is very involved in the Regional Response Team (RRT) for the Oceania Region. We plan to continue this involvement and feel it is vital that the Oceania Region share technologies and resources when available.

HMTUSA: HMTUSA is a vital link in our long-term planning strategies, the planning grant will allow for comprehensive planning for each of our LEPCs. It is important to point out that Hawaii is a series of islands and the LEPCs are physically isolated from each other, therefore it is vital that each LEPC have their own hazmat capabilities, plan and exercise. We would like to move towards less dependence on EPA Region IX. The planning grant would allow us to make great stride towards this independence and through this comprehensive planning process be prepared for and hopefully prevent hazmat incidents on Hawaii. Without the HMTUSA planning grant, we must wait for funds generated by the proposed State EPCRA law. Failure of this bill to pass would leave the State with limited funding to implement EPCRA.

PROJECT NARRATIVE: STATEMENT OF THE GOALS AND OBJECTIVES OF THE PROPOSED PROJECT, PROJECT DESIGN AND LONG RANGE PLANS FOR THE HMTUSA TRAINING GRANT

NEED: The State of Hawaii represents 1,108,229 citizens who are served by over 71,000 public sector employees that should/could receive training in one or more levels as identified under OSHA 29 CFR 1910.120 and EPA 40 CFR 311 levels of emergency response. In addition, there are more than 12,000 public sector personnel with key roles in response, planning and prevention requiring training. In the State of Hawaii the respective county fire departments serve as lead agencies on all hazardous materials incidents. The following emergency responders, planners and prevention specialists require training:

Function

Fire	1882
Police	3600
EMS	259
Pub. Works	5524
Pub. Officials	149
Info Mgt	1200 (est)
Emer Mgrs	47
Other	100
Totals	12,761

Our emergency responder force (fire, police, EMS, Public Works, etc.) is relatively stable within the state. The annual turnover rate is about 7%. After the 12,000 emergency responders receive their initial training appropriate for their level of response, an annual effort to train new (replacement) staff will total 900 students annually in one or more of the five areas (awareness, operations, technician, specialist, command).

IMMEDIATE PLAN: During the first year of the grant, a training program will be implemented/continued to address the training needs of nearly 13,000 emergency responders and key public sector employees in Awareness, Operations, and On Scene Incident Command. The training needs for Technician and Specialist level training will continue to be met with existing programs but additionally will be offered as in-kind contributions to this grant. Awareness training for eligible public sector employees will be conducted by the State through its Civil Defense Agency via an agreement with Honolulu Community College (HCC), a unit of the University of Hawaii College system with campuses on all islands. Grant funds will be used as tuition assistance for public sector employees (full tuition for the initial Hazardous Materials Awareness Course is projected to be \$100 with tuition assistance being \$80 per student). The full allocation of training grant funds (\$32,650) will permit initial Hazmat Awareness training for 400 students during the initial grant year. An additional allocation in grant funds would see a proportionate increase in training capability. Approximately 12 classes will be conducted on Oahu and 4 on the neighboring islands in the first year. The course to be offered is "Initial Response to Hazardous Materials Incidents: Basic Concepts" which is on the List of Federal Approved Courses and recognized by the National Fire Academy.

LONG RANGE PLAN: During years 2 through 6, the HMTUSA grant funds will be used to provide Awareness training for the remaining pool of 2,000 employees (initial and possibly refresher). The total number of public sector employees that should be trained in various Hazmat functions is estimated to be about 22,000. Hazmat training for these people at the proper level and in the appropriate function is predicated upon the availability and use of other funds (SARA, FEMA, Hawaii, etc.) to send additional personnel to various field and train-the-trainer courses to qualify more people to teach the required courses and thereby expand our Hazmat training curriculum. The long term goal is for the State to achieve self-sufficiency by having a cadre of governmental employees who are qualified instructors. At the end of the sixth year an assessment of funding that is needed to continue will be made and attempts to fund current levels will be sought.

QUALITY CONTROL MEASURES: End of course exams will be administered to all students enrolled in the Awareness Course offered by the Honolulu Community College system. A score of 70% or better will be required to successfully complete the course. All test results will be compiled and forwarded to the State Civil Defense Training Officer within two weeks of course completion. The State Training Officer will retain and maintain a record of people who complete Hazmat training.

A STATEMENT OF WORK THAT DESCRIBES AND SETS PRIORITIES FOR THE ACTIVITIES AND TASKS TO BE CONDUCTED, THE COSTS ASSOCIATED WITH EACH ACTIVITY, THE NUMBER AND TYPES OF DELIVERABLES AND PRODUCTS TO BE COMPLETED, AND A SCHEDULE FOR IMPLEMENTATION

The lack of dedicated resources, namely personnel, is the major obstacle that faces the State of Hawaii. This lack of personnel prevents the State from completing most of the EPCRA projects. Funds from the HMTUSA Grant would allow a dedicated staff person to be hired by the State to assist the LEPCs update their EOPs. This six-year plan could then be implemented by this new staff person. The new staff member would work solely on meeting the goal and objectives of this application and would work closely with the current EPCRA staff now in place. The HMTUSA staff person would:

1. Identify facilities which are not in compliance.
 - Work with local fire departments regarding suspected nonreporters.
 - Research business publications, phone books, etc.
2. Educate facilities required to comply.
 - Send out information packets.
 - Meet with facility personnel.
3. Complete hazard analyses for all EHS facilities.
 - EPA guidance will be followed.
 - Form a partnership with the facilities to gather required information.
4. Update EPCRA emergency operation plans for each county.
 - Work with State and County Civil Defense.
 - Follow National Response Team guidance as outlined in NRT-1 and NRT-1A.
5. Exercise the EPCRA plans in each county.
 - Develop a Hazardous Materials Exercise Program.
 - Follow National Response Team guidance as outlined in NRT-2.

- Conduct a hazmat exercise in each county.
6. Assist the LEPCs.
- Provide administrative support.
 - Coordinate activities of the LEPC.
 - Assist with EPCRA training.
7. Assist HSERC.
- Distribute LEPC plans for review.
 - Coordinate review of LEPC plans.

COSTS: The annual costs of this project are:

- Salary (.75 FTE) \$21,708
- Fringe benefits (23.15% of salary) \$5,025
- Neighbor island travel, 2.5 days per month (approx. \$110/day) \$3,300
- Supplies \$1,000
- Indirect charges (overhead 8.3%) \$2,575

Total \$33,608

Schedule: Proposed timelines are based on an estimated starting date of August 1993. The new staff member would begin with Maui LEPC which is one of the smallest as far as known hazmat facilities. This would allow the staff member to learn the planning process and accomplish a manageable project at the same time. Schedule is August 1993-July 1994.

HSERC review and comment on Maui plan. Update plan pursuant to HSERC comments. Schedule is August-September 1994.

The second phase would be to complete the process for Hawaii LEPC. Hawaii is physically the largest island of the chain but has the fewest identified hazmat facilities. We feel that this is an indication that compliance is very low in Hawaii LEPC. From identification of additional facilities to completion of the planning exercise should be completed within 18 months. Schedule is October 1994-March 1996.

HSERC review and comment on Hawaii plan. Update plan pursuant to HSERC comments. Schedule is April-May 1996.

Kauai would be the third LEPC to be completed and should be completed fairly quickly due to the work that has been completed to date by the agencies on Kauai. We are estimated that the program could be completed within one year. Schedule is June 1996-May 1997.

HSERC review and comment on Kauai LEPC plan. Update plan pursuant to HSERC comments. Schedule is June-July 1997.

The City and County of Honolulu has a fairly comprehensive hazmat plan to date but could be enhanced. Hazards analysis would be completed for each EHS facility including transportation routes. It is estimated that the enhancement for Honolulu LEPC will take approximately 18 months since the majority of the EHS facilities are located on Oahu. Schedule is August 1997-January 1999.

HSERC review and comment on Honolulu LEPC plan. Update plan pursuant to HSERC comments. Schedule is February-March 1999.

Review and update all plans as needed. Schedule is April-July 1999.

In addition to the Plan requirement of §303, the planning process will include, but would not be limited to the following:

1. Assessing the capabilities of the local response agencies in each county, paying particular attention to the neighbor island capabilities.
2. Enhancement of emergency plans to include hazards analysis for each extremely hazardous substance (EHS) facility.
3. Working with local agencies to identify additional facilities that should be reporting under EPCRA and prepare hazards analysis for any additional EHS facility.
4. Conducting emergency response drills and exercises associated with emergency preparedness plans in each of the counties, emphasis should be placed on the outer islands.
5. Coordinating the hazmat plan with existing emergency response plans. This would entail working with State and county civil defense agencies.

LEPC Pass Through: At least 75 percent of the Federal funds awarded will be made available to the LEPCs for developing, improving, or implementing emergency operation plans. The funds will be made available through the services of a staff person which will be hired to accomplish the work required on the emergency operation plans for the LEPCs.

A STATEMENT OF WORK THAT DESCRIBES AND SETS PRIORITIES FOR THE ACTIVITIES AND TASKS TO BE CONDUCTED, THE COSTS ASSOCIATED WITH EACH ACTIVITY, THE NUMBER AND TYPES OF DELIVERABLES AND PRODUCTS TO BE COMPLETED, AND A SCHEDULE FOR IMPLEMENTATION.

The State of Hawaii has two primary priorities regarding hazardous materials training. The first of the two priorities is to continue (and gradually expand) the inbeing training program for technicians and specialists. Ambitious and aggressive training programs are ongoing for emergency management, firefighters and EMS personnel. This training covers initial and refresher courses. Expansion goals are to extend the training program to include police, transportation and public works personnel.

The second priority is to use HMTUSA Training Grant funds to offer initial hazmat awareness training to the thousands of state and county workers for whom such training would be appropriate. The training grant funds would be used exclusively for tuition assistance for public sector employees to attend an awareness course. The Honolulu Community College, a unit of the University of Hawaii Community College system with campuses on all major islands, through an agreement with the State Civil Defense Agency, will conduct the majority of the initial awareness courses. In the first year, twelve Courses will be conducted on Oahu and four on the neighboring islands. All sixteen courses will be "Initial Response to Hazardous Materials Incidents: Basic Concepts" (accredited by the National Fire Academy and on the List of Approved Federal Courses). The tuition will be \$100 for each attendee. Training grant funds will provide \$80 tuition assistance for each public sector employee. Receipt of the total projected allocation (\$32,650) of training grant funds for the first year will permit 400 public sector employees initial training. The first awareness class is scheduled to commence on February 6, 1993. Timely reimbursement of the tuition assistance to the State college is predicated on the premise that grant allocations from the Federal level will be made to the applicant states on March 1, 1993 as promised.

SUPPLIES AND EQUIPMENT

We do not anticipate the need to purchase supplies and equipment to implement the Statement of Work.

A handwritten signature in black ink, appearing to read 'Roy C. Price, Sr.', with a large, stylized flourish extending to the right.

ROY C. PRICE, SR.
Vice Director
Hawaii State Civil Defense


ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Vice Director of Civil Defense
APPLICANT ORGANIZATION State of Hawaii Department of Defense Civil Defense Division	DATE SUBMITTED January 15, 1993

CERTIFICATION REGARDING DEBARMENT, SUSPENSION
AND OTHER RESPONSIBILITY MATTERS

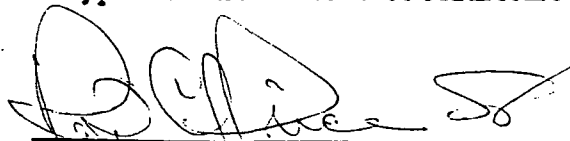
The prospective participant certifies to the best of its knowledge and believe that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency'
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

ROY C. PRICE, SR.
Vice Director of Civil Defense

Typed Name & Title of Authorized Representative



Jan 15, 1993

Signature of Authorized Representative

Date

Or, alternatively state:

I am unable to certify to the above statements. My explanation is attached.

CERTIFICATION -- DRUG FREE WORKPLACE ACT OF 1988

The recipient certifies that it will provide a drug-free workplace by:

- (a) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

- (b) establishing a drug-free awareness program to inform employees about
 - (1) the dangers of drug abuse in the workplace;
 - (2) the recipient's policy of maintaining a drug-free workplace;
 - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) making it a requirement that each employee to be engaged in the performance of the project be given a copy of the statement required by paragraph (a);

- (d) notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will --
 - (1) abide by the terms of the statement; and
 - (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such convictions;

- (e) notifying the Award Official within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

- (f) taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --

- (1) taking appropriate personnel action against such an employee, up to and including termination; or
- (2) requiring such employee to participate satisfactory in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

The recipient shall insert in the space provided below the site(s) for the performance of work done in conjunction with the specific award

Place of performance (street address, city, county, state, zip code)

Honolulu Community College
 874 Dillingham Boulevard
 Honolulu, Hawaii 96817

Hawaii Community College
 1175 Manono Street
 Hilo, Hawaii 96720

Kapiolani Community College
 4303 Diamond Head Road
 Honolulu, Hawaii 96816

Kauai Community College
 3-1901 Kaunualii Highway
 Lihue, Kauai, Hawaii 96766

Leeward Community College
 96-045 Ala Ike
 Pearl City, Hawaii 96782

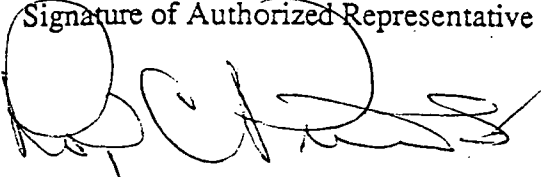
Maui Community College
 310 Kaahumanu Avenue
 Kahului, Maui, Hawaii 96732

Windward Community College
 45-720 Keahala Road
 Kaneohe, Hawaii 96744

ACTIONS REQUIRED OF RECIPIENTS OF HMTUSA PLANNING GRANTS

The statute referenced above specifies that the Secretary of Transportation cannot allow the award of Planning Grants unless the State receiving such grant has certified that it will commit to maintaining or increasing the non-Federal expenditures for such activities; agrees to make available grant funds to Local Emergency Planning Committees (LEPC's); and certifies compliance with Sections 301 and 303 of the Emergency Preparedness and Community Right-to-Know Act (EPCRA). To clarify and expedite the assurances the following has been presented for your consideration. To be deemed an "eligible applicant," the following assurance must be signed by the duly authorized representative of your governing body.

1. I certify that the aggregate expenditure of funds of the State, exclusive of Federal funds, for developing, improving, and implementing emergency plans under the EPCRA will be maintained at a level which does not fall below the average level of such expenditures for its last 2 fiscal years.
2. I certify that the State is complying with Sections 301 and 303 of EPCRA.
3. I agree that the State will make available not less than 75 percent of the funds granted to the State under Subsection 117A(a) to LEPC's established pursuant to Section 301(C) of EPCRA by the State Emergency Response Commission.

Typed Name of Authorized Representative ROY C. PRICE, SR.	Title Vice Director of Civil Defense	Telephone # (808) 734-2161
Signature of Authorized Representative 	Date January 15, 1993	

CERTIFICATION OF HAWAII EPCRA §301 & §303 COMPLIANCE

SECTION 301

The Hawaii State Emergency Response Commission (HSERC) was established in 1987, with the Department of Health designated the lead agency. The four counties have been established as the Emergency Planning Districts and LEPCs have been established in each district.

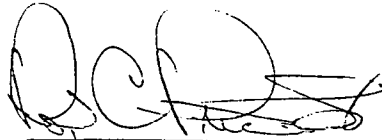
SECTION 303

Emergency Response Plans were submitted to the HSERC by each of the counties in 1988. Facility specific information and hazard analyses for each extremely hazardous substance (EHS) facility was minimal. In addition, due to limited resources, the plans have not been updated annually. In 1992, the City and County of Honolulu made great strides to improve and update their EPCRA Hazmat Plan. However, assistance is needed regarding the hazard analysis for each EHS facility in Honolulu County. The other three counties have their initial plan, but the Hazmat plans should be updated with specific facility information as well as hazard analysis for each of the identified facilities.

STATE EMERGENCY RESPONSE COMMISSION (SERC)
REVIEW OF HMTUSA GRANT APPLICATION

The following statement satisfies the requirements of Public Law 101-615, Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990:

I certify that all members of the Hawaii State Emergency Response Commission (SERC) were provided the opportunity to review the HMTUSA grant application.

A handwritten signature in black ink, appearing to read 'Roy C. Price, Sr.', written over a horizontal line.

ROY C. PRICE, SR
Vice Director
Hawaii State Civil Defense

Primary Point of Contact for Hazardous Materials
Training Funded by HMTUSA Grants

I hereby designate Mr. Leighton Ah Cook as the primary point of contact for coordinating training funded under the HMTUSA grant program. Mr. Ah Cook is the Training Officer for the Hawaii Civil Defense Agency and as such is responsible for the coordination of all State run hazardous materials training. Copies of all course materials delivered under the grant should be sent to him. Mr. Ah Cook's address and phone number are as follows:

Mr. Leighton Ah Cook
Training Officer
Department of Defense
Hawaii State Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816

Tel: (808) 734 2161



ROY C. PRICE, Sr.
Vice Director
Hawaii State Civil Defense

GRANT APPLICATION COURSE DATA

A training grant under HMTUSA in the amount of \$32,650 is being requested for the National Fire Academy's course, "Initial Response to Hazardous Materials Incidents Course I: Basic Concepts". This course is one of two integrated field courses developed by the National Fire Academy to provide progressively indepth training to help potential responders meet or exceed levels of knowledge and competency specified in OSHA/EPA Regulations and NFPA Standards.

This specific course is on the "List of Approved Federal Courses" in the HMTUSA Section 17 Application Kit and as per the afore mentioned document, "No supporting documentation is required in the grant application for these courses."

IMPLEMENTATION SCHEDULE

See "Statement of Work - Training Grant" for implementation details of training grant.

FIVE YEAR ESTIMATE OF FUNDING REQUIRED

For a general estimate of what levels of training and funds might be needed to fully address the State's training requirements over the next five years, see the enclosed Budget Sheets (Standard Form 424A).

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

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HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #15

Friday March 12, 1993
9:00 a.m. - 12:00 noon

Department of Health's
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street

AGENDA

- I. Call to Order
 - A. Opening Remarks
 - B. Discussion/Approval of Minutes from HSERC Meeting #14
- II. Update by Attorney Generals Office
- III. Draft Hawaii EPCRA Bill
- IV. Ethlene Oxide Release on Kauai
- V. HMTUSA Grant Update
- VI. Schedule Next HSERC Meeting #16

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

April 7, 1993

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**MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #14**

Friday December 11, 1992
9:00 a.m. - 12:00 noon

Department of Health's
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Roy Price for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Tom Smyth for Mufi Hannemann, DBEDT
Ralph Moore for Rex Johnson, DOT
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative
Harry Kim, Hawaii LEPC Representative
Rheta Thielen for Jiggie Hommon, Red Cross

Other Attendees:

Steven Armann, DOH
Rhonda Goyke, DOH
James Vinton, BHPPA
Robert Roberts, HSPA
Stacy Rogers, HCC/UH
Joseph Blackburn, Maui FD
Chris Takeno, C&C of Honolulu LEPC
James Bac, DBED/Energy

I. Call to Order

The 14th meeting of the HSERC was called to order by Lewin at 9:15 a.m.

A. Opening Remarks

Lewin stated the two main objectives of the meeting:

- 1) To come to consensus regarding the draft HEPCRA Bill; and
- 2) To discuss a model for a fee structure.

B. Discussion/Approval of Minutes from HSERC Meeting #13

Charlton noted that DOSH has been changed to HIOSH and the minutes should reflect the correct name.

Minutes were approved with change noted.

II. Update by the Attorney General's Office

Due to a scheduling conflict Kathy Ho is unable to join us. Lewin requested that a letter be drafted to Attorney General Marks requesting a Deputy AG at every HSERC meeting, stressing the importance of the Commission.

III. Draft State EPCRA BILL

A. Fee Structure Subcommittee

Armann explained that a fee subcommittee composed of: Roy Price, Chris Takeno, Sel Menor, Clifford Ikeda, Steve Armann, and Rhonda Goyke met on December 8th to discuss EPCRA fee options. The subcommittee recommendation was to make a fee system as simple as possible, both for the reporting facilities and for the HSERC. The recommendation is:

- 1) Stay away from sliding scales;
- 2) Initiate a straight flat fee that would be the same for everyone;
- 3) The fee recommended is \$100 per Tier II. Therefore, anyone that is required to submit a Tier II would pay an annual fee of \$100;
- 4) The fee would pay for a permit;

- 5) Provisions would be made for emergency provisions, such as someone who doesn't normally handle hazardous substances could get an emergency permit;
- 6) The money generated would be used for administration costs of the HSERC and LEPCs, public awareness, and training;
- 7) Purpose of a simple annual fee is to reduce administrative costs to DOH and to the facilities, keep recordkeeping simple; and
- 8) \$100 per Tier II would generate approximately \$50,000.

B. Open discussion

Anderson voiced concern over the inadequate funding that this recommendation would generate. \$50,000 would not be enough to support the staff that is needed for HSERC and LEPC support personnel. In addition, travel funds are needed for HSERC members and support staff.

Lewin suggested a compromise, the \$50,000 could support 1/2 FTE and pay for travel costs. Ideally there would be a support staff at the county level, but the current economy cannot support a large fee. However, we need to plan for the future and a small fund is a start at becoming self sufficient in the future.

Blackburn noted that the bill does not indicate where the LEPC will be administratively attached.

Anderson explained that the HSERC is an independent body with DOH providing administrative support, the LEPCs would be organized the same way.

Blackburn suggested to avoid confusion the administering agency should be spelled out in the bill.

Armann stated that the subcommittee discussed the problem of accountability at the county level. Therefore, it is the recommendation of the subcommittee that the language of the bill be changed back to reflect that the Mayor will appoint the LEPC members. Therefore, the Mayors would ultimately be responsible to ensure that the LEPC functions are carried out.

Anderson stated that if a 1/2 FTE is hired that would leave approximately \$20,000, which would be \$5,000 for each county which is not enough to develop ownership at the county level. How would the money be used.

Smyth suggested having one pool of money and the LEPCs could supply a budget and the HSERC could review and reward the money as appropriate, based on needs and request.

Price stated that it was refreshing to hear that the counties need help. The State economy is struggling due to Iniki and the recession. The EPCRA program is competing with other high priority programs. The rationale behind a filing fee is that it would minimize the amount of administrative work associated with a fee system. There is no one to do the work, therefore the work load should be kept to a minimal amount. A state law would also allow fines to stay in the State instead of going to EPA. The EPCRA fund could grow slowly with the filing fees as well as any fines. The HSERC would continue to support the LEPCs as best as they can.

Price stated that the focus should be on the first responders, that is the county fire personnel, training and equipment for a Hazmat response team on each county.

Lewin inquired as to the equipment needed.

Blackburn stated that training was needed much more than equipment which could be charged to the spiller.

Kim stated that for Hawaii county he didn't know what the actual Hazmat need was. What is needed on Hawaii county is a clear division of responsibility. If a

geothermal incident is to occur it is not his responsibility except evacuation and warning. It is DOH responsibility.

Lewin stated that the \$50,000 is a small amount to do the job that needs to be done. Assessment and policy set up is the most important aspect of the program. Once a strong policy is in place the funding will follow. Set up adequate infrastructure to measure the success or failure of the program. It is understood that County/LEPC resources are inadequate but the State resources are inadequate as well. The fund generated by the fees could at least be used to hire the equivalent of a halftime to fulltime employee. This new person could be used as a link, by attending all LEPCs and the HSERC meetings.

Price clarified that he intended that the new staff person be used for compiling meeting minutes, xeroxing, etc. All these administrative tasks add up. We need to specify our intent and set priorities and make sure this is understood by the LEPCs. The fund will start out small, but once established the funds will grow as fines are initiated.

Armann stated that the way Chapter 128D was currently written most fines would go into the Revolving Fund. Therefore, fines for not reporting might be small.

Lewin queried the Commission as to the opinion of the HSERC regarding the need for EPCRA support staff. To be able to hire staff we need the fee structure.

Kinro stated that he supports a position to assist the HSERC and LEPCs, at least a 1/2 FTE.

Kim voiced the opinion that if the bill was left as is, it is essentially nonfunctioning. What is needed is to identify responsibilities of the various agencies involved. More help is needed than simply clerical assistance. What is needed is one agency to coordinate all activities.

Charlton noted that the funding issue at hand is a separate issue for the organizational issue that Kim is referring to.

Lewin stated that there is a need for a coordination body with regards to policy building and that this should be the function of the State.

Kim stated his preference for a single LEPC for the State.

Anderson emphasized the need for local plans.

Price explained that there are emergency operation plans in each county already. Specific requirements of EPCRA could be incorporated into the existing plans. EOPs are the responsibility of CD.

Kekuna agreed that the best place for the LEPC hazmat (EPCRA) EOP function was with CD. Kekuna also noted that EPCRA was becoming more visible and that enforcement should become our focus.

Blackburn noted that EOP are in place in each county, but facility specific information is missing. Someone must do the work.

Anderson stated that the LEPCs were set up to do the necessary work.

Lewin queried about the possibility of making the CD an advisory committee to the LEPC.

Kekuna clarified that there are specific requirements relating to advisory committees and how they are set up.

Kim could not support such a plan. Hawaii County can not handle additional responsibilities.

Charlton queried as to who the members of the "State LEPC" would be. Would the HSERC members be the LEPC members as well.

Lewin stated that if there was to be a "State LEPC" then the HSERC members would indeed do double duty as State LEPC members also.

Anderson stressed the need for local industry representatives in the LEPC as stated in EPCRA. EPCRA has very specific requirements as to who LEPC member should be.

Kim stated that at the county level an advisory board could be developed that could input and review the State LEPC plan.

Moore stated that his observation has been that the LEPC structure is the same as the CD structure. Therefore, if the Counties don't want an LEPC then perhaps we should just have an HSERC and have CD pick up the necessary responsibilities. This issue needs to be resolved once and for all and we should stop going back and forth with the same issue.

Charlton stated that funding was the real issue. The solution is to fund the program through the HEPCRA Bill, not to just push the responsibility around.

Lewin stated establishing LEPCs with an advisory function makes sense. Industry has an advisory function and the plans are centrally located. Acknowledge that the plans are HSERC responsibility. HSERC will work with CD to do the plans.

Blackburn stress the fact that the local plans must comply with EPCRA, including facility specific information and hazard analysis.

Takeo queried as to who would be held accountable for completing the plans.

Vinton stated that the commission should then be expanded to include representation from the public and the facilities impacted.

Anderson explained that the county advisory committees would provide that forum.

Lewin summarized the accomplishments of the meeting:

- 1) Planning function will be brought into the HSERC;
- 2) LEPC (advisory boards) will be appointed by the Mayor; and
- 3) Plans will be written in accordance with EPCRA.

Ikeda stressed opposition to this approach. He feels that it is important to involve non government people in the planning process. He has been trying to get away from the details of the plan, delegating the detailed work to the Fire Department. With this new organization the work load would be back on him.

Charlton stated that a fee system was needed that will fund the program that is required.

Lewin clarified that fees of \$500-600 per company would not get passed with the current economic situation.

Takeo stressed the point that if the responsibility of the Plans are taken away from the LEPC, there is no motivation for the LEPC to meet.

Lewin stated that the vested concern of industry would be the motivating factor.

Kim made the motion to go with the \$100 filing fee,

Davis queried as to the exemption of government agencies.

Lewin stated that clearly government would not be exempt.

Blackburn stated that Maui had planned to introduce a county fee that would fund enforcement. He queried as to the possibility of these facilities being exempt from the State filing fee. It would be unfair to tax Maui facilities twice.

Lewin suggested that the county fee be reduced by the amount paid to the State, therefore alleviating double fees.

Lewin reminded the Commission that the **motion was on the floor to accept the \$100 filing fee per Tier II.**

Motion Passed

Thielen stressed concern that the purpose of the meeting, to finalize the draft bill, was not going to be met. The bill is worded such that it is very general and the decision made today do not need to affect the wording of the bill. **The motion was made to adopt the bill as written, work assignments can be adjusted later.**

Kinro seconded the motion.

Amendments to the motion:

- 1) Bill should be changed to reflect that the Mayor are to appoint LEPC members;
- 2) \$100 filing fee will be placed in bill;
- 3) Page 3, line 25, change motor vehicle to motor carrier, Kinro opposed this motion amendment;
- 4) Page 4, definition of "Release" will be changed to mimic 128D;
- 5) Page 6, line 2, change adjutant general to "director of the department of defense";
- 6) Page 7, line 3, add "staff support";
- 7) Page 10(12) add "annual" update;
- 8) Page 12, line 10, change to read "With support from the HSERC local emergence response plans shall be submitted to..."

Motion to adopt the bill with the above amendments was passed.

Lewin commented that the changes would be reflected in a revised copy of the bill and sent out to all members.

Kim requested that the subcommittee review the revisions one last time before the bill becomes final.

V. Schedule Next HSERC Meeting (#15)

The next HSERC meeting was tentatively set for the end of February 1993, if needed to review or revise the HEPCRA Bill .

The motion was made to adjourn the meeting at 12:05 p.m.

The motion was passed.

This Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,

Rhonda K. Goyke 4/7/93
RHONDA K. GOYKE Date

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE
E1104RG.m1

December 22, 1992

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #13

Thursday, November 19, 1992
9:00 a.m. - 12:00 noon

State Office Towers
Conference Room 1008
235 South Beretania Street

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Don Gransback for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Ying Fan Xu for William Paty, BLIR
Tom Smyth for Mufi Hannemann, DBEDT
Barbara Siegel, School of Public Health, UH
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative

Other Attendees:

Steven Armann, DOH
Rhonda Goyke, DOH
James Vinton, PRI
Michael Choy, HECO
Robert Roberts, HSPA
Eugene Lee, DPW
Laurence Lau, AG Office
Kathy Ho, AG Office

I. Call to Order

The 13th meeting of the HSERC was called to order by Anderson at 9:05 a.m.

A. Opening Remarks

Anderson stated that the main objective of the meeting was to revise the draft HEPCRA Bill. The draft legislative package had been submitted to the Governor and it appears that the HEPCRA Bill will be part of the Administrative Package.

B. Discussion/Approval of Minutes from HSERC Meeting #12

The motion was passed to accept the minutes, as written.

II. Update by the Attorney General's Office

Lau explained that the workload of the Attorney General's Office had been reassigned by Sonia Faust. As such, he would no longer be assigned to work with the HSERC. However, Kathy Ho would be taking over those responsibilities. Ho joined the Attorney General's Office on November 16, 1992.

III. Draft State EPCRA BILL

Anderson chaired a subcommittee composed of: George Kekuna, Chris Takeno, Sel Menor, Clifford Ikeda, Steve Armann, and Rhonda Goyke. The subcommittee presented a revised draft of the Hawaii EPCRA bill, incorporating four major recommendations for Commission consideration. The four recommendations were:

- 1) Follow 128D as closely as possible;
- 2) Shorten the Bill as much as possible, removing any areas that were not absolutely necessary;
- 3) Remove many of the details of the Bill, instead provide authority to adopt, amend, and repeal rules to implement HEPCRA, including a fee structure;
- 4) During subcommittee discussion it became apparent that any monies received by the counties, to hire LEPC staff, must be put into the general funds and therefore would not necessarily be used for LEPC activities or staff. Therefore, it was recommended that the four LEPC staff positions be State positions assigned to the various counties. This would allow the money generated by the fee structure to be spent only HEPCRA activities.

Other recommendations or comments by Commissioners include (see attachment 1 for the revised Bill):

- 1) All references to a "Safety Program" were deleted;
- 2) After some discussion Lewin stressed the importance of paid travel expenses and per diem for outer island HSERC members. Gransback also voiced the importance of the continued support of the HSERC by the outer island members and that if necessary the State Civil Defense Agency will help with travel expenses until the funding of the program is available. Anderson informed the outer island LEPC members that if travel funds were not readily available notify the DOH;
- 3) It is recommended that a comprehensive State Chemical Inventory Form be developed that would serve as both §§311 and 312 reporting;
- 4) Anderson asked Ho to investigate how hearing officers were to be assigned;
- 5) It was questioned if the HSERC or the Director should have the rule making authority. Lewin prefers that the authority lie with the HSERC. This would allow the HSERC to be located with another agency or to be split, if appropriate;
- 6) Discussion regarding the need to specify Kalalau as a separate LEPC or planning district resulted in the clarification that the DOH is the LEPC for Kalalau;
- 7) Ikeda pointed out that to specify that the Mayors are to designate LEPC members would contradict the Federal Law. Therefore, it was decided to change the language to the HSERC is to appoint based on Mayor recommendations;
- 8) Much discussion resulted from the recommendation that regulated facilities are to submit emergency response plans. It was decided to provide authority to the HSERC to require such plans via rulemaking;
- 9) It was decided that LEPCs will be considered "State" entities;
- 10) Menor inquired as to how HEPCRA would affect establishing laws at the county level. Anderson stated that HEPCRA wouldn't preclude counties from establishing counties laws.
- 11) Vinton stated that as a matter of public policy PRI disagrees with fees which would in fact be passed on to consumers as hidden costs. Anderson stated that the Governor would take that fact into consideration, however the program needs funding and any alternate plans would be considered;
- 12) Regarding § 12(a), Vinton and Roberts both had a problem with the term the phrase "or persons *requested* by". The concern was, what if

injury or death results from an unqualified person being at a facility upon the *request* of the HSERC or the LEPC, should that person not be liable? Anderson suggested that the language could be revised and that any suggestions would be considered;

- 13) Anderson stated that § -15 appeared to be redundant with § -13, therefore delete § -15;
- 14) After considerable discussion it was agreed that § -16 is unnecessary because Superfund takes care of criminal penalties when warranted. Charlton further clarified that is a facility doesn't have an OSHA plan and someone is killed, HIOSH would cover that situation; and
- 15) Lewin informed the Commission that a "cap" was probably necessary on the fee structure. Fee generated over \$300,000 would not be approved by the legislature. The commission agreed that a cap of \$250,000-300,000 was a good idea. Anderson suggested that the fee structure subcommittee include "not to exceed" language when they review and recommend changes to the bill.

The motion was made and passed to proceed with the draft legislation. Lewin stated that the bill must be finalized and approved by the Commission.

IV. HSERC "Guidelines"

Revisions on the HSERC Guidelines will be postponed until the Hawaii EPCRA Bill has been finalized.

V. Schedule Next HSERC Meeting (#14)

The next meeting of the HSERC was scheduled for December 11, 1992. Agenda items will include finalizing the HEPCRA Bill and fee proposals from the subcommittee.

The motion was made to adjourn the meeting at 11:20 a.m. The motion was passed.

This Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,


RHONDA K. GOJKE date

Day File
Rec'd 12/29/92
mailed 12/30/92

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

December 22, 1992

HSERCMEM.SA1

To: Hawaii State Emergency Response Commission

From: John C. Lewin, M.D.
Director of Health

Subject: Department of Health's Understanding of the Proposed
Implementation of the Emergency Planning and Community
Right-to-Know Act (EPCRA).

During the last few Hawaii State Emergency Response Commission (HSERC) meetings some fundamental decisions have been made regarding the implementation of EPCRA in Hawaii. I would like to take this opportunity to discuss the Department of Health's (DOH) understanding of these issues. If your understanding of the discussions differ, please provide your interpretation in writing to the HSERC staff so that we can discuss the differences during a future HSERC meeting.

First, the HSERC concluded that Local Emergency Planning Committee's (LEPC) are State organizations. This conclusion is based on the fact that the Governor appoints the HSERC membership and that the HSERC appoints the LEPC members. However, the HSERC recognizes that the county government is an essential partner in the program. Therefore, the draft Hawaii EPCRA Bill will be amended to mandate that the Mayor of each county appoint the LEPC members.

Second, extensive time was spent during the last meeting discussing the framework for implementing EPCRA in Hawaii. The attached diagram outlines DOH's interpretation of the discussion. As noted in the diagram, the fundamental structure of the program is to have one LEPC in each county fully responsible for the LEPC requirements of EPCRA. However, as the LEPCs are State bodies, support for development of the required plans will come from the State and each county Civil Defense.

STAND. COM. REP. NO. 214

Honolulu, Hawaii

, 1993

FEB. 19

RE: H.B.1653
H.D.1

Honorable Joseph M. Souki
Speaker, House of Representatives
Seventeenth State Legislature
Regular Session of 1993
State of Hawaii

Sir:

Your Committee on Energy and Environmental Protection, to which was referred H.B. No. 1653 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose of this bill is to establish a Hawaii Emergency Planning and Community Right-to-Know (HEPCRA) Program, and to setup a fund appropriated by filing fees from facilities which store hazardous substances. This fund will be used to support the State responsibilities under the Federal Emergency Planning and Community Right-to-Know Act, including: public outreach and education, chemical emergency planning, training, and response.

The Department of Health and the Sierra Club, Hawaii Chapter both strongly supported this bill but with some differences.

DOH feels this bill will clarify ambiguous aspects of the federal law and establish a fund and fee collection system to support implementation. At the present time the DOH testified that the state was deficient in having a fully trained and equipped local organization to respond to emergency hazardous waste accidents. The fund as set up would remedy this lack.

The Sierra Club had additional recommendations. Your Committee was in agreement with their suggestion to include the directors of the University of Hawaii's Environmental Center and the Office of Environmental Quality Control as members on the State Emergency Response Commission.

As affirmed by the record of votes of the members of your Committee on Energy and Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1653, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1653, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environmental Protection,


DUKE BAINUM, Chair

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that exposure to hazardous
2 materials has the potential for causing undesirable health and
3 environmental effects and poses a threat to the health, safety,
4 and welfare of the residents of this State, and that the
5 residents of this State and emergency service personnel who
6 respond to emergency situations should be protected from the
7 health hazards and harmful exposure resulting from hazardous
8 material releases at facilities and from transportation-related
9 accidents.

10 The purposes of this Act are to:

11 (1) Create a strong working relationship and partnership
12 between business, industry, the public, and the State
13 and its counties to protect and safeguard the residents
14 of this State from the health hazards and other risks
15 of harm resulting from or incident to the use, storage,
16 distribution, and transportation of hazardous
17 materials;

18 (2) Designate the Hawaii state emergency response
19 commission as the State's emergency response commission

1 and a local emergency planning committee (LEPC) in each county of
2 this State to act in accordance with the provisions of the
3 Emergency Planning and Community Right-To-Know Act of 1986 (Title
4 III of Public Law 99- 4990), 42 U.S.C. 11001-11050;

5 (3) Create the Hawaii emergency planning and community
6 right-to-know act (HEPCRA) fund to provide financial
7 assistance to state agencies and counties to develop an
8 effective and integrated response capability to the
9 health hazards, dangers, and risks which hazardous
10 material releases pose to the general public;

11 (4) Assign responsibilities to various state and local
12 agencies to ensure the development and furtherance of a
13 comprehensive HEPCRA program; and

14 (5) Provide civil liability protection to officials and
15 emergency response personnel of the State and counties
16 who are carrying out their duties and responsibilities
17 under this Act.

18 SECTION 2. The Hawaii Revised Statutes is amended by adding
19 a new chapter to be appropriately designated and to read as
20 follows:

21

"CHAPTER

22

HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

1 **§ -1 Definitions.** As used in this chapter, unless the
2 context otherwise requires:

3 "Administrator" means the Administrator of the United States
4 Environmental Protection Agency.

5 "CERCLA" means the Comprehensive Environmental Response,
6 Compensation and Liability Act of 1980, as amended, as of July 1,
7 1992, 42 U.S.C. 9601-9675.

8 "Commission" or "HSERC" means the Hawaii state emergency
9 respond commission.

10 "Committee" or "LEPC" means the local emergency planning
11 committee within each county responsible for preparing hazardous
12 material plans and performing other functions under EPCRA and
13 HEPCRA.

14 "County agency" means a county or any officer or agency
15 thereof.

16 "Department" means the department of health.

17 "Director" means the director of health.

18 "EPCRA" means the Emergency Planning and Community Right-to-
19 Know Act of 1986, as amended, 42 U.S.C. §§11001-11050.

20 "Extremely hazardous substance" means any substance listed
21 in Appendix A of 40 C.F.R. Part 355, as amended, as of July 1,
22 1992, or as defined by rule adopted by HSERC.

1 "Environment" means any waters, including surface water,
2 ground water, or drinking water, any land surface or any
3 subsurface strata, or any ambient air within the State of Hawaii
4 or under the jurisdiction of the State.

5 "Facility" means all building, structure, installation,
6 equipment, pipe or pipeline (including any pipe into a sewer or
7 publicly owned treatment works), well, pit, pond, lagoon,
8 impoundment, ditch, landfill, storage container, motor carrier,
9 rolling stock, or aircraft, or any site or area where a hazardous
10 substance or pollutant or contaminant has been deposited, stored,
11 disposed of, or placed, or otherwise comes to be located; but
12 does not include any consumer product in consumer use.

13 "Hazardous material" or "Hazardous substance" means any
14 hazardous substance as defined in chapter 128D.

15 "HEPCRA" means the Hawaii emergency planning and community
16 right-to-know act.

17 "Person" means an individual, firm, corporation,
18 association, partnership, consortium, joint venture, commercial
19 entity, state, county, commission, political subdivision of the
20 State, or, to the extent they are subject to this chapter, the
21 United States or any interstate body.

22 "Release" means any spilling, leaking, pumping, pouring,

1 emitting, emptying, discharging, injecting, escaping, leaching,
2 dumping, or disposing of any hazardous substance or pollutant or
3 contaminant into the environment (including the abandonment or
4 discarding of barrels, containers, and other closed receptacles
5 containing a hazardous substance or pollutant or contaminate);
6 but excludes:

- 7 (1) Any release which results in exposure of persons solely
8 within a workplace, with respect to a claim which such
9 exposed persons may assert against their employer;
- 10 (2) Emissions from the engine exhaust of a motor vehicle,
11 rolling stock, aircraft, vessel, or pipeline pumping
12 station engine;
- 13 (3) Release of source, by product, or special nuclear
14 material from a nuclear incident, as those terms are
15 defined in the Atomic Energy Act of 1954 (42 U.S.C.
16 2011), if such release is subject to requirements with
17 respect to financial protection established by the
18 Nuclear Regulatory Commission under 42 U.S.C. 2210;
- 19 (4) Any release resulting from the normal applications of
20 fertilizer;
- 21 (5) Any release result in from the legal application of a
22 pesticide product registered under the Federal

1 Insecticide, Fungicide, and Rodenticide Act; or
2 (6) Release from sewerage systems collecting and conducting
3 primarily domestic wastewater.

4 "Reportable quantity" means the quantity of a hazardous
5 material stated on the various lists of hazardous substances as
6 defined in chapter 128D.

7 "Threshold planning quantity" or "TPQ" means the threshold
8 planning quantity for an extremely" hazardous substance as
9 defined in 40 C.F.R. part 355.

10 "Toxic chemical" means a substance appearing on the list of
11 chemicals described in section 313 of EPCRA, as set forth in 40
12 C.F.R. part 372.

13 **§ -2 Designation and functions of the Hawaii state**

14 **emergency response commission.** (a) There is created the Hawaii
15 state emergency response commission (HSERC), placed for
16 administrative purposes within the department, to carry out all
17 requirements of this chapter.

18 (b) The HSERC shall consist of the following:

19 (1) State officers or their appointed designees: the
20 director of health, the chair of the board of
21 agriculture, the director of the department of defense,
22 the director of labor and industrial relations, the

- 1 chair of the board of land and natural resources, the
2 director of business, economic development, and
3 tourism, the director of transportation, the dean of
4 the University of Hawaii school of public health;
- 5 (2) A representative from each LEPC designated by the mayor
6 of the respective county; and
- 7 (3) Directors of the Environmental Center at the University
8 of Hawaii at Manoa, and the Office of Environmental
9 Quality Control;
- 10 (4) Other members as appointed by the governor to, at a
11 minimum, meet the requirements of EPCRA.
- 12 (c) A state officer may designate in writing a designee to
13 act in place of the officer. This designee shall have all the
14 power of a commission member.
- 15 (d) The chair of the HSERC shall be the director of health.
16 A vice-chair shall be designated by the chair to serve in the
17 absence of the chair or the chair designee. The chair or the
18 chair designee shall have the authority to assign, delegate, or
19 transfer tasks, duties, and responsibilities to members of the
20 HSERC.
- 21 (e) Members shall serve without compensation, but shall be
22 reimbursed for necessary and reasonable actual expenses, such as

1 travel expense, incurred in connection with attendance at HSERC
2 meetings. Expenses shall be paid from the HEPCRA fund
3 established in section -10.

4 (f) The HSERC and LEPC support personnel shall be
5 supervised and administered by the chair as the HSERC's primary
6 agent responsible for performing the functions and duties of the
7 HSERC established pursuant to this chapter. For this purpose,
8 the department shall employ such professional, technical,
9 administrative, and other staff personnel as may be deemed
10 essential to carry out the purposes of this chapter.

11 (g) The HSERC shall:

- 12 (1) Carry out all of the duties and responsibilities of a
13 state emergency response commission as specified in
14 EPCRA;
- 15 (2) Develop state contingency plans relating to the
16 implementation of this chapter;
- 17 (3) Supervise, coordinate, and provide staff support to the
18 LEPCs for the implementation of this chapter and EPCRA;
- 19 (4) Develop a public information, education, and
20 participation program for the public and facility
21 owners covering the requirements of this chapter and
22 interpretation of the chemical information collected

- 1 pursuant to this chapter and the risks those chemicals
2 pose to the public health and environment;
- 3 (5) The HSERC shall appoint members of the LEPC, based upon
4 the recommendation of the mayor of the respective
5 counties;
- 6 (6) Adopt rules necessary to implement this chapter; and
- 7 (7) Develop a state chemical inventory form to be used in
8 lieu of the federal Tier II form and chemical list
9 requirements.
- 10 (8) Do all other acts necessary for the implementation of
11 this chapter and the requirements of EPCRA.

12 **§ -3 Powers; rulemaking; appointment of hearing officers.**

13 (a) The HSERC may adopt, amend, and repeal rules to
14 implement this chapter. Such rules shall include, but shall not
15 be limited to the establishment of rules regarding release
16 reporting. Any person heard at the public hearing shall be be3?
17 given written notice of the action taken by the HSERC with
18 respect to the rules.

19 (b) In addition to other specific powers provided in this
20 chapter, the HSERC may appoint, without regard to chapters 76 and
21 77, hearing officers to conduct public participation activities
22 including public hearings and public informational meetings.

1 **§ -4 Establishment of emergency planning districts.** Each
2 county is designated an emergency planning district for the
3 purposes of this chapter. For the purposes of this chapter the
4 department will be responsible for Kalawao county.

5 **§ -5 Establishment and functions of local emergency**
6 **planning committees.** (a) A minimum of one LEPC shall be
7 established in each county. The LEPC shall be subject to the
8 requirements of this chapter and section 303 of EPCRA, 42 U.S.C.
9 section 11003.

10 (b) The members of an LEPC shall be appointed by the HSERC,
11 based upon the respective mayor's recommendations. The list of
12 appointees shall contain the titles of at least one person from
13 each of the groups listed in subsection (c). The HSERC may
14 reject the recommendation of the mayor and appoint LEPC members
15 not receiving the recommendation of the mayor.

16 (c) An LEPC shall be composed of at least one person
17 selected from each of the following groups:

- 18 (1) Elected state and country officials;
19 (2) Law enforcement, first aid, health, local
20 environmental, hospital, and transportation personnel;
21 (3) Firefighting personnel;
22 (4) Civil defense and emergency management personnel;

- 1 (5) Broadcast and print media;
- 2 (6) Community groups not affiliated with emergency service
3 groups;
- 4 (7) Owners and operators of facilities subject to the
5 requirements of EPCRA; and
- 6 (8) Others, as recommended by the mayor and appointed by
7 the HSERC.
- 8 (d) Within sixty days of the occurrence of a vacancy, the
9 HSERC, based upon the recommendations the mayor, shall appoint, a
10 successor member to the LEPC, unless the requirements of section
11 (c) have been fulfilled.
- 12 (e) Upon the failure of the mayor of a county to submit a
13 list of appointees to the HSERC within forty-five days, the HSERC
14 may appoint members, unless the requirement of subsection (c)
15 have been fulfilled.
- 16 (f) An LEPC shall:
- 17 (1) Adopt, amend, and repeal bylaws and other
18 administrative procedures to carry out the duties,
19 requirements, and responsibilities of an LEPC as set
20 forth in this chapter, and as required by the HSERC and
21 EPCRA;
- 22 (2) Take appropriate actions to ensure the preparation,
23 implementation, and annually update and review the

- 1 local emergency response plan required by this chapter
2 and EPCRA; The local emergency response plans shall
3 include (but are not limited to) each of the following:
- 4 (A) Identification of each facility subject to the
5 requirement of section 303 of EPCRA, 42 U.S.C.
6 11003, that are within the emergency planning
7 district, identification of routes likely to be
8 used for the transportation of substances on the
9 list of extremely hazardous substances, and
10 identification of additional facilities
11 contributing or subjected to additional risk due
12 to their proximity to facilities subject to the
13 requirement of this section, such as hospitals or
14 natural gas facilities;
- 15 (B) Methods and procedures to be followed by facility
16 owners and operators and local emergency and
17 medical personnel to respond to any release of
18 such substances;
- 19 (C) Designation of a community emergency coordinator
20 and facility emergency coordinators, who shall
21 make determinations necessary to implement the
22 plan;

- 1 (D) Procedures providing reliable, effective, and
2 timely notification by the facility emergency
3 coordinator and the community emergency
4 coordinator to persons designated in the emergency
5 plan, and to the public, that a release has
6 occurred, consistent with the notification
7 requirements of this chapter and section 304 of
8 EPCRA, 42 U.S.C. §11004;
- 9 (E) Methods for determining the occurrence of a
10 release, and the area or population likely to be
11 affected by such release;
- 12 (F) A description of emergency equipment and
13 facilities in the county and at each facility in
14 the county subject to the requirement of this
15 section, and the identification of the persons
16 responsible for such equipment and facilities;
- 17 (G) Evacuation plans, including provisions for
18 precautionary evacuation and alternate traffic
19 routes;
- 20 (H) Training programs, including schedules for
21 training or local emergency response and medical
22 personnel; and

- 1 (I) Methods and schedules for exercising the emergency
- 2 plan.
- 3 (3) Request additional information from the facilities H₂if
- 4 necessary to develop emergency respond plans;
- 5 (4) With support from the HSERC and Civil Defense local
- 6 emergency respond plans shall be submitted to the HSERC
- 7 for review and to other affected agencies upon request;
- 8 (5) Report to the HSERC on alleged violations of this
- 9 chapter;
- 10 (6) Prepare reports, recommendations, and other information
- 11 related to the implementation of this chapter, as
- 12 requested by the HSERC;
- 13 (7) Have the primary responsibility for receiving,
- 14 processing, and managing hazardous chemical information
- 15 forms and data, trade secrets, and public information
- 16 requested pursuant to this chapter;
- 17 (8) Accept and deposit into the HEPCRA fund established in
- 18 section -10 any grants, gifts, or other funds
- 19 received which are intended for the purpose of carrying
- 20 out this chapter; and
- 21 (9) Evaluate the need for resources necessary to develop,
- 22 implement, and exercise the emergency plan, and make

1 recommendations with respect to additional resources that may be
2 required and the means for providing such additional resources.

3 (g) The administrative and operational expenses of an LEPC
4 may be paid by the state through a combination of
5 sources including money received from the HSERC in
6 accordance with section -8.

7 **§ -6 Reporting requirements.** (a) The owner or operator
8 of a facility in the State that stores, uses, or manufactures
9 any hazardous substance must comply with the following
10 requirements:

11 (1) Each owner or operator of a facility in the State shall
12 comply with the emergency planning and notification
13 requirements of section 302 and 303 of EPCRA, 42 U.S.C.
14 §§11002 and 11003, if an extremely hazardous substance
15 is present at the facility in an amount in excess fo
16 the threshold planning quantity established for such
17 substance;

18 (2) Each owner or operator of a facility in this State that
19 is required to prepare or have available a material
20 safety data sheet for a hazardous chemical under the
21 Occupational Safety and Health Act of 1970 and
22 regulations promulgated under that Act (15 U.S.C. 651

- 1 et seq.), shall comply with the following reporting
2 requirements. Information shall be submitted to the
3 HSERC, the respective LEPC and fire department:
- 4 (A) Complete a chemical list by March first of each
5 year. Material safety data sheets shall be
6 submitted within thirty days of request to the
7 HSERC or LEPC;
- 8 (B) Completing the state chemical inventory form, by
9 March first of each year, a Tier II shall be used
10 until the state form is available;
- 11 (C) Submit facility diagrams and location area maps by
12 March first, and update the maps annually as
13 needed; and
- 14 (D) Upon LEPC or HSERC request submit emergency
15 response plans required under state or federal
16 law.
- 17 (3) Each owner or operator of a facility in this State that
18 is subject to section 313 of EPCRA, 42 U.S.C. ?11023,
19 shall comply with the toxic chemical release form
20 requirements of section 323 of EPCRA by July first of
21 each year; and
- 22 (4) Each owner or operator of a facility this State covered

1 under section 304 of EPCRA, 42 U.S.C. 11004, shall
2 comply with the notification requirements of section
3 304 of EPCRA, and -7, if a release of an extremely
4 hazardous substance occurs from the facility.

5 (b) The HSERC shall adopt, amend, and repeal rules
6 establishing specific information required on the state chemical
7 inventory form. The chemical inventory form will facilitate ease
8 in complying with the requirements of EPCRA by consolidating the
9 necessary information into one form. The chemical inventory form
10 may include, but is not limited to:

- 11 (1) The chemical name;
- 12 (2) Quantity stored on the site;
- 13 (3) Hazardous components;
- 14 (4) Health and physical hazards; and
- 15 (5) Storage information.

16 **§ -7 Emergency notification requirements.** The HSERC
17 shall adopt rules pursuant to chapter 91 establishing the
18 contents of hazardous substance release reports. Hazardous
19 substance release reports shall contain, but shall not be limited
20 to the following information:

- 21 (1) The quantities of designated hazardous substances when
22 released are reportable pursuant to this chapter;

- 1 (2) Specific periods of time within which such quantities,
2 when released, are reportable pursuant to this chapter;
3 (3) To which agencies reports of releases must be reported;
4 and
5 (d) The format in which the release is to be reported.

6 **§ -8 Establishment of EPCRA funds.** There is hereby
7 created in the state treasury a special fund to be designated as
8 the Hawaii emergency planning and community right-to-know act
9 fund (HEPCRA fund). The fund shall consist of the fees collected
10 under section -9, civil penalties and fines, gifts, grants,
11 and funds appropriated by the legislature. Monies in the fund
12 and the interest accrued shall be administered and expended by
13 the department to carry out the purposes, goals, and objectives
14 of this chapter and EPCRA. To carry out the purposes, goals, and
15 objectives of this chapter and EPCRA, on behalf of the HSERC the
16 department:

- 17 (1) May expend money from the fund for personnel,
18 administrative costs, equipment, training, and public
19 outreach and education.
20 (2) Accept and deposit into the HEPCRA fund any grants,
21 gifts, or other funds received which are intended for
22 the purpose of carrying out this chapter.

1 **§ -9 Establishment of filing fees.** Facilities that are
2 required to report according to section -6(a)(2)(B), shall
3 submit \$100 with each chemical inventory form or Tier II to the
4 HSERC by March first of each year. The filing fees shall be
5 deposited into the HEPCRA fund and shall be used to implement
6 this chapter and EPCRA, 42 U.S. C. §§11001-110050.

7 **§ -10 Immunity from civil liability.** (a) No employee,
8 representative, or agent of a state agency or local agency or
9 persons requested by a state or local agency engaged in any
10 emergency service or response activities involving a hazardous
11 material release at a facility or transportation accident site
12 shall be liable for the death of or any injury to persons or loss
13 or damage to property resulting from that hazardous material
14 release, except for any acts or omissions which constitute
15 willful misconduct.

16 (b) No member of the HSERC or an LEPC shall be no liability
17 for the death of or any injury to persons or loss or damage to
18 property or the environment or any civil damages resulting from
19 any act or omissions arising out of the performance of the
20 functions, duties, and responsibilities of the HSERC or LEPC,
21 except for acts or omissions which constitute wilful misconduct.

22 **§ -11 Penalties and fines.** (a) Any person who violates

1 any of the emergency reporting, planning, or notification
2 requirements of sections -6 and -7, or fails to pay the fees
3 outlined, in section -9 shall be subject to civil penalties of
4 not less than \$1,000 and not more than \$25,000. Each day of each
5 violation shall constitute a separate violation.

6 (b) A person who:

- 7 (1) Knowingly and willfully fails to report the release of
8 a hazardous substance or extremely hazardous substance
9 as required by section -7 shall be guilty of a
10 misdemeanor and shall, upon conviction, be sentenced to
11 pay a fine of not less than \$1,000 and not more than
12 \$25,000 for each separate offense, or imprisonment for
13 a period of not more than one year, or both. For the
14 purposes of this paragraph, each day of each violation
15 shall constitute a separate offense; or
- 16 (2) Intentionally obstructs or impairs, by force, violence,
17 physical interference, or obstacle, a representative of
18 the department, a hazardous material response team, or
19 the LEPC attempting to perform the duties and functions
20 set forth in section -5 shall be guilty of a
21 misdemeanor and shall, upon conviction, be sentenced to
22 pay a fine of not less than \$5,000 and not more than

1 \$25,000 for each separate offense, or imprisonment for
2 a period of not more than one year, or both.

3 (c) All civil penalties and fines collected under this
4 section shall be deposited into the HECRA fund.

5 **§ -12 Enforcement.** If the HSERC determines that any
6 person has violated or is violating this chapter or any rule
7 adopted pursuant to m₂this chapter, the HSERC:

8 (1) Shall cause written notice to be served upon the
9 alleged violator or violators. The notice shall
10 specify the alleged violation and may contain an order
11 specifying a reasonable time during which the facility
12 shall be required to submit the required reports,
13 forms, and notifications;

14 (2) May require that the alleged violator or violators
15 appear before the HSERC for a hearing at a time and
16 place specified in the notice or to be set later and
17 answer the charges complained of; and

18 (3) May impose penalties as provided in section -11 by
19 sending a notice in writing, either by certified mail
20 or by personal service, to the alleged violator or
21 violators describing such violation.

22 **§ -13 Relationship to other laws.** (a) This chapter
23 shall be read in conjunction with the federal statutes and

1 regulations providing for the identification, labeling, or
2 reporting of information; concerning hazardous material releases,
3 and any other health and safety matters related to hazardous
4 materials; and is intended to supplement federal statutes and
5 regulations in the interests of protecting the health and safety
6 of the citizens of the State.

7 (b) Nothing in this chapter shall affect or modify in any
8 way the obligations or liabilities of any person under other laws
9 of the State.

10 (c) This chapter shall preempt any ordinances passed or
11 adopted by any county that are effective on, before, or after the
12 effective date of this chapter to the extent that such ordinances
13 conflict or are inconsistent with the provisions of this
14 chapter."

15 SECTION 3. This Act shall take effect upon its approval.

HEER

2 PM February 22, 1993

EHA/EH

LEAD: Heer / _____

S1410/SSCR345

_____ S1

ENVIRONMENT

RE: _____

Deputy Directors are listed for distribution only. Please do not contact them.
COORDINATE WITH: Internal HEER DD-EH DD-EHA

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

COORDINATE WITH: External

ACTION:

BRIEF/T

- NONE, this is for information only.
- PREPARE BRIEF AND TESTIMONY.
- REDRAFT.
- FINALIZE and COPY X _____ + 7 = _____
- Date of hearing _____
- Committee _____
- OTHER:

DATE DUE: _____ 02/25/1993 _____

Legislative Office Phone Numbers: 548-5519 and 548-5547

STANDING COMMITTEE REPORT NO. 345

Honolulu, Hawaii

FEB 19 , 1993

Honorable James Aki
President of the Senate
Seventeenth State Legislature
Regular Session of 1993
State of Hawaii

Sir:

RE: S.B. No. 1410

Your Committee on Government Operations, Environmental Protection and Hawaiian Programs, to which was referred S.B. No. 1410 entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose of this bill is to establish a Hawaii Emergency Planning and Community Right-to-Know (HEPCRA) program.


The bill would also establish a special fund and fee collection system to support HEPCRA.

Your Committee finds that the establishment of HEPCRA will help Hawaii prevent many hazardous chemical accidents that would otherwise occur and, in the event of an accident, ensure that reponse personnel are properly trained and equipped to deal with it.

Your Committee has amended this bill to correct numerous grammatical and drafting errors.

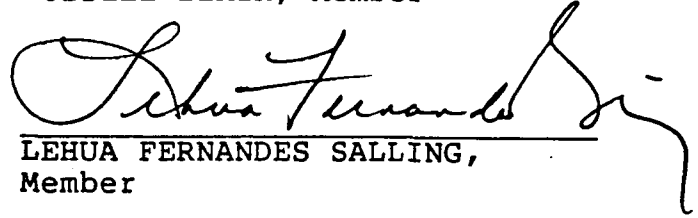
Your Committee on Government Operations, Environmental Protection and Hawaiian Programs is in accord with the intent and purpose of S.B. No. 1410, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1410, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted,


ANTHONY K. U. CHANG, Chair


CAROL FUKUNAGA, Vice Chair


RUSSELL BLAIR, Member


LEHUA FERNANDES SALLING,
Member

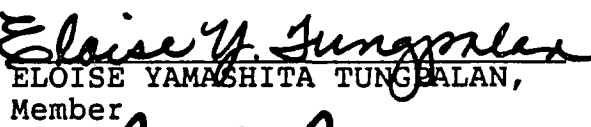

BERTRAND KOBAYASHI, Member

Excused

JOE S. TANAKA, Member



ANDREW LEVIN, Member


ELOISE YAMASHITA TUNGEALAN,
Member


DENNIS M. NAKASATO, Member



RICK REED, Member



MALAMA SOLOMON, Member

A BILL FOR AN ACT

RELATING TO THE ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that exposure to hazardous
2 materials poses a threat to the health, safety, and welfare of
3 the residents of the State. The residents of the State and the
4 emergency service personnel who respond to emergency situations
5 should be protected from the health hazards and harmful exposure
6 resulting from hazardous material releases at facilities and from
7 transportation-related accidents.

8 The purposes of this Act are to:

- 9 (1) Create a strong working relationship and partnership
10 between business, industry, the public, and the State
11 and its counties to protect and safeguard the residents
12 of the State from the health hazards and other risks of
13 harm resulting from or incident to the use, storage,
14 distribution, and transportation of hazardous
15 materials;
- 16 (2) Designate the Hawaii state emergency response
17 commission as the State's emergency response commission
18 and a local emergency planning committee (LEPC) in each
19 county of the State to act in accordance with the

1 provisions of the Emergency Planning and Community
2 Right-To-Know Act of 1986 (Title III of Public Law
3 99-4990), 42 U.S.C. §§11001-11050;

4 (3) Create the Hawaii emergency planning and community
5 right-to-know act (HEPCRA) fund to provide financial
6 assistance to state agencies and counties to develop an
7 effective and integrated response capability with
8 respect to the health hazards, dangers, and risks that
9 hazardous material releases pose to the general public;

10 (4) Assign responsibilities to various state and local
11 agencies to ensure the development and furtherance of a
12 comprehensive HEPCRA program; and

13 (5) Provide civil liability protection to officials and
14 emergency response personnel of the State and counties
15 who are carrying out their duties and responsibilities
16 under this Act.

17 SECTION 2. The Hawaii Revised Statutes is amended by adding
18 a new chapter to be appropriately designated and to read as
19 follows:

20 "CHAPTER

21 HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

22 § -1 Definitions. As used in this chapter, unless the

1 context otherwise requires:

2 "Administrator" means the Administrator of the United States
3 Environmental Protection Agency.

4 "CERCLA" means the Comprehensive Environmental Response,
5 Compensation and Liability Act of 1980, as amended, as of July 1,
6 1992, 42 U.S.C. 9601-9675.

7 "Commission" or "HSERC" means the Hawaii state emergency
8 response commission.

9 "Committee" or "LEPC" means the local emergency planning
10 committee within each county responsible for preparing hazardous
11 material plans and performing other functions under EPCRA and
12 HEPCRA.

13 "County agency" means a county or any officer or agency
14 thereof.

15 "Department" means the department of health.

16 "Director" means the director of health.

17 "EPCRA" means the Emergency Planning and Community Right-to-
18 Know Act of 1986, as amended, 42 U.S.C. §§11001-11050.

19 "Extremely hazardous substance" means any substance listed
20 in Appendix A of 40 C.F.R. Part 355, as amended, as of July 1,
21 1992, or as defined by rule adopted by HSERC.

1 "Environment" means any water, including surface water,
2 ground water, or drinking water, any land surface or any
3 subsurface strata, or any ambient air within the State of Hawaii
4 or under the jurisdiction of the State.

5 "Facility" means any building, structure, installation,
6 equipment, pipe or pipeline (including any pipe into a sewer or
7 publicly owned treatment works), well, pit, pond, lagoon,
8 impoundment, ditch, landfill, storage container, motor carrier,
9 rolling stock, or aircraft, or any site or area where a hazardous
10 substance or pollutant or contaminant has been deposited, stored,
11 disposed of, or placed, or otherwise comes to be located; but
12 does not include any consumer product in consumer use.

13 "Hazardous material" or "Hazardous substance" means any
14 hazardous substance as defined in chapter 128D.

15 "HEPCRA" means the Hawaii emergency planning and community
16 right-to-know act.

17 "Person" means any individual, firm, corporation,
18 association, partnership, consortium, joint venture, commercial
19 entity, state, county, commission, political subdivision of the
20 State, or, to the extent they are subject to this chapter, the
21 United States or any interstate body.

1 "Release" means any spilling, leaking, pumping, pouring,
2 emitting, emptying, discharging, injecting, escaping, leaching,
3 dumping, or disposing of any hazardous substance or pollutant or
4 contaminant into the environment (including the abandonment or
5 discarding of barrels, containers, and other closed receptacles
6 containing a hazardous substance or pollutant or contaminate);
7 but excludes:

- 8 (1) Any release that results in exposure of persons solely
9 within a workplace, with respect to a claim that the
10 exposed persons may assert against their employer;
- 11 (2) Emissions from the engine exhaust of a motor vehicle,
12 rolling stock, aircraft, vessel, or pipeline pumping
13 station engine;
- 14 (3) Release of source, by product, or special nuclear
15 material from a nuclear incident, as those terms are
16 defined in the Atomic Energy Act of 1954 (42 U.S.C.
17 2011), if the release is subject to requirements with
18 respect to financial protection established by the
19 Nuclear Regulatory Commission under 42 U.S.C. 2210;
- 20 (4) Any release resulting from the normal applications of
21 fertilizer;

1 (5) Any release resulting from the legal application of a
2 pesticide product registered under the Federal
3 Insecticide, Fungicide, and Rodenticide Act; or

4 (6) Release from sewerage systems collecting and conducting
5 primarily domestic wastewater.

6 "Reportable quantity" means the quantity of a hazardous
7 material stated on the various lists of hazardous substances as
8 defined in chapter 128D.

9 "Threshold planning quantity" or "TPQ" means the threshold
10 planning quantity for an extremely hazardous substance as defined
11 in 40 C.F.R. part 355.

12 "Toxic chemical" means a substance appearing on the list of
13 chemicals described in section 313 of EPCRA, as set forth in 40
14 C.F.R. part 372.

15 § -2 Designation and functions of the Hawaii state
16 emergency response commission. (a) There is created the Hawaii
17 state emergency response commission (HSERC), placed for
18 administrative purposes within the department, to carry out all
19 requirements of this chapter.

20 (b) The HSERC shall consist of the following:

- 1 (1) The director of health, the chair of the board of
2 agriculture, the director of the department of defense,
3 the director of labor and industrial relations, the
4 chair of the board of land and natural resources, the
5 director of business, economic development, and
6 tourism, the director of transportation, the dean of
7 the University of Hawaii school of public health, or
8 their appointed designees;
- 9 (2) A representative from each LEPC designated by the mayor
10 of each respective county; and
- 11 (3) Other members appointed by the governor to, at a
12 minimum, meet the requirements of EPCRA.
- 13 (c) A state officer may designate in writing a designee to
14 act in place of the officer. The designee shall have all the
15 powers of a commission member.
- 16 (d) The chair of the HSERC shall be the director of health.
17 A vice-chair shall be designated by the chair to serve in the
18 absence of the chair or the chair's designee. The chair or the
19 chair's designee shall have the authority to assign, delegate, or
20 transfer tasks, duties, and responsibilities to members of the
21 HSERC.

1 (e) Members shall serve without compensation, but shall be
2 reimbursed for necessary and reasonable actual expenses,
3 including travel expenses, incurred in connection with attendance
4 at HSERC meetings. Expenses shall be paid from the HEPCRA fund
5 established in section -10.

6 (f) The HSERC and LEPC support personnel shall be
7 supervised and administered by the chair as the HSERC's primary
8 agent responsible for performing the functions and duties of the
9 HSERC established pursuant to this chapter. For this purpose,
10 the department shall employ such professional, technical,
11 administrative, and other staff personnel as necessary to carry
12 out the purposes of this chapter.

13 (g) The HSERC shall:

14 (1) Carry out all of the duties and responsibilities of a
15 state emergency response commission as specified in
16 EPCRA;

17 (2) Develop state contingency plans relating to the
18 implementation of this chapter;

19 (3) Supervise, coordinate, and provide staff support to the
20 LEPCs for the implementation of this chapter and EPCRA;

21 (4) Develop a public information, education, and
22 participation program for the public and facility

1 owners covering the requirements of this chapter and
2 interpretation of the chemical information collected
3 pursuant to this chapter and the risks those chemicals
4 pose to the public health and environment;

5 (5) The HSERC shall appoint members of the LEPCs, based
6 upon recommendations made by the mayors of each
7 respective county;

8 (6) Adopt rules necessary to implement this chapter;

9 (7) Develop a state chemical inventory form to be used in
10 lieu of the federal Tier II form and chemical list
11 requirements; and

12 (8) Do all other acts necessary for the implementation of
13 this chapter and to meet the requirements of EPCRA.

14 § -3 Powers; rulemaking; appointment of hearing officers.

15 (a) The HSERC may adopt, amend, and repeal rules to
16 implement this chapter. The rules shall include but not be
17 limited to the establishment of rules regarding release
18 reporting. Any persons testifying at a HSERC public hearing
19 shall be given written notice of the action taken by the HSERC
20 with respect to the rules.

21 (b) In addition to other specific powers provided in this
22 chapter, the HSERC may appoint, without regard to chapters 76 and

1 77, hearing officers to conduct public participation activities
2 including public hearings and public informational meetings.

3 § -4 Establishment of emergency planning districts. Each
4 county is designated an emergency planning district for the
5 purposes of this chapter. For the purposes of this chapter the
6 department will be responsible for Kalawao county.

7 § -5 Establishment and functions of local emergency
8 planning committees. (a) A minimum of one LEPC shall be
9 established in each county. The LEPC shall be subject to the
10 requirements of this chapter and section 303 of EPCRA, 42 U.S.C.
11 §11003.

12 (b) The members of an LEPC shall be appointed by the HSERC,
13 based upon the respective mayor's recommendations. The list of
14 appointees shall contain at least one person from each of the
15 groups listed in subsection (c). The HSERC may reject the
16 recommendation of the mayor and appoint LEPC members without a
17 further recommendation.

18 (c) An LEPC shall be composed of at least one person
19 selected from each of the following groups:

20 (1) Elected state and county officials;

21 (2) Law enforcement, first aid, health, local

22 environmental, hospital, and transportation personnel;

- 1 (3) Firefighting personnel;
- 2 (4) Civil defense and emergency management personnel;
- 3 (5) Broadcast and print media;
- 4 (6) Community groups not affiliated with emergency service
- 5 groups;
- 6 (7) Owners and operators of facilities subject to the
- 7 requirements of EPCRA; and
- 8 (8) Others, as recommended by the mayor and appointed by
- 9 the HSERC.

10 (d) Within sixty days of the occurrence of a vacancy, the

11 HSERC, based upon recommendations of the mayor, shall appoint a

12 successor member to the LEPC unless the requirements of the

13 second sentence of subsection (b) have been fulfilled.

14 (e) Upon the failure of the mayor of a county to submit a

15 list of appointees to the HSERC within forty-five days of a

16 vacancy, the HSERC may appoint members without further

17 consultation.

18 (f) Each LEPC shall:

- 19 (1) Adopt, amend, and repeal bylaws and other
- 20 administrative procedures to carry out the duties,
- 21 requirements, and responsibilities of an LEPC as set
- 22 forth in this chapter, and as required by the HSERC and
- 23 EPCRA;

1 (2) Take appropriate action to ensure that the local
2 emergency response plan, required by this chapter and
3 EPCRA, is prepared and implemented, and reviewed and
4 updated on an annual basis. The local emergency
5 response plans shall include (but are not limited to)
6 each of the following:

7 (A) Identification of each facility subject to the
8 requirement of section 303 of EPCRA, 42 U.S.C.
9 §11003, that are within the emergency planning
10 district, identification of routes likely to be
11 used for the transportation of substances on the
12 list of extremely hazardous substances, and
13 identification of additional facilities
14 contributing or subjected to additional risk due
15 to their proximity to facilities subject to the
16 requirements of this section, such as hospitals or
17 natural gas facilities;

18 (B) Methods and procedures to be followed by facility
19 owners and operators and local emergency and
20 medical personnel in response to any release of
21 substances covered by this chapter;

- 1 (C) Designation of a community emergency coordinator
2 and facility emergency coordinators, who shall
3 make determinations necessary to implement the
4 plan;
- 5 (D) Procedures providing reliable, effective, and
6 timely notification by the facility emergency
7 coordinator and the community emergency
8 coordinator to persons designated in the emergency
9 plan, and to the public, that a release has
10 occurred, consistent with the notification
11 requirements of this chapter and section 304 of
12 EPCRA, 42 U.S.C. §11004;
- 13 (E) Methods for determining the occurrence of a
14 release, and the area or population likely to be
15 affected by the release;
- 16 (F) A description of emergency equipment and
17 facilities in the county and at each facility in
18 the county subject to the requirements of this
19 section, and the identification of the persons
20 responsible for the equipment and facilities;
- 21 (G) Evacuation plans, including provisions for
22 precautionary evacuation and alternate traffic
23 routes;

- 1 (H) Training programs, including schedules for
2 training or local emergency response and medical
3 personnel; and
- 4 (I) Methods and schedules for exercising the emergency
5 plan.
- 6 (3) Request additional information from the facilities if
7 necessary to develop emergency response plans;
- 8 (4) With support from the HSERC and Civil Defense, submit
9 local emergency response plans to the HSERC for review
10 and to other affected agencies upon request;
- 11 (5) Report to the HSERC on alleged violations of this
12 chapter;
- 13 (6) Prepare reports, recommendations, and other information
14 related to the implementation of this chapter, as
15 requested by the HSERC;
- 16 (7) Have the primary responsibility for receiving,
17 processing, and managing hazardous chemical information
18 forms and data, trade secrets, and public information
19 requested pursuant to this chapter;
- 20 (8) Accept and deposit into the HEPCRA fund established in
21 section -10 any grants, gifts, or other funds
22 received which are intended for the purpose of carrying
23 out this chapter; and

1 (9) Evaluate the need for resources necessary to develop,
2 implement, and exercise the emergency plan, and make
3 recommendations with respect to additional resources
4 that may be required and the means for providing the
5 additional resources.

6 (g) The administrative and operational expenses of an LEPC
7 may be paid by the State through a combination of sources
8 including money received from the HSERC in accordance with
9 section -8.

10 § -6 Reporting requirements. (a) The owner or operator
11 of a facility in the State that stores, uses, or manufactures any
12 hazardous substance shall comply with the following requirements:

13 (1) Each owner or operator of a facility in the State shall
14 comply with the emergency planning and notification
15 requirements of sections 302 and 303 of EPCRA, 42
16 U.S.C. §§11002 and 11003, if an extremely hazardous
17 substance is present at the facility in an amount in
18 excess of the threshold planning quantity established
19 for the substance;

20 (2) Each owner or operator of a facility in the State that
21 is required to prepare or have available a material
22 safety data sheet for a hazardous chemical under the

1 Occupational Safety and Health Act of 1970 and
2 regulations promulgated under that Act (15 U.S.C. 651
3 et seq.), shall submit information to the HSERC and
4 applicable LEPC and fire department in compliance with
5 the following reporting requirements:

6 (A) Complete a chemical list by March 1 of each year
7 and submit material safety data sheets within
8 thirty days of request;

9 (B) Complete the state chemical inventory form, by
10 March 1 of each year; provided that a Tier II
11 shall be used until the state form is available;

12 (C) Submit facility diagrams and location area maps by
13 March 1, and update the maps annually as needed;
14 and

15 (D) Upon LEPC or HSERC request, submit emergency
16 response plans required under state or federal
17 law;

18 (3) Each owner or operator of a facility in the State that
19 is subject to section 313 of EPCRA, 42 U.S.C. §11023,
20 shall comply with the toxic chemical release form
21 requirements of section 323 of EPCRA by July 1 of each
22 year; and

1 (4) Each owner or operator of a facility in the State shall
2 comply with the notification requirements of section
3 304 of EPCRA, and section -7, if a release of an
4 extremely hazardous substance occurs at the facility.

5 (b) The HSERC shall adopt, amend, and repeal rules
6 establishing specific information required on the state chemical
7 inventory form. The chemical inventory form shall facilitate
8 ease in complying with the requirements of EPCRA by consolidating
9 the necessary information into one form. The chemical inventory
10 form may include, but is not limited to:

- 11 (1) The chemical name;
- 12 (2) Quantity stored on the site;
- 13 (3) Hazardous components;
- 14 (4) Health and physical hazards; and
- 15 (5) Storage information.

16 § -7 Emergency notification requirements. (a) The HSERC
17 shall adopt rules pursuant to chapter 91 establishing the
18 contents of hazardous substance release reports. Hazardous
19 substance release reports shall contain but not be limited to the
20 following information:

- 21 (1) The quantities of designated hazardous substances, when
22 released;

1 (2) Specific periods of time within which the quantities
2 are released;

3 (3) To which agencies reports of releases must be reported;
4 and

5 (4) The format in which the release is to be reported.

6 (b) Upon the release of any designated hazardous substance,
7 both the quantity of the substance and the specific time period
8 of release shall be reported pursuant to this chapter.

9 § -8 Establishment of EPCRA fund. There is established
10 in the state treasury, a special fund to be known as
11 the Hawaii emergency planning and community right-to-know act
12 fund (HEPCRA fund). The special fund shall consist of the fees
13 collected under section -9, civil penalties and fines, gifts,
14 grants, and funds appropriated by the legislature. Moneys in the
15 fund and interest accrued shall be administered and expended by
16 the department to carry out the purposes, goals, and objectives
17 of this chapter and EPCRA. To carry out the purposes, goals, and
18 objectives of this chapter and EPCRA, on behalf of the HSERC, the
19 department may:

20 (1) Expend money from the fund for personnel,
21 administrative costs, equipment, training, and public
22 outreach and education; and

1 (2) Accept and deposit into the HEPCRA fund any grants,
2 gifts, or other funds received which are intended for
3 the purpose of carrying out this chapter.

4 § -9 Establishment of filing fees. Facilities that are
5 required to report according to section -6(a)(2), shall submit
6 \$100 with each chemical inventory form or Tier II to the HSERC by
7 March 1 of each year. The filing fees shall be deposited into
8 the HEPCRA fund and shall be used to implement this chapter and
9 EPCRA, 42 U.S.C. §§11001-110050.

10 § -10 Immunity from civil liability. (a) No employee,
11 representative, or agent of a state or local agency or persons
12 requested by a state or local agency engaged in any
13 emergency service or response activities involving a hazardous
14 material release at a facility or transportation accident site,
15 shall be liable for the death of or any injury to persons, or
16 loss or damage to property resulting from that hazardous material
17 release, except for any acts or omissions that constitute wilful
18 misconduct.

19 (b) No member of the HSERC or an LEPC shall be liable for
20 the death of or any injury to persons, or loss or damage to
21 property or the environment, or any civil damages resulting from
22 any act or omission arising out of the performance of the

1 functions, duties, and responsibilities of the HSERC or LEPC,
2 except for acts or omissions that constitute wilful misconduct.

3 § -11 Penalties and fines. (a) Any person who violates
4 any of the emergency reporting, planning, or notification
5 requirements of sections -6 and -7, or fails to pay the fees
6 provided in section -9, shall be subject to a civil penalty of
7 not less than \$1,000 and not more than \$25,000 for each
8 violation. Each day of each violation shall constitute a
9 separate violation.

10 (b) A person who:

11 (1) Knowingly and willfully fails to report the release of
12 a hazardous substance or extremely hazardous substance
13 as required by section -7 shall be guilty of a
14 misdemeanor and shall, upon conviction, be sentenced to
15 pay a fine of not less than \$1,000 and not more than
16 \$25,000, or imprisonment for a period of not more than
17 one year, or both. For the purposes of this paragraph,
18 each day of each violation shall constitute a separate
19 offense; or

20 (2) Intentionally obstructs or impairs, by force, violence,
21 physical interference, or obstacle, a representative of
22 the department, a hazardous material response team, or

1 the LEPC attempting to perform the duties and functions
2 set forth in section -5 shall be guilty of a
3 misdemeanor and shall, upon conviction, be sentenced to
4 pay a fine of not less than \$5,000 and not more than
5 \$25,000, or imprisonment for a period of not more than
6 one year, or both.

7 (c) All civil penalties and fines collected under this
8 section shall be deposited into the HECRA fund.

9 § -12 Enforcement. If the HSERC determines that any
10 person has violated or is violating this chapter or any rule
11 adopted pursuant to this chapter, the HSERC:

12 (1) Shall cause written notice to be served upon the
13 alleged violator or violators. The notice shall
14 specify the alleged violation and may contain an order
15 specifying a reasonable time during which the facility
16 shall be required to submit the required reports,
17 forms, and notifications;

18 (2) May require that the alleged violator or violators
19 appear before the HSERC for a hearing at a time and
20 place specified in the notice or to be set later and
21 answer the charges complained of; and

1 (3) May impose penalties as provided in section -11 by
2 sending a notice in writing, either by certified mail
3 or by personal service, to the alleged violator or
4 violators describing such violation.

5 § -13 Relationship to other laws. (a) This chapter
6 shall be read in conjunction with the federal statutes and
7 regulations providing for the identification, labeling, or
8 reporting of information concerning hazardous material releases,
9 and any other health and safety matters related to hazardous
10 materials and is intended to supplement federal statutes and
11 regulations in the interests of protecting the health and safety
12 of the citizens of the State.

13 (b) Nothing in this chapter shall affect or modify in any
14 way the obligations or liabilities of any person under other laws
15 of the State.

16 (c) This chapter shall preempt any ordinances passed or
17 adopted by any county that are effective on, before, or after the
18 effective date of this chapter to the extent that the ordinances
19 conflict or are inconsistent with the provisions of this
20 chapter."

21 SECTION 3. This Act shall take effect upon its approval.

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0108RG.m1

January 19, 1993

To: Kathy Ho, Deputy Attorney General
Department of the Attorney General

From: Rhonda Goyke, EHS *Rhonda Goyke*
Office of Hazard Evaluation and Emergency Response

Subject: Hawaii State Emergency Response Commission Support

Per out January 15 and 19, 1993, telephone conversations, the following information is attached for your review and information:

- 1) Pages 18-20 of the Draft Hawaii Emergency Planning and Community Right-to-Know Act. Please advise to the proper usage of "wilful, knowingly, and intentional" in this content.
- 2) April 23, 1987, memorandum designating the Department of Health as the lead agency for EPCRA.
- 3) Copies of correspondence between the HSERC and the AG regarding AG assistance to the HSERC. Many of these issues are still unresolved.

The next meeting of the HSERC has been scheduled for March 4, 1993, in the Kinau Hale First Floor Boardroom, from 9:00 a.m. to 12:00 noon. I will send you a meeting agenda as soon as it is available. It would be greatly appreciated if you could clarify the unresolved issues at this meeting.

If you have any questions please call me at 586-4251. Thank you for your assistance.

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0115RG.m1

**HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #15**

Friday March 12, 1993
9:00 a.m. - 12:00 noon

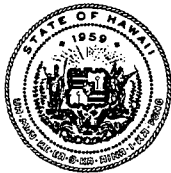
Department of Health's
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street

AGENDA

- I. Call to Order
 - A. Opening Remarks
 - B. Discussion/Approval of Minutes from HSERC Meeting #14
- II. Update by Attorney Generals Office
- III. Draft Hawaii EPCRA Bill
- IV. Ethlene Oxide Release on Kauai
- V. HMTUSA Grant Update
- VI. Schedule Next HSERC Meeting #16

92:5675

JOHN WAIHEE
GOVERNOR



RECEIVED
OFFICE OF THE DIRECTOR
DEPT. OF HEALTH

REX D. JOHNSON
DIRECTOR

DEPUTY DIRECTORS
JOYCE T. OMINE
AL PANG
JEANNE K. SCHULTZ
CALVIN M. TSUDA

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

NOV 13 8:44

DIR-H
1.070

November 10, 1992

TO: John C. Lewin, M.D., Chairman
The Hawaii State Emergency Response Commission

FROM: Rex D. Johnson
Director of Transportation *Rex*

SUBJECT: DRAFT HAWAII STATE EMERGENCY PLANNING AND COMMUNITY
RIGHT TO KNOW ACT (EPCRA)

We have reviewed the Draft EPCRA Bill and offer the following comments and recommendations as agenda material at the next meeting of the Hawaii State Emergency Response Commission.

- a. Reference definition for "facility". Recommend the words "truck terminals" be changed to read "transportation terminals" for purpose of continuity with Federal and State regulations which govern the safe transportation of hazardous materials by aircraft, vessel and motor vehicle. Furthermore, some transportation terminals where hazardous materials arrive for follow-on shipment by commercial carrier have no connection with a trucking firm, e.g., large quantities of hazardous materials arrive at Honolulu Commercial Harbor by ship for transshipment by barge to a Neighbor Island.
- b. The definition of "Hazardous Materials" in the proposed EPCRA might be in conflict with existing definitions for hazardous materials established in the Code of Federal Regulations, Title 49, Hazardous Materials Regulations, paragraph 171.8, and State of Hawaii Revised Statutes (HRS), Section 286-XII. If the proposed EPCRA is to affect any mode of commercial transport of hazardous materials or even the reporting of a hazardous materials incident, then it is recommended that this matter be brought to the

attention of the State Attorney General to ensure appropriateness of the definition for hazardous materials.

- c. There are numerous references throughout the draft EPCRA to various teams which do the same emergency response job, e.g., "certified hazardous substances response team", certified hazardous materials response Team; and "hazardous materials response team". Also, at paragraph 5 on Page 21 of the draft EPCRA the terms "hazardous materials safety program" and "hazardous substances safety program" are inter-mixed in various sentences throughout the paragraph. For purpose of clarity and to simplify the content of the draft EPCRA, especially for the thousands of people who handle, store, and transport hazardous materials in commerce, recommend using only the familiar terminology of "Hazardous Materials Emergency Response Team" and "Hazardous Materials Safety Program" where needed in the EPCRA. This recommended change would also be consistent with Federal and State Occupational Safety and Health regulations which require maintenance of "Material Safety Data Sheets" at facilities that store, process and ship hazardous materials and hazardous waste.
- d. Both the draft EPCRA and the HRS 286-XII outline incident reporting requirements. We also know that continuity in reporting and collecting the proper data is essential to triggering a quick and appropriate incident response. To minimize any possibility of conflict in reporting procedures, the enclosed copy of HRS 286-XII is provided to help the Hawaii State Emergency Response Commission's subcommittee on draft EPCRA Revisions determine if any of the proposed incident reporting requirements will need to be changed.

If you have any question, please call Ralph Moore at 587-2164.

Encl.

shipping papers and hazardous waste manifests of motor carriers and persons subject to this part. Every state and county officer charged with enforcement of laws and ordinances shall assist in the enforcement of this part and of all rules adopted pursuant to this part and issue citations for violations as appropriate. [L Sp 1977 1st, c 20, pt of §1; am imp L 1984, c 90, §1; am L 1986, c 299, §1]

**[PART XII.] TRANSPORTATION OF HAZARDOUS MATERIALS,
HAZARDOUS WASTE, AND ETIOLOGIC AGENTS**

Cross References

Environmental response law, see chapter 128D.

Hazardous waste management, see chapter 342J.

[§286-221] Definitions. As used in this part, unless the context otherwise requires:

“Etiologic agent” means a viable microorganism, or its toxin, which causes or may cause human disease.

“Extremely hazardous substance” means for transportation purposes, chemicals transported in commerce that could cause serious health effects following short-term exposure from accidental releases and which are listed in part 355 of title 40 of the Code of Federal Regulations.

“Hazardous material” means a substance or material, including a hazardous substance, which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

“Hazardous materials incident” means an occurrence or likely occurrence or potential of a spill, release, leakage, dumping, or loss of control of an extremely hazardous substance, hazardous substance, hazardous material, hazardous waste, or etiologic agent during the course of transportation in commerce including loading, unloading, or temporary storage.

“Hazardous substance” means for transportation purposes, shipments of particular quantities of hazardous substances that are significant enough to be a substantial threat to public health and the environment, and which are listed in part 172 of title 49 of the Code of Federal Regulations.

“Hazardous waste” means any material designated in part 261 of title 40, of the Code of Federal Regulations and which are subject to the hazardous waste manifest requirements of part 262 of title 40, Code of Federal Regulations.

“Transportation-related release” means a release of a hazardous material, hazardous substance, extremely hazardous substance, hazardous waste, or etiologic agent that occurs during the course of transportation in commerce including storage incidental to transportation while under active shipping papers or manifests and which has not reached the ultimate consignee. [L 1989, c 185, pt of §2]

[§286-222] General powers. (a) The department of transportation may regulate the transportation of hazardous materials, hazardous wastes, hazardous substances, and etiologic agents by motor carrier in commerce.

(b) The department shall annually adopt the hazardous materials regulations established by the United States Department of Transportation and published in title 49 of the Code of Federal Regulations, parts 107, 171 to 173, inclusive, and parts 177 and 178. All other rules adopted by the State and political subdivisions thereof shall be consistent therewith.

(c) Any hazardous material, including hazardous substances and hazardous wastes, which meets the federal and state criteria of a hazardous material must be handled and transported according to the appropriate requirements of the federal hazardous materials regulations and the additional requirements in this part. [L 1989, c 185, pt of §2]

[§286-223] **Scope.** (a) The federal rules establish minimum standards and must be complied with when transporting a hazardous material, hazardous waste, hazardous substance, or etiologic agent by motor carrier in commerce.

(b) For purpose of clarity and conformance with the rules established for describing hazardous materials on shipping papers and simplicity in hazardous materials incident reporting, hazardous substances and extremely hazardous substances as previously defined, shall be reported as hazardous materials.

(c) Transport shall be deemed to include any operation incidental to the whole course of carriage by motor carrier from shippers point of origin to final destination.

(d) No person shall transport any hazardous material, hazardous waste, hazardous substance, or etiologic agents outside the confines of the person's facility or other location of storage or use, or offer or deliver any hazardous materials, hazardous wastes, hazardous substances, or etiologic agents to a motor carrier for transportation in commerce, nor shall any motor carrier accept any hazardous materials, hazardous wastes, hazardous substances, or etiologic agents for transport, without compliance with the applicable requirements of the hazardous materials rules adopted by the department, including those relating to packaging of hazardous materials, hazardous wastes, hazardous substances, and etiologic agents, marking and labeling of packages, preparation and carriage of shipping papers or manifests, handling, loading and unloading packages, placarding of the transporting vehicle, inspection of motor carrier vehicles, and motor carrier accident and hazardous materials incident reporting.

(e) No person in the course of transportation in commerce, shall spill, dump, deposit, or cause the release of a hazardous material, hazardous waste, hazardous substance, or etiologic agent upon a public highway, street, or the surrounding or connecting property, to include but not be limited to, storm drains, gutters, waterways, canals, lakes, and ocean shorelines, without immediately taking action to stop the spread of the material or remove the same or cause the same to be removed. If such person fails to comply with this subsection, the governmental agency responsible for the maintenance of the highway, street, or property on which the material was deposited may remove such materials and collect, by civil action, if necessary, the actual cost of the removal operation and repair of damage to the affected facility or property from the person responsible as stated in this subsection.

(f) Owners or operators of a facility from which there is a transportation-related release are subject to the hazardous materials transportation incident reporting requirements of this part.

(g) A copy of any written report required under this part shall be submitted to the director of transportation within fifteen days of the reported incident. [L 1989, c 185, pt of §2]

[§286-224] **Inspections.** (a) Any shipment or transport of hazardous materials, hazardous wastes, or hazardous substances, by motor vehicle in commerce of which vehicle placarding or a shipping paper or manifest is required by the hazardous materials regulations adopted by the State, is subject to inspection by persons appointed by the director of transportation to enforce the safe transportation of hazardous materials, hazardous wastes, and hazardous substances in commerce and

by those state and county officers charged with the enforcement of laws and ordinances adopted pursuant to this part.

(b) All carriers and persons that use a highway or street to transport hazardous materials, hazardous wastes, hazardous substances, or etiologic agents in commerce shall afford the director of transportation, persons designated by the director, and those persons designated by the county executive officers, reasonable opportunity to enter and inspect freight containers, and motor vehicles, to review and document deficiencies on shipping papers and manifests, and to inspect other places incidental to the transshipment of hazardous materials, hazardous wastes, hazardous substances, and etiologic agents by motor carrier vehicles. [L 1989, c 185, pt of §2]

[§286-225] Hazardous materials transportation incident reporting. (a) Any employee of the motor carrier, the driver, handlers and loaders, and any employees of state and county governments shall report incidents involving hazardous materials, hazardous wastes, and etiologic agents as follows:

- (1) Upon becoming aware of or observing the potential or actual spill, leakage, or loss of control of a hazardous material, hazardous waste, or hazardous substance, shall immediately, or as soon as possible, notify the nearest police or fire department and make a report of the situation. This incident reporting requirement does not relieve a carrier or shipper of the responsibility to notify the United States Department of Transportation of certain hazardous materials incidents.
- (2) Whenever an etiologic agent shipment is lost, stolen, or suspected or known to be leaking from its containment packaging, shall immediately, or as soon as possible, notify the state department of health, and the Center for Disease Control in Atlanta, Georgia, and make a report of the situation.

(b) Whenever possible, the incident report should include the name and telephone number of the person calling in the report, the name of the carrier, type of vehicle involved, injuries or fatalities connected with the incident, if any, the location and time of the incident, the duration of a chemical release into the environment, if known, a description of hazards involved to include the chemical name or identity of any substance released, hazardous materials classification, markings, and information on labels and placards affixed on packages, containers or vehicles, and emergency actions taken including evacuation to minimize hazardous effects to public health, safety, and property. [L 1989, c 185, pt of §2]

[§286-226] Routes. The intrastate shipment of explosives of any quantity that would require placarding of the transporting motor vehicle by the rules adopted pursuant to this part, shall not take place without first giving the police department and the fire department of the county in which the explosives are to be transported a forty-eight hour minimum advance notice. This advance notice shall be in writing and indicate the quantity and type of explosive material being shipped, the date and time of the shipment, and the route over which the explosive shipment will travel. This provision does not apply to the military during the period of a civil defense emergency proclaimed by the President or the governor. [L 1989, c 185, pt of §2]

[§286-227] Penalty. (a) Any person who violates this part or any rule adopted pursuant to this part shall be subject to a civil penalty of not more than \$10,000 for each violation. Each day the violation continues shall constitute a separate offense. An action to impose or collect the penalty provided in this section shall be considered a civil action.

AIR AND WASTE MANAGEMENT FUND
COMMUNITY RIGHT-TO-KNOW PROGRAM

Filing Fee

Purpose:

To make available information to the public on toxic materials in the community and provide funds for chemical emergency planning, training, and response.

Estimated Expenses to Cover:

1.25 FTE	\$36,944
Fringe Benefits (23.15%)	8,552
Indirect Charges (8.3%)	3,066
Neighbor Island Travel	3,960
Training &/or Equipment	9,478

Estimated Revenue Collection:

\$62,000 (\$100 x 620 reporting facilities to date)

Funding Mechanism:

\$100 filing fee per Tier II Chemical Inventory Form

Description:

\$100 filing fee will be submitted to the HSERC Coordinator with the required Tier II Report, due by March 1 of each year. Canceled checks will act as receipts. The first year the fee is in affect a notification letter will be mailed out to all facilities on file. Facilities that do not submit the filing fee will be sent a strong letter warning letter. If necessary the case may be turned over to a collection agency.

Other Pertinent Information:

January 29, 1993

EPO-KS

TO: Chiefs: EHSD, EMD,
✓ Manager, HEER

FROM: Acting Manager, Environmental Planning Office *tee*

SUBJECT: Environmental Fee Summary Sheets

I have prepared the attached example form to follow in preparing the environmental fee summary sheets which were requested by the DDEH is yesterday's staff meeting. Please have all of your programs prepare these sheets out following the shown headings. These completed sheets should be submitted to me by 4:30 p.m., February 1, 1993 (Monday).

If there are any questions, please contact me.

Thank you.

att.

Please try to fit all on one page for each fee being proposed.

Fund Name in XLarge Font

AIR AND WASTE MANAGEMENT FUND

SOLID WASTE PROGRAM

1. Tipping Fee

Name of fee

Purpose:

To support the Office of Solid Waste and the annual Household Hazardous Waste Collection Program.

Estimated Expenses to Cover:

Program Operations	\$450,000
Waste Diversion Project (contracts & grants)	600,000
Landfill Training	50,000
Household Hazardous Waste	<u>250,000</u>
	\$1,350,000

Estimated Revenue Collection:

\$1,350,000

Funding Mechanism:

\$0.75 per ton of trash disposed.

Description:

Collection of \$0.75 will be made from commercial disposers at landfills and incinerators by the owners/operators of the facility. Monies would then be paid quarterly to the State Department of Health.

SOME DESCRIPTION OF HOW THE \$0.75 CONVERTS TO \$1,350,000 SHOULD BE PLACED HERE

Other Pertinent Information:

EXAMPLE

SOLID WASTE MANAGEMENT FUND

1. Purpose: To support the expanding needs of the Office of Solid Waste and fund the annual Household Hazardous Waste Collection Program.

Program Operations	\$ 450,000
Waste Diversion Projects (Contracts and Grants)	600,000
Landfill Training	50,000
Household Hazardous Waste	250,000

Estimated Revenues: **\$1,350,000**

Funding Source: Fee of \$0.75 per ton*

2. Purpose: To support statewide glass recovery program.

Estimated Revenues: **\$5,100,000**

Funding Source: Fee of \$0.015 per glass container**

* Collected at the disposal site and paid to the State Department of Health.

** Currently collected by the City and County of Honolulu.

WATER QUALITY MANAGEMENT FUND

1. **Purpose:** To support the Water Pollution Control Program administered by the Clean Water Branch and Wastewater Branch.

Estimated Revenues: \$3,000,000

Funding Sources: Permit fees for private wastewater disposal systems and emission fees of \$25 per ton of solids discharged and/or \$5.00 per million gallons discharged per year.

2. **Purpose:** To provide sufficient funds to administer the safe drinking water and underground injection control programs.

Estimated Revenues: \$3,085,000

Funding Sources: Permit fees of \$2.00 per person for public water systems and \$500 for Underground Injection Control permits.

AIR + WASTE Mgmt FUND
**EMERGENCY PLANNING AND
COMMUNITY RIGHT-TO-KNOW FUND** *PROGRAM*
R&D

Purpose: To make available information to the public on toxic materials in the community and provide funds for chemical emergency planning, training, and response.

Estimated Revenues: ~~\$186,000~~ *\$62,000*

Funding Sources: Fees based on number of facilities storing chemicals, number of chemicals stored, and/or quantities of chemical stored.

How will we collect -

~~NOT~~ INVOICE

*SEE MFE
ASAP*

COLLECTION SYSTEM:

- timing → when \$*
- # of bill - to date*
- notify non payers - how to*

ENVIRONMENTAL HEALTH RESEARCH AND EDUCATION FUND

Purpose: To provide funds for research, education, and training opportunities for environmental health staff.*

Estimated Revenues: \$1,000,000

Funding Sources: Food service permits, which will be issued on an annual basis, and noise control permits.

* These are supplemental funds not intended to offset general revenue funding for program administration and support.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:

FIVE WATERFRONT PLAZA, SUITE 250
500 ALA MOANA BOULEVARD
HONOLULU, HI 96813
FAX # (808) 586-4370

Handwritten signature in a red circle

FACSIMILE REQUEST AND COVER SHEET
(Use Black or Blue Ink Only)

DATE: 1/25/93 No. of pages (Incl. cover sheet): 2

TO: Julie Aquino

Office/Phone/Mail stop: Director's Office, 586-4408
586-4444 Fax

FROM: Darlene Rodrigues

Office/Phone/Mail stop: Hazard Eval. + Emerg. Resp. Ofc.
586-4249

SUBJECT/MESSAGE: Special Function Parking Request

SIGNATURE OF SENDER: *Darlene Rodrigues*

NOTE: If this transmittal was incomplete or illegible, please call the sender's office.

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
Automotive Management Division
Parking Control Branch

Date 1/22/93

MEMORANDUM

TO: DAGS, Automotive Management Division
Parking Control Branch PHONE: 586-0344 FAX: 586-0354

FROM: Health/Environmental Health Admin./HEER Office FAX: 586-4444
DEPT., DIVISION

SUBJECT: REQUEST FOR SPECIAL FUNCTION PARKING

PURPOSE: Hawaii State Emergency Response Commission Meeting

No. of Permits Requested: 12 Preferred Parking Lot: F

Date(s) of Function: 03/04/93 Time: 9:00a.m.to 12:00 Noon

Place of Function: Kinau Hale First Floor Boardroom 1250 Punchbowl Street
(address)

Participants Arriving From: *: Neighbor Islands, Downtown Honolulu

Contact Person: Darlene Rodrigues Phone No. 586-4249

SUBMITTED BY: *SA* Steven Armann, Acting Manager

APPROVED FOR DIRECTOR: _____

- NOTE:
- 1) SUBMIT ONE REQUEST FOR EACH FUNCTION.
 - 2) REQUESTS MUST BE RECEIVED BY PARKING CONTROL AT LEAST THREE (3) WORKING DAYS, BUT NO MORE THAN 30 DAYS, PRIOR TO THE DATE OF THE FUNCTION.
 - *3) PARTICIPANTS WHO ARE ISSUED SPECIAL FUNCTION PERMITS MUST BE ARRIVING FROM LOCATIONS OUTSIDE THE STATE CAPITAL COMPLEX.
 - 4) THIS SPECIAL FUNCTION PERMIT SHALL BE PROMINENTLY DISPLAYED, FACE UP, ON YOUR DASHBOARD ON THE DRIVER'S SIDE.

PARKING CONTROL USE ONLY

DATE RECD: _____ APPROVED BY: _____ LOT AUTHORIZED: _____

No. of Validated Tickets: _____

AMD-PC-001
REV. 6/92

BRIEF

DR. LEWIN
DR. ANDERSON

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC)
MEETING #15

Friday March 12, 1993
9:00 a.m. - 12:00 noon

Department of Health
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street

AGENDA

I. Call to Order (DR. Lewin 15 Min.)

A. Opening Remarks

Rhonda Goyke will be moving to the position of Emergency Response On-Scene-Coordinator, her HSERC and EPCRA responsibilities will be taken over by Laura Young.

Also the EPA is conducting an EPCRA workshop on March 18th, Stan Kallo from Toxic Release Inventory will be presenting an afternoon session on Correctly Completing Form R and Inventory and Spill Reporting. The morning session will be conducted by the Honolulu Fire Department Hazardous Materials Manager, Carter Davis, Chris Takeno from Civil Defense, and Rhonda Goyke, Laura Young and Mike Cripps from the DOH Environmental Response Branch. Laura or Rhonda can get you information on registration. Pamphlets are also available for distribution if you know of interested parties.

B. Discussion/Approval of Minutes from HSERC Meeting #14

II. Update by Attorney Generals Office (Dr. Lewin 5 Minutes)

Kathy Ho, deputy attorney general, has been assigned to the HSERC and will be attending all meetings. Legal questions should be directed to her.

- III. Draft Hawaii EPCRA Bill (Steve Armann 1 hour)
(Dr. Lewin to introduce Steve Armann)

SB 1410 is now SB 1319, No Fee

- IV. Ethylene Oxide Release on Kauai (Mike Cripps 10 minutes)
(Dr. Lewin to introduce Mike Cripps)

To keep up to date on the types of hazardous material incidents that are occurring in Hawaii, from time to time we thought we would invite an on scene coordinator to our meetings to briefly tell us about an interesting hazardous materials incident. This will afford the HSERC an opportunity to find out what is actually happening. I would like to introduce Mike Cripps at this time.

- V. HMTUSA Grant Update (Dr. Lewin 20 min)

The HMTUSA packet was completed and mailed out to DOT in Mid-February. HSERC members should have received copies of the packet. State Civil Defense has been designated as the lead. Roy Price is unable to join us today, in his place Al Kang will provide a brief summary of the HMTUSA grant.

- VI. Schedule Next HSERC Meeting #16 (Dr. Lewin 10 min)

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0114RG.m1

January 29, 1993

To: The Hawaii State Emergency Response Commission Members
From: John C. Lewin, M.D., Chairman,
The Hawaii State Emergency Response Commission
Subject: NOTICE FOR MEETING #15

HSERC MEETING NOTICE

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held Friday, March 12, 1993, 9:00 a.m. to 12:00 noon. The meeting will be held at the Department of Health Kinau Hale Boardroom, 1st Floor, located at 1250 Punchbowl Street.

Topics to discuss include, an update on the status of the Hawaii Emergency Response and Community Right-to-Know Act (HEPCRA). Attached for your information is: 1) the latest revision of the HEPCRA Act based upon Attorney General (AG) comments; and 2) a copy of HEPCRA with the AG comments. Please note that the AG insists upon HEPCRA staying consistent with the language used in the Federal EPCRA law. Therefore, all references to the Mayor appointing LEPC members have been changed to mimic the Federal law, i.e. "the HSERC shall appoint LEPC members". For additional changes refer to the comments provided by the AG.

Enclosures:

- 1) Meeting Agenda
- 2) HEPCRA Bill with AG Comments
- 3) Revised HEPCRA Bill
- 4) Draft Meeting Summary Meeting #14
- 5) Meeting Summary Meeting #13

Day File
Rec'd 12/29/92
mailed 12/30/92

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

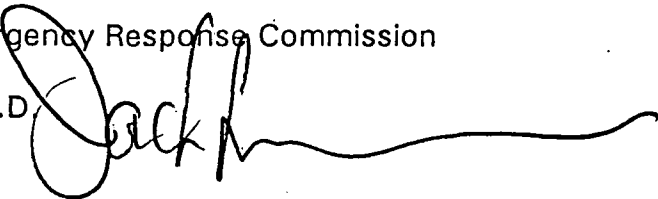
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

December 22, 1992

HSERCMEM.SA1

To: Hawaii State Emergency Response Commission

From: John C. Lewin, M.D.
Director of Health 

Subject: Department of Health's Understanding of the Proposed
Implementation of the Emergency Planning and Community
Right-to-Know Act (EPCRA).

During the last few Hawaii State Emergency Response Commission (HSERC) meetings some fundamental decisions have been made regarding the implementation of EPCRA in Hawaii. I would like to take this opportunity to discuss the Department of Health's (DOH) understanding of these issues. If your understanding of the discussions differ, please provide your interpretation in writing to the HSERC staff so that we can discuss the differences during a future HSERC meeting.

First, the HSERC concluded that Local Emergency Planning Committee's (LEPC) are State organizations. This conclusion is based on the fact that the Governor appoints the HSERC membership and that the HSERC appoints the LEPC members. However, the HSERC recognizes that the county government is an essential partner in the program. Therefore, the draft Hawaii EPCRA Bill will be amended to mandate that the Mayor of each county appoint the LEPC members.

Second, extensive time was spent during the last meeting discussing the framework for implementing EPCRA in Hawaii. The attached diagram outlines DOH's interpretation of the discussion. As noted in the diagram, the fundamental structure of the program is to have one LEPC in each county fully responsible for the LEPC requirements of EPCRA. However, as the LEPCs are State bodies, support for development of the required plans will come from the State and each county Civil Defense.

Hawaii State Emergency Response Commission
December 22, 1992
Page 2

The LEPC will provide a forum for public input into the planning process. In this manner, the plans are essentially developed by the LEPCs; however, the county Civil Defense agency with State assistance will generate the plan. It is recognized that State support staff to the LEPC's is inadequate at this time. Therefore, implementation of this structure is dependent upon sufficient funding, either from fees or grants.

Thank you for your support in developing the EPCRA program in Hawaii. We have made tremendous progress in the last year and I look forward to continuing to progress next year. Please contact Rhonda or Steve at 586-4249 if you have any comments.

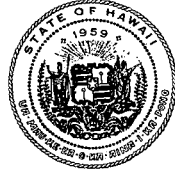
SA:dr

Enclosure

JOHN WAIHEE
GOVERNOR

MAJOR GENERAL EDWARD V. RICHARDSON
DIRECTOR OF CIVIL DEFENSE

ROY C. PRICE, SR.
VICE DIRECTOR OF CIVIL DEFENSE



REC'D JAN 27 1993

Rhoads
SR



PHONE (808) 734-2161

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

January 26, 1993

TO: Mr. Steve Armann, Manager
Hazard Evaluation and Emergency Response
Department of Health

FROM: Roy C. Price, Sr.
Vice Director of Civil Defense

SUBJECT: REVISION OF THE HAWAII EMERGENCY PLANNING AND COMMUNITY
RIGHT-TO-KNOW BILL

RP

Subject bill has been reviewed in accordance with your memo request of January 5, 1993. This office concurs in the bill as written. Thank you for the opportunity to comment.

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

E0108RG.m1

January 19, 1993

To: Kathy Ho, Deputy Attorney General
Department of the Attorney General

From: Rhonda Goyke, EHS *Rhonda Goyke*
Office of Hazard Evaluation and Emergency Response

Subject: Hawaii State Emergency Response Commission Support

Per out January 15 and 19, 1993, telephone conversations, the following information is attached for your review and information:

- 1) Pages 18-20 of the Draft Hawaii Emergency Planning and Community Right-to-Know Act. Please advise to the proper usage of "wilful, knowingly, and intentional" in this content.
- 2) April 23, 1987, memorandum designating the Department of Health as the lead agency for EPCRA.
- 3) Copies of correspondence between the HSERC and the AG regarding AG assistance to the HSERC. Many of these issues are still unresolved.

The next meeting of the HSERC has been scheduled for March 4, 1993, in the Kinau Hale First Floor Boardroom, from 9:00 a.m. to 12:00 noon. I will send you a meeting agenda as soon as it is available. It would be greatly appreciated if you could clarify the unresolved issues at this meeting.

If you have any questions please call me at 586-4251. Thank you for your assistance.

January 19, 1993

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #14

Friday December 11, 1992
9:00 a.m. - 12:00 noon

Department of Health's
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street

HSERC Commission Members and Representatives:

John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Roy Price for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Tom Smyth for Mufi Hannemann, DBEDT
Ralph Moore for Rex Johnson, DOT
George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative
Harry Kim, Hawaii LEPC Representative
Rheta Thielen for Jiggie Hommon, Red Cross

Other Attendees:

Steven Armann, DOH
Rhonda Goyke, DOH
James Vinton, PRI
Robert Roberts, HSPA
Stacy Rogers, HCC/UH
Joseph Blackburn, Maui FD
Chris Takeno, C&C of Honolulu LEPC
James Bac, DBED/Energy

I. Call to Order

The 14th meeting of the HSERC was called to order by Lewin at 9:15 a.m.

A. Opening Remarks

Lewin stated the two main objectives of the meeting:

- 1) To come to consensus regarding the draft HEPCRA Bill; and
- 2) To discuss a model for a fee structure.

B. Discussion/Approval of Minutes from HSERC Meeting #13

Charlton noted that DIOSH has been changed to HIOSH and the minutes should reflect the correct name.

Minutes were approved with change noted.

II. Update by the Attorney General's Office

Due to a scheduling conflict Kathy Ho is unable to join us. Lewin requested that a letter be drafted to Attorney General Marks requesting a Deputy AG at every HSERC meeting, stressing the importance of the Commission.

III. Draft State EPCRA BILL

A. Fee Structure Subcommittee

Armann explained that a fee subcommittee composed of: Roy Price, Chris Takeno, Sel Menor, Clifford Ikeda, Steve Armann, and Rhonda Goyke met on December 8th to discuss EPCRA fee options. The subcommittee recommendation was to make a fee system as simple as possible, both for the reporting facilities and for the HSERC. The recommendation is:

- 1) Stay away from sliding scales;
- 2) Initiate a straight flat fee that would be the same for everyone;
- 3) The fee recommended is \$100 per Tier II. Therefor, anyone that is required to submit a Tier II would pay an annual fee of \$100;
- 4) The fee would pay for a permit;

- 5) Provisions would be made for emergency provisions, such as someone who doesn't normally handle hazardous substances could get an emergency permit;
- 6) The money generated would be used for administration costs of the HSERC and LEPCs, public awareness, and training;
- 7) Purpose of a simple annual fee is to reduce administrative costs to DOH and to the facilities, keep recordkeeping simple; and
- 8) \$100 per Tier II would generate approximately \$50,000.

B. Open discussion

Anderson voiced concern over the inadequate funding that this recommendation would generate. \$50,000 would not be enough to support the staff that is needed for HSERC and LEPC support personnel. In addition, travel funds are needed for HSERC members and support staff.

Lewin suggested a compromise, the \$50,000 could support 1/2 FTE and pay for travel costs. Ideally there would be a support staff at the county level, but the current economy cannot support a large fee. However, we need to plan for the future and a small fund is a start at becoming self sufficient in the future.

Blackburn noted that the bill does not indicate where the LEPC will be administratively attached.

Anderson explained that the HSERC is an independent body with DOH providing administrative support, the LEPCs would be organized the same way.

Blackburn suggested to avoid confusion the administering agency should be spelled out in the bill.

Armann stated that the subcommittee discussed the problem of accountability at the county level. Therefore, it is the recommendation of the subcommittee that the language of the bill be changed back to reflect that the Mayor will appoint the LEPC members. Therefore, the Mayors would ultimately be responsible to ensure that the LEPC functions are carried out.

Anderson stated that if a 1/2 FTE is hired that would leave approximately \$20,000, which would be \$5,000 for each county which is not enough to develop ownership at the county level. How would the money be used.

Smyth suggested having one pool of money and the LEPCs could supply a budget and the HSERC could review and reward the money as appropriate, based on needs and request.

Price stated that it was refreshing to hear that the counties need help. The State economy is struggling due to Iniki and the recession. The EPCRA program is competing with other high priority programs. The rationale behind a filing fee is that it would minimize the amount of administrative work associated with a fee system. There is no one to do the work, therefore the work load should be kept to a minimal amount. A state law would also allow fines to stay in the State instead of going to EPA. The EPCRA fund could grow slowly with the filing fees as well as any fines. The HSERC would continue to support the LEPCs as best as they can.

Price stated that the focus should be on the first responders, that is the county fire personnel, training and equipment for a Hazmat response team on each county.

Lewin inquired as to the equipment needed.

Blackburn stated that training was needed much more than equipment which could be charged to the spiller.

Kim stated that for Hawaii county he didn't know what the actual Hazmat need was. What is needed on Hawaii county is a clear division of responsibility. If a

geothermal incident is to occur it is not his responsibility except evacuation and warning. It is DOH responsibility.

Lewin stated that the \$50,000 is a small amount to do the job that needs to be done. Assessment and policy set up is the most important aspect of the program. Once a strong policy is in place the funding will follow. Set up adequate infrastructure to measure the success or failure of the program. It is understood that County/LEPC resources are inadequate but the State resources are inadequate as well. The fund generated by the fees could at least be used to hire the equivalent of a halftime to fulltime employee. This new person could be used as a link, by attending all LEPCs and the HSERC meetings.

Price clarified that he intended that the new staff person be used for compiling meeting minutes, xeroxing, etc. All these administrative tasks add up. We need to specify our intent and set priorities and make sure this is understood by the LEPCs. The fund will start out small, but once established the funds will grow as fines are initiated.

Armann stated that the way Chapter 128D was currently written most fines would go into the Revolving Fund. Therefore, fines for not reporting might be small.

Lewin queried the Commission as to the opinion of the HSERC regarding the need for EPCRA support staff. To be able to hire staff we need the fee structure.

Kinro stated that he supports a position to assist the HSERC and LEPCs, at least a 1/2 FTE.

Kim voiced the opinion that if the bill was left as is, it is essentially nonfunctioning. What is needed is to identify responsibilities of the various agencies involved. More help is needed than simply clerical assistance. What is needed is one agency to coordinate all activities.

Charlton noted that the funding issue at hand is a separate issue for the organizational issue that Kim is referring to.

Lewin stated that there is a need for a coordination body with regards to policy building and that this should be the function of the State.

Kim stated his preference for a single LEPC for the State.

Anderson emphasized the need for local plans.

Price explained that there are emergency operation plans in each county already. Specific requirements of EPCRA could be incorporated into the existing plans. EOPs are the responsibility of CD.

Kekuna agreed that the best place for the LEPC hazmat (EPCRA) EOP function was with CD. Kekuna also noted that EPCRA was becoming more visible and that enforcement should become our focus.

Blackburn noted that EOP are in place in each county, but facility specific information is missing. Someone must do the work.

Anderson stated that the LEPCs were set up to do the necessary work.

Lewin queried about the possibility of making the CD an advisory committee to the LEPC.

Kekuna clarified that there are specific requirements relating to advisory committees and how they are set up.

Kim could not support such a plan. Hawaii County can not handle additional responsibilities.

Charlton queried as to who the members of the "State LEPC" would be. Would the HSERC members be the LEPC members as well.

Lewin stated that if there was to be a "State LEPC" then the HSERC members would indeed do double duty as State LEPC members also.

Anderson stressed the need for local industry representatives in the LEPC as stated in EPCRA. EPCRA has very specific requirements as to who LEPC member should be.

Kim stated that at the county level an advisory board could be developed that could input and review the State LEPC plan.

Moore stated that his observation has been that the LEPC structure is the same as the CD structure. Therefore, if the Counties don't want an LEPC then perhaps we should just have an HSERC and have CD pick up the necessary responsibilities. This issue needs to be resolved once and for all and we should stop going back and forth with the same issue.

Charlton stated that funding was the real issue. The solution is to fund the program through the HEPCRA Bill, not to just push the responsibility around.

Lewin stated establishing LEPCs with an advisory function makes sense. Industry has an advisory function and the plans are centrally located. Acknowledge that the plans are HSERC responsibility. HSERC will work with CD to do the plans.

Blackburn stress the fact that the local plans must comply with EPCRA, including facility specific information and hazard analysis.

Takeno queried as to who would be held accountable for completing the plans.

Vinton stated that the commission should then be expanded to include representation from the public and the facilities impacted.

Anderson explained that the county advisory committees would provide that forum.

Lewin summarized the accomplishments of the meeting:

- 1) Planning function will be brought into the HSERC;
- 2) LEPC (advisory boards) will be appointed by the Mayor; and
- 3) Plans will be written in accordance with EPCRA.

Ikeda stressed opposition to this approach. He feels that it is important to involve non government people in the planning process. He has been trying to get away from the details of the plan, delegating the detailed work to the Fire Department. With this new organization the work load would be back on him.

Charlton stated that a fee system was needed that will fund the program that is required.

Lewin clarified that fees of \$500-600 per company would not get passed with the current economic situation.

Takeno stressed the point that if the responsibility of the Plans are taken away from the LEPC, there is no motivation for the LEPC to meet.

Lewin stated that the vested concern of industry would be the motivating factor.

Kim made the motion to go with the \$100 filing fee,

Davis queried as to the exemption of government agencies.

Lewin stated that clearly government would not be exempt.

Blackburn stated that Maui had planned to introduce a county fee that would fund enforcement. He queried as to the possibility of these facilities being exempt from the State filing fee. It would be unfair to tax Maui facilities twice.

Lewin suggested that the county fee be reduced by the amount paid to the State, therefore alleviating double fees.

Lewin reminded the Commission that the motion was on the floor to accept the \$100 filing fee per Tier II.

Motion Passed

Thielen stressed concern that the purpose of the meeting, to finalize the draft bill, was not going to be met. The bill is worded such that it is very general and the decision made today do not need to affect the wording of the bill. The motion was made to adopt the bill as written, work assignments can be adjusted later.

Kinro seconded the motion.

Amendments to the motion:

- 1) Bill should be changed to reflect that the Mayor are to appoint LEPC members;
- 2) \$100 filing fee will be placed in bill;
- 3) Page 3, line 25, change motor vehicle to motor carrier, Kinro opposed this motion amendment;
- 4) Page 4, definition of "Release" will be changed to mimic 128D;
- 5) Page 6, line 2, change adjutant general to "director of the department of defense";
- 6) Page 7, line 3, add "staff support";
- 7) Page 10(12) add "annual" update;
- 8) Page 12, line 10, change to read "With support from the HSERC local emergence response plans shall be submitted to..."

Motion to adopt the bill with the above amendments was passed.

Lewin commented that the changes would be reflected in a revised copy of the bill and sent out to all members.

**BRIEF
DR. LEWIN
DR. ANDERSON**

Kim requested that the subcommittee review the revisions one last time before the bill becomes final.

V. Schedule Next HSERC Meeting (#15)

The next HSERC meeting was tentatively set for the end of February 1993, if needed to review or revise the HEPCRA Bill .

The motion was made to adjourn the meeting at 12:05 a.m.

The motion was passed.

This Draft Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted,

RHONDA K. GOYKE

date

REVISED: JANUARY 15, 1993

JUSTIFICATION SHEET

DATE: September 25, 1992

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO THE ENVIRONMENT.

PURPOSE: To establish a State Emergency Planning and Community Right-to-Know program, including establishing a Emergency Planning and Community Right-to-Know fund funded by reporting fees from regulated facilities. This fund will be used to support the State's responsibilities under the Federal Emergency Planning and Community Right-to-Know Act.

MEANS: Enact new law, Emergency Planning and Community Right-to-Know Act.

JUSTIFICATION: Current provisions for the Emergency Planning and Community Right-to-Know program are codified in the federal law only under the federal Superfund Amendments and Reauthorization Act (SARA, Title III). The state of Hawaii has begun implementation of this program based solely on the State's authorities as defined in this federal law. No provisions were made for federal funding for this new requirement. The purpose of this proposed State statute would be to establish a fee collection system and an Emergency Planning and Community Right-to-Know fund to provide resources for State and local agencies required to fulfill the requirements of SARA, Title III, and to provide a mechanism for the State to recover penalties into a State managed fund if chemical handlers do not comply with Title III. Without a state EPCRA law, any recovery of penalties for non-compliance with Title III can only be under federal law, and penalties must be returned to the federal government, even if the State conducts the enforcement action. Once a state EPCRA law is in place penalties under the state law can go to the state fund.

GENERAL FUNDS: None

OTHER FUNDS: None

PPBS

Designation: HTH 849-FD

OTHER AGENCIES

AFFECTED: DOA, DOD, DLIR, DLNR, DBEDT, DOT, OEQC, UH, American Red Cross, County Civil Defense Agencies, Counties, U.S.

HTH-9(93)

JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:

OPPPD

January 12, 1993

TO: Rhonda Goyke
Hazard Evaluation and Emergency Reponse Office

FROM: Bill Dendle *WSD*
Chief, Office of Planning, Policy, and Program Development

SUBJECT: 1993 Administrative Proposals

Please find attached the following administrative proposals, as returned for revision from the Attorney General's Office:

HTH-9 Relating to Hawaii Emergency Planning and Community Right-To-Know.

Please make the changes as noted and type the bill following the attached "A Bill for an Act" format. Be sure the titles line up with the format as well as the line numbering. The HTH-#(93) must also be typed at the right bottom of the page.

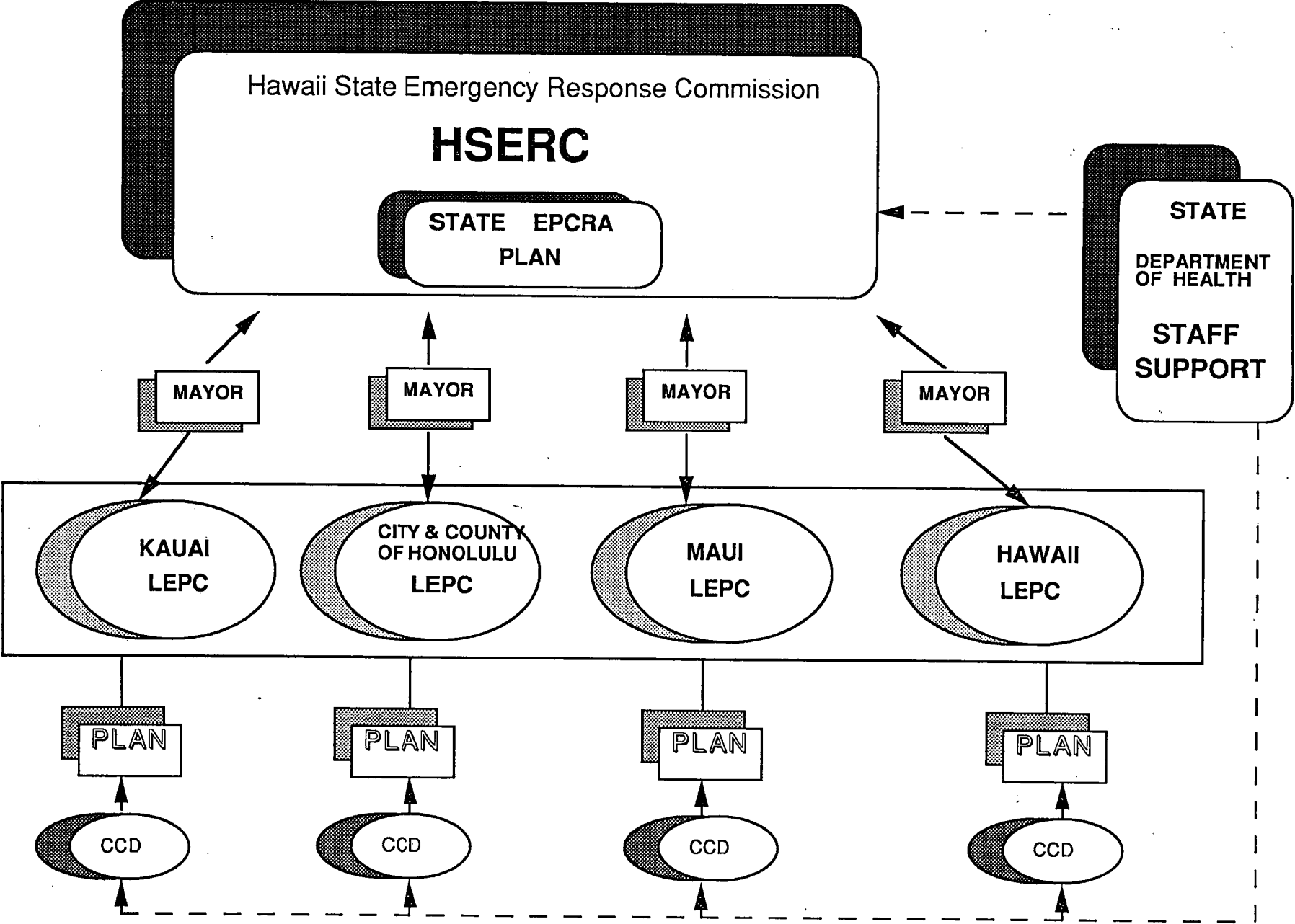
Should you have questions on the content of the proposal, Deputy Attorney General Laurence Lau, who reviewed this proposal, can be reached at 587-3050.

Please submit the revised bill and justification sheet and return all attached materials directly to the OPPPD as soon as possible. Do not send it to the mailroom.

If you should have any questions, please contact Carol Miyamoto or Tony Ching at 586-4188.

Attachments

CONCEPTUAL FRAMEWORK FOR IMPLEMENTATION OF HAWAII'S EPCRA PROGRAM



JOHN WAIHEE
GOVERNOR OF HAWAII



JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

July 2, 1993

MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #15

Friday, March 12, 1993
9:00 a.m. - 12:00 p.m.

Department of Health
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street
Honolulu, Hawaii 96813

HSERC Commission Members and Representatives

John C. Lewin, M.D., Chair, HSERC, DOH
Bruce S. Anderson, Ph.D., Vice Chair, HSERC, DOH
Alden Kang for Major General Edward Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton for Keith Ahue, DLIR
Tom Smyth for Mufi Hannemann, DBEDT
Walter Patrick for B.Z. Siegel, UH-SPH
Jiggie Hommon, American Red Cross, Hawaii State Chapter
Chris Takeno for George Kekuna, Honolulu LEPC Representative
Clifford Ikeda, Kauai LEPC Representative
Sel Menor, Maui LEPC Representative
Harry Kim, Hawaii LEPC Representative

Other Attendees

Joseph Blackburn
Alejandro Lomosad, Kauai FD
Michael Choy, HECO
Jim Vinton, BHPPA
Kathy Ho, AG

Eugene Lee, City DPW
James Bac, DBEDT
Steven Armann, DOH
Rhonda Goyke, DOH
Laura Young, DOH
Mike Cripps, DOH

I. Call to Order

The 15th meeting of the HSERC was called to order by Dr. Bruce S. Anderson at 9:15 a.m.

A. OPENING REMARKS

Rhonda Goyke will be moving to the position of On-Scene Coordinator. Laura Young will be replacing her and assuming HSERC and EPCRA responsibilities.

EPA is sponsoring an EPCRA workshop on March 18, 1993. The Honolulu Fire Department, Department of Defense, and Hazard Evaluation and Emergency Response Office will be conducting the morning session. Stan Kallo from Toxic Release Inventory will be conducting afternoon session regarding Form R completion and Inventory and Spill Reporting. For further information, see Laura or Rhonda.

Disaster Management Workshop sponsored by the University of Hawaii, School of Public Health will be held on 4/14/93, free, full day. For more information contact Dr. Walter Patrick at the School of Public Health.

B. Approval of Minutes from HSERC Meeting #14.

Minutes were approved without changes.

II. UPDATE FROM ATTORNEY GENERALS OFFICE

Kathy Ho, Deputy Attorney will be attending all future HSERC meetings. Present all commission issues in need of clarification to Kathy Ho.

Issue 1:

Captain Blackburn presented an incident where supplies/equipment used for emergency response was denied reimbursement. From the ensuing discussion questions arose as to what are the authorized expenditures under the Environmental Response Fund?

Steve Armann stated that there are no set procedures under 128D.

Dr. Anderson requested that research be conducted by Kathy Ho on what are authorized expenditures under the Environmental Response Law and to present findings at the next HSERC meeting.

Issue 2:

Since the LEPCs are considered state entities, are the LEPCs covered under the AGs office? Will the AGs office represent them in commission activities?

Issue 3:

Under the EPCRA Bill, penalties are stated, however, there is no current enforcement process in place. How can the city, county, and state agencies ensure facility owners are in compliance when there is no enforcement measures in effect? What type of system can be used, i.e. warning/citation?

III. UPDATE OF LEGISLATURE

Two Bills presented to the Legislature are still intact. The Senate has deleted special funds. The bill has been amended to include filing fees (\$100 per Tier II or facility) deposited into the general fund. To recover funds the State will need to submit budget package to Legislatures.

HB 1653 fee and special fund still intact. Total amount of revenues amount to \$ 60,000 for one staff person. This is a minimal amount covering only the bare necessities.

Commission members who would like to be notified of upcoming hearing contact Steve Armann at 586-4249 for hearing dates and times.

IV. ETHYLENE OXIDE RELEASE ON KAUAI-Mike Cripps

Agencies who would like to present emergency response incidents at future HSERC meetings are welcomed. Notify Laura Young.

On January 14, 1993, Kauai Veterans Hospital experienced a release of ethylene oxide. One employee of the hospital was hospitalized. Symptoms ranged from skin irritation, respiratory difficulties, and nausea. Evacuation procedures took place when air conditioning units circulated ethylene oxide into undetermined areas of Kauai Veterans Hospital. The Kauai Fire Department was first notified followed by State District Health Officers, who called Hazard Evaluation and Emergency Response Office.

Telephone conversations between the Kauai Fire Department (On-Scene Incident Commander) and Mike Cripps (HEER) informed one another of the situation. Permission to re-enter the hospital facilities was determined by the Kauai Veterans Hospital Administrator.

The question was raised if the administrator had the authority to determine the building was safe to re-enter, and who has the authority or can actually determine who should take the responsibility of declaring the building safe to enter for staff/public.

There are a number of chemicals (i.e. ethylene oxide) that are not classified or listed by EPA as a extremely hazardous substance. In addition some are under the reportable threshold quantity. Because of this, facilities are not mandated to report these non-classified hazardous substance or those under the reportable threshold quantity.

The HSERC needs to place the proper authorities with the statutes, then through the rule-making process establish locally reportable chemicals that is over and above the EPAs list. This would then mandate local reporting.

Joe Blackburn reports facility owners give after-the fact reports of hazardous substances releases. Fire Department are not involved with monitoring or clean up processes. Although facility owners notify the National Response Center, local notification does not occur.

The Department of Labor and Industrial Relations requests agencies receiving notification of hazardous substance releases (that pose danger to employees) notify DLIR. DLIR will then have an opportunity to see if the facility has an Emergency Response Plan Manual, are all users of the hazardous substances trained for emergency response, are emergency response procedures being implemented and post-release procedures.

IV. HMTUSA GRANT UPDATE/REVIEW

The State of Hawaii maximum allocation for planning \$32,000 and \$38,000 for training, Hawaii is number 48 in pecking order, grants are on reimbursable basis, 20% soft match requirement, 75% planning grant must be given or be used directly for the LEPCs and 75% of training grant must go to the training of public employees. Grant allocation to be announced April 1, 1993.

V. Closing Announcements

Next HSERC meeting to be scheduled after end of current legislative session.

Dr. Lewin requested that everyone assist in supporting SB 1410 and SB 1653 by attending legislative hearings or contacting appropriate parties.

Harry Kim requested a letter from Dr. Lewin to the Mayor of Hawaii County for the nomination of LEPC members. Sel Menor also requested a letter for Maui County LEPC nominations. Clifford Ikeda stated that a letter was not needed for Kauai County.

Dr. Lewin will also send a letter to the appropriate persons on Kauai to remind the military to meet of their commitment to assist in emergency planning in the event of a hydrazine release. The military agreed to;

- 1) provide emergency training
- 2) allow the County of Kauai to review the hydrazine emergency response plan prepared by the military
- 3) to provide equipment as needed to implement the emergency response plan.

The motion was made and passed that the following items were to be addressed by the HEER staff?

1. Prepare draft legislation to establish through rule-making process a list of chemicals that we do not want in the state. Or manner to reduce the source of hazardous substances entering Hawaii.
2. Research means to process permits for undesirable hazardous substances, with a fee based on degree of danger and amount

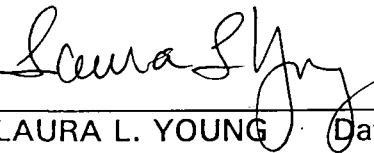
of substances. Include in permit fee proviso for public health and safety.

3. Prepare draft legislation to establish through rule-making process the means in which county and state agency are notified of hazardous chemicals.

The motion was mad to adjourn the meeting at 11:30 am. The motion was passed.

This Draft Meeting Summary is submitted to the Hawaii State Emergency Response Commission.

Respectfully submitted

 1/2/93

LAURA L. YOUNG Date

June 22, 1993

Draft Meeting Summary
HAWAII STATE EMERGENCY RESPONSE COMMISSION

Thursday, May 13, 1993
9:00 a.m. - 12:00 p.m.

Department of Health
Kinau Hale Board Room, 1st Floor
1250 Punchbowl Street
Honolulu, Hawaii 96814

HSERC Commission Members and Representatives

John C. Lewin, M.D., Chair, HSERC, DOH
Roy Price for Major General Richardson, DOD
Gerald Kinro for Yukio Kitagawa, BOA
Russell Charlton, for Dayton Nakanelua, DLIR
James Bac for Mufi Hannemann, DBEDT
Peter Hirai for Rheta Thielen, American Red Cross
Yingfan Xu for Keith Ahue, BLNR
Ralph Moore for Rex D. Johnson, DOT
Eugene Lee for Chris Takeno, Honolulu LEPC Coordinator
Clifford Ikeda, Kauai LEPC Co-Chair
Harry Kim, Hawaii LEPC Chair

Other Attenders

Blake Vance, Hawaii Sugar Planters Association
Mike Choy, Hawaiian Electric Company
Kathy Ho, Attorney Generals Office
Jay Sasan, Hawaii County Safety Office
Carter Davis, Honolulu Fire Department
Joseph Blackburn, Maui Fire Department
Laura Young, DOH, HEER
Rhonda Goyke, DOH, HEER
Steve Armann, DOH, HEER

- I. The Sixteenth Meeting of the Hawaii State Emergency Response Commission was called to order at 9:10 am, May 13, 1993.

Approval of Minutes

The draft summary of the Fifteenth Meeting of the HSERC were approved with no changes.

- II. Update by Attorney Generals Office

Three issues from HSERC meeting #15 were addressed by Kathy Ho. The first issue was the compensation for equipment used during a hazardous material emergency response. According to the Environment Response Law 128D(4)(c) there are two

modes to request compensation 1) Request compensation from the Director of Health and it is at the discretion of the Director to reimburse the responders for equipment used, decisions cannot be appealed. Under 128D(19) if the agency is ordered by the Director to clean up a chemical release and the request for compensation is denied, the decision may be appealed. Dr. Lewin stated that a DOH policy needs to be developed. Joe Blackburn's request for compensation for an incident that occurred on Maui was authorized.

The second issue pertained to representation of the LEPC by the Attorney Generals Office. As set forth in HB 1653 Section 5, Functions and Duties of the LEPC, if sued, a member may request assistance from the AG office if the LEPC member is within the scope of his duties and is acting in an official capacity. The request for representation will more than likely be granted. The final decision for each case is at the discretion of the Attorney General.

The third issue was enforcing EPCRA compliance. EPCRA has strict reporting requirements that can be enforced by the agency, statute provides for sanction, a citation system will be legislative, we will have to go back to the legislature to amend the statute.

III. Steve Armann update the HSERC on HB 1653. HEPCRA was passed by the legislature and is awaiting Governor Waihee's signature. There was little opposition to the bill. The \$100.00 filing fee will go into General Fund and at the next legislative session those funds can be requested to meet the general operating needs of the Hawaii Emergency Planning Community Right to Know Act. Dr. Lewin stated that we did have the option to ask for more funds than collected.

IV. HMTUSA Update

Roy Price announced that he did get a confirmation call for the HMTUSA grant on May 12, 1993. The contract was in the mail.

V. HIOSH Training

Russ Charlton gave overview of training and distributed the Title 12, DLIR, Chapter 99 Hazardous Waste Operations and Emergency Response. Focused on five sections: Purpose, Scope and Application, Definitions, Training, and Emergency Response to Hazardous Substance Releases by Employees.

Appendix E was reviewed for releases of hazardous substances in the work place, the three categorized included 1) releases that are clearly incidental 2) releases that may be incidental or require an emergency response depending on the circumstances and 3) releases that require an emergency response regardless of the circumstances.

Specialist employees 12-99-18(f) can include DOH employees that must show competency annually, should be advisors to county agencies, not incident responders.

Training Section 12-99-18 the five major categories of emergency responders were reviewed.

1. First responders awareness level
2. First responder operations level
3. Hazardous material technicians
4. Hazardous materials specialist
5. On-scene incident commander

HIOSH has a response team located in Salt Lake

Refresher training

Post emergency response operation training requirements are very different from those described for responders, being more stringent as described in 12-99-17

For information on Training contact

Worker Training and Education Branch
Occupational Health and Technical Services
NIEHS, North Campus Building, Room 1810
Research Triangle Park, North Carolina 27709

Roy Price announced the following training courses

Hazardous Materials Contingency Planning
San Jose, CA June 28 - July 2, 1993

Western Fire Chief's Conference
Maui July 27 - 29, 1993

Chemistry of Hazardous Materials
Honolulu August 9 - 19, 1993

Hazardous Materials Technicians's Course
Honolulu October 4 - 15, 1993

Emergency Response to Hazardous Materials Incidents
Technician Level
Honolulu October 11 - 15, 1993
Hilo October 18 - 22, 1993

Emergency Response to Hazardous Material Incidents
Honolulu, May 9- 13, 1994

Safety and Health Decision Making for Managers
Honolulu April 26 - 28, 1994

Civil Defense command post type exercise will be held in June to resolve hazmat items that occurred during Hurricane Iniki.

Ralph Moore asked if anyone is monitoring movement of infectious and hazardous waste. Some of the waste solids are reactive/ignitable when mixed or come in contact with water.

At this time DOT does not have control or adequate equipment to determine what is being transported in sealed containers. Dr. Lewin suggested John Harder join us at the next HSERC meeting and address this issue. Steve Armann stated that the Office Solid Waste Management was not in charge of transport.

Roy Price stated that many people or businesses don't know of regulations, mandates are passed with no resources to implement or educate those affected by them.

Harry Kim stated the Hawaii County Civil Defense continuously looks to HEER office for assistance. Steve Armann stated that the HEER Office will always respond to request for assistance from neighbor islands.

Ralph Moore described incident of an abandoned drum on freeway near Red Hill, since the drum was not leaking the fire department left the scene and did not remove the drum. DOT finally got two employees to move drum, DOT is still in possession of the drum. Ralph Moore stated that it was not clearly understood who has the responsibility for the drum removal but he took care of it. Harry Kim stated that the Incident Command system should have been implemented till drum removed. Who was responsible for it and follow-up. HEER Office would have hired a contractor for removal. Since many incidents involve DLNR and DOT they should be made aware of their responsibilities.

VI. LEPC Membership Representation

The lists for LEPC membership representation for Maui was received just before the meeting and contained only seven nominations. Dr. Lewin postponed any appointments until the list from the Island of Hawaii and Maui can be checked with EPCRA to determine if all requirements for LEPCs are being met with the nominations. Dr. Lewin also requested that lists from the Honolulu City and County LEPC and the County of Kauai present their LEPC membership list at the next HSERC meeting.

VII. Other Business

Announcement: Peter Hirai of The American Red Cross announced that Rheta Thielen, Director of Disaster Relief Services will be taking the place of Jiggie Hommon.

Roy Price asked about the possibility of HECO or one of the larger companies to sponsor a series of workshops on outer islands to review hazmat training and emergency response systems in place on the outer islands. Harry Kim also suggested approaching local Chambers of Commerce as sponsors.

VII. Meeting adjourned at 11:00 am

Respectfully Submitted

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