

HAWAII STATE EMERGENCY RESPONSE COMMISSION
August 31, 1994, 9:00 a.m. to 12:00 p.m.
Department of Health, Kinau Hale First Floor Conference Room

Dr. Bruce S. Anderson, Chair
HSERC

Bruce S. Anderson

Mr. Yukio Kitagawa, Chairperson
Board of Agriculture

Yukio Kitagawa

~~Mr.~~ Edward V. Richardson
Department of Defense

Robert Bush Jr
Yukio Kitagawa X

Mr. Dayton Nakanelua, Director
DLIR

X *Manette N. Cooray*

Mr. Keith Ahue, Chairman
BLNR

Ms. Jeanne Schultz
DBEDT

Mr. Rex Johnson, Director
Dept. of Transportation

Ms. B.Z. Siegel, Dean
School of Public Health
University of Hawaii

Ms. Rheta Thielen
American Red Cross

Mr. Brian Choy, Director
Environmental Quality Control Office

Mr. Clifford Ikeda
Kauai Representative

Clifford Ikeda

Mr. Sel Menor
Maui Representative

Sel Menor

Captain Carter Davis
Honolulu Representative

Carter Davis

~~Chief Nelson Tsuji~~
Hawaii Representative

JAY SASAN
Jay Sasan

*WAITING FOR OFFICER
LTA*

*NEED 7
↑
①*

Hawaii State Emergency Response Commission
August 31, 1994
Department of Health, Kinau Hale First Floor Conference Room

Name	Agency	Address	Phone
Sean O'Keefe	MAVILAC/HCTS	PO BOX 266 AUNUE, HI	877-789
Chulee Grove	Honolulu Comm. College	874 Dillingham Blvd	845-9478
Michael Choy	HECO	P.O. Box 2750, Hm. 96840	543-5679
(BARRY USAMANA)			
RIAN ADACHI (in)	BKIS	630 S. BERETANIA ST. 96843	527-5235

October 18, 1994

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #20

WEDNESDAY, August 31, 1994 from 9:00 a.m. to 12:00 p.m.

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

Attendees

Bruce S. Anderson, DOH
Robert Buesch for Yukio Kitagawa, Board of Agriculture
Roy Price for Major General Richardson, DOD
Manette N. Courvay for Dayton Nakanelua
Clifford Ikeda, Kauai County LEPC,
Maui County LEPC
Captain Carter Davis, Honolulu County LEPC
Jay Sasan, Hawaii County LEPC

*ask Laura if she
can read the name*

Other Attendees

Sean O'Keefe, Maui LEPC, HC&S
Chulee Grove, Honolulu Community College
Michael Choy, HECO
Rian Adachi for Barry Usagawa, BWS
Steve Armann, DOH
Marsha Mealey, DOH
Chris Takeno, DOH

I. Call to Order

The 20th meeting of the HSERC was called to order at 9:25 am on August 31, 1994 by Dr. Anderson.

A. Opening Remarks

Introductions:

Rachel Loftin and Tom Mix of the EPA are in Hawaii to perform the year end review of the federal Superfund ~~Core~~ grant programs and are attending as observers of this HSERC meeting.

Announcement:

On June 21st of this year, Captain Carter W. Davis of the Honolulu Fire Department was elected chairperson of the Honolulu Local Emergency Planning Committee and will therefore represent the City and County on the Hawaii State Emergency Response Commission.

Captain Davis has been with the Honolulu Fire Department for 14 years and specializes in the area of hazardous materials. He is an instructor with the National Fire Academy and is recognized nationally and internationally as an expert in the field of emergency response to hazardous materials incidents.

B. Discussion/Approval of Minutes from Meeting #19

The draft meeting summary of HSERC meeting #19 was reviewed and approved with one change.

I. Nomination and appointment of LEPC members

The following members were appointed to the Honolulu LEPC. These appointments supersede previous appointments made for the listed offices, divisions and departments.

Thomas S. Vendetta, Chief
Industrial Safety and Worker's Compensation Division
Department of Personnel

Stanley Maekawa, Assistant Division Chief
Customer Service Division
Board of Water Supply

Captain Carter Davis
Hazardous Material Officer
Honolulu Fire Department

Captain Terrance Yuen
Civil Defense Coordinator
Honolulu Police Department

Eugene Lee
Program Coordinator
Department of Public Works

James Barr
Vice President of Operations
Brewer Environmental Industries

Gary Susag
Radiological Defence and Logistics Officer
Oahu Civil Defence Agency.

Gary will fill the vacancy until a permanent replacement is hired for Chris Takeno's former

position.

II. Providing the public with Information - Dissemination of Materials such as Meeting announcements and minutes and Emergency Plans

1) HSERC meeting notices are sent to:

Lt. Governor's Office
State Capitol, 5th floor
415 Beretania Street
Honolulu, HI 96713.

LEPC meeting notices should be sent to the county seat (in Honolulu, the County Clerk's Office) and the Lt. Governor's Office. Six copies should be sent. Notice should be given at least six (6) days before the meeting.

2) The state and county emergency plans may be submitted to:

Hawaii Documents Center
Hawaii State Library
Honolulu, HI 96813
attn: Pat McNally ph.:586-3543.

who provides

Provide 7 copies, specify that the documents will be submitted annually and that they are to go to regional distribution. The library will catalog and distribute them.

State and County Civil Defense plans are already placed with the library.

3) Minutes (both HSERC and LEPC) and facility emergency plans are on file at:

State of Hawaii
Department of Health
Hazard Evaluation and Emergency Response Office
919 Ala Moana Blvd., Room 206
Honolulu, HI 96814-4912.

If a need arises for sign language interpreters for a meeting, contact the HEER office for the DOH procedure.

III. Draft Enforcement Policy

Steve Armann called for the formation of a subcommittee to generate the enforcement policy for 128E.

Three strikes; you're out policy. This means that once the SERC is notified by the LEPC (or other source) that a facility ~~may be required to provide information~~ under HEPICRA that ~~is not providing~~, the HEER office will send a letter requesting that information. If no reply is made, a second letter will be sent to managers higher up the facility's chain of command indicating that a violation will be issued if there is not an adequate response. The third communication is a notice of violation. ~~HSERC must approve policy.~~ *three strikes, you're out*

All LEPC representatives will be members of the subcommittee.

Draft a policy before next meeting.

who drafts

LEPC representatives should open membership to their LEPC members.

IV. HSERC Review of Emergency Plans

Roy Price discussed the Civil Defense side of emergency plan review.

1. Currently the hazmat plan is a Supplement to Volume 3.
2. HazMat annexes to the EOP were created over time. *spell out acronym*
3. A FEMA crosswalk is done by the State Civil Defense.
4. Plans should use state and county infrastructure for communications, etc.
5. SOP and exercises for implementation must also be developed.
6. Plans have been approved by:
 - Mayor
 - County Council
 - General Richardson and
 - FEMA.
7. In October of 1982 a group met to discuss emergency plan review.
8. In Honolulu, a 1988 Annex was sent to South Oahu CD.
In 1992 it was sent to CD (approved) and SERC.
9. What is the SERC for purposes of review? *Can you explain more*
Staff review: HEER and CD
HSERC approve based on staff recommendations.
10. HEER will send memos to LEPCs requesting plans for review by HSERC.

Submission Dates for LEPC Plans :

Proposed Schedule:

- 1st Quarter - Honolulu
- 2nd Quarter - Maui
- 3rd Quarter - Hawaii
- 4th Quarter - Kauai

V. Budget for Next Year

Marsha Mealey, HEER Office *presented the budget. ~~for us~~*

SEE THE SPREADSHEET AND JUSTIFICATION PACKET.

The proposed budget is approximately \$242,0000.

Should Federal Facilities pay the HCIF Filing Fee ~~to the State General Fund?~~

The Navy expressed doubt regarding the legality of federal facilities paying the HCIF filing fee ~~to the state general fund~~. Loren Volpini of EPA Region IX notes that federal facilities pay fees in states other than Hawaii. It must be stressed that this is a fee for service, such as technical support, etc.

The HEER Office will request an opinion from the AG's Office.

Innovative Funding Programs for LEPCs :

1. Peer Exchange Group
2. Obtain local sponsor for LEPCs as an association of concerned citizens.

Discussion of the Budget :

- Amend EPCRA to establish a special fund and divide for ways for appropriations.
- Request revenues generated.
- Have contributors to the fund send letters and FAXs lobbying for specific uses of the money.
- Submit bill for the actual costs of running the LEPCs and SERC as a reference document.

VI. DOT Planning Grant

Chris Takeno, of the HEER Office discussed the status of the grant.

7. 1993-1994 ^{add} The HEER Office can use contractual hire but must encumber the money by September under the extension.

- Not for equipment.
- Money for training doesn't go back to supervisor but to the general fund.
- Advertising must also be done.
- OSHA must apply pressure before supervisors will let their people go to 40 hour training.

VII. Review of the Regional Response Team Exercise on June 7-9, 1994.

Steve Armann, of the HEER Office, commented that State participation was less than anticipated.

VIII. Other Business

Kauai participated in an excellent HazMat exercise. A video of the exercise is available.

IX. Schedule next HSERC meeting

The next meeting of the HSERC will be held on Wednesday, November 16, 1994.

The meeting was adjourned at 11:36.

*Marsha
mtg notes*

JOHN WAIHEE
GOVERNOR OF HAWAII



PETER A. SYBINSKY, Ph.D.
DIRECTOR OF HEALTH

**BRIEF
DR. ANDERSON**

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

August 29, 1994

**HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #20**

WEDNESDAY, August 31, 1994 from 9:00 a.m. to 12:00 p.m.

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

AGENDA

I. **Call to Order**

9:25

THE MEETING IS CALLED TO ORDER.

A. **Opening Remarks**

INTRODUCTIONS:

RACHEL LOFTIN AND TOM MIX OF THE EPA ARE IN HAWAII TO PERFORM THE YEAR END REVIEW OF THE SUPERFUND CORE GRANT PROGRAM AND ARE HERE AS OBSERVERS OF THIS HSERC MEETING.

✓

ANNOUNCEMENT:

ON JUNE 21st OF THIS YEAR, CAPTAIN CARTER W. DAVIS OF THE HONOLULU FIRE DEPARTMENT WAS ELECTED CHAIRPERSON OF THE HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE AND WILL THEREFORE REPRESENT THE CITY AND COUNTY ON THE HAWAII STATE EMERGENCY RESPONSE COMMISSION.

✓

CAPTAIN DAVIS HAS BEEN WITH THE HONOLULU FIRE DEPARTMENT FOR 14 YEARS AND SPECIALIZES IN THE AREA OF HAZARDOUS MATERIALS. HE IS AN INSTRUCTOR WITH THE NATIONAL FIRE ACADEMY AND IS RECOGNIZED NATIONALLY AND INTERNATIONALLY AS AN EXPERT IN THE FIELD OF EMERGENCY RESPONSE TO HAZARDOUS MATERIALS INCIDENTS.

B. **Discussion/Approval of Minutes from Meeting #19**

MEMBERS RECEIVED DRAFT COPIES OF THE AUGUST HSERC MINUTES WITH THE ANNOUNCEMENT OF TODAY'S MEETING.

no quorum

any comments?

THERE OF EXTRA COPIES FOR THOSE WHO WOULD LIKE THEM.

TAKE SOME TIME TO REVIEW THE DRAFT MINUTES.

[Check for a quorum - need ⁷ members]
MOTION TO ACCEPT (WITH/WITHOUT CHANGES)?
OPEN THE FLOOR TO DISCUSSION.
SECOND?

Besch &
DLIR

Get FAX introduction

Chulee Grove Occ, S & H

II. Nomination and appointment of LEPC members

list updates representatives

MEMBERS NOT APPOINTED AS OF THIS ROUND OF NOMINATIONS ARE NO LONGER MEMBERS OF THE CITY AND COUNTY OF HONOLULU LEPC:

**minutes approved (w/ correct)*

THOMAS S. VENDETTA, CHIEF
INDUSTRIAL SAFETY AND WORKER'S COMPENSATION DIVISION
DEPARTMENT OF PERSONNEL

James Sato

Have been working members.

STANLEY MAEKAWA, ASSISTANT DIVISION CHIEF
CUSTOMER SERVICE DIVISION
BOARD OF WATER SUPPLY

Karyn Kaikawa

CAPTAIN CARTER DAVIS
HAZARDOUS MATERIAL OFFICER
HONOLULU FIRE DEPARTMENT

Chief Chang

yes the list fulfills the requirements

CAPTAIN TERENCE YUEN
CIVIL DEFENSE COORDINATOR
HONOLULU POLICE DEPARTMENT

Nakamura

- Carter will send a complete list

EUGENE LEE
PROGRAM COORDINATOR
DEPARTMENT OF PUBLIC WORKS

Streets or Sprague

*- remind?
no suppress*

JAMES BARR
VICE PRESIDENT OF OPERATIONS
BREWER ENVIRONMENTAL INDUSTRIES

?

GARY SUSAG
RADIOLOGICAL DEFENCE AND LOGISTICS OFFICER
OAHU CIVIL DEFENCE AGENCY.
GARY WILL FILL THE VACANCY UNTIL A PERMANENT REPLACEMENT IS HIRED FOR CHRIS TAKENO'S FORMER POSITION.

Chris

MOTION TO APPOINT THE NEW MEMBERS?
OPEN THE FLOOR TO DISCUSSION.
SECOND?

Approved

III. Providing the public with Information -
Dissemination of Materials such as Meeting announcements and minutes and Emergency Plans

1) HSERC MEETING NOTICES ARE SENT TO:

LT. GOVERNOR'S OFFICE
STATE CAPITOL, 5TH FLOOR
415 BERETANIA STREET
HONOLULU, HI 96713.

6 copies
* can it be faxed?

LEPC MEETING NOTICES SHOULD BE SENT TO THE COUNTY SEAT AND THE LT. GOVERNOR'S OFFICE. NOTICE SHOULD BE GIVEN AT LEAST SIX (6) DAYS BEFORE THE MEETING.

HNL county clerk

2) THE STATE AND COUNTY EMERGENCY PLANS MAY BE SUBMITTED TO:

HAWAII DOCUMENTS CENTER
HAWAII STATE LIBRARY
HONOLULU, HI 96813
ATTN: PAT McNALLY PH.:586-3543.

state & county
CD plans are
at the library

PROVIDE 7 COPIES, SPECIFY THAT THE DOCUMENTS WILL BE SUBMITTED ANNUALLY AND THAT THEY ARE TO GO TO REGIONAL DISTRIBUTION. THE LIBRARY WILL CATALOG AND DISTRIBUTE THEM.

3) MINUTES AND FACILITY EMERGENCY PLANS ARE ON FILE AT:

LEPC minutes
as well.

STATE OF HAWAII
DEPARTMENT OF HEALTH
HAZARD EVALUATION AND EMERGENCY RESPONSE OFFICE
919 ALA MOANA BLVD., ROOM 206
HONOLULU, HI 96814-4912.

Sign language?
interpreters - DOT

IV. Draft Enforcement Policy

(ANNOUNCE STEVE ARMAN OF THE HEER OFFICE - HE WILL CALL FOR THE FORMATION OF A SUBCOMMITTEE.)

procedure exists

V. HSERC Review of Emergency Plans

(ANNOUNCE ROY PRICE OF STATE CIVIL DEFENSE)

HSERC must approve policy.

contact HEER

A. Submission Dates for LEPC Plans

PROPOSED SCHEDULE:
1ST QUARTER - MAUI
2ND QUARTER - HAWAII
3RD QUARTER - HONOLULU
4TH QUARTER - KAUAI

HNL
Maui
Hawaii
Kauai

- Supplement to Vol 3
- Kayrat annex to EOP created over time
- cross walk is done by State CD
- Should use state & county infrastructure for communications, etc.
- SOP & exercises for implementation

- all LEPC reps Jay ceiling center Sean
- Draft policy for next HSERC mtg.
- LEPC reps should open membership to their ranks.

VI. Budget for Next Year

SEE THE SPREADSHEET AND JUSTIFICATION PACKET. THE PROPOSED BUDGET IS APPROXIMATELY \$242,000.

must also be developed

(ANNOUNCE MARSHA MEALEY OF THE HEER OFFICE)

Who should request funds? Lobbying? Computer support should come from CD
Should Federal Facilities pay the HCIF Filing Fee to the State General Fund?
128E Subsection 8 request back funds generated by HCIF filing fees.

- mayor
- county council
- FEMA

- What is the SERC for purposes of review?
staff review: HEER and CD
HEER approve based on staff recommendations
- HEER will send a memo requesting submitted of plan for review.

Oct 82 met
HNL 88 revised 92
minutes sent to CD
civil defense and SERC

put addresses
in the minutes

results
agenda

results

Motion
2nd
discussion
approve schedule

232
info
of
int
tape

THE NAVY EXPRESSED DOUBT REGARDING THE LEGALITY OF FEDERAL FACILITIES PAYING THE HCIF FILING FEE TO THE STATE GENERAL FUND. LOREN VOLPINI OF EPA REGION IX NOTES THAT FEDERAL FACILITIES PAY FEES IN STATES OTHER THAN HAWAII. IT MUST BE STRESSED THAT THIS IS A FEE FOR SERVICE, SUCH AS TECHNICAL SUPPORT, ETC.

Amend EPCRA to establish a special fund - divide it up for appropriate

Innovative Funding Programs for LEPCs

VII. DOT Planning Grant

Request option from A6
 1 Para Exchange Group
 2 local sponsor for LEPCs as an association of citizens
 must be covered by money

(INTRODUCE CHRIS TAKENO OF THE HEER OFFICE)

VIII. Review of Regional Response Team Exercise on June 7-9, 1994

93-94 use contractual hire
 94-95 extensions
 not for equip

(INTRODUCE STEVE ARMAN OF THE HEER OFFICE)

IX. Other Business

Kawai - excellent Hazmat exercise
 video available
 HEER

X. Schedule next HSERC meeting

mid Nov. - around final leg. package submittal

Wed 16th 9-12

Doing study with Sea Grant to delineate responsibilities in the event of a major oil spill

CB has legal auth. Was too deferential to PRP

- 2 request 70,000
- 3 Have contributor to the fund send letters and FAXs lobbying
- 4 really costs but create reference document
- A Steve puts 70000 in budget
- B amend auth for special filing appropriate
- C ?

Money for training doesn't go back to supervisor but to the general fund
 - advertising must also be done
 - OSHA must apply pressure or supervisors won't let their people go for 40 hrs.

Adjourned: 11:36

PROPOSED 1995 LEPC Budgets

	A	B	C	D	E	F	G	H
1	ITEM		MAUI	KAUAI	HAWAII	HONOLULU	TOTAL	
2								
3	TRAVEL		\$5000.00		\$2000.00		\$7000.00	
4	INTERISLAND - MEETINGS			\$600.00			\$600.00	600
5	MAINLAND - MEETINGS			\$1820.00			\$1820.00	1000/meeting
6	OTHER			\$600.00			\$600.00	
7	PER DIEM FOR INTERISLAND TRAVEL		\$500.00	\$720.00	\$150.00		\$1370.00	700
8	SUBTOTAL-		\$5500.00	\$3740.00	\$2150.00	\$0.00	\$11390.00	
9								
10	MAIL		\$540.00				\$540.00	
11	PRINTING			\$5000.00	\$500.00		\$5500.00	
12	POSTAGE				\$250.00	\$1740.00	\$1990.00	
13	SUBTOTAL-		\$540.00	\$5000.00	\$750.00	\$1740.00	\$8030.00	~2000
14								
15	PHONE CALLS		\$15000.00		\$500.00		\$15500.00	
16	INTERISLAND						\$0.00	
17	MAINLAND						\$0.00	0
18	ANSWERING MACHINE		\$60.00				\$60.00	60
19	NETWORK					\$850.00	\$850.00	850
20	SUBTOTAL-		\$15060.00	\$0.00	\$500.00	\$850.00	\$16410.00	
21								
22	SALARY			\$18000.00	\$60000.00	\$24639.00	\$102639.00	30000
23								
24	COMPUTER			\$4500.00	\$5000.00	\$3000.00		5000
25	PRINTER					\$1500.00		1500
26	OTHER					\$800.00		800
27	SUBTOTAL-		\$0.00	\$4500.00	\$5000.00	\$5300.00	\$0.00	
28								
29	OTHER							
30	HAZMAT LENDING LIBRARY		\$5000.00				\$5000.00	5000
31	FULL SCALE EXERCISE		\$5000.00				\$5000.00	state
32	OFFICE EQUIPMENT			\$45000.00	\$400.00	\$0.00	\$45400.00	
33	OFFICE EXPENSE		\$50.00	\$24000.00	\$6000.00		\$30050.00	
34	PAGERS/FEE			\$1000.00			\$1000.00	
35	REPAIRS				\$200.00		\$200.00	200
36	SUBTOTAL-		\$10050.00	\$70000.00	\$6600.00	\$0.00	\$86650.00	
37								

Calready on the island where most of the place

*ED Manual
State purchase of
computer and
software*

39	GRAND TOTAL	\$31150.00	\$101240.00	\$75000.00	\$32529.00	\$239919.00	
40							
41	AVERAGE	\$59979.75					
42							
43	Binders for LEPC Manual	\$1225.00					State
44							
45							
46							
47							
48							
49							

Hawaii

011 H 371
State of Hawaii
Department of Health
Hazard Evaluation & Emergency Response Office
919 Ala Moana Boulevard, Room 206
Honolulu, Hawaii 96814



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

21 JUN 8 04

In reply, please refer to:
HEER OFFICE

June 20, 1994

Chief Nelson Tsuji, Chairperson
Hawaii County LEPC
Hawaii Fire Department
466 Kinoole Street
Hilo, Hawaii 96720

Dear Chief Tsuji:

Subject: Request for LEPC operational budget

As a follow-up to the Hawaii State Emergency Response Commission meeting held on May 31, 1994, each LEPC is requested to submit a draft operational budget for costs and items related to the administering of Chapter 128E "Hawaii Emergency Planning and Community Right-to-Know Act" (HEPCRA). The individual LEPC budgets will be included in a final Department of Health submittal for legislative funding.

Use the following guidelines for the budget:

- Include administrative support cost associated with LEPC operations. Examples of costs: Salaries for clerical staff, postage for correspondence to LEPC members, long distance phone calls, and general office supplies used by the LEPC. If you are including salaries as a cost item, please note position title and percentage of time.
- Include travel expenses for LEPC members attending functions on neighbor islands (plane fare, car rental, taxi, per diem, etc.).
- The budget should be based on an annual total. You may use the State's fiscal year (July 1 through June 30) as a basis for your budget.
- Equipment costs and "wish list" items are to be placed on a separate list, these items will go into another category for legislative submission. Please provide justifications for each item.

Chief Tsuji
June 20, 1994
Page 2

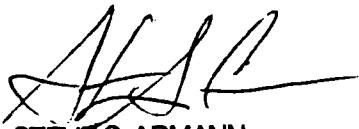
In addition for requesting legislative funding, the HSERC will use this information to assess the needs of each LEPC and provide support accordingly.

Please provide the draft LEPC budgets and equipment lists no later than Monday, July 18, 1994.

If there are any questions or should you need further assistance, please contact Marsha Mealey or Chris Takeno at 586-4249.

Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Armann', with a long horizontal flourish extending to the right.

STEVE S. ARMANN
Acting Manager

Maui

RECEIVED
JUL - 5 1994

LINDA CROCKETT LINGLE
MAYOR



RONALD P. DAVIS
CHIEF
RONALD DeMELLO
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE CONTROL

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 243-7561

July 1, 1994

State of Hawaii
Department of Health
P.O. Box 3376
Honolulu, HI 96801

LEPC OPERATIONAL BUDGET

Written Justifications for Budget: The Maui County LEPC during its most recent meetings, has requested \$15,000.00 for public information type services. Included would be a 1-800 number from Molokai and Lanai, and cost of a phone line, answering machine. Yearly cost would be about 3,000.00

Also included in this \$15,000.00 is money to publish within the Maui News and a program similar to crime watch. We would use the money to publish a list of environmental incidents and in the future set up a anonymous type environmental crime stoppers program. Yearly Cost about 4,000.00.

8,000.00 of the 15,000.00 to be used for a booklet similar to California on how to report a hazardous materials incident and a listing of County, State and Federal agencies who can help in a Hazardous Materials Incident.

The Educational Hazmat Library would have videos, programs, materials and books available to the public. First Year Cost about \$5,000.00

Full Scale Hazmat Exercise to test the Maui County Hazardous Materials Response Plan, when completed. Cost about \$5,000.00

Air Fare: The Maui County LEPC is in a special position because we serve three islands, and if the LEPC is to be truly representative of Maui County we need members from the Islands of Molokai and Lanai to attend the LEPC meetings, as well as travel for incidents on the islands of Molokai and Lanai. We would also like travel or ability to educate our LEPC members

at certain type of conferences so that we can become better at our functions.

Other items such as postage, P.O. Box rental etc., are important for the LEPC to meet its legal mandates.

We are not asking for a position at this time, due to the LEPC being basically a voluntary organization. The Maui County LEPC can operate at this time with a volunteer base. In the future if our LEPC gets going and starts meeting all legal mandates, then the LEPC may need some type of office help. At this time we would like the budget to help get training information, response information and environmental protection information out to the public, and the ability to have all member islands be represented on the LEPC as well as public communication capability.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Joseph Blackburn', with a long horizontal flourish extending to the right.

Joseph Blackburn
Chairman, Maui County LEPC

**HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE
BUDGET PROPOSAL
July 12, 1994**

prepared by
Carter W. Davis, Chairperson

The Honolulu Local Emergency Planning Committee (LEPC) as requested by letter dated June 20, 1994 from Steve Arman, Acting Manager of the Hazard Evaluation and Emergency Response Office, submits the following budget proposal:

- Operational Budget**

The operational budget is comprised of the partial salary of one (1) Civil Defense Staff Officer I (OCDA HAZMAT Officer), annual LEPC mail costs, and general administrative costs (office supplies, reference materials, etc.).

The HAZMAT officer's duty is to assist the LEPC in development and maintenance of the Hazardous Materials Response Plan for the City and County of Honolulu, coordinates activities for the LEPC and maintains all EPCRA data. Oahu Civil Defense Agency (OCDA) plays a vital support role for the Honolulu LEPC. OCDA is the point of contact for inquiries and required notifications.

Mail costs are broken down into correspondence costs to LEPC members and correspondence to facilities with hazardous materials on Oahu along with public inquiries.

General administrative costs include paper, copying, cost of reference materials, and items for office use.

<u>Description</u>	<u>Amount</u>	<u>Cost</u>	<u>Total</u>
Mail			
LEPC Correspondence	100	\$2.90	\$290.00
General Correspondence	500	\$2.90	\$1,450.00
			1,740
50% FTE Civil Defense Staff Officer I	\$49,278.00 (per year w/benefits)		<u>\$24,639.00</u>
Total			\$26,379.00

- Data Management System**

Federal EPCRA and State HEPICRA require the LEPCs to maintain facility MSDS, and facility maps. The Honolulu LEPC receives approximately 400 plus facility forms annually. Presently, the forms and information are filed in folders and stored in a cabinet. This system is very inefficient for information retrieval, review, and maintenance.

EPCRA Data Management Program implemented by the State Department of Health uses the software program, CAMEO (Computer Aided Management for Emergency Operations) to exchange data. The information maintained by the counties can be transferred in the CFISH program to provide public information.

It should be noted that the EPCRA Data Management Program is **not** under a long term plan that fully integrates LEPC, SERC, County and State Government, and Civil Defense functions. It is recommended that a long term plan that would include hardware and software requirements be developed. This budget only addresses short-term goal objectives.

The Honolulu LEPC lacks the proper tools to perform an adequate vulnerability and hazard analysis. Previously, the LEPC used the DOT Emergency Response Guidebook for "isolation and protection zones" for select chemicals. The software program "Areal Locations of Hazardous Atmospheres (ALOHA)", is also bundled with CAMEO and allows for the plume modeling of toxic gas releases.

Cost of Data Management System:

Macintosh Computer	\$2,500.00	
Monitor	500.00	
Laser Printer	1,500.00	
CAMEO Software	450.00	
Word Processing Software	<u>350.00</u>	
Total	\$5,300.00	

- **Training Funds**

There is a lack of expertise in the area of hazard analysis, public information dissemination, and EPCRA enforcement, Uniform Building and Fire Code interpretation and enforcement. Funds for training activities should be allotted to each LEPC. Although there is available HMTUSA and EPCRA training funds, most of the funds are rapidly absorbed in the training of emergency response personnel. The Honolulu LEPC does not at this time have a monetary figure to submit.

Examples of activities would include travel to such national conferences as the International Hazardous Materials Spills Conference and the facilitation of instructors to Hawaii to present to building and fire code enforcement and plans examining personnel the specific problems associated to the storage and construction requirements related to the storage and use of hazardous materials.

- **Networking Capability**

The Honolulu LEPC should be able to exchange information regarding hazardous materials response, toxicological data, and public outreach. Information exchange should not only occur with the Department of Health, but other counties in Hawaii and other LEPCs throughout the nation. The area of hazardous materials and environmental health changes rapidly, and with the distance of Hawaii from the mainland, accurate and updated information is very critical. It is the belief of the Honolulu LEPC that an E-Mail system would greatly enhance communications between the various government and industry organizations along with the civilian population.


Cost for networking capability:

Modem	\$300.00
Software	200.00
Long distance	150.00 (per year)
Bulletin Board fees	<u>200.00</u> (per year)
Total	\$850.00 ✓

- **Total Projected Budget Request (without training funds) \$32,529.00**

This projected budget request is not prioritized. The Honolulu LEPC chairperson is available to discuss this request and any other related issues.

This budget request has been voted and approved by the Honolulu LEPC membership at a meeting held on July 12, 1994.



CARTER W. DAVIS
Chairperson

7/12/94
Date

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
KAUAI DISTRICT HEALTH OFFICE
3040 UMI STREET
LIHUE, HAWAII 96766

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

RON METLER, M.D.
DISTRICT HEALTH SERVICES ADMINISTRATOR

July 12, 1994

To: Clifford Ikeda, Chairman
Kauai Local Emergency Planning Committee

From: District Health Services Administrator, Kauai

Subject: Equipment "Wish List"

The following equipment is essential to providing of a coordinated and effective disaster response for the Kauai District Health Office.

1. Lap top computer with built in fax/modem - \$3,500, to be used for receiving information from HEERA office while on site and for access to chemical data bases.
2. Cellular phones - 10 at \$350/ea, for communication with nurses and sanitarians in the various districts to coordinate response.
3. Hand held 2-way radios - 5 at ? \$, to be used by the District Health Office sanitarians and PHNs on site to allow communication with other response agencies through the new county 800 Mega Hz system.
4. First aid kits - 6 at \$160, for PHNs in each district for emergency first aid.
5. Pagers - 3 at \$150, to contact other members of DOH response team.
6. Carrying cases - 3 x \$150, to store and transport equipment and supplies for emergency incidents.

Clifford Ikeda

2

July 12, 1994

- 7. Maintenance and monthly service for above electronic equipment - \$3,000

Clifford Ikeda
Ron Metler

Ron Metler, M.D.

RM:hy

Post-It brand fax transmittal memo 7671		Pages ▶ 1
To Dr. Bruce Anderson	From HIOSH	
Co.	Co.	
Dept.	Phone #	
Fax # 526-4444	Fax # 526-9104	



DAYTON M. NAKANELUA
DIRECTOR

ALFRED C. LARDIZABAL
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

rec'd 10:00 a.m.

August 31, 1994

Dr. Bruce Anderson
Deputy Director of Health
Acting Chairman, HSERC

Dear Sir:

Ms. Mariette Cooray is our alternate for our official representative of DLIR, Russell Charlton, who is unable to attend today's HSERC meeting.

Please extend all duties and responsibilities to Ms. Cooray as you would Mr. Charlton.

Sincerely,

Nicholas A. Souza, Acting Manager
Occupational Safety & Health Div.

JOHN WAIHEE
GOVERNOR OF HAWAII



PETER A. SYBINSKY, Ph.D.
JOHN C. LEWIN, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

August 12, 1994

In reply, please refer to:
File:

Hawaii State Emergency Response Commission (HSERC)
919 Ala Moana Boulevard, Room 206
Honolulu, Hawaii 96814-4912

HSERC:

Under authority of the Hawaii Revised Statutes, Chapter 128E-2(c),
I designate Bruce S. Anderson, Ph.D. to act as Chairperson of the
HSERC.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Sybinsky", is written over the typed name.

PETER A. SYBINSKY, Ph.D.
Director of Health
Chairperson, HSERC

announcements Mailed

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*Hawaii County
LEPC Rep to the NSEPC*

Hawaii County
Local Emergency Planning Committee
November 1993

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Dave Smith
Big Island Press Club
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sent 09/01/94

If you would like to receive a copy of the

"National Release of the 1992 TRI Data",

please sign below.



Namelle N. Cooray DLIR

Chulee Grove HCC

Jay Sasan Hawaii LER

Blank lined area for additional signatures.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 19 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Note to: State EPCRA Section 313 Coordinators

Subject: National Release of the 1992 TRI Data

From: Eileen Fesco, TRI Branch *Eileen A. Fesco*
Environmental Assistance Division

On April 19, EPA held a press conference announcing the availability of the 1992 national TRI data. For your information, enclosed are copies of the documents which were handed out at the press conference.

If you have any questions, call your EPA EPCRA Section 313 Coordinator (list enclosed).

cc: Regional EPCRA Section 313 Coordinators
Sam Sasnett
Linda Wunderlich



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1992 TOXICS RELEASE INVENTORY PUBLIC DATA RELEASE

EXECUTIVE SUMMARY

MAJOR FINDINGS

Reported industrial releases of toxic chemicals into the nation's environment in 1992 totalled 3.182 billion pounds, a decline of 6.6% since 1991 and 35% since 1988.

The total quantity of toxic chemicals in waste generated by industry in 1992 has increased slightly since 1991, to about 37.3 billion pounds.

Transfers of toxic chemicals to off-site locations for treatment, disposal, and other waste management in 1992 totalled 4.368 billion pounds, an increase of nearly 17% since 1991. Most of this increase was due to increased transfers for recycling.

About 36% of all facilities reporting to TRI reported implementing source reduction activities to reduce the quantity of toxic chemicals generated in waste.

Releases and transfers of the 17 chemicals targeted through EPA's 33/50 Program of voluntary reductions have declined more than 40% since 1988, exceeding by more than 100 million pounds the program's 1992 interim reduction goal of 33%.

CHAPTER 1: 1992 TRI RELEASES AND TRANSFERS

A total of 23,630 facilities submitted 81,016 individual chemical reports to TRI in 1992.

Reported industrial releases of toxic chemicals into the nation's environment totalled 3.182 billion pounds in 1992. More than half of this amount, about 58%, was released to the nation's air. Figure E-1 presents 1992 TRI releases by environmental media.

Reported transfers of chemicals off-site for treatment, disposal, and other waste management totalled 4.368 billion pounds in 1992. Nearly two-thirds of this amount consisted of transfers off-site for recycling. Transfers to off-site locations for disposal constituted less than 6% of all off-site transfers. Figure E-2 presents off-site transfers by transfer type.

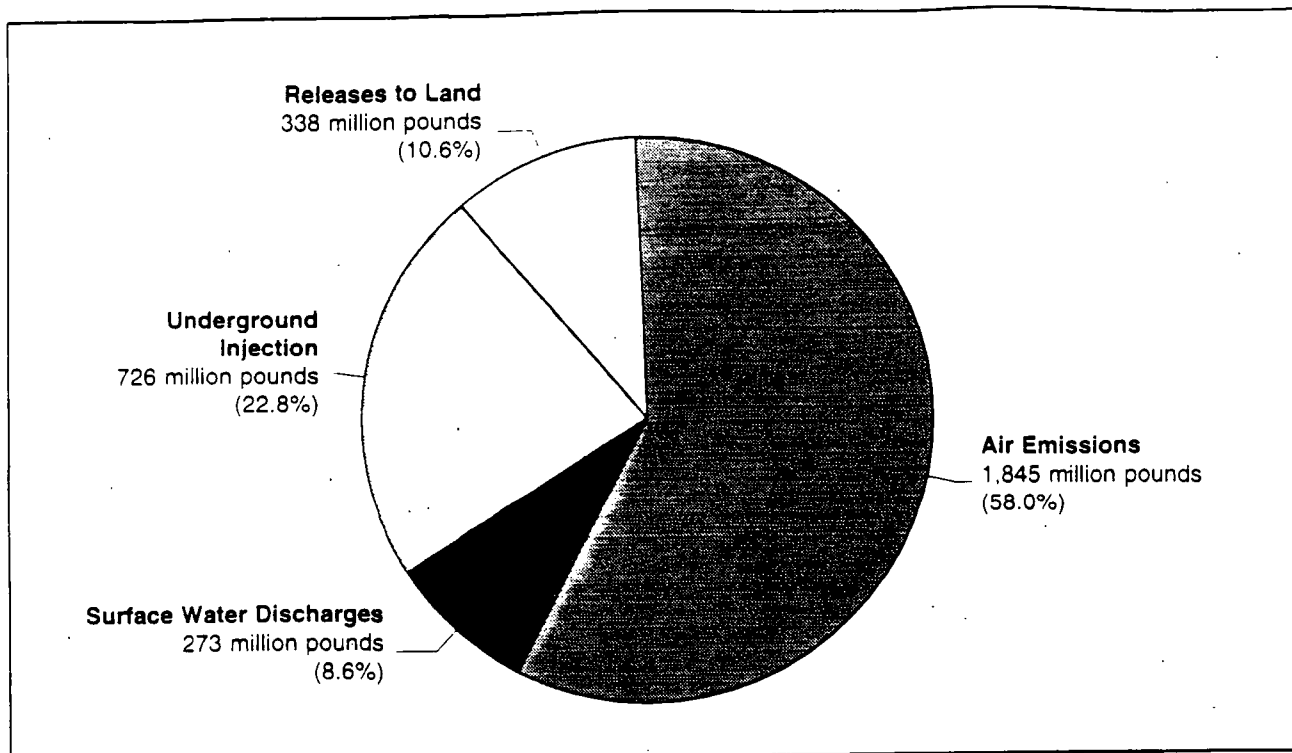


Figure E-1. TRI Releases, 1992.

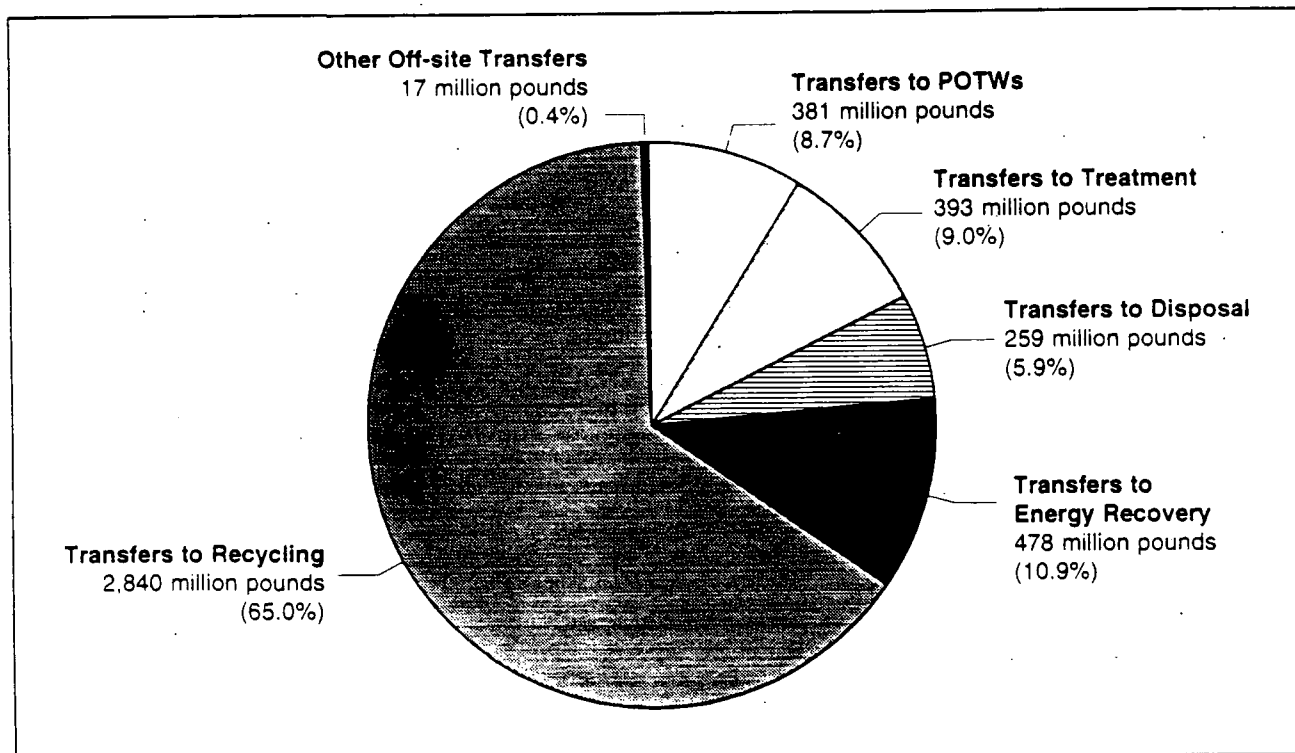


Figure E-2. TRI Transfers for Waste Management, 1992.



The five states with the largest quantities of total TRI releases (including underground injection of waste) are Louisiana (465 million pounds), Texas (420 million pounds), Tennessee (194 million pounds), Ohio (144 million pounds), and Indiana (124 million pounds). These same five states have the greatest quantities of TRI chemicals released to air, water and land (excluding underground injection), although Ohio drops to fifth place.

The top five industries for total TRI releases (including underground injection) are chemical manufacturing (1.536 billion pounds), primary metals (345 million pounds), paper manufacturing (233 million pounds), plastics (138 million pounds), and transportation equipment (137 million pounds). Figure E-3 illustrates the top 10 industries for total TRI releases in 1992.

The top 10 parent companies controlled slightly more than 1% of all facilities reporting to TRI, but accounted for 31% of total TRI releases (including underground injection) and 24% of TRI releases to air, water and land. The top 50 facilities reporting to TRI accounted for 42% of total TRI releases (including underground injection) and 31% of TRI releases to air, water and land.

The top five chemicals for total TRI releases were ammonia, hydrochloric acid, methanol, phosphoric acid, and toluene. The top five chemicals for releases to air, water and land were methanol, ammonia, phosphoric acid, toluene, and acetone.

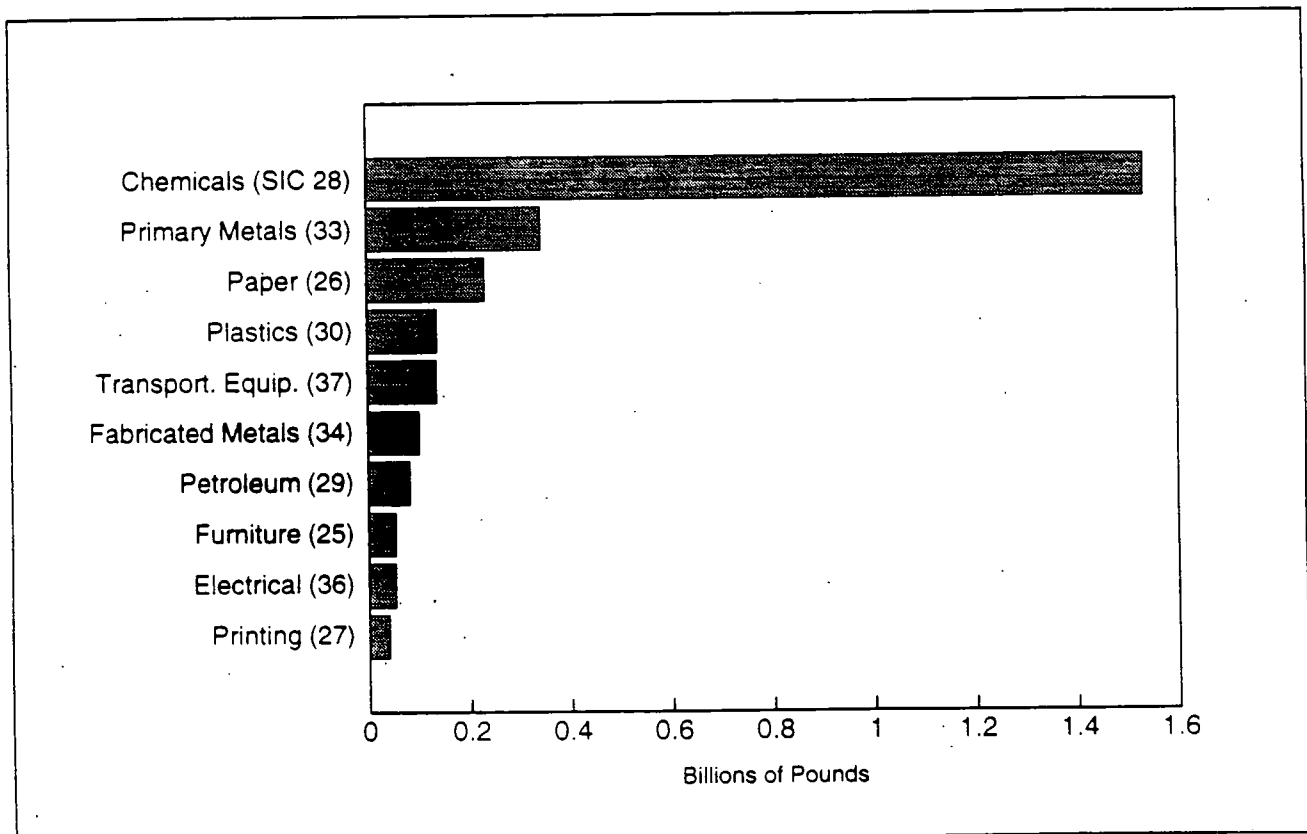


Figure E-3. Top 10 Industries for Total TRI Releases, 1992.



A total of 197 million pounds of known or suspected carcinogens were released by facilities. Facilities also reported releasing 166 million pounds of ozone-depleting chemicals, 283 million pounds of metals and metal compounds, and 3 million pounds of bioaccumulators.

CHAPTER 2: PREVENTION AND MANAGEMENT OF TRI CHEMICALS IN WASTE

Facilities reported generating 37.334 billion pounds of TRI chemicals in waste in 1992. This quantity includes amounts recycled, burned for energy recovery, treated, and released or disposed, both on-site and off-site. It includes only production-related quantities, not amounts generated as a result of non-routine incidents, such as accidents and remedial activities. An additional 34 million pounds of non-production related wastes were reported by facilities in 1992.

More than 50% of the toxic chemicals generated in waste was recycled by facilities, either on-site or off-site. Only about 9% was released on-site or disposed off-site. Figure E-4 presents 1992 quantities of toxic chemicals in waste, by waste management technique.

The top five industries for total quantities of TRI chemicals in waste were chemical manufacturing (19.897 billion pounds), primary metals (4.044 billion pounds), petroleum (2.945 billion pounds), paper (2.538 billion pounds), and electrical equipment (.964 billion pounds).

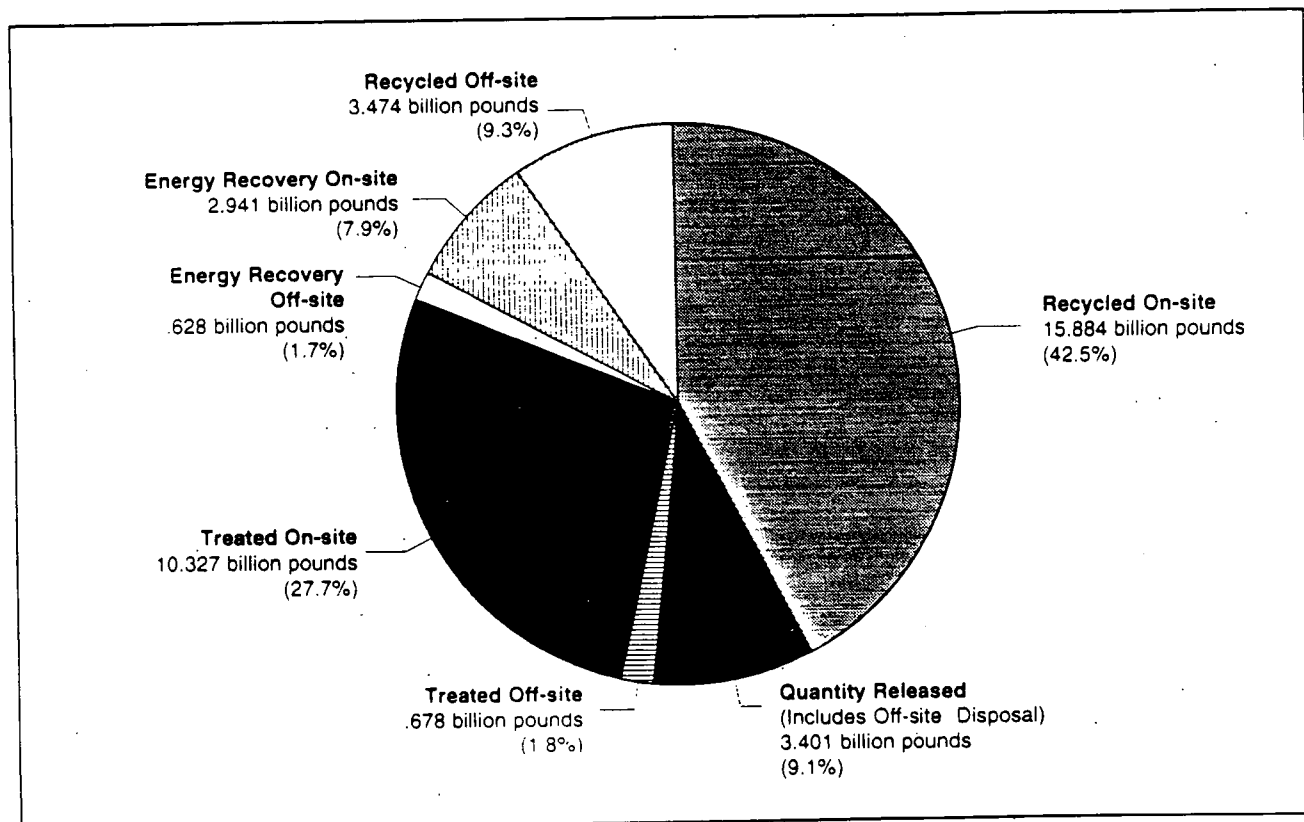


Figure E-4. Management of TRI Chemicals in Waste, by Activity, 1992.



The total reported quantity of toxic chemicals in waste increased slightly since 1991, from 37.162 billion pounds to 37.334 billion pounds. Although small in percentage terms (0.5%), the increase represents an additional 170 million pounds of toxic chemicals in waste managed by facilities. Quantities undergoing off-site recycling and energy recovery and on-site treatment increased between 1991 and 1992. Table E-1 compares the quantities of TRI chemicals in waste by management activity for 1991 and 1992.

Table E-1. Quantities of TRI Chemicals in Waste, 1991 and 1992. ①

Management Activity	1991	1992	Percent
	Quantity Billions of Pounds	Quantity Billions of Pounds	Change Percent
Recycled On-site	16.171	15.884	-1.8
Recycled Off-site	2.983	3.474	16.5
Used for Energy Recovery On-site	3.260	2.941	-9.8
Used for Energy Recovery Off-site	0.500	0.628	25.6
Treated On-site	9.895	10.327	4.4
Treated Off-site	0.710	0.678	-4.5
Released or Disposed	3.644	3.401	-6.7
Total Production-related Waste	37.162	37.334	0.5

Table E-2. Actual and Projected Quantities of TRI Chemicals in Waste, 1992-1994.

Management Activity	Actual Data		Projected Data ②			
	1992		1993		1994	
	Pounds	Percent	Pounds	Percent	Pounds	Percent
Recycled On-site	15,884,194,888	42.5	16,777,659,985	44.8	16,911,850,011	45.1
Recycled Off-site	3,473,894,509	9.3	3,172,827,577	8.5	3,454,654,976	9.2
Energy Recovery On-site	2,941,222,113	7.9	2,909,306,636	7.8	3,091,684,371	8.3
Energy Recovery Off-site	627,954,600	1.7	597,471,908	1.6	589,834,167	1.6
Treated On-site	10,326,749,494	27.7	10,184,180,233	27.2	10,097,658,804	27.0
Treated Off-site	678,373,850	1.8	627,265,273	1.7	598,615,840	1.6
Quantity Released/Disposed	3,401,386,170	9.1	3,177,194,783	8.5	2,716,113,363	7.3
Total Production-related Waste	37,333,775,624	100.0	37,445,906,395	100.0	37,460,411,532	100.0

① 1991 amounts are as reported on the 1991 Form R and 1992 amounts are as reported on the 1992 Form R.

② Data for 1993 and 1994 are estimates projected by the facilities submitting Form Rs for the 1992 reporting year. As projections, those quantities do not represent estimates of actual quantities for the 1993 or 1994 reporting years.



Projected data (Table E-2) indicate that the total quantity of waste generated by facilities may rise slightly in 1993 and 1994. Percentages of waste undergoing recycling and energy recovery are projected to increase slightly, while percentages treated and released or disposed are projected to decrease slightly.

Thirty-six percent of all facilities reported undertaking at least one source reduction activity to reduce the quantity of TRI chemicals in waste. Twenty-five percent of all reporting forms received reported source reduction. The most frequently reported source reduction activities were good operating practices, process modifications, and spill and leak prevention activities.

CHAPTER 3: YEAR-TO-YEAR COMPARISON OF TRI DATA

In order to control for changes in the chemical list over time, all year-to-year comparisons are based on a consistent list of only those chemicals that were reportable for all years being compared. The 1991-1992 comparisons include some chemicals that were added to the TRI list after 1988; the 1988-1992 comparisons do not. Therefore, totals for 1991 and 1992 in the 1991-1992 comparison do not match totals for 1991 and 1992 presented in the 1988-1992 comparison. Although TRI data were collected for 1987, 1988 has been selected as the baseline year for the program because of concerns about the data quality of industry's first-year submissions.

Reported industrial releases of toxic chemicals dropped 6.6% since 1991, a decrease of 224 million pounds. In all, reported releases have dropped 35% since 1988.

Table E-3 presents release and transfer data for 1991 and 1992, including percent changes for each release and transfer type. Figure E-5 illustrates environmental releases by release type for each year 1988-1992.

Table E-3. Comparison of TRI Releases and Transfers, 1991-1992.

	1991 Pounds	1992 Pounds	Change in Amount Pounds	Percent Change Percent
Air emissions	2,036,678,204	1,844,958,336	-191,719,868	-9.4
Surface water discharges	243,351,148	272,932,953	29,581,805	12.2
Underground injection	710,366,770	725,946,415	15,579,645	2.2
Releases to land	414,844,420	337,809,053	-77,035,367	-18.6
Total Releases	3,405,240,542	3,181,646,757	-223,593,785	-6.6
Transfers to recycling	2,266,829,164	2,839,825,919	572,996,755	25.3
Transfers to energy recovery	443,311,526	477,639,264	34,327,738	7.7
Transfers to treatment	353,150,798	393,466,540	40,315,742	11.4
Transfers to POTWs	395,560,966	381,096,823	-14,464,143	-3.7
Transfers to disposal	267,586,409	258,642,577	-8,943,832	-3.3
Other off-site transfers ^①	10,316,150	16,933,490	6,617,340	64.1
Total Transfers	3,736,755,013	4,367,604,613	630,849,600	16.9
Total Releases and Transfers	7,141,995,555	7,549,251,370	407,255,815	5.7

① Transfers reported with no waste management codes or invalid codes.



Air emissions have declined 9.4% since 1991, from 2.037 billion pounds to 1.845 billion pounds. Much of this decrease was attributable to decreased releases of a variety of solvents, ammonia, and chlorine. Air emissions have decreased 32% since 1988.

Surface water discharges increased 12.2%, from 243 million pounds in 1991 to 273 million pounds in 1992. This increase was due to increased run-off releases of phosphoric acid from four fertilizer manufacturing facilities in Louisiana and Texas. Excluding these releases from the national totals, other water releases actually decreased by 11.5% since 1991. Overall, water releases have declined 12% since 1988.

Releases to land decreased 18.6% since 1991, from 415 million pounds in 1991 to about 338 million pounds in 1992. Land releases have declined 34% since 1988.

Underground injection of waste increased 2.2%, from 710 million pounds in 1991 to 726 million pounds in 1992. Underground injection of waste has dropped 46% since 1988.

Reported transfers of toxic chemicals to off-site locations for treatment, disposal, and other waste management increased 17% since 1991. This increase of 631 million pounds was primarily due to transfers for recycling, which increased 25% since 1991. Transfers for energy recovery and for

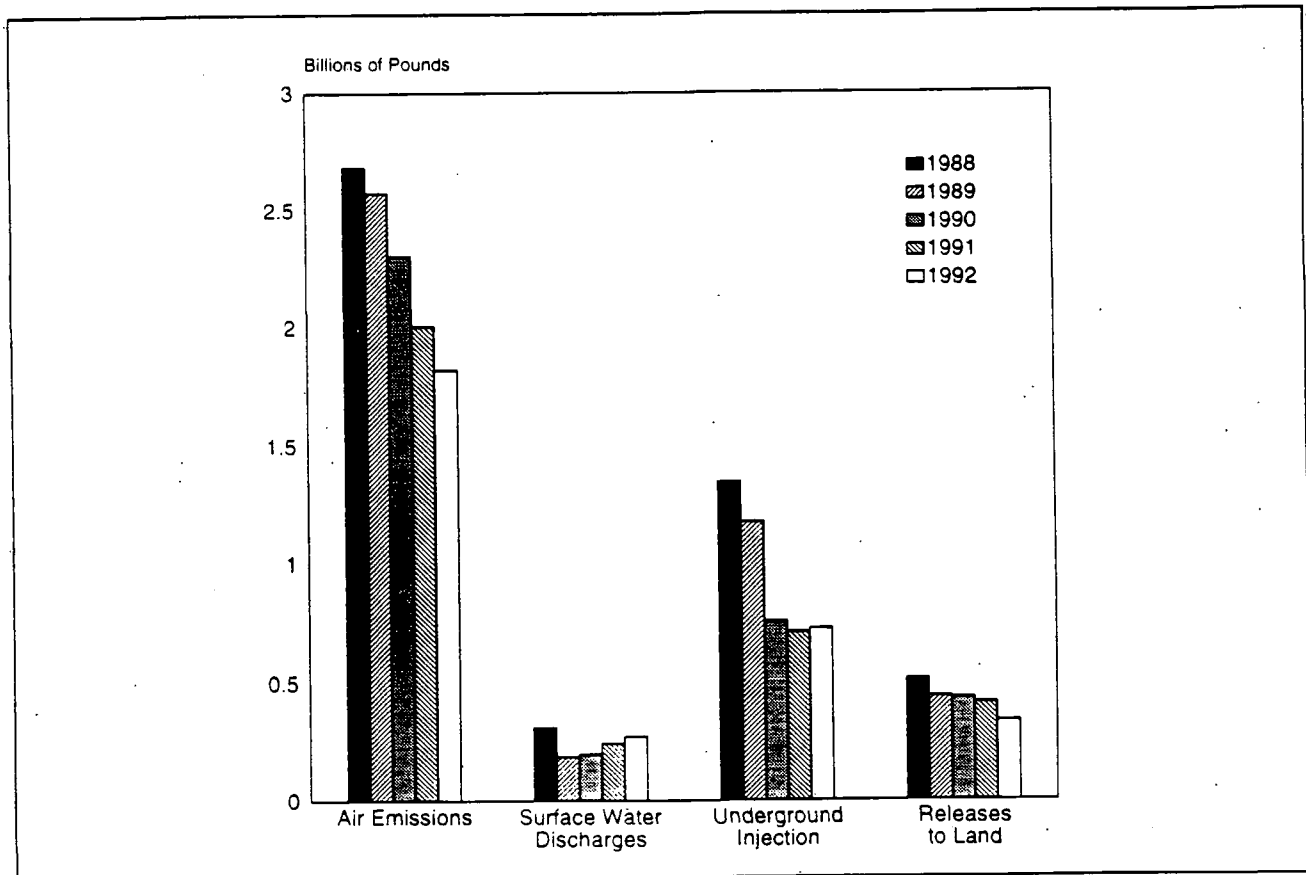
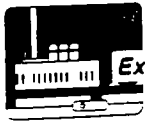


Figure E-5. TRI Releases, 1988-1992. ⁴

⁴ Does not include data for aluminum oxide, delisted chemicals, or chemicals added in 1990 and 1991.



treatment also increased. See Table E-3 for 1991 and 1992 transfer data by transfer type, including percent changes. 1992 transfers cannot be directly compared to 1988 transfers because of a change in reporting requirements that took effect in 1991.

CHAPTER 4: TRI REPORTING PROFILES FOR 33/50 PROGRAM CHEMICALS

The 33/50 Program is a voluntary pollution prevention initiative that targets 17 TRI chemicals for reductions in releases and transfers. Goals for the 33/50 Program are a 33% reduction by the 1992 reporting year, and a 50% reduction by the 1995 reporting year, measured against 1988 TRI data. 33/50 Program goals include all releases, as well as transfers to off-site locations for treatment and disposal. Transfers for recycling and energy recovery are not included because they were not reportable in 1988.

Releases and transfers of these 17 targeted chemicals have declined more than 40% since 1988, exceeding by more than 100 million pounds the program's interim reduction goal of 33%. Figure E-6 presents the combined releases and transfers of these 17 chemicals for each year 1988 to 1992, as well as the reduction goals for the 33/50 Program. Because the 33/50 Program was not initiated until 1991, reductions achieved between 1988 and 1990 contribute to the national reduction goals but should not be viewed as resulting from the 33/50 Program.

Releases and transfers of these 17 chemicals declined by about 10.4% between 1991 and 1992. This rate of decrease was four times the rate for all other TRI chemicals between 1991 and 1992.

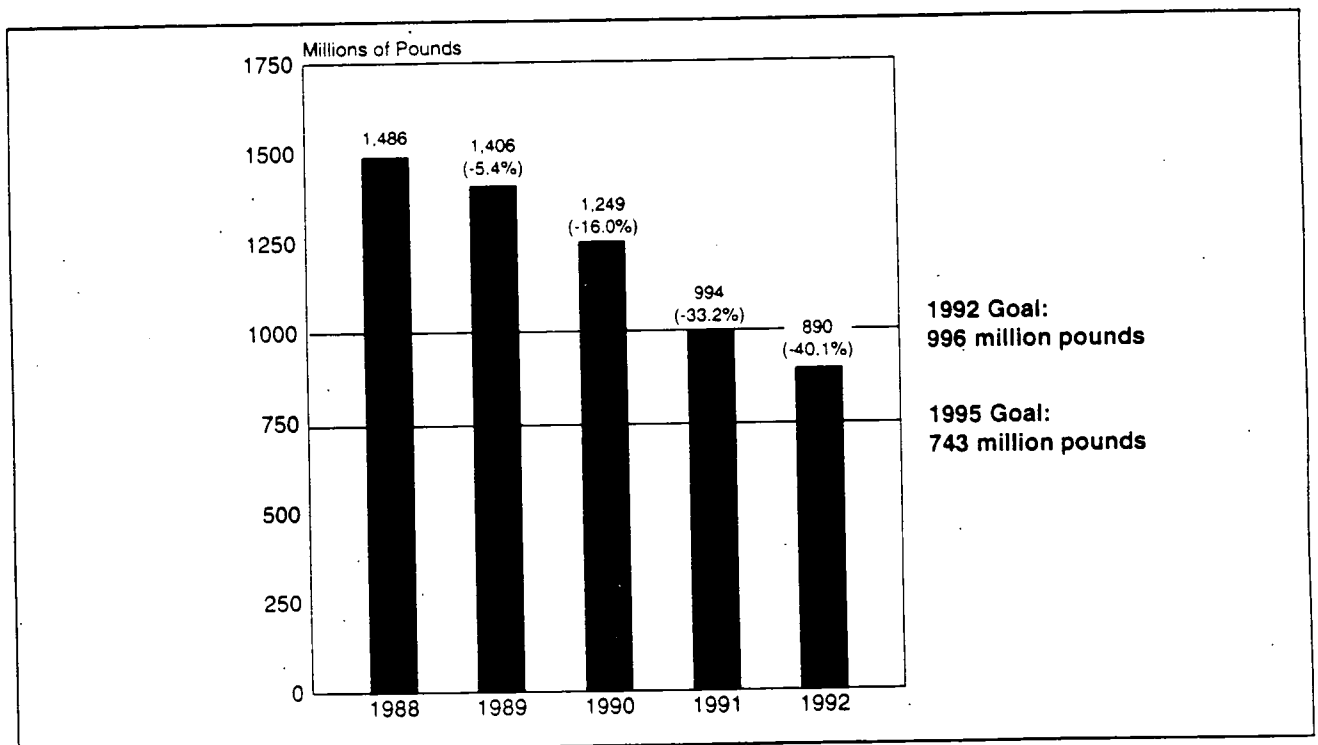


Figure E-6. TRI Releases and Transfers of 33/50 Program Chemicals, 1988-1992.⑤

⑤ The amounts for recycling and energy recovery reported for 1991 and 1992 have not been included in these totals.

1992 TOXICS RELEASE INVENTORY PUBLIC DATA RELEASE

EXECUTIVE SUMMARY

MAJOR FINDINGS

Reported industrial releases of toxic chemicals into the nation's environment in 1992 totalled 3.182 billion pounds, a decline of 6.6% since 1991 and 35% since 1988.

The total quantity of toxic chemicals in waste generated by industry in 1992 has increased slightly since 1991, to about 37.3 billion pounds.

Transfers of toxic chemicals to off-site locations for treatment, disposal, and other waste management in 1992 totalled 4.368 billion pounds, an increase of nearly 17% since 1991. Most of this increase was due to increased transfers for recycling.

About 36% of all facilities reporting to TRI reported implementing source reduction activities to reduce the quantity of toxic chemicals generated in waste.

Releases and transfers of the 17 chemicals targeted through EPA's 33/50 Program of voluntary reductions have declined more than 40% since 1988, exceeding by more than 100 million pounds the program's 1992 interim reduction goal of 33%.

CHAPTER 1: 1992 TRI RELEASES AND TRANSFERS

A total of 23,630 facilities submitted 81,016 individual chemical reports to TRI in 1992.

Reported industrial releases of toxic chemicals into the nation's environment totalled 3.182 billion pounds in 1992. More than half of this amount, about 58%, was released to the nation's air. Figure E-1 presents 1992 TRI releases by environmental media.

Reported transfers of chemicals off-site for treatment, disposal, and other waste management totalled 4.368 billion pounds in 1992. Nearly two-thirds of this amount consisted of transfers off-site for recycling. Transfers to off-site locations for disposal constituted less than 6% of all off-site transfers. Figure E-2 presents off-site transfers by transfer type.



The five states with the largest quantities of total TRI releases (including underground injection of waste) are Louisiana (465 million pounds), Texas (420 million pounds), Tennessee (194 million pounds), Ohio (144 million pounds), and Indiana (124 million pounds). These same five states have the greatest quantities of TRI chemicals released to air, water and land (excluding underground injection), although Ohio drops to fifth place.

The top five industries for total TRI releases (including underground injection) are chemical manufacturing (1.536 billion pounds), primary metals (345 million pounds), paper manufacturing (233 million pounds), plastics (138 million pounds), and transportation equipment (137 million pounds). Figure E-3 illustrates the top 10 industries for total TRI releases in 1992.

The top 10 parent companies controlled slightly more than 1% of all facilities reporting to TRI, but accounted for 31% of total TRI releases (including underground injection) and 24% of TRI releases to air, water and land. The top 50 facilities reporting to TRI accounted for 42% of total TRI releases (including underground injection) and 31% of TRI releases to air, water and land.

The top five chemicals for total TRI releases were ammonia, hydrochloric acid, methanol, phosphoric acid, and toluene. The top five chemicals for releases to air, water and land were methanol, ammonia, phosphoric acid, toluene, and acetone.

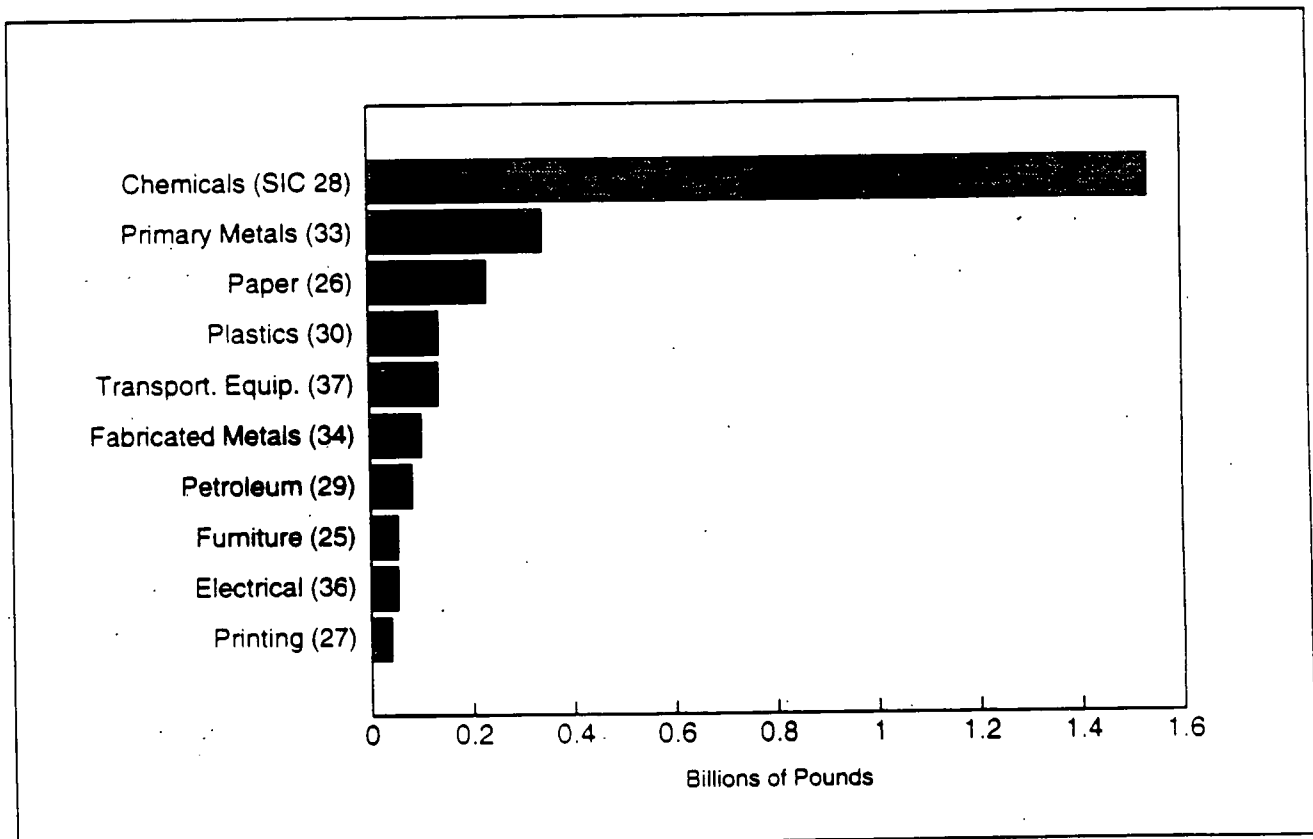


Figure E-3. Top 10 Industries for Total TRI Releases, 1992.



The total reported quantity of toxic chemicals in waste increased slightly since 1991, from 37.162 billion pounds to 37.334 billion pounds. Although small in percentage terms (0.5%), the increase represents an additional 170 million pounds of toxic chemicals in waste managed by facilities. Quantities undergoing off-site recycling and energy recovery and on-site treatment increased between 1991 and 1992. Table E-1 compares the quantities of TRI chemicals in waste by management activity for 1991 and 1992.

Table E-1. Quantities of TRI Chemicals in Waste, 1991 and 1992.^①

Management Activity	1991	1992	Percent Change
	Quantity Billions of Pounds	Quantity Billions of Pounds	
Recycled On-site	16.171	15.884	-1.8
Recycled Off-site	2.983	3.474	16.5
Used for Energy Recovery On-site	3.260	2.941	-9.8
Used for Energy Recovery Off-site	0.500	0.628	25.6
Treated On-site	9.895	10.327	4.4
Treated Off-site	0.710	0.678	-4.5
Released or Disposed	3.644	3.401	-6.7
Total Production-related Waste	37.162	37.334	0.5

Table E-2. Actual and Projected Quantities of TRI Chemicals in Waste, 1992-1994.

Management Activity	Actual Data		Projected Data ^②			
	1992		1993		1994	
	Pounds	Percent	Pounds	Percent	Pounds	Percent
Recycled On-site	15,884,194,888	42.5	16,777,659,985	44.8	16,911,850,011	45.1
Recycled Off-site	3,473,894,509	9.3	3,172,827,577	8.5	3,454,654,976	9.2
Energy Recovery On-site	2,941,222,113	7.9	2,909,306,636	7.8	3,091,684,371	8.3
Energy Recovery Off-site	627,954,600	1.7	597,471,908	1.6	589,834,167	1.6
Treated On-site	10,326,749,494	27.7	10,184,180,233	27.2	10,097,658,804	27.0
Treated Off-site	678,373,850	1.8	627,265,273	1.7	598,615,840	1.6
Quantity Released/Disposed	3,401,386,170	9.1	3,177,194,783	8.5	2,716,113,363	7.3
Total Production-related Waste	37,333,775,624	100.0	37,445,906,395	100.0	37,460,411,532	100.0

① 1991 amounts are as reported on the 1991 Form R and 1992 amounts are as reported on the 1992 Form R.

② Data for 1993 and 1994 are estimates projected by the facilities submitting Form Rs for the 1992 reporting year. As projections, those quantities do not represent estimates of actual quantities for the 1993 or 1994 reporting years.



Air emissions have declined 9.4% since 1991, from 2.037 billion pounds to 1.845 billion pounds. Much of this decrease was attributable to decreased releases of a variety of solvents, ammonia, and chlorine. Air emissions have decreased 32% since 1988.

Surface water discharges increased 12.2%, from 243 million pounds in 1991 to 273 million pounds in 1992. This increase was due to increased run-off releases of phosphoric acid from four fertilizer manufacturing facilities in Louisiana and Texas. Excluding these releases from the national totals, other water releases actually decreased by 11.5% since 1991. Overall, water releases have declined 12% since 1988.

Releases to land decreased 18.6% since 1991, from 415 million pounds in 1991 to about 338 million pounds in 1992. Land releases have declined 34% since 1988.

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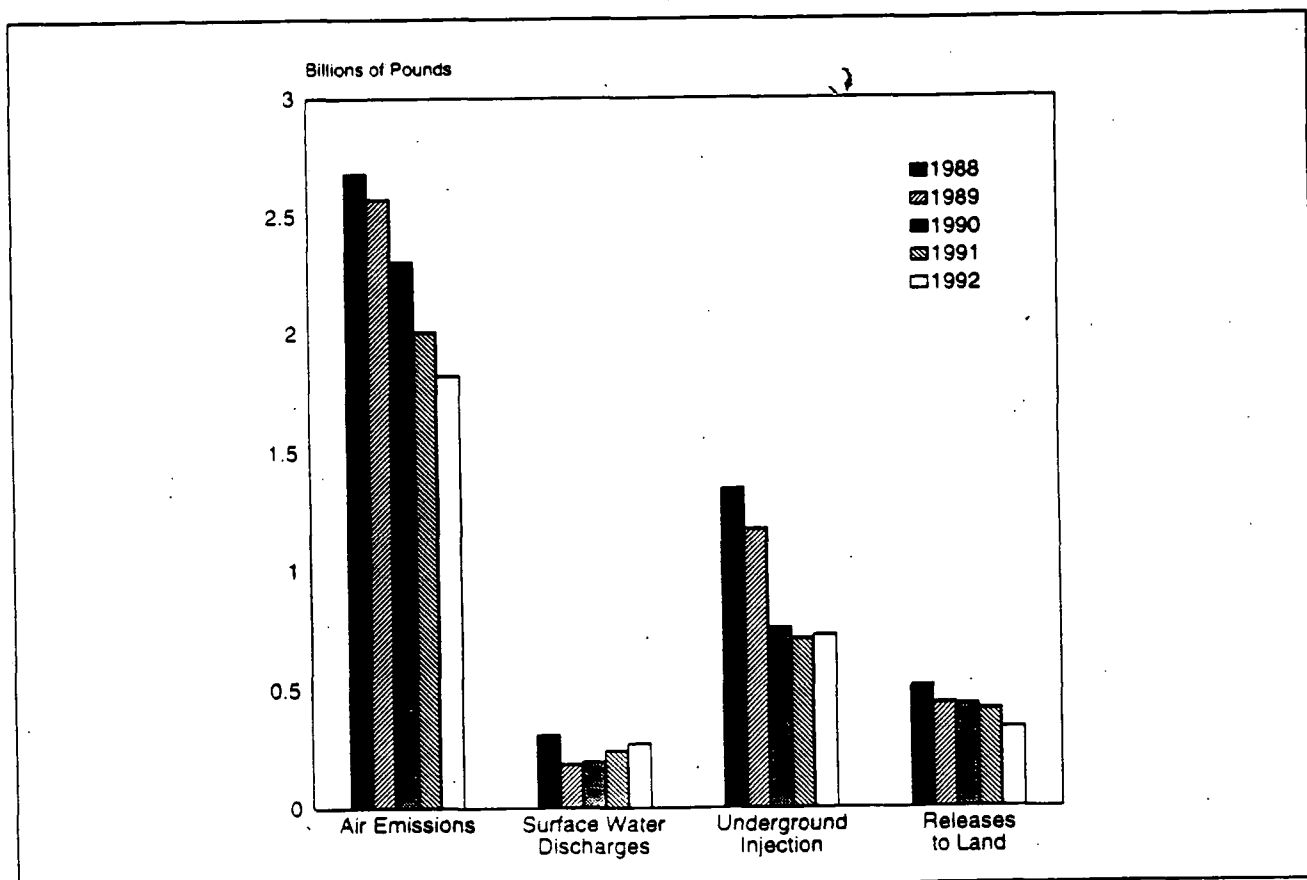


Figure E-5. TRI Releases, 1988-1992.⁴

⁴ Does not include data for aluminum oxide, delisted chemicals, or chemicals added in 1990 and 1991.

STATEMENT ON THE 1992 TOXICS RELEASE INVENTORY

Lynn R. Goldman, M.D.
Assistant Administrator of EPA's Office of Pesticides,
Prevention, and Toxic Substances

Today, we are releasing the 1992 Toxics Release Inventory Data. This release has not only become a yearly event, but has also become the annual milestone for measuring the progress that has been made in reducing chemical emissions and controlling the generation of waste in this country.

TRI provides a national overview of the patterns of chemical movement - manufacture, production, use and ultimate release and disposal. It helps to identify where releases are increasing, where they are decreasing; what chemicals are being used more and which are being used less, where pollution prevention technologies appear to be working and where they are not.

TRI is often referred to as a yardstick, but it is much more than that. It is a barometer of change - a pointer system to allow focused evaluation of geographic locations, individual industries, specific facilities or even individual chemicals that TRI data may identify as warranting additional oversight. TRI has become the Agency's most successful program for empowering the public, industry, the States, EPA, and decision makers at all levels with information on toxic chemicals in the environment.

There are dozens of examples where citizens and community groups armed with TRI data have encouraged neighboring facilities to reduce their toxic emissions. Informed citizens in Massachusetts were able to obtain a pledge from Raytheon Corp. to phase-out their use of ozone-destroying chemicals worldwide by 1992. They also pledged to use safer alternatives that don't pose cancer risks to their workers. The information has also proved to be very valuable and enlightening to industry. For example, in 1989, Eastman Kodak Co. of Kingsport, TN, committed to reducing air emissions from acetone by 50% by 1993. In 1991, they began an emissions recovery project which has resulted in a 35% reduction to date.

What started as the "Grand Experiment" in 1987 has proven to be an extremely successful program that has not only worked, but worked very well. For this reason, EPA is responding to public and Congressional requests for a more complete picture of the toxic chemicals in our environment. Later in this statement, EPA's progress in expanding the TRI will be discussed.

The data provided to the Agency for 1992 show that TRI releases reported by industry declined by six and a half percent (6.57) from 1991 and have declined by 5% since 1988 -- the

baseline year for TRI reporting. Correcting for additions to and deletions from the chemical list, this means that since 1988 the manufacturing sector has reduced their releases of TRI chemicals from 4.85 billion lbs to 3.16 billion lbs.

The 1992 data show a 9.4% decline in air releases from 1991, an 18% decrease in releases to land; a 12% increase in discharges to rivers, lakes and other bodies of water and a 2% increase in underground injection of waste. The reported decline in air and land releases is obviously welcome news. Data show that the major decreases for air emissions occurred as a result of decreases in reported emissions of a variety of solvents, ammonia and chlorine.

This is the third year we have seen increases in water releases for TRI. For 1992 the increase was attributed to significant runoff from four fertilizer facilities in Louisiana and Texas due to higher than normal rainfall and one accidental release. If you exclude the releases from these four facilities, water releases actually decreased by more than 11% in 1992. In the two previous years, the reported increases were also due to runoff caused by higher than average rainfall.

While releases to the environment have declined, the total amount of waste generated by reporting facilities has increased from 1991 to 37.3 billion pounds. This 0.5% increase, while not particularly alarming, suggests that we should be taking a close look at the reasons for this increase, especially in light of the fact that projected data also indicate slight increases for 1993 and 1994.

While this is only the second year that we have collected pollution prevention data it is proving to be a valuable addition to the Right-to-Know Program. It allows us to look at individual facilities to see where source reduction practices are being adopted -- and where they are not! It allows us to look across entire industries to see if prevention is becoming a routine part of the business cycle, or if there appears to be an industry wide problem in moving forward in this area. In addition, the data shows us a projected increase in waste generation. Two years of data clearly does not allow for the development of reliable trend information, but it does offer an insight into prevention activities.

This year, we can also announce that the 33/50 Program exceeded its 1992 interim 33% reduction goal by more than 100 million pounds, representing a 40% reduction since 1988. The seventeen 33/50 program chemicals were reduced at more than four times the rate of all other TRI chemicals between 1991 and 1992, accounting for more than half of all the reported TRI reductions.

In our expansion activities, we have begun to move beyond the existing universe of chemicals and facilities presently covered under TRI. Our plans to enhance TRI to provide a more

comprehensive program will bring in a larger universe of chemicals as well as a wider range of facilities associated with chemical releases, transfers and waste generation.

This past January, Administrator Carol Browner proposed to add more than 300 chemicals to the current reporting list. It is our plan to finalize the rule by November of this year to ensure 1995 reporting on the additional chemicals. During last year's TRI announcement, the Administrator announced her intention to also expand the facilities required to report under TRI. Today, we are announcing our strategy for that expansion and our preliminary schedule for completion.

EPA's initial analysis indicates that there are a number of industry sectors that contribute significantly to chemical releases to the environment that are not presently covered by TRI. We will be considering those industry sectors most closely related to manufacturing which have significant releases of TRI chemicals. These sectors - energy production, materials extraction and distribution, and waste management - will be the focus of further analysis and public dialogue.

We will be engaging the public and private sector through a series of public meetings to solicit input on both our approach and our analysis. The Agency's goal is to publish a proposed rule in March 1995.

With the proposed expansion of TRI, we also recognize the need to review what data we currently collect with an eye toward eliminating reports of limited value. At this time, we are developing a proposal that will create an alternative reporting threshold for facilities that report small amounts of releases and transfers. We plan on promulgating this rule at the same time as the chemical expansion rule is made final.

Building on this Administration's efforts to expand TRI, President Clinton signed an Executive Order last August requiring Federal Facilities to report on TRI chemicals beginning with reporting year 1994.

I am proud of the progress that has been made as a result of TRI activities. In the seven years since its inception, TRI has more than proven its worth as an incentive to better protect the health of the American people and their environment.



Environmental News

FOR RELEASE: TUESDAY, APRIL 19, 1994

EPA RELEASES 1992 TOXICS RELEASE INVENTORY DATA

Gwendolyn Brown 202-260-1384

The U.S. Environmental Protection Agency today announced that reported industrial releases of toxic chemicals into the nation's environment during 1992 declined by 224 million pounds (6.⁶/₇ percent) since 1991 and have dropped nearly 35 percent since the "baseline" year of 1988. Although reported releases to the environment declined in 1992, the total amount of waste generated by facilities increased slightly, to 37.3 billion pounds. Projected data provided by facilities indicate that reported waste generation may continue to increase for 1993 and 1994 as well.

TRI is an annual measure of toxic chemical releases, transfers and wastes generated by manufacturing facilities in the United States. It allows EPA, the states and the public to gauge industry's progress in reducing toxic chemical wastes.

EPA Administrator Carol M. Browner said, "EPA's TRI list provides citizens with vital information about toxic chemicals released into the air, water and land by industry in communities where they live. Citizens can use this information to gain a better understanding of environmental problems in their community and take action when there are concerns about the amount of pollution in a particular neighborhood. TRI is proof that an informed public is one of the most powerful weapons for fighting and preventing pollution."

Browner said that the Agency will publish a proposed rule by early 1995 to require TRI reporting from additional non-manufacturing establishments that support the manufacturing sector. This additional

reporting will provide TRI release data from the range of activities associated with most major industrial activities. EPA's initial analysis indicates that industry sectors such as energy production, materials extraction and distribution, waste management and transportation have significant releases of TRI listed and proposed chemicals. Browner said that the Agency intends to continue its analysis and engage in public dialogue with these industry sectors and other interested parties.

"Expanding the chemical and facility coverage of the TRI will provide citizens with comprehensive information to better assess potential risks to health and the environment in their communities and will create a more effective tool to further prevent pollution and reduce risk," said Browner.

Over the past year, EPA has added 34 chemicals to the TRI list, including ozone-depleting HCFCs and chemicals regulated under the Resource Conservation and Recovery Act and on Jan. 6 Browner proposed adding an additional 313 chemicals to the reporting list. TRI reporting by federal facilities will begin with the 1994 reporting year under an executive order issued by President Clinton last August.

The 1992 TRI data released today show:

- Transfers of toxic chemicals to other locations for waste management increased nearly 17 percent since 1991, to nearly 4.37 billion pounds. Much of this increase is attributable to a 25 percent increase in the amount of waste reported as sent off-site for recycling. Transfers for treatment and for energy recovery also increased.
- 1.84 billion pounds of toxic chemicals were reported released into the nation's air in 1992, a decline of 9.4 percent since 1991. Much of this decrease was attributable to decreased emissions of a variety of solvents, ammonia and chlorine. Air emissions have declined 32 percent since 1988.
- Discharges into the nation's rivers, lakes and other bodies of water increased for the third straight year, to nearly 273 million pounds. This represents an increase of about 12 percent since 1991. The increase is attributable to runoff releases from four fertilizer facilities in Louisiana and Texas due to higher than normal rainfall. Excluding releases from these four facilities, water releases actually decreased by more than 11 percent since 1991.

- Releases to land decreased more than 18 percent since 1991, to about 338 million pounds. Underground injection of waste increased about 2 percent, to 726 million pounds.

- The top five states for TRI releases to air, land, and water in 1992 were Louisiana (278 million pounds), Texas (192 million pounds), Tennessee (131 million pounds), Indiana (121 million pounds) and Ohio (119 million pounds). When underground injection wells are added to this list, the top five states remain the same; however, their ranking order changes to Louisiana (465 million pounds), Texas (420 million pounds), Tennessee (194 million pounds), Ohio (144 million pounds) and Indiana (124 million pounds).

- The top five industries for TRI releases to air, land, and water are chemical manufacturing, primary metals, paper manufacturing, rubber and plastics, and manufacturing of transportation equipment. These industries remain at the top and in the same ranking when underground injection is added to the list of release pathways.

- Reported releases and transfers of the 17 chemicals targeted by EPA's 33/50 program of voluntary emissions reductions have declined by more than 40 percent since 1988, exceeding the 33 percent interim reduction goal of the program by more than 100 million pounds.

The TRI data are available to the public in several formats including on-line access to computer databases, CD-ROM and computer diskettes. For general information on access to any data formats call 202-260-1531. EPA also maintains a technical hotline to help the public understand TRI reporting at 1-800-353-0202.

R-96

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NOTICE OF REPORTING ERROR
1992 TRI Public Data Release

After the 1992 TRI data release materials were printed, a significant facility reporting error was identified that affects state rankings for amounts of chemicals transferred into and out of state.

A facility in Louisiana incorrectly reported sending 160 million pounds of sulfuric acid for recycling to Rhone Poulenc's corporate headquarters location in Connecticut. This waste was actually sent to two Rhone Poulenc facilities in Louisiana and Texas. EPA has not yet received a corrected reporting form from the Louisiana facility. However, due to the magnitude of this error, EPA has prepared the following description of its effect on certain data tables and state rankings.

Because of this reporting error, Connecticut incorrectly appears in this data release as the #3 state for receipt of toxic chemicals in waste, and as the #1 state for net imports (transfers into the state minus transfers out of state) of toxic chemicals in waste. These rankings for Connecticut should be #18 and #16, respectively.

This reporting error affects 6 tables in the main data release document (1992 Toxics Release Inventory: Public Data Release), and certain state rankings presented in the State Fact Sheet book. Corrected amounts and rankings for Connecticut, Louisiana and Texas are presented below. In some cases, a change in ranking for one or more of these three states will affect slightly the rankings for other states in that table.

Table 1-7 Transfers of TRI Chemicals in Wastes Within a State, 1992 (Ordered by Total Transferred) page 36

<u>State</u>	<u>Transfers to Recycling</u>	<u>Total Transfers Within State</u>
LA #8	96,891,158 lbs.	106,300,378 lbs.

Table 1-8 Receipt of TRI Chemicals in Wastes from Out of State, 1992 (Ordered by Total Received) page 37

<u>State</u>	<u>Transfers to Recycling</u>	<u>Total Transfers Received</u>
CT #18	22,833,083 lbs.	23,997,212 lbs.
TX #3	165,296,026 lbs.	183,055,078 lbs.

Table 1-9 Total Transfers of TRI Chemicals Received, Including Intrastate Transfers and Transfers into the State, 1992 (Ordered by Transfers Received) page 38

<u>State</u>	<u>Transfers to Recycling</u>	<u>Total Transfers Received</u>
TX #2	275,402,916 lbs.	428,494,173 lbs.
LA #6	191,641,071 lbs.	228,503,248 lbs.
CT #21	32,177,903 lbs.	35,661,363 lbs.

Table 1-10 Transfers of TRI Chemicals in Wastes Out of State, 1992 (Ordered by Total Transferred) page 39

<u>State</u>	<u>Transfers to Recycling</u>	<u>Total Transfers Out of State</u>
LA #3	135,097,920 lbs.	141,542,224 lbs.

Table 1-11 States with Net Imports of TRI Chemicals in Wastes (Transfers Received from Out of State Minus Transfers Sent Out of State), 1992 (Ordered by Net Imports). page 40

<u>State</u>	<u>Transfers to Recycling</u>	<u>Net Imports</u>
CT #16	11,479,618 lbs.	2,693,076 lbs.
TX #3	64,726,846 lbs.	66,116,595 lbs.

Also add the following data for Texas in this table. Transfer total with a negative value in this table means that the state is a net exporter for that category of transfers.

<u>Transfers to Energy Recovery</u>	<u>Transfers to Treatment</u>	<u>Transfers to Disposal</u>	<u>Other Off-site Transfers</u>
-5,962,694	1,873,093	5,449,555	29,795

Table 1-12 States with Net Exports of TRI Chemicals in Wastes (Transfers Sent Out of State Minus Transfers Received from Out of State), 1992 (Ordered by Net Exports) page 41

<u>State</u>	<u>Transfers to Recycling</u>	<u>Net Exports</u>
LA #11	40,348,607 lbs.	19,339,354 lbs.
TX	- delete from table	

State Fact Sheets document changes:

Connecticut Rank #18 for Transfers into State
(23,997,212 lbs.)

Louisiana Rank #3 for Transfer out of State
(141,542,224 lbs.)

Texas Rank #3 for Transfers into State
(183,055,078 lbs.)

TOXIC RELEASE INVENTORY ON DISKETTE

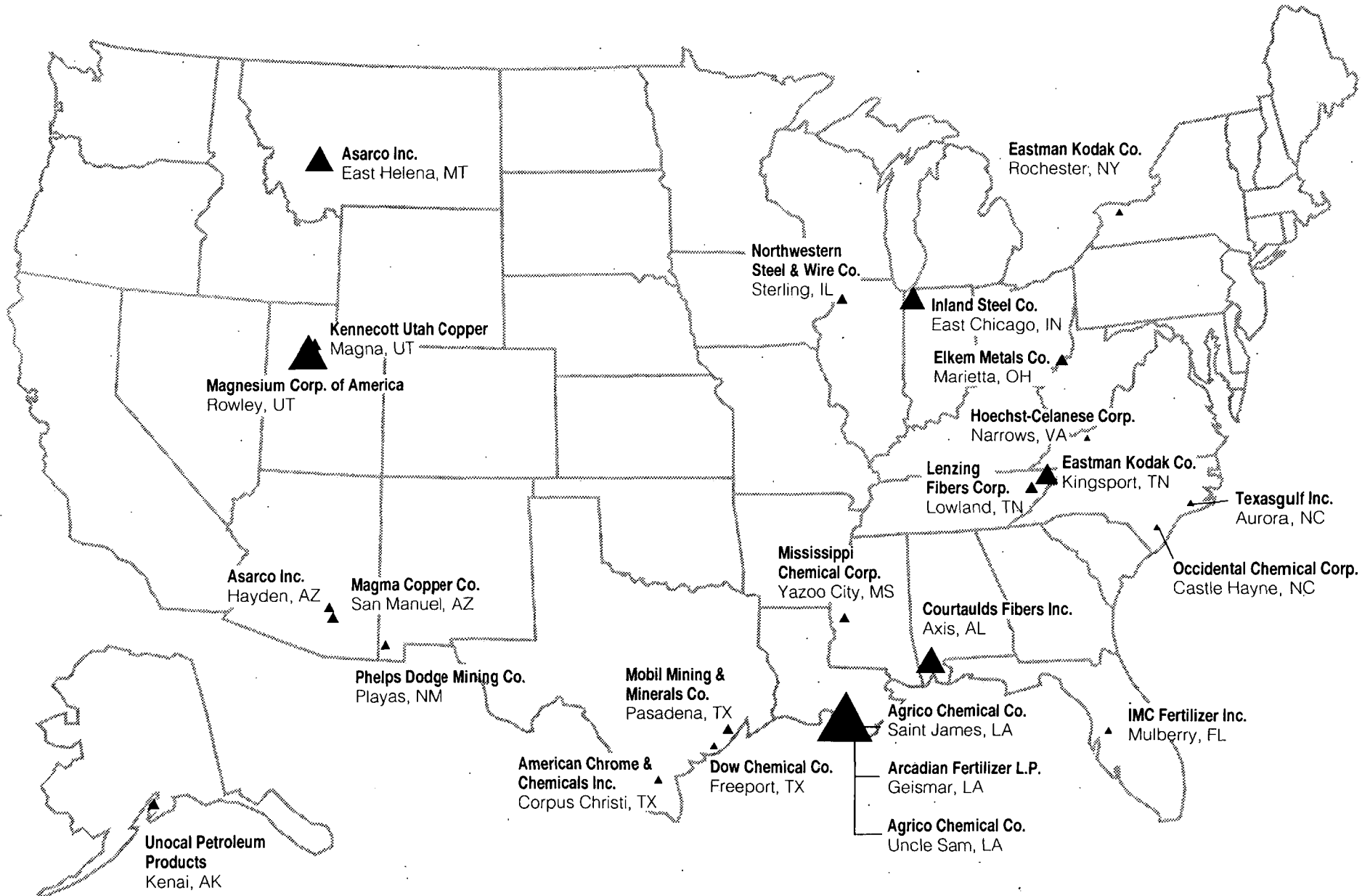
Individual State data for the 1992 Toxic Release Inventory are now available on diskettes in either a Lotus or a dBase format from the Office of Pollution Prevention and Toxics (OPPT) Library, located in the EPA Headquarters' Northeast Mall, Room B606. Interested reporters are encouraged to visit the Library immediately following the TRI Press Briefing in order to obtain any needed diskettes.

Written requests for the 1992 TRI diskettes can be mailed to the Library at the following address:

**U.S. EPA
OPPT Library (7407)
1992 Toxic Release Inventory
401 M. St. S.W.
Washington, D.C. 20460
FAX (202) 260-4659**

Requests can also be made by contacting the OPPT Library Reference Desk directly at (202) 260-3944. Additionally, Reference Desk staff members are able to answer any questions the public might have concerning the TRI diskettes or the 1992 TRI on the National Library of Medicine's TOXNET System.

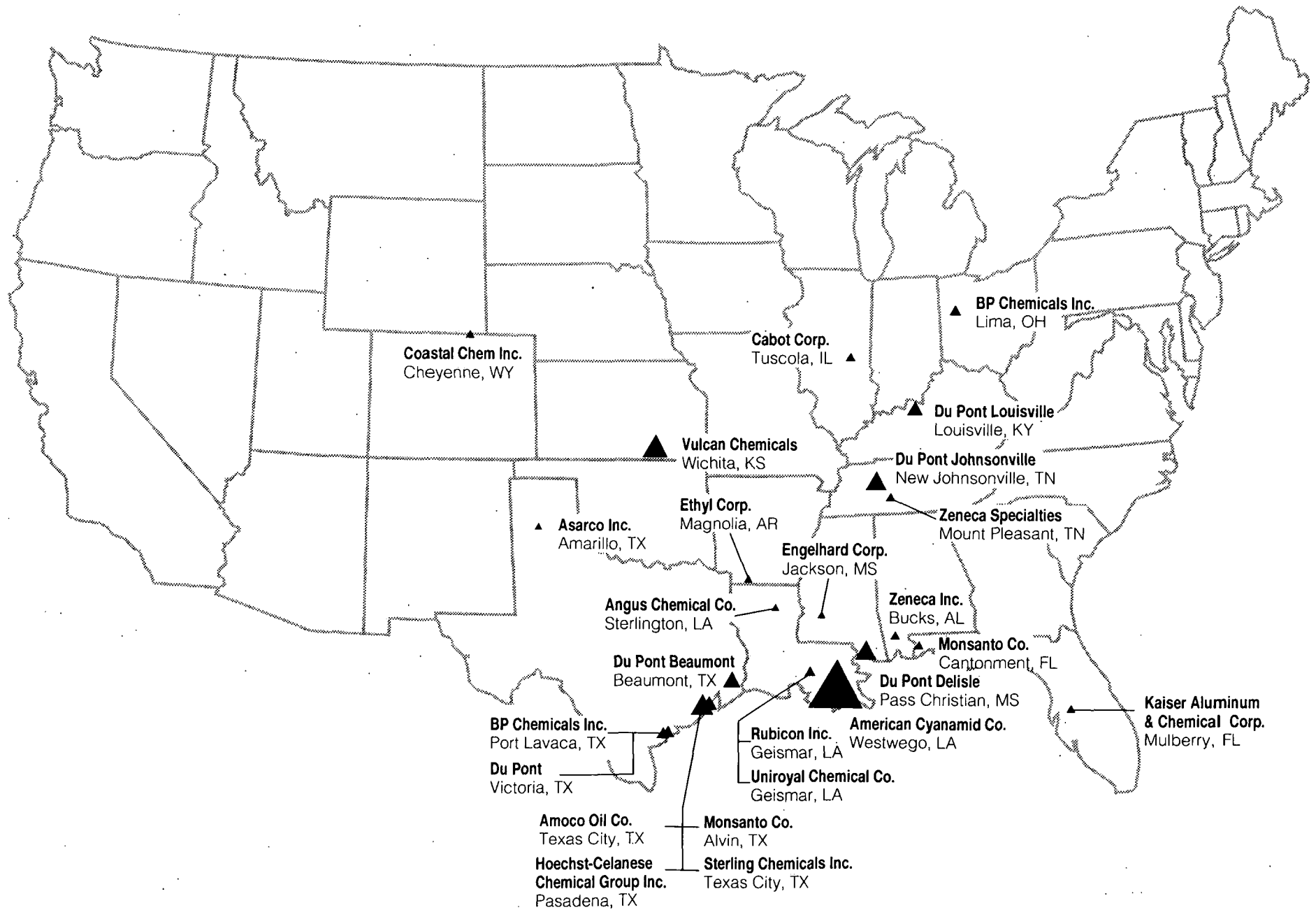
Top 25 TRI Facilities in 1992 for Total Air/Water/Land Releases



Top 25 TRI Facilities in 1992 for Total Air/Water/Land Releases

Facility	City	State	Air Emissions Pounds	Surface Water Discharges Pounds	Releases to Land Pounds	Total Air/Water/Land Releases Pounds
Agrico Chemical Co.	Saint James	LA	6,823,470	83,615,400	361,250	90,800,120
Magnesium Corp. of America	Rowley	UT	60,908,063	0	0	60,908,063
Agrico Chemical Co.	Uncle Sam	LA	364,485	57,825,523	252,823	58,442,831
Courtaulds Fibers Inc.	Axis	AL	42,297,115	57,005	450,000	42,804,120
Asarco Inc.	East Helena	MT	121,039	0	40,953,522	41,074,561
Arcadian Fertilizer L.P.	Geismar	LA	1,995,631	37,671,015	821,515	40,488,161
Eastman Kodak Co.	Kingsport	TN	31,924,470	301,554	196,443	32,422,467
Inland Steel Co.	East Chicago	IN	602,684	576,691	30,004,182	31,183,557
Magma Copper Co.	San Manuel	AZ	222,000	0	22,340,500	22,562,500
Lenzing Fibers Corp.	Lowland	TN	20,400,765	27,500	0	20,428,265
Elkem Metals Co.	Marietta	OH	4,029,632	3,033,700	9,449,000	16,512,332
Mobil Mining & Minerals Co	Pasadena	TX	516,761	13,970,810	35,005	14,522,576
Texasgulf Inc.	Aurora	NC	2,353,510	46,900	12,040,250	14,440,660
Eastman Kodak Co	Rochester	NY	13,064,963	739,782	1,588	13,806,333
IMC Fertilizer Inc.	Mulberry	FL	1,037,005	0	12,733,000	13,770,005
Asarco Inc	Hayden	AZ	715,322	0	12,269,865	12,985,187
Northwestern Steel & Wire Co.	Sterling	IL	356,490	3,600	12,580,000	12,940,090
Phelps Dodge Mining Co.	Playas	NM	634,076	0	11,158,279	11,792,355
Mississippi Chemical Corp.	Yazoo City	MS	10,418,302	628,728	0	11,047,030
Kennecott Utah Copper	Magna	UT	376,855	3,500	9,842,720	10,223,075
American Chrome & Chemicals Inc.	Corpus Christi	TX	138,310	21,550	10,000,000	10,159,860
Unocal Petroleum Products	Kenai	AK	8,631,957	279,056	385	8,911,398
Dow Chemical Co.	Freeport	TX	8,268,917	457,265	111,977	8,838,159
Occidental Chemical Corp.	Castle Hayne	NC	11,129	37	8,400,762	8,411,928
Hoechst-Celanese Corp.	Narrows	VA	8,370,506	418	14,239	8,385,163
					TOTAL	617,860,796

Top 25 TRI Facilities in 1992 for Underground Injection Releases

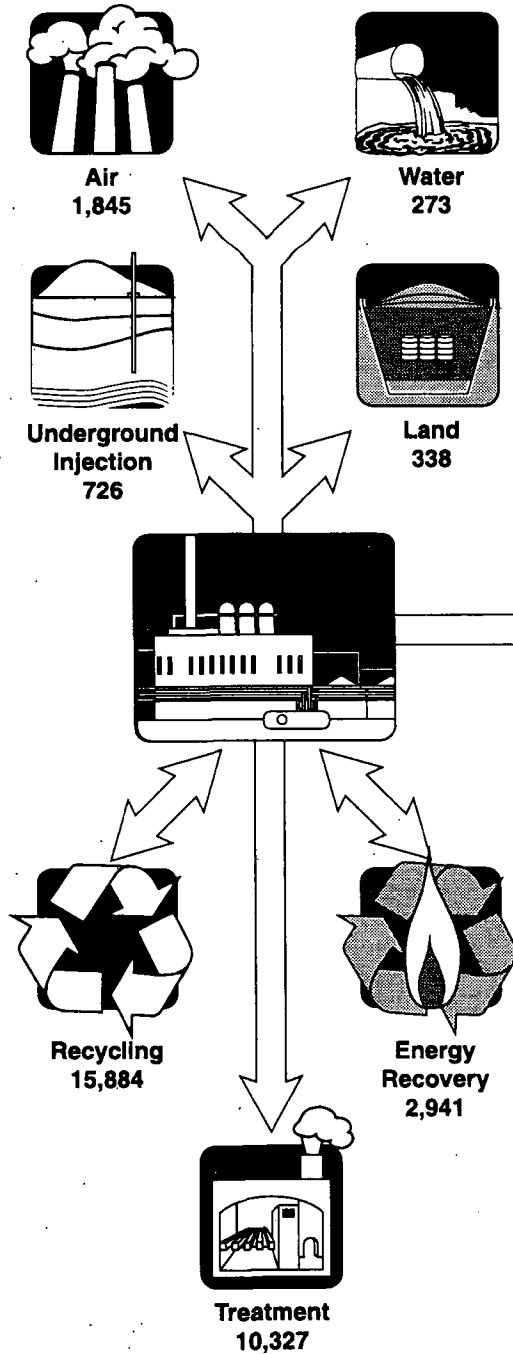


Top 25 TRI Facilities in 1992 for Underground Injection Releases

Facility	City	State	1992 Underground Injection Pounds
American Cyanamid Co.	Westwego	LA	146,355,805
Vulcan Chemicals	Wichita	KS	59,536,672
Monsanto Co.	Alvin	TX	55,343,664
Du Pont Delisle	Pass Christian	MS	52,000,000
Du Pont Johnsonville	New Johnsonville	TN	47,000,000
Du Pont Beaumont	Beaumont	TX	37,368,768
Sterling Chemicals Inc.	Texas City	TX	35,929,070
Du Pont Louisville	Louisville	KY	29,039,810
BP Chemicals Inc.	Port Lavaca	TX	26,767,584
Du Pont	Victoria	TX	22,060,820
BP Chemicals Inc.	Lima	OH	20,363,250
Cabot Corp.	Tuscola	IL	18,915,780
Zeneca Specialties	Mount Pleasant	TN	16,508,125
Coastal Chem Inc.	Cheyenne	WY	12,514,351
Amoco Oil Co.	Texas City	TX	11,203,000
Uniroyal Chemical Co. Inc.	Geismar	LA	9,617,920
Rubicon Inc.	Geismar	LA	6,881,500
Ethyl Corp.	Magnolia	AR	6,468,971
Zeneca Inc.	Bucks	AL	6,269,383
Monsanto Co.	Cantonment	FL	6,028,556
Angus Chemical Co.	Sterlington	LA	6,023,000
Engelhard Corp.	Jackson	MS	5,992,194
Asarco Inc.	Amarillo	TX	5,808,239
Kaiser Aluminum & Chemical Corp.	Mulberry	FL	5,483,168
Hoechst-Celanese Chemical Group Inc.	Pasadena	TX	5,363,400
		TOTAL	654,843,030

1992 TOXICS RELEASE INVENTORY

On-Site Releases and Waste Management (millions of pounds)



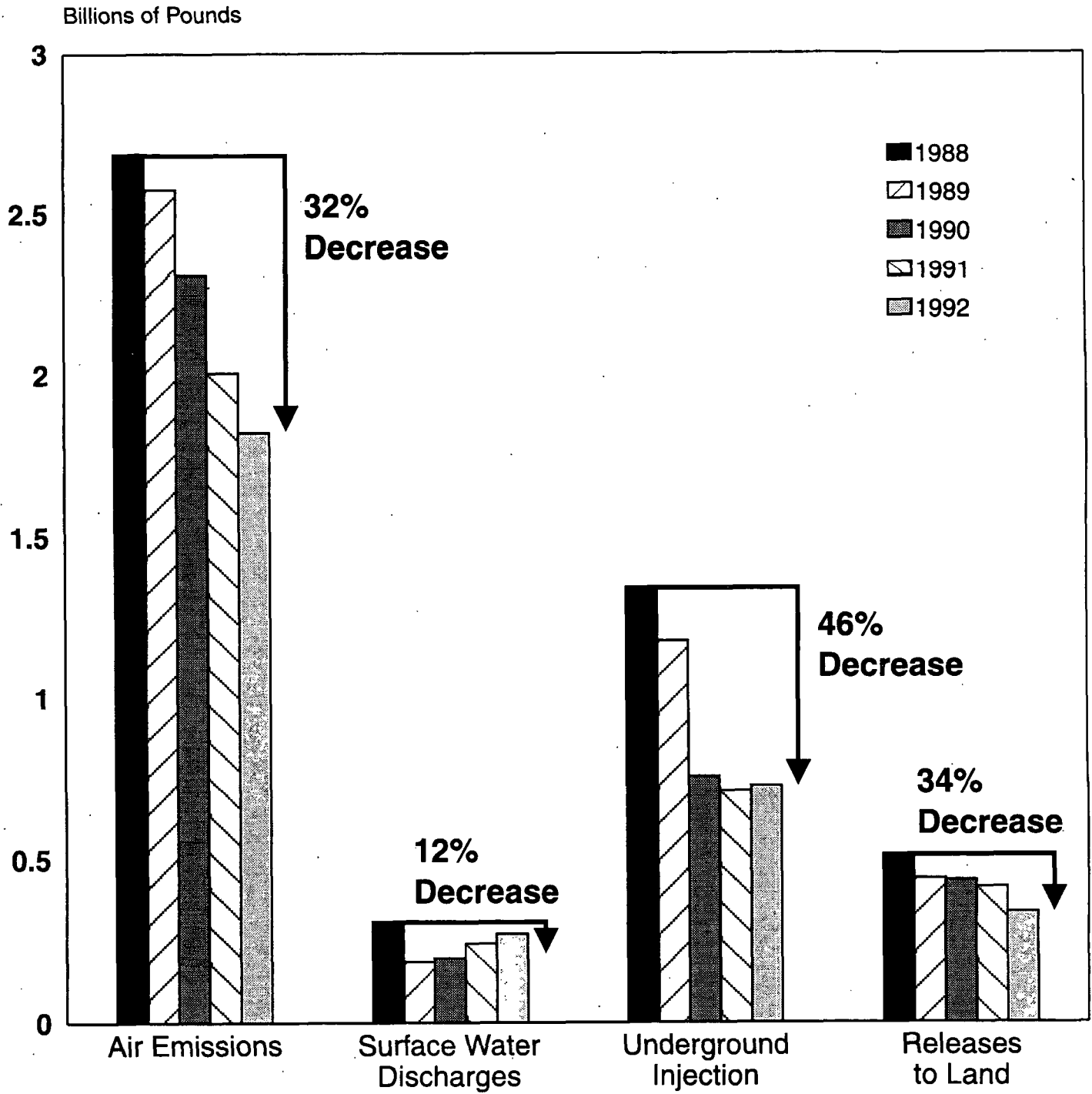
Off-Site Waste Management* (millions of pounds)



* 17 million pounds were reported without valid waste management codes.

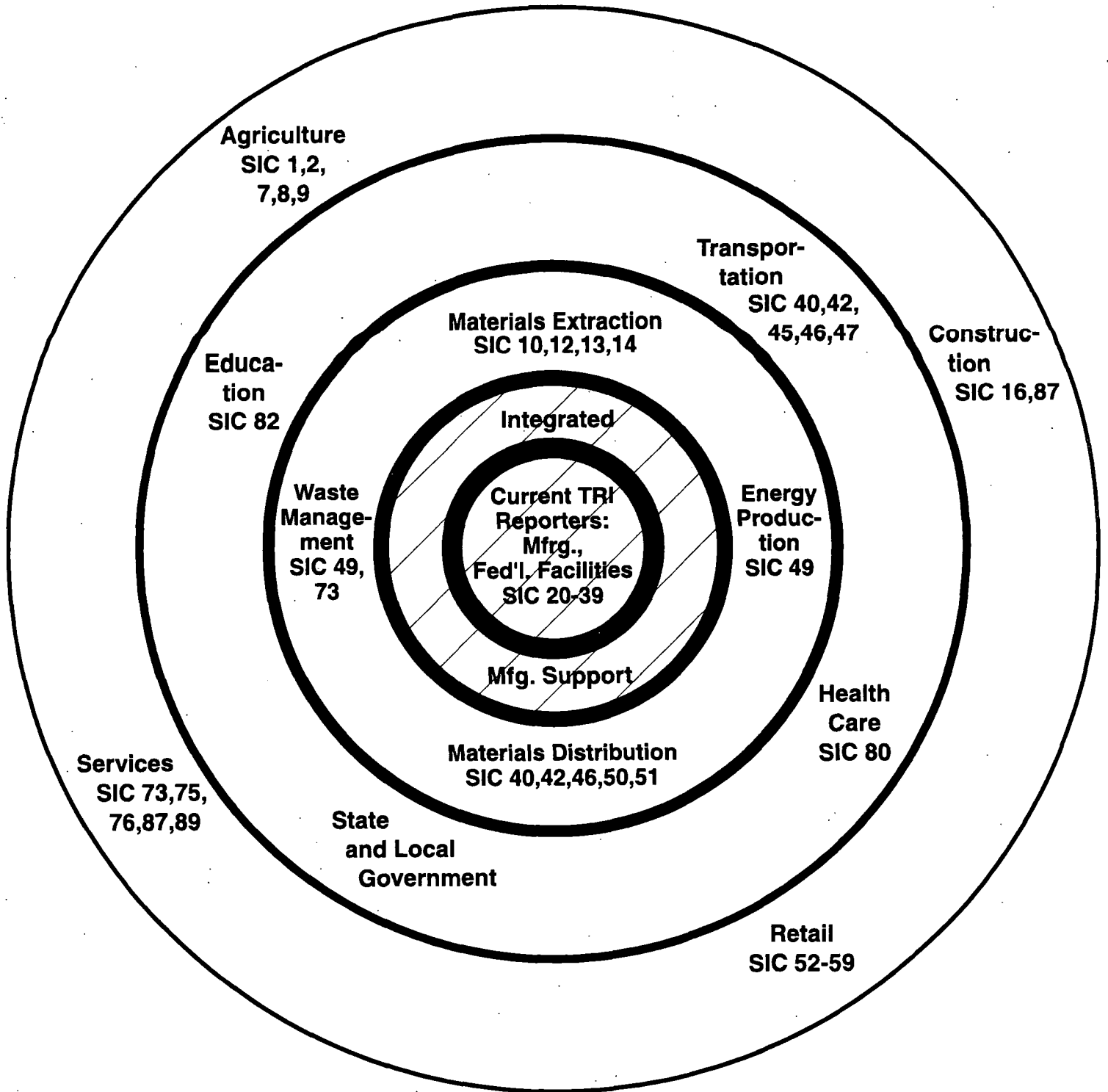
** Publicly Owned Treatment Works

TRI Releases by Media, 1988-1992

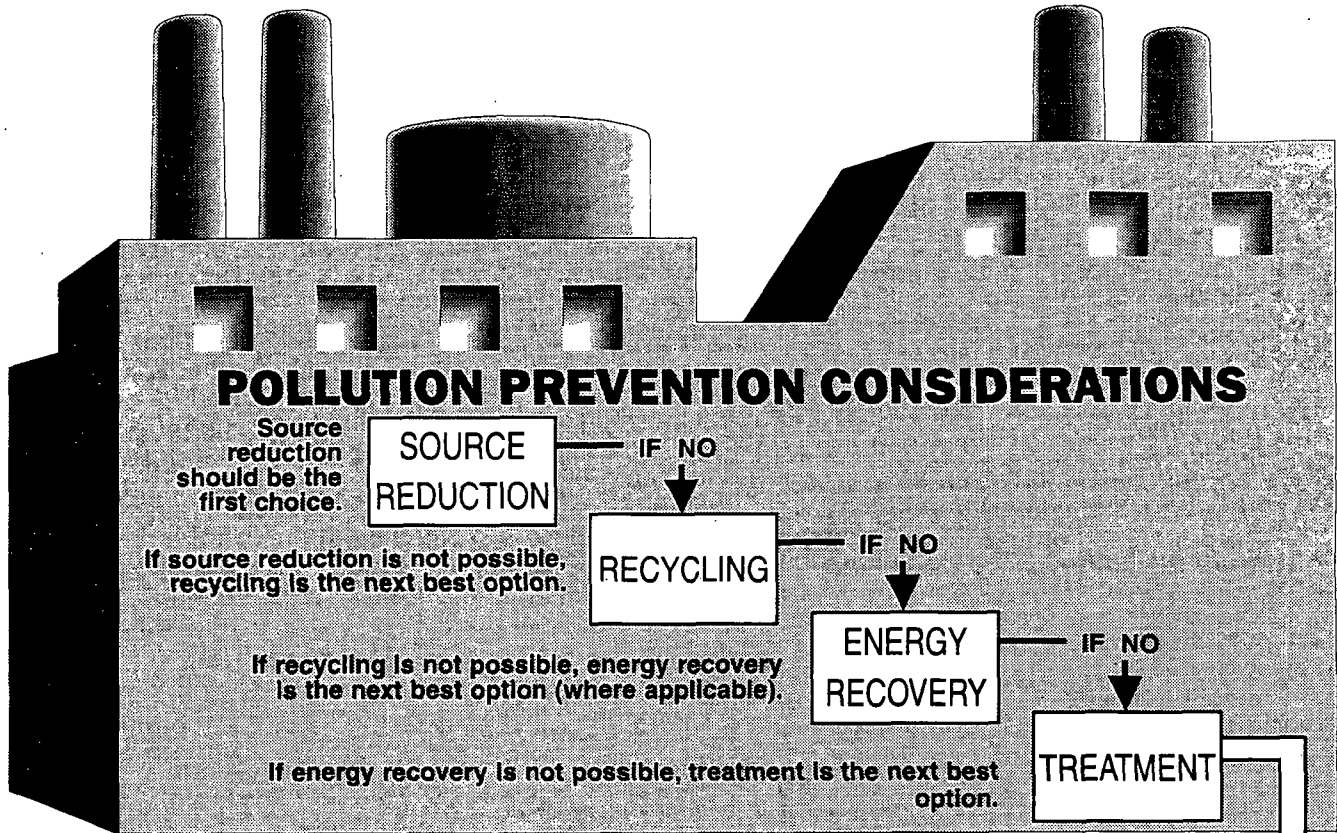


Does not include data for aluminum oxide, delisted chemicals, or chemicals added in 1990 and 1991.

Potential TRI Universe



Sector Approach to TRI Industry Expansion



If treatment is not possible, disposal is used as a last resort. **DISPOSAL**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED
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JUL 22 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Interested Party:

Attached is an advanced copy of EPA's Proposal to create an alternate reporting threshold for chemical reports of low-level releases and transfers for the purpose of treatment and/or disposal. This copy is being sent to you due to the expedited comment period of 30 days that has been assigned to this proposal. Comments are encouraged and should be sent to the address indicated.

Sincerely,

A handwritten signature in black ink that reads "Susan B. Hazen".

Susan B. Hazen, Director
Environmental Assistance Division

Attachment



Recycled/Recyclable
Printed with Soy/Canola Ink on paper that
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400087; FRL-4776-8]

RIN: 2070 AC70

Alternate Threshold for Low-Level Releases and Transfers; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to establish an alternate reporting threshold for those facilities with low-level releases and transfers that would otherwise meet reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). A facility that meets the current section 313 reporting thresholds, but estimates that the sum of its annual releases on-site and transfers off-site (for the purposes of treatment and/or disposal only) of a listed chemical is below 100 pounds, may be eligible to take advantage of this proposed alternate reporting threshold, for that chemical in that year, provided that certain conditions are adhered to. EPA is proposing to establish this alternate reporting threshold in response to petitions received from the Small Business Administration and the American Feed Industry Association.

DATES: Written comments on this proposed rule must be received by [insert date 30 days after date of publication in the **Federal Register**].

ADDRESSES: Written comments should be submitted in triplicate to: OPPT Docket Clerk, TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NE-B607, 401 M St., SW., Washington, DC 20460. Comments should include the document control number for this proposal, OPPTS-400087.

FOR FURTHER INFORMATION CONTACT: Tim Crawford, Project Manager, (7408), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. For specific information on this proposed rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This proposed rule is issued under sections 313(f)(2) and 328 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42

U.S.C. 11023(f)(2) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals in excess of the applicable threshold quantities to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities began reporting pollution prevention and recycling data for listed chemicals, pursuant to section 6607 of the Pollution Prevention Act, 42 U.S.C. 13106. This information is submitted on EPA form 9350-1 (Form R) and compiled in an annual Toxic Release Inventory (TRI). Each covered facility must file a separate Form R for each listed chemical manufactured, processed, or otherwise used in excess of the reporting thresholds established in section 313(f)(1). EPA has authority to revise these threshold amounts pursuant to section 313(f)(2); however, such revised threshold amounts shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to section 313. A revised threshold may be based on classes of chemicals or categories of facilities. Section 328 provides EPA with general rulemaking authority to develop regulations necessary to carry out the purposes of the Act.

B. Background on Petitions

On August 8, 1991, the Small Business Administration (SBA) petitioned EPA to exempt from TRI reporting requirements facilities reporting low volumes of chemicals released and transferred. This petition states that:

Currently, EPA's implementation of SARA mandates a collection of both significant and insignificant data. It unreasonably includes many small facilities whose compliance with present section 313 regulations is overly burdensome. The TRI database is not meaningfully improved by countless entries of zero or de minimis release figures, as it now appears with current Congressionally-specified thresholds. Based on 1988 data, the Office of Advocacy estimated that EPA could generally exclude facilities with releases and transfers of less than 5,000 pounds annually for the vast majority of section 313 chemicals and still satisfy the right to know objectives and the statutory requirements. (Ref. 1).

EPA published this petition in the **Federal Register** (October 27, 1992, 57 FR 48706) (SBA Notice), and received a substantial number of comments in response to this notice. Copies of these comments are available in the TSCA docket, OPPTS docket number 400072. The proposal being put forth in this document is EPA's response to the SBA petition.

EPA received a similar request in a petition from the American Feed Industry Association (AFIA) on February 14, 1992. AFIA requested an exemption of Standard Industrial Classification (SIC) code 2048 from TRI reporting. The general basis of this request is that SIC code 2048, "Prepared Feeds and Feed Ingredients for Animals and Fowls, Except Dogs and Cats," has such small releases of chemicals (primarily feed additives) that the industry as a whole does not contribute information that furthers the purposes of EPCRA and therefore the imposition of TRI reporting on the feed industry is unfair. The AFIA petition suggested, as an alternative to the requested SIC code deletion, EPA's adoption of the approach proposed in the SBA petition.

EPA published this petition in the **Federal Register** (April 13, 1993, 58 FR 19308), and received a substantial number of comments. These comments are available in the TSCA docket, OPPTS docket number 400077.

At this time, EPA has decided to focus on a revision of current reporting requirements that would be applied equally to all industries subject to section 313, as opposed to a revision restricted to target industrial sectors or SIC codes. EPA believes the proposal put forth in this document would effectively address the major points of the AFIA petition. Based on the information provided in the AFIA petition and results from EPA's analysis, approximately 50 percent of all of the facilities reporting under SIC code 2048 will qualify for the threshold modification being proposed (Ref. 4). EPA therefore considers the proposal put forth in this document as a response to the AFIA petition.

II. Explanation for the Alternate Threshold for Low-Level Releases and Transfers

A. General Approach

Congress intended that the data collected by EPA under EPCRA section 313 be used to inform persons about releases of toxic chemicals to the environment, assist the government, researchers, and the public in the conduct of research and data gathering, to aid in the development of appropriate regulations, guidance, and standards, and for other similar purposes (EPCRA section 313(h)). Congress directed EPA to make this information publicly available on a cost-reimbursable basis through a computer data base, which EPA has done using the on-line TRI system (EPCRA section 313(j)).

EPCRA section 313 established a list of more than 300 chemicals and 20 categories for which TRI reporting is required (EPCRA section 313(c)). Facilities in SIC codes 20-39 which manufacture, process, or otherwise use over certain threshold amounts of a listed chemical must annually report their releases of such chemicals to EPA and the States. However, Congress recognized that this statutory framework need not remain immutable should EPA's experience in collecting data under TRI indicate that certain revisions to the reporting structure may be warranted. In directing and authorizing EPA to maintain and manage the TRI program, Congress also provided EPA with authority to revise the nature of and manner in which TRI data is reported to and collected by the Federal government.

In particular, Congress provided EPA authority to add or delete SIC codes (section 313(b)(1)(B)), apply the reporting requirements to additional facilities (section 313(b)(2)), add chemicals to or delete chemicals from the TRI list (section 313(d)), revise the reporting thresholds (section 313(f)(2)), modify the reporting frequency (section 313(i)), and prescribe such other regulations as may be necessary to carry out the Act (section 328). In providing EPA these authorities, Congress also recognized that EPA may see fit to tailor any such revisions to specific facility or chemical, a broad category of facilities or class of chemicals, to all or only some forms submitted to EPA, or to a specific or more general geographic area.

In the spirit of this broad statutory mandate, and Congressional recognition of the need for flexibility given changing national needs and priorities, EPA has already announced its intent to significantly expand the scope of the TRI program. EPA's proposed rule to add 313 chemicals and a chemical category to the list of reportable chemicals established under EPCRA section 313(c) (January 12, 1994, 59 FR 1788) is expected to add an estimated 28,000 new reports to TRI based on the current threshold levels. In addition, EPA is in the process of identifying and evaluating additional industry sectors for inclusion in TRI reporting. The addition of industry sectors beyond the current manufacturing sector is expected to substantially increase the level of current reporting.

EPA recognizes that the addition of this new information to TRI is expected to carry significant reporting costs to industry, as well as Federal and state costs to manage and provide the data to the public. Nonetheless, given existing national and local concerns over chemical management practices, consistent with its statutory authorities, EPA believes that these anticipated expansions, and their attendant costs, are necessary to provide the public more complete information on significant chemical uses and releases.

However, EPA also believes that its years of experience with the collection of TRI data allow EPA to propose certain changes to the nature of the reporting obligations imposed on industry without compromising EPA's duty to collect and disseminate relevant information to the public on chemical releases. EPA has examined whether some of the information currently collected under TRI as presently structured may be of lesser "value" than some of the new reports expected to be received as a result of EPA's efforts to expand TRI. In particular, many of the forms currently submitted report volumes of zero for releases and transfers. Additionally, there are forms that report zero volumes for all elements on the form. EPA believes that the space that such reports consume in the data base and the effort necessary to submit them would be better applied to those additional reports that contain positive values for releases and transfers of toxic chemicals. This proposal attempts to balance additional data needs with the burden to supply such data. EPA believes that it is possible, and consistent with its authorities under EPCRA, to create an alternative reporting threshold applicable to those facilities which annually release on transfer off-site (for the purpose of treatment and/or disposal) less than a specified amount of a listed TRI chemical. EPA further believes that this alternative reporting threshold, if implemented as proposed, will not result in a significant loss of data on chemical releases.

By creating such an alternative reporting threshold, the number of TRI reports annually submitted to EPA could be reduced by an estimated 20,500. This would result in a cost savings to both government and industry, and would offset some of the expected added costs associated with the anticipated expansions of the TRI program. Today's proposal attempts to balance the additional data needs represented by EPA's TRI expansion efforts with the burden to supply such data.

The proposed revision of the manufacture, process, and otherwise use thresholds described below is based on EPA's analysis and comments received

during the pre-proposal process. As part of the pre-proposal process, which included a consideration of the comments received on the SBA Notice, EPA held a public meeting on February 16, 1994, to present its analytical findings and open discussions regarding reduced reporting for low volume releases and transfers. Comment was taken from a variety of positions. Results from EPA's preliminary analysis are presented in an issues paper, *Toxic Release Inventory—Small Source Exemption* (January 27, 1994) (Issues paper), and can be obtained in the TSCA docket, OPPTS docket number 400087 along with copies of the testimony presented at the Public Meeting.

Based on EPA's analysis and comments received, EPA believes that reducing the number of TRI reports by raising reporting thresholds for those facilities having low-level amounts released and transferred will help EPA, states, and the reporting community to focus their attention and resources on reducing chemical uses and releases that are of greatest concern. Therefore, EPA is proposing the development of an alternative threshold based on a category of facilities that have releases and transfers below a specified amount. EPA believes that this optional, alternative threshold will help balance costs (current and anticipated) that are associated with providing TRI information. This analysis is discussed further in part C of this section.

B. Description of Proposal

EPA is proposing that certain facilities may take advantage of a higher reporting threshold than those set out in 40 CFR 372.25 for any listed toxic chemical, if the sum of amounts of that chemical released and transferred (but only for the purpose of treatment and/or disposal) for that facility is below 100 pounds per year.

The revised thresholds would apply to a category of facilities on a per chemical basis for which the sum of the amounts described above is below 100 pounds per year. The alternate manufacture, or process, or otherwise use thresholds for each of the chemicals meeting the "low-level release" category would be an amount equal to or greater than 1 million pounds per year. If a facility meets these conditions, then that facility would not be required to file a Form R report for the reporting year for each chemical for which these conditions are met.

A facility would make several determinations to ascertain if it could take advantage of the higher alternate reporting threshold. The facility would first determine if it was a "covered facility" pursuant to 40 CFR 372.22. Currently, a facility is a "covered facility" for purposes of EPCRA section 313 reporting if it: (a) Has 10 or more full-time employees, (b) is in SIC codes 20 through 39, and (c) manufactures, processes, or otherwise uses a listed toxic chemical in excess of the applicable statutory thresholds. EPA is proposing to amend the last condition to include those facilities which elect to apply the alternate reporting thresholds under the proposed 40 CFR 372.27. Therefore, a facility applying the alternate threshold would still be considered a "covered facility" under 40 CFR 372.22.

Once a facility makes this determination, it would then estimate the sum of its releases and transfers (for purposes of treatment and/or disposal) for each listed chemical manufactured, processed, or otherwise used at the facility. If this sum is below 100 pounds per year, the facility could then apply the higher alternate reporting threshold of 1 million pounds to determine its reporting obligation for that chemical, provided that it also meets the concomitant certification and recordkeeping requirements. A facility eligible for and choosing to apply, the alternate revised threshold, would only be required to file a certification statement and maintain certain records in support of this certification. The facility would not be required to file a full Form R report for that chemical.

To take advantage of the revised thresholds, a facility would be required to: (a) Submit in writing an annual certification, indicating that the chemical for which the alternate threshold applies was released and transferred for the purposes of treatment and/or disposal in the sum of an amount less than 100 pounds per year; and (b) maintain and make available upon request accurate records substantiating the calculations supporting the release and transfer determination.

C. Explanation and Rationale for Proposal

Current reporting thresholds for manufacture, process, or otherwise use of listed section 313 chemicals are set forth in EPCRA section 313(f)(1). EPCRA section 313 does not provide EPA with direct authority to establish a reporting threshold under section 313(f)(1) based solely on amounts of estimated chemical releases. EPCRA section 313(f)(2) does, however, provide EPA authority to revise the established activity threshold amounts in section 313(f)(1).

The Administrator may establish a threshold amount for a toxic chemical different from the amount established by paragraph (1). Such revised threshold shall obtain reporting on a substantial majority of total releases of the chemical at all facilities subject to the requirements of this section. The amounts established under this paragraph may, at the Administrator's discretion, be based on classes of chemicals or categories of facilities.

Today, EPA is proposing to define a category of facilities based on the volume of chemicals released. By establishing a class of chemicals or category of facilities, a threshold modification associated with that class or category can be applied selectively. Facilities having total releases less than a certain amount for one or more chemicals would constitute a category of facilities. This category would then be eligible to take advantage of a revised manufacture, process, or otherwise use threshold for that specific chemical. In this way, only those facilities that fit within the category, and relevant chemicals at those facilities, would be affected.

EPA believes that it is appropriate to base the category determination on releases and transfers (for the purpose of treatment and/or disposal only). Although other elements on Form R may have significant volumes associated with them, EPA believes the combination of releases and such transfers on Form R approximate a facility's actual and/or potential environmental loadings. EPA believes that the proposed aggregate release level of less than 100 pounds represents an optimum balance between the need to limit the loss of TRI

information made available to the public while eliminating reporting of data that is of lesser utility to the public. Based on 1991 data, an estimated 20,500 forms, or approximately one quarter of all Form Rs submitted, would qualify for the alternate threshold. As indicated in Table 1 below, the number of reports affected increase at a relatively proportionate rate as the aggregate release level for the category increases. However, above the 100 pound category level, the volumes of releases and transfers (for the purpose of treatment and/or disposal) depict a notable increase from 200,000 to 1,400,000 pounds for the respective category levels of 100 and 250 pounds. Results between the 100 and 250 pound category levels also indicate a significant increase in total waste generated, as well as in the number of counties with resultant decreases of information. These results indicate a natural break in the data indicating a point of balance between the two objectives of reducing the reporting burden and continuing to provide information of the greatest utility to the public. The selection of the alternate threshold for manufacture, process, or otherwise use of 1 million pounds represents a compromise that seeks to provide those facilities with aggregate releases and transfers below 100 pounds per chemical with an effective exemption from Form R reporting, while recognizing that even the most "well-controlled" facilities would find it difficult to manage chemicals in amounts of nearly 1 million pounds per year and only incur aggregate releases and transfers of below 100 pounds per year.

As noted above, EPCRA section 313(f)(2) requires that any revision to the current reporting thresholds continue to capture a substantial majority of total releases of the chemical. EPA believes this requirement should be interpreted as applying to each listed chemical or category, and not to total releases for all chemicals nationally. EPA believes such an interpretation is consistent with the intent of Congress.

The Administrator may modify these threshold amounts for a particular chemical, provided the revised threshold results in reporting on a substantial majority of the aggregate releases of the chemical at facilities subject to this section, but it would not necessarily require reporting from each facility (Ref. 2).

The analysis described in the *Impact on Reporting* discussion below indicates that there would be an almost complete loss of reports on a very limited number of chemicals with very low volumes of releases and transfers based on an alternate reporting threshold below the 100 pound release level. This is confirmed by similar results conducted on the 1992 data set which is also provided in the *Impact on Reporting* discussion. However, EPA believes that the proposed annual certification requirement, if implemented as proposed, would serve to maintain reporting on a substantial majority of releases of all chemicals that may be affected by the proposed alternate reporting threshold, including those discussed below in the unit titled *Impact on Reporting*.

Annual Certification. EPA is proposing that each qualifying facility which chooses to apply the revised manufacture, process, or otherwise use thresholds must file an annual certification statement in lieu of a full Form R report. The proposed annual certification would provide an indication that the sum of amounts released and transferred for the purpose of treatment and/or disposal

for each listed chemical for which the alternate threshold is being applied did not exceed 100 pounds. This information can be made available in the same manner that the information reported on Form R is made available. Currently, facilities releasing less than 100 pounds may indicate on Form R that they released from 1 to 10 pounds and 11 to 499 pounds. This is known as a "range report." The certification statement would act as the functional equivalent of a range report of zero to 99 pounds for combined releases and transfers for treatment and/or disposal. In this way, information on a substantial majority of both releases and transfers for the purpose of treatment and/or disposal would be maintained, which would satisfy the statutory intent of EPCRA section 313(f)(2). EPA also believes that this approach would address several of the concerns addressed by comments during the pre-proposal process.

During the development of this proposal and at the February 16, 1994 Public Meeting, EPA received a number of comments regarding a certification requirement. Some of the commenters favor a one-time certification by a facility that releases and transfers are within the limits established for the alternate threshold. The facility and chemical information would be recorded, and if there are changes in amounts released or transferred which would no longer allow the application of the alternative threshold, then full reporting would be reinstated.

Other commenters support an annual certification. These commenters contend that an annual certification has the effect of continued verification that releases and transfers are below the level established for a facility category. These commenters believe that without an annually submitted certification statement, reports for prior years would have to be compared with each consecutive reporting year to identify a potential non-reporter. Any attempt to verify if non-reporting may have occurred would require a follow up activity. Comments also assert that an annual statement helps to ensure that operators are aware of specific chemical uses and releases, thereby promoting good housekeeping practices. Additional comment in support of an annual certification statement described some state programs that currently survey facilities that reported in prior years but did not submit reports for the year under review.

After considering these comments, and the language of section 313(f)(2), EPA believes that an annual certification statement best addresses the statutory mandates and the public's right-to-know. EPA believes that the proposed annual certification will provide information relating to the location of facilities manufacturing, processing, or otherwise using these chemicals, that the chemicals are being manufactured, processed or otherwise used at current reporting thresholds, and that chemical releases and transfers for the purpose of treatment and/or disposal are below 100 pounds per year (i.e., within a range of zero to 99 pounds per year). This provides a sufficient indication of the potential volume of releases and such data can be made available to the public in the same manner as current Form R data. An annual statement will assist users of TRI data in distinguishing facilities which changed their chemical uses, and therefore were no longer required to report, from those that were required to, but did not report. An annual certification would assist those states that do not have the resources to survey facilities operating in their state as well as the public that use the data.

Finally, EPA believes the proposed annual certification requirements would foster continued attention to chemical management practices and provide a locational tool vital to any compliance program or other interested party. EPA believes it necessary to receive some type of specific indication that a facility was taking advantage of the alternate threshold annually to assist in any compliance monitoring and enforcement efforts.

EPA is interested in receiving comment on this approach and on alternatives, for example, requiring a certification statement every 3 or 5 years as opposed to annually. EPA would also like comment on the elements contained in the certification statement. In particular, are the elements appropriate for such a certification statement, and are all such elements necessary and sufficient? The elements EPA is proposing can be found in the amendment to the regulatory text of § 372.85.

Recordkeeping. EPA is also proposing that each facility taking advantage of the alternate threshold be required to maintain and make available upon request records for a period of 3 years from the date of the submission of the certification statement. These records would provide substantiation that an appropriate threshold determination was made and that estimated releases and transfers, for the purpose of treatment and/or disposal, were below 100 pounds for that reporting year. This documentation is necessary for any compliance effort verifying the claims made by a facility taking advantage of the alternate threshold.

Impact on Reporting. In developing this proposal, EPA analyzed TRI data to determine the impact of various options on the number of Form R reports that would no longer be received by EPA, amount and nature of chemical release information that would no longer be available to the public, and savings to industry, EPA, and State governments due to the reduced reporting and data management costs. EPA's preliminary analysis was contained in an Issues Paper made available at the Public Meeting held on February 16, 1994 (Ref. 3).

After the public meeting, EPA conducted additional analysis to estimate the impact on reporting of the creation of an alternate reporting threshold for a category of facilities for which annual releases and transfers off-site for the purpose of treatment and/or disposal were reported as below certain threshold levels, ranging from zero to below 5,000 pounds.

The following analytical results are based on 1991 and 1992 TRI data. These are the only data sets that contain the information on releases and transfers for the purpose of treatment and/or disposal plus the elements reported under the Pollution Prevention Act needed to calculate the impact of the alternate threshold being proposed by this document. A summary of the major findings for the volume-based category options considered are provided below:

Table 1.—Summary of Analytical Findings (Alternate Reporting Threshold Based on Releases and Transfers*)

Threshold Level (pounds)	No. of Reports Affected (1,000)	Volume Release and Transfers* Affected (pounds)	Percent of Total Release and Transfer*	Volume Total Waste Affected (million pounds)	Percent Total Waste	No. of Counties with 91-100 % Loss of Release and Transfer* Data
0/NA	10.2	0.0	0.00%	1,203.7	3.3%	0
10	16.2	35,000	0.00%	1,687.3	4.9%	36

Table 1.—Summary of Analytical Findings (Alternate Reporting Threshold Based on Releases and Transfers*)—
Continued

Threshold Level (pounds)	No. of Reports Affected (1,000)	Volume Release and Transfers* Affected (pounds)	Percent of Total Release and Transfer*	Volume Total Waste Affected (million pounds)	Percent Total Waste	No. of Counties with 91–100 % Loss of Release and Transfer* Data
100	20.5	200,000	0.01%	2,260.7	6.3%	52
250	26.2	1,400,000	0.03%	3,059.7	8.5%	94
500	33.0	4,000,000	0.1%	3,864.3	10.7%	141
1,000	38.9	8,400,000	0.2%	5,583.8	15.5%	177
5,000	50.1	36,200,000	0.8%	7,786.7	21.6%	254

*Release and transfers for the purpose of treatment and/or disposal. (Data taken from 1991 reporting.)

EPA estimates that a total of 20,500 forms reported releases and transfers, as defined by this proposal, within the range of zero to 99 pounds based on both 1991 and 1992 data. For 1991, these forms originated from an estimated 10,200 facilities, of which 3,600 facilities would have met the “low-level release” category determination for all chemical reports submitted. For 1992 reporting, the 20,500 forms affected by the alternate thresholds originated from an estimated 10,600 facilities, of which 3,800 facilities would have met the “low-level release” category determination for all chemical reports submitted.

The amounts reported for releases and transfers as defined by EPA’s proposal for the 20,500 forms totaled approximately 200,000 pounds for 1991 reporting and 164,200 pounds for 1992. This represents less than 1/100th of 1 percent of the total (4.5 billion) pounds reported for releases and transfers for treatment and/or disposal for 1991. Results for 1992 data are basically the same. Those Form R reports that indicated a range code of B, which represents a range between 11 and 499 pounds in any of the data elements used to make the “low-level release” category determination, were not counted. For the purpose of data management, a midpoint value is assigned in places where a range code is reported. The value assigned to range code B is 250 pounds. A report that submitted a range code of B in any element used to make the “low-level release” category determination, regardless of the amounts submitted in the remaining elements, would appear to be over the 100 pound category level. Therefore, the following results of EPA’s analysis could underestimate the number of reports impacted in cases where actual amounts released or transferred for the purpose of treatment and/or disposal were below 100 pounds and the corresponding report indicated a range code of B. Based on 1991 data, approximately 4,600 Form Rs reported a range code indicating volumes within the range of 11–499 pounds for at least one element being used to define the category.

The total wastes volumes (amounts defined by releases and transfers for the purpose of treatment and/or disposal plus the Pollution Prevention Act reporting elements) associated with the 20,500 forms totaled approximately 2,260,700,000 pounds. This represents approximately 6.3 percent of the total 36 billion pounds reported by all forms for 1991. Total waste volumes associated with the 20,500 forms estimated to be eligible to apply the alternate threshold for 1992 was 6,105,300,000 pounds, which represents approximately 16.7 percent of total waste reported for all forms.

EPA's analysis found that, based on 1991 data, 15 chemicals would no longer be reported on Form R to the Agency. In 1991, these 15 chemicals were reported on a total of 26 Form Rs. The total amounts released and transferred for the purpose of treatment and/or disposal from these 26 forms was less than 350 pounds.

Based on 1991 data, the 15 chemicals for which most or all of the information on Form R would no longer be reported are presented below with the corresponding number of reports submitted per chemical and the total pounds released and transferred for the purpose of treatment and/or disposal.

Chemical Name	Number of Reports	Total pounds
Alpha-Naphthylamine	2	10
4-Aminobiphenyl	1	4
C.I. Food Red 15	4	46
C.I. Solvent Yellow 3	2	15
2-Chloroacetophenone	1	2
2,4-Diaminoanisole	1	85
3,3'-Dimethoxybenzidine	2	4
Heptachlor	1	5
Isosafrole	1	10
Methyl Hydrazine	2	1
Michler's Ketone	1	3
P-Anisidine	3	26
2,4,6-Trichlorophenol	2	82
2,6-Xylindine	2	21
Zineb	1	5
Total	26	319

From these numbers, it can be seen that these are chemicals for which very low releases and transfers are reported nationally. A similar analysis was conducted on 1992 data. Results from the 1992 data, indicate that 7 chemicals would no longer be reported on Form R with a "low-level release" category determination of less than 100 pounds. These 7 chemicals were reported on a total of 14 TRI reporting forms, with total amounts released and transferred for the purpose of treatment and/or disposal of less than 300 pounds.

Based on the 1992 data, the 7 chemicals for which Form R would no longer be filed are presented below with the corresponding number of reports submitted per chemical and the total pounds released and transferred for the purpose of treatment and/or disposal for each chemical.

Chemical Name	Number of Reports	Total Pounds
Alpha-Naphthylamine	2	10
4-Aminobiphenyl	1	3
Cupferron	1	79
3,3'-Dimethoxybenzidine	3	8
p-Anisidine	3	31
2,4,6-Trichlorophenol	1	87

Chemical Name	Number of Reports	Total Pounds
2,6-Xylidine	3	59
Total	14	277

D. Alternative Options

The following four options are being presented for comment as alternatives to EPA's proposal. The first three options are constructed in the same manner as EPA's proposal, except the amount of "low-level releases" presented by the sums of releases and transfers for the purpose of treatment and/or disposal per chemical per year are: (1) Less than 500 pounds, (2) less than 10 pounds or, (3) zero (or not applicable). The fourth alternative that EPA is considering creates a facility category based on amounts reported for total waste generation.

1. *Category: less than 500 pounds per year.* This option would allow facilities that meet current reporting requirements but that have a chemical or chemicals for which the sum of amounts released and transferred for the purpose of treatment and/or disposal is below 500 pounds, to apply a higher reporting threshold to that chemical or chemicals. As described in unit B above, the alternate thresholds for manufacture, process, or otherwise use would be applied on a per chemical basis. The alternative reporting threshold would be equal to or greater than 1 million pounds.

Based on 1991 data, EPA estimates that a total of 33,000 forms reported total releases and transfers for the purpose of treatment and/or disposal of less than 500 pounds. The combined total reported for releases and transfers for the purpose of treatment and/or disposal by these forms was approximately 4,000,000 pounds. This represents approximately 1/10th of 1 percent of the total 4.5 billion pounds reported for such releases and transfers for 1991. The total waste volumes (sum of amounts released and transferred for the purpose of treatment and/or disposal plus the Pollution Prevention Act reporting elements) associated with these 33,000 forms totaled approximately 3,864,300,000 pounds. This represents approximately 10.7 percent of the total 36 billion pounds reported by all forms for 1991.

An alternate threshold applied to a category of less than 500 pounds is estimated to result in 20 chemicals which would no longer be reported on Form R. These 20 chemicals were reported on 37 forms with a national total of 1,814 pounds of releases and transfers for treatment and/or disposal based on 1991 data. The 20 chemicals for which most or all of the information on Form R would no longer be reported are presented below with the corresponding number of reports submitted per chemical and the total pounds released and transferred for the purpose of treatment and/or disposal.

Chemical Name	Number of Reports	Total Pounds
Alpha-Naphylamine	2	10
4-Aminobiphenyl	1	4
4-Aminoazobenzene	1	441

Chemical Name	Number of Reports	Total Pounds
p-Anisidine	3	26
2-Chloroacetophenone	1	2
C.I. Food Red 15	4	46
C.I. Solvent Yellow 3	2	15
2,4-Diaminoanisole	1	85
1,2-Dibromo-3-Chloropropane	2	290
Dichlorobromomethane	1	200
3,3'-Dimethoxybenzidine	2	4
p-Dinitrobenzene	1	164
Heptachlor	1	5
Isosafrole	1	10
Methyl Hydrazine	2	1
Michler's Ketone	1	3
Propyleneimine	6	400
2,4,6-Trichlorophenol	2	82
2,6-Xylidine	2	21
Zineb	1	5
Total	37	1,814

A facility category based on the sum of amounts released and transferred for the purpose of treatment and/or disposal of less than 500 pounds will certainly allow many more facilities to apply for the alternate threshold. Based on 1991 reporting, approximately 40 percent of those forms submitted would be eligible. However as can be seen from referencing Table 1, these additional forms account for a significantly larger amount of release, transfer, and total waste generation data that would no longer be available.

2. Category: less than 10 pounds per year. This option would allow facilities that meet current reporting requirements but that have a chemical or chemicals for which the sum of amounts released and transferred for the purpose of treatment and/or disposal is below 10 pounds, to apply a higher reporting threshold to that chemical or chemicals. As described in part B above, the alternate thresholds for manufacture, process, or otherwise use would be applied on a per chemical basis. The alternative reporting threshold would be equal to or greater than 1 million pounds.

Based on 1991 data, EPA estimates that a total of 16,200 forms reported total releases and transfers for the purpose of treatment and/or disposal of less than 10 pounds. The combined total reported for releases and transfers for the purpose of treatment and/or disposal by these forms was approximately 35,000 pounds. This represents less than 1/100th of 1 percent of the total 4.5 billion pounds reported for such releases and transfers for 1991. The total waste volumes (sum of amounts released and transferred for the purpose of treatment and/or disposal plus the Pollution Prevention Act reporting elements) associated with these 16,200 forms totaled approximately 1,687,300,000 pounds. This represents approximately 4.9 percent of the total 36 billion pounds reported by all forms for 1991.

An alternate threshold applied to a category of less than 10 pounds is estimated to result in 9 chemicals which would no longer be reported on Form

R. These 9 chemicals were reported on 12 forms with a national total of 44 pounds of releases and transfers for treatment and/or disposal based on 1991 data. The 9 chemicals for which most or all of the information on Form R would no longer be reported are presented below with the corresponding number of reports submitted per chemical and the total pounds released and transferred for the purpose of treatment and/or disposal.

Chemical Name	Number of Reports	Total Pounds
Alpha-Naphylamine	2	10
4-Aminobiphenyl	1	4
2-Chloroacetophenone	1	2
3,3'-Dimethoxybenzidine	2	4
Heptachlor	1	5
Isosafrole	1	10
Methyl Hydrazine	2	1
Michler's Ketone	1	3
Zineb	1	5
Total	12	44

It is apparent from these numbers that a facility category of less than 10 pounds would impact a subset of the information reported by those reports comprising the less than 100 pound category.

3. *Category: zero pounds or not applicable.* This option would create a category of facilities based on the sum of amounts released and transferred for the purpose of treatment and/or disposal of zero pounds or not applicable. As described in EPA's proposal, the alternate manufacture, process, or otherwise use thresholds would be applied on a per chemical basis for those listed chemicals where the sum of amounts released and transferred for the purpose of treatment and/or disposal from a facility was zero pounds or not applicable. The corresponding alternate threshold would be equal to or greater than 1 million pounds.

A report may indicate not applicable in such cases where a release is not associated with a particular medium for a given chemical. An example of this could be a constituent that is part of an aqueous waste and remains in solution with all releases directed to a receiving stream where there are no direct releases to land. In this case, elements on the form pertaining to land releases would not apply.

EPA estimates that a total of 10,200 forms reported releases and transfers, for the purpose of treatment and/or disposal, of zero or not applicable. These forms originated from an estimated 6,100 facilities, of which 1,900 facilities would have met the "low-level release" category determination for all chemical reports submitted.

By definition, no amounts were reported for releases and transfers, for the purpose of treatment and/or disposal, by the 10,200 forms. However, these forms do have total wastes volumes associated with them. An estimated total of 1,203,700 pounds were reported by the 10,200 forms for the Pollution Prevention

Act reporting elements for 1991. This represents approximately 3.3 percent of the total 36 billion pounds reported by all forms.

Form Rs reporting total releases and transfers for treatment or disposal equal to zero pounds or not applicable would by definition not impact the continued collection of a substantial majority of releases for the chemical reported.

4. *Alternate threshold based on total waste generation.* This alternative creates a category based on the total of all volumes reported. Reporting elements included in the total waste generation option include information collected under section 6607 of the Pollution Prevention Act such as amounts treated on-site, amounts recycled on-site and off-site, and volumes used for energy recovery on-site and off-site. This information was first publicly made available in reports submitted for reporting year 1991. The rationale for using this approach is that the data set collected currently is much broader than the data set collected under TRI prior to 1991 and provides more information on the TRI chemicals being managed by reporting facilities. Setting a category designation by only the volume of releases and transfers for treatment and/or disposal results in the loss of the more detailed waste management and source reduction efforts both current and projected. There can be situations in which low volumes of releases in any given year are still associated with large volumes of the TRI chemicals in waste that are treated, recycled or burned for energy recovery. For example, the zero level represented by Alternative 3 above results in a loss of reporting of over 1 million pounds of waste management activity.

One purpose of the Pollution Prevention Act is to help users of the data understand the details of facility waste management and source reduction practices. This reporting also encourages facilities to focus attention on both the current and future potential for release reductions as well as source reduction opportunities.

Presented below in Table 2 are data taken from 1991 indicating the impact of a facility category based on total waste generation at various levels.

Table 2.—Summary of Analytical Findings (Alternative Reporting Threshold Based on Total Waste Generation*)

Category Level (pounds)	No. of Reports Affected (1,000)	Volume Total Waste Affected (million pounds)	Percent Total Waste	No. of Counties with 91–100% Loss of Total Waste Generation* Data
0/NA	6.3	0.0	0.0%	0
10	10.0	0.02	0.0%	13
100	13.0	0.15	0.0%	24
250	16.7	0.94	0.0%	52
500	21.3	2.66	0.01%	89
1,000	25.7	5.86	0.02%	117
5,000	34.8	28.81	0.08%	171

* Total waste generation includes releases and transfers plus the Pollution Prevention Act data. (Data taken from 1991 reporting.)

Based on these figures, it is evident that a cut-off level for defining the category of facilities eligible for the revised threshold based on total waste generation would have to be set at a higher level than one based only on releases and transfers (for the purpose of treatment and/or disposal only) to achieve a similar reduction in the number of Form R reports. For example, in order to eliminate the submission of an estimated 20,500 reports based on a release and

transfer category definition, the cut-off level for eligibility would be 100 pounds. See Table 1 above. To achieve a similar reduction in number of reports, an estimated 21,300 reports, based on a total waste category definition, the cut-off level for eligibility would have to be set at 500 pounds. See Table 2 above.

A disadvantage of establishing a category of facilities based on total waste generation is that it provides a much higher standard for facilities to meet in order to take advantage of an alternate threshold. In addition, establishing a category based on total waste generation would require the facility to complete all of the calculations on Form R for a given chemical. This would further diminish the savings in time and resources in preparing these calculations which would be provided by this proposed rule. Finally, EPA would have to carefully consider whether an alternate manufacture, process, or otherwise use threshold of 1 million pounds would be sufficient to effectively exempt those Form R submissions.

III. Other Approaches Considered

EPA requested comment in the SBA notice on alternative approaches to the development of a TRI reporting exemption based on releases and transfers. Numerous suggestions were submitted, and alternative approaches for modifying current reporting were considered. These approaches fall within four main categories: (1) Modifications to the manufacture, process, or otherwise use thresholds based on classes of chemicals or categories of facilities (being proposed in this document); (2) general revision to the manufacture, process, or otherwise use thresholds; (3) altering the frequency of reporting; and (4) other administrative changes, such as a revision of the article exemption.

1. *Threshold modifications based on classes of chemicals or categories of facilities.* The approach put forth in EPA's proposal is a threshold modification for a facility category based on amounts released and transferred for the purpose of treatment and/or disposal. Another option that falls within an approach based on classes of chemicals or categories of facilities is that put forth in SBA's petition. For the purposes of organizing discussion in this section, SBA's approach will be referred to as a List Division.

List Division. The SBA petition proposed dividing the list of section 313 reportable chemicals and applying different exemption levels to each set of chemicals. The two primary principles behind a list division would be to set a lower reporting threshold for those chemicals thought to pose greater potential hazard concerns, and to ensure that reporting on a substantial majority of releases would be retained for lower volume chemicals. SBA asserts that one benefit of such an approach is that it could eliminate a significant number of reports on "high volume" chemicals while preserving reports on "highly toxic" chemicals released in low volumes. The results of EPA's analysis are presented in Appendix B-1 of the Issues paper (Ref. 3).

Comment received on the SBA Notice addressed the impact of and basis upon which a list division could be created. Some commenters suggested that the list division proposed in the SBA petition was unfounded, and that adopting the Reportable Quantity (RQ) scheme associated with the reporting of extremely

hazardous substances (EHS) under EPCRA section 304 would be a more supportable approach because the methodology that distinguishes among chemicals already exists. The classification scheme used to determine reporting obligations under EPCRA section 304 divides the list into chemicals having RQs of 1, 10, 100, 1,000, and 10,000 pounds, depending on the chemical. The application of these values to the TRI listed chemicals could create as many as five classes of chemicals with each having a different release and transfer level. Many of the TRI listed toxic chemicals do not have RQ values assigned to them. This approach would add multiple levels of complexity to the TRI reports. In addition, EPA has received comment regarding the lack of conclusive data supporting a division of the currently listed chemicals to adequately address concerns of carcinogenicity, teratogenicity, and general hazards that may be posed from continued low-level releases that might go unreported if a reporting modification is made. In addition, EPA believes that creating different categories with varying levels assigned by chemical would further complicate an attempt to provide a reduction in burden associated with TRI reporting. It is EPA's intent to develop a reporting modification that can be implemented as simply as possible, while preserving the utility of the TRI data.

2. *Revision of the otherwise use threshold.* EPA has authority under section 313(f)(2) to revise the manufacture, process, or otherwise use threshold amounts. An upward revision of any of these amounts would eliminate reports from those facilities that manufacture, process, or otherwise use a listed chemical below the revised activity threshold level.

Form R does not request information on amounts manufactured, processed, or otherwise used for the chemical being reported. However, the amounts of listed chemicals otherwise used by TRI facilities can be estimated based on analytically plausible assumptions. For this reason, EPA conducted an analysis on an estimated change in the otherwise use threshold. The description of this analysis and the associated findings can be found in Appendix B-2 of the Issues paper (Ref. 3).

One benefit of this approach is that it is simpler to implement and enforce compared to revisions based on sums of volumes reported on Form R, such as that described as an Alternative Threshold Modification. Identifying the amounts otherwise used, manufactured, or processed is one of the first pieces of information a facility develops as part of its compliance determination.

A disadvantage of this approach is that it is much less selective in its ability to equate an effective exemption with a report of relatively low volume of releases. For example, raising the otherwise use threshold from 10,000 to 25,000 pounds could eliminate an estimated 18,000 reports. However, the release information contained in any such report could range from zero to 25,000 pounds per year because certain uses may result in environmental releases of all quantities used.

3. *Altering the reporting frequency.* Section 313(i)(A) provides EPA authority to modify the current annual reporting frequency. Such a modification cannot increase reporting to be more often than on an annual basis. Such a

modification can be applied either nationally or to a specific geographic area, to the following: all toxic chemical release forms, a class of chemicals or a category of facilities, a specific toxic chemical, and a specific facility. By reducing the frequency of reporting, facilities would not be subject to an annual reporting requirement, but might be requested to maintain activity information for non-reporting years and submit this information during a reporting year. For example, a class of facilities may be identified as operating in a very similar manner with little chemical use or release changes. For these facilities, it may be sufficient to have Form R reports submitted less frequently than on an annual basis. It could also be possible to define a category of facilities, similar to the alternate threshold modification described above, and make their reporting frequency "0" years, thus effectively exempting these facilities from reporting.

Under section 313(i), to propose a revision of the current reporting frequency, EPA must meet certain conditions. One such condition requires EPA to notify Congress 1 year prior to initiating rulemaking procedures, in addition to making certain findings and meeting a substantial evidence standard of review. EPA believes that such an approach could unduly lengthen the time required to implement the alternative threshold provision.

4. *Revision of the article exemption.* Comments on the SBA notice included suggestions to revise the article exemption, 40 CFR 372.38(b), so that the absence of releases from "articles" would no longer be a condition for retaining the article status of materials processed or used at a facility. Currently, if a toxic chemical is released from the normal processing or use of an item at the facility, then that item cannot be considered an article, unless all such releases are recycled.

By eliminating the release condition within the article definition, more items could be considered as articles and the listed chemicals associated with them would not be counted toward reporting thresholds.

EPA does not believe that elimination of this release criterion is appropriate nor does it provide an effective alternative for establishing a specific low volume, released-based approach for reducing the current level of reporting burden.

IV. Request for Comment on the Issues Listed Below

EPA requests comment on any aspect of this proposal. However, EPA requests specific comment as detailed in the following paragraphs.

Should an alternate reporting threshold based on low-levels of releases and transfers carry with it a provision that would require some period of full Form R reporting prior to taking advantage of the alternate reporting threshold? This provision would apply to reporting by new facilities added either by a change in chemical activity or inclusion of additional industry sectors, or by adding chemicals to the section 313(c) TRI list. Such a provision could be useful for establishing a "baseline" of activity that would provide reporting on all of the elements contained on Form R prior to accepting an annual certification.

EPA would like to hear from those states that have adopted EPCRA and EPCRA-like laws regarding how adopting an alternate threshold such as that being proposed would affect their program.

Would states find an alternative reporting threshold based on zero releases and transfers more difficult to enforce than an alternative reporting threshold based on another release level (e.g., 10–500 pounds)?

EPA requests comment on the potential loss of Pollution Prevention Act data that would result from adopting a facility category approach defined by amounts released and transferred for the purpose of treatment and/or disposal at any level.

EPA requests comment on the effectiveness, in terms of providing a reduction in the current level of reporting burden with the need to continue to collect data on and promote total waste management, of establishing a facility category based on amounts reported for total waste generation.

EPA requests comment on any activity that has focused on reports of low-level releases, specifically for such reports that would be effected by this proposal.

V. Rulemaking Record

All documents related to this rulemaking (reference docket number OPPTS–400087) are available to the public in the TSCA Nonconfidential Information Center (NCIC) from noon to 4 p.m., Monday through Friday, excluding legal holidays. The NCIC is located at EPA headquarters, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

VI. References

(1) Memo, “Significance of Small Source Releases in Total Releases and Transfers for TRI Chemicals - Preliminary Data Tables - 1988 TRI Data,” Kevin Bromberg to Mary Ellen Weber, Environmental Protection Agency, February 28, 1991.

(2) U.S. Congress, House of Representatives. “Conference Report No. 962,” 99th Cong., 2nd Session. 296 (1986).

(3) USEPA/OPPT. Toxic Release Inventory--Small Source Exemption, (Issues Paper). U.S. Environmental Protection Agency, Washington, DC, (January 27, 1994).

(4) SIC Code 2048 Analysis.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is “significant” and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a “significant regulatory action” as an action that is likely to result in a rule:

(1) Having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

EPA's economic analysis estimates that 20,500 reports submitted on Form R for the currently listed chemicals would be eligible for the certification as a result of the proposed alternative reporting threshold outlined in Unit II.B. of this preamble. This would result in savings of \$26 million per year for affected facilities, and \$680,000 per year for EPA.

Pursuant to the terms of this Executive Order, EPA has determined that this proposed rule is "significant."

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the proposed rule. Because the proposed rule would result in cost savings to facilities, EPA certifies that small entities would not be significantly affected by the proposed rule.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. 1704.01) and a copy may be obtained from Sandy Farmer, Information Policy Branch, (Mail Code 2136), EPA, 401 M St., SW., Washington, DC 20460 or by calling (202)260-2740.

This collection of information has an estimated reporting burden averaging 27 hours per response and an estimated annual recordkeeping burden averaging 4 hours per respondent. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The burden for this reporting activity will be subtracted from the Form R information collection when that ICR (No. 1363) is renewed.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch, (Mail Code 2136), EPA, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention:

[Administrator's signature required on page 21 of 24 pages, notice entitled: "Alternate Threshold for low-level Releases and Transfers; Toxic Chemical Release Reporting; Community Right-to-Know; Proposed Rule" 21 Rin 2070-AC70, San #3665.]

Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated:

July 15, 1994
Carol M. Seaman

Administrator.

Therefore, it is proposed that 40 CFR part 372 be amended to read as follows:

PART 372—[AMENDED]

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

2. In § 372.10, by adding a new paragraph (d) to read as follows:

§ 372.10 Recordkeeping.

* * * * *

(d) Each person who determines that they may apply the alternative reporting threshold as specified under § 372.27(a) must retain the following records for a period of 3 years from the date of the submission of the certification as required under § 372.27(b):

(1) A copy of each certification submitted by the person under § 372.27(b).

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishments is a covered facility under §§ 372.22 or 372.45.

(3) Documentation supporting the certification submitted under § 372.27(b) including:

(i) Data supporting the determination of whether the alternative reporting threshold specified under § 372.27(a) applies for each toxic chemical.

(ii) Documentation supporting the calculations of the quantity of each toxic chemical released to the environment or transferred to an off-site location.

(iii) Receipt or manifests associated with the transfer of each chemical in waste to off-site locations.

3. In § 372.25, by revising the introductory paragraph to read as follows:

§ 372.25 Thresholds for reporting.

Except as provided in § 372.27, the threshold amounts for purposes of reporting under § 372.30 for toxic chemicals are as follows:

* * * * *

4. By adding a new § 372.27 to read as follows:

§ 372.27 Alternate threshold and certification.

(a) With respect to manufacture, process, or otherwise use of a toxic chemical, a covered facility may apply an alternative reporting threshold of 1 million pounds per year if the facility calculates that it would have reported releases of less than 100 pounds per year of the toxic chemical, as a combined total of the following: (1) Releases pursuant to § 372.85(b)(15), and (2) transfers, but only for the purpose of treatment and/or disposal, pursuant to § 372.85(b)(16).

(b) If the facility determines that it may apply the alternative reporting threshold specified in paragraph (a) of this section for a specific toxic chemical, the facility is not required to submit a report for that chemical under § 372.30, but must submit a certification statement including the information required under § 372.85(c). The facility must also keep records as specified in § 372.10(d).

(c) Each certification statement under this section for activities involving a toxic chemical that occurred during a calendar year at a covered facility must be submitted on or before July 1 of the next year.

5. In § 372.85, by adding a new paragraph (c) to read as follow:

§ 372.85 Toxic chemical release reporting form and instructions.

* * * * *

(c) Alternative threshold certification statement elements. The following information must be reported on an alternative threshold certification statement pursuant to § 372.27(b):

(1) Reporting year.

(2) An indication of whether the chemical identified is being claimed as trade secret.

(3) Chemical name and CAS number (if applicable) of the chemical, or the category name.

(4) Signature of a senior management official certifying the following:

I hereby certify that for each toxic chemical listed in this report, the combined releases and transfers (for the purpose of treatment and/or disposal only) were less than 100 pounds for this reporting year and that the chemical was not manufactured, processed, or otherwise used in amounts equal to or greater than 1 million pounds during this reporting year.

(5) Date signed.

(6) Facility name and address.

(7) Mailing address of the facility if different than paragraph (c)(6) of this section.

(8) Toxic chemical release inventory facility identification number if known.

(9) Name and telephone number of a Technical Contact.

(10) SIC code(s).

(11) Latitude and longitude.

(12) Dun and Bradstreet Number.

(13) EPA Identification Number(s) (RCRA I.D. Number(s)).

(14) Facility NPDES Permit Number(s).

(15) Underground Injection Well Code (UIC) I.D. Number(s).

(16) Name of parent company.

(17) Parent company's Dun and Bradstreet Number.

[FR Doc. 94-????? Filed ??-??-94; 8:45 am]

BILLING CODE 6560-50-F

**NOMINATIONS FOR THE
CITY AND COUNTY OF HONOLULU LEPC:**

**THOMAS S. VENDETTA, CHIEF
INDUSTRIAL SAFETY AND WORKER'S COMPENSATION DIVISION
DEPARTMENT OF PERSONNEL**

**STANLEY MAEKAWA, ASSISTANT DIVISION CHIEF
CUSTOMER SERVICE DIVISION
BOARD OF WATER SUPPLY**

**CAPTAIN CARTER DAVIS
HAZARDOUS MATERIAL OFFICER
HONOLULU FIRE DEPARTMENT**

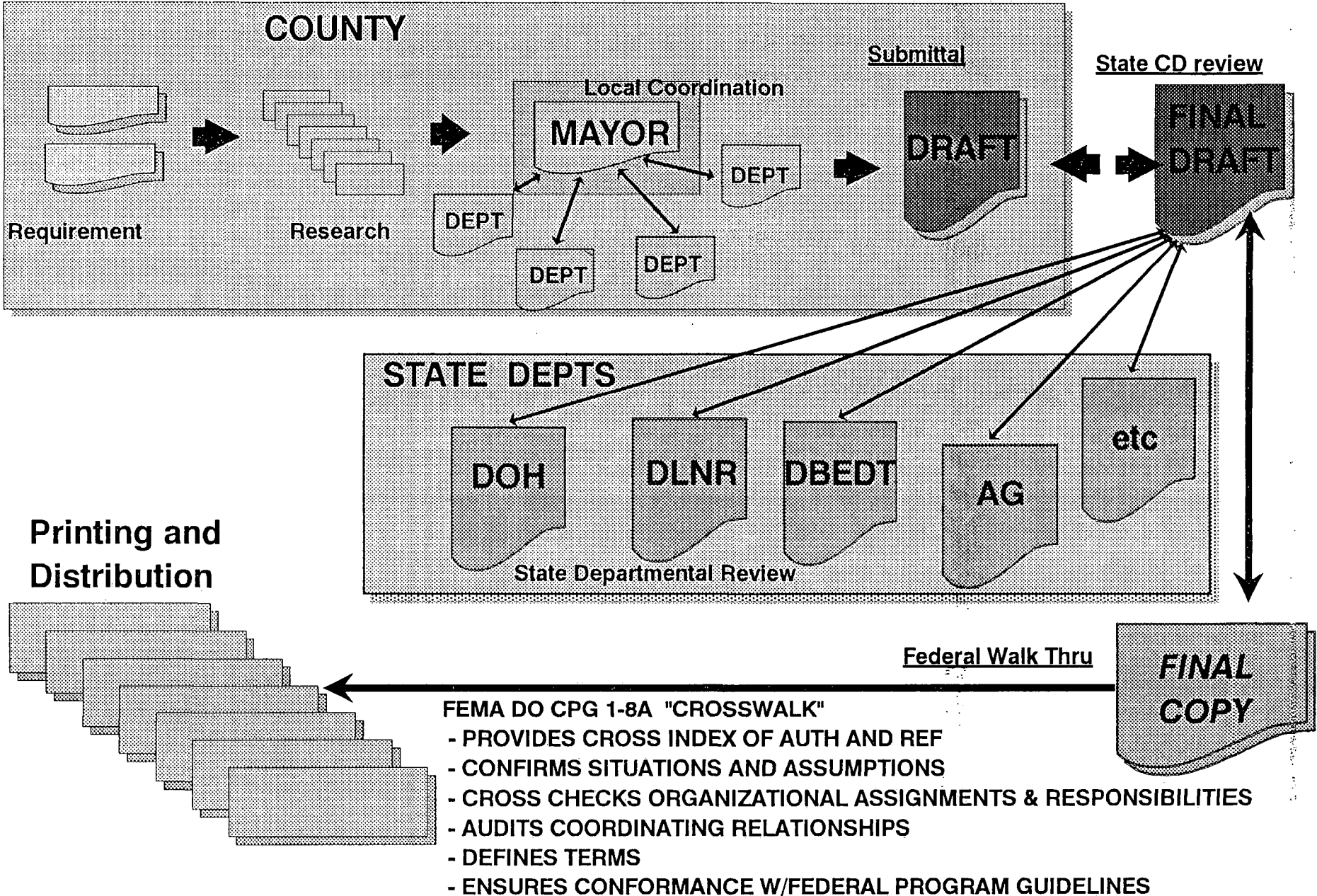
**CAPTAIN TERRENCE YUEN
CIVIL DEFENSE COORDINATOR
HONOLULU POLICE DEPARTMENT**

**EUGENE LEE
PROGRAM COORDINATOR
DEPARTMENT OF PUBLIC WORKS**

**JAMES BARR
VICE PRESIDENT OF OPERATIONS
BREWER ENVIRONMENTAL INDUSTRIES**

**GARY SUSAG
RADIOLOGICAL DEFENCE AND LOGISTICS OFFICER
OAHU CIVIL DEFENCE AGENCY.
GARY WILL FILL THE VACANCY UNTIL A PERMANENT REPLACEMENT IS
HIRED FOR CHRIS TAKENO'S FORMER POSITION.**

State Civil Defense Planning Process



handout #10

Emergency Operations Plan Format

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EXPLOSION HAZARD FROM ETHYL ETHER IN DISASTER HOSPITAL KITS

(Ethyl Ether synonyms: diethyl ether,
ether, ethyl oxide) (CAS# 60-29-7)

ALERT

PROBLEM

Ethyl ether was distributed to states in the 1960s and 1970s as part of civil defense hospital kits. It was originally intended for use as an anesthetic. The ethyl ether remaining in the hospital kits should later have been disposed. Much of it wasn't. The ethyl ether now presents an explosive and toxic hazard.

Ethyl ether auto-oxidizes to form explosive polymeric peroxides. It also tends to absorb and react with oxygen from the air to form unstable peroxides that may detonate with extreme violence when disturbed by heat, shock, or friction. An 8-ounce can or vial of ethyl ether in which peroxides have formed has the potential explosive force of one stick of dynamite.

In the 1980s, the federal government issued orders to dispose of the hospital disaster kits. However, in some cases, local authorities did not dispose of the kits, but had the kits stored in various locations, including public buildings. EPA Region 1 recently discovered that of eight hospital kits recorded as having been disposed, six kits were still in storage.

Authorities have speculated that ethyl ether from the hospital kits may have caused several fires of unknown origin in municipal buildings across the country. Although no explosions associated with ethyl ether have been reported, be on the lookout for old hospital disaster kits containing ethyl ether in your area.

HAZARD AWARENESS

Pure Ethyl Ether

In addition to being extremely flammable and potentially explosive, ethyl ether is also toxic.

Ethyl ether's boiling point, 94.3° F, is an indication of its volatility. Its low flash point, -42° F, signals that it can be ignited easily when mixed with air. Indeed, such mixtures can explode when ignited if the concentration by volume of ethyl ether in air is between 1.9 percent and 36.5 percent. Hence, sources of ignition like heat, flames, and sparks must be eliminated where ethyl ether is stored.

Ethyl ether can affect the body if it is inhaled, swallowed, or comes in contact with the eyes or skin. Ethyl ether is listed by the Occupational Safety and Health Administration (29 CFR 1910.1000) as having a permissible exposure level for a 40-hour work-week of 400 parts per million in air. Short term overexposure to ethyl ether may cause irritation of the eyes, nose, and throat. It is also a depressant of the central nervous system and may cause dizziness, stupor, nausea, drowsiness, unconsciousness, or even death.

Old Ethyl Ether

The greatest danger from the caches of ethyl ether recently rediscovered is that of explosion when attempts are made to move them. The longer the ethyl ether

has been stored, the greater the explosion hazard as peroxides build up. Peroxides that are formed in the ethyl ether may detonate if they are jarred or stressed, for example when opening the container lid.

Since peroxides form in ethyl ether exposed to air, *a partly filled container or one that has been opened is more dangerous than a filled, unopened one.* Hence, prompt removal and destruction of aged ethyl ether by trained personnel is essential.

IDENTIFYING ETHYL ETHER

The old ethyl ether uncovered recently is typically contained in 8-ounce screw top cans that also have a removable red elastomeric stopper in a spout. Both the cans and cases are typically labeled.

SEARCHING FOR ETHYL ETHER

When the presence of ethyl ether is suspected,

a qualified team should conduct the search: fire fighters, police, bomb squad, and emergency medical services, as well as local and state emergency management personnel. In the interim between discovery and removal, access to the ethyl ether should be restricted, so that unauthorized personnel, including untrained workers, children, pets, and curious visitors do not inadvertently cause the ethyl ether to explode or expose themselves to the fumes. *Since ethyl ether stored a long time may be shock sensitive,* the team must take extensive precautions to prevent harm to people when removing and disposing of the ethyl ether.

DISPOSAL OF ETHYL ETHER

You should treat old ethyl ether as an explosive, even if you do not believe it was exposed to air. Only personnel specifically trained for the job should dispose of old ethyl ether. Possible methods of disposal include detonation from a distance, controlled incineration, or dilution with certain solvents. Such treat-

ment of ethyl ether must be in compliance with the Resource Conservation and Recovery Act. Ethyl ether may not be put into either a household waste landfill or a hazardous waste landfill.

For information on how to dispose of ethyl ether safely, you should contact your state pollution control or environmental management agency. The state agency will be able to give you advice on what methods of disposal are allowed under state law and what permits are necessary to dispose of ethyl ether. The state agency may also be able to direct you to companies qualified to handle this type of job.

INFORMATION RESOURCES

The ethyl ether distributed decades ago as components of disaster hospital kits and still being stored is the responsibility of the local and state governments that accepted it.

EPA can assist those responsible for disposing of it with advice and information.

Also, State Emergency Response Commissions and Local Emergency Planning Committees may be helpful in dealing with old ethyl ether.

To learn more about the hazards of ethyl ether and correct methods of handling and disposing of it, contact the hotline listed below.

Emergency Planning and Community Right-to-Know Information Hotline

(800) 535-0202

Monday through Friday
8:00 am to 7:30 pm
(eastern time)

Chemical Emergency Preparedness and Prevention Office

US Environmental Protection Agency
(5101)
401 M Street, SW
Washington, DC 20460

original

JOHN WAIHEE
GOVERNOR OF HAWAII



PETER A. SYBINSKY, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

August 12, 1994

To: The Hawaii State Emergency Response Commission Members
From: Bruce Anderson, Acting Chairman *Bruce K. Anderson* FOR
The Hawaii State Emergency Response Commission
Subject: Notice for HSERC Meeting #20

This is to invite you to attend the next meeting of the Hawaii State Emergency Response Commission (HSERC) to be held on Wednesday, August 31, 1994, 9:00 am to 12:00 pm. The meeting will be held at the Department of Health, Kinau Hale Boardroom, First Floor located at 1250 Punchbowl Street.

Topics of Discussion will include the draft EPCRA enforcement policy, HSERC review of emergency plans and the proposed HSERC/LEPC budget.



STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

August 2, 1994

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #20

WEDNESDAY, August 31, 1994 from 9:00 a.m. to 12:00 p.m.

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

In reply, please refer to:
HEER OFFICE

AGENDA

- I. Call to Order
 - A. Opening Remarks
 - B. Discussion/Approval of Minutes from Meeting #19
- II. Nomination and appointment of LEPC members
- III. Providing the public with Information -
Dissemination of Materials such as Meeting announcements and minutes and Emergency Plans
- IV. Draft Enforcement Policy
- V. HSERC Review of Emergency Plans
 - A. Submission Dates for LEPC Plans
- VI. Budget for Next Year
Should Federal Facilities pay the HCIF Filing Fee to the State General Fund?
- VII. DOT Planning Grant
- VIII. Innovative Funding Programs for LEPCs
- IX. Review of Regional Response Team Exercise on June 7-9, 1994
- X. Other Business
- XI. Schedule next HSERC meeting

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

June 20, 1994

FINAL MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #18

on
November 17, 1993
9:00 a.m. to 12:00 p.m.

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

Attendees

Bruce S. Anderson, DOH
Russell Charlton for Dayton Nakanelua, DLIR
Gordon Akita for Keith Ahue, DLNR
Tom Smyth for Mufi Hannemann, DBEDT
Ralph Moore for Rex D. Johnson, DOT
B.Z. Siegel, UH-School of Public Health
Chris Takeno, City and County of Honolulu LEPC
Clifford Ikeda, Kauai County LEPC
Joseph Blackburn, Maui County LEPC
Jay Sasan, Hawaii County LEPC

Other Attendees

Jim Vinton, BHPPA(H)
Liz Galvez, DOH-HEER
Blake Vance, Hawaii Sugar Planters Association
Bill Perry, DOH-HEER
Alden Kang, State Civil Defense
Yingfan Xu, DLNR
Carter Davis, Honolulu Fire Department
Michael Choy, HECO
Laura Young, DOH-HEER

I. Call to Order

The 18th meeting of the HSERC was called to order at 9:15 am on November 17, 1993 by
Dr. Anderson

Announcements

The current names and addresses of the Local Emergency Planning Committees were distributed. The lists should be used to update the HSERC Manual, if additional copies are needed, contact Laura Young at the HEER Office.

A training team from EPA Region IX will be providing two EPCRA training sessions, one to focus on federal facility requirements under Executive Order 12856 and the other to industries already required to report under EPCRA. Each session will last two days. They are tentatively scheduled for mid-March.

The draft meeting summary from HSERC meeting #17 was reviewed and approved with noted changes.

II. Update by Attorney General's Office

Kathy Ho was off island and could not attend the HSERC meeting, there were no outstanding issues and no new issues were brought up for the Attorney General's attention.

III. Hazardous Materials Transportation Act Update

Alden Kang of State Civil Defense presented an update of the HMTA grant. The application requested \$62,885 and a full allocation was received. We are in the first year of a six year grant. If the requirements of the grant are met annually, funding will continue. The grant has two sections. The planning section received \$30,235 to be implemented by the Department of Health, the monies would fund a planner to work with LEPCs. The training section of the grant received \$32,650. State Civil Defense is working with Hawaii Community College to offer Initial Responder to Haz Mat Incidents on Oahu. Training courses will also be scheduled for the outer islands.

The courses have been offered at HCC for several months with only one course being conducted, the others were canceled due to lack of registration. At least 9 people are needed for the course to be conducted. There are an estimated 12,000 state and county employees who need this level of training, the grant can pay for 400 students per year, in 6 years 2,400 workers could be trained.

The departments must enroll their workers and pay the \$100.00 registration fee. Upon completion of the course a certificate will be issued to the student. Present a copy of the certificate and proof of payment to Mr. Kang's office at State Civil Defense and \$80.00 will be reimbursed. Only 80% is reimbursed because a 20% soft match is required.

Chris Takeno stated that the payment/reimbursement system was awkward and that the reimbursed funds did not go directly back to the programs that paid for the training.

Captain Blackburn requested that future training courses be offered to meet the needs of specific programs, such as the fire department's need for chemistry courses instead of initial responders course.

Dr. Anderson suggested working out other payment system options and announcing the class through mail outs to reporting EPCRA facilities, the LEPC and the HSERC members to increase registration.

IV. Cost Recovery Policy

A review of the Cost Recovery Policy was presented by Laura Young. A draft of the policy was being reviewed by the Attorney General's Office and the Environmental Resource Office.

The HEER office should be notified of all chemical releases, a State-On-Scene (OSC) will assist the responding agencies, assistance and recommendations from the OSCs will be very important in cost recovery procedures. The applications for cost recovery will also be reviewed by the Director of Health and recovery costs are also at the Director's discretion.

If a release or incident occurs on an neighbor island contact an OSC, the OSC will coordinate a response effort. They will also respond to requests by local/county emergency response agency. An OSC is on call 24 hours a day, during non-office hours they can be reached through the State Hospital at 247-2191.

V. LEPC Nominations/Appointment

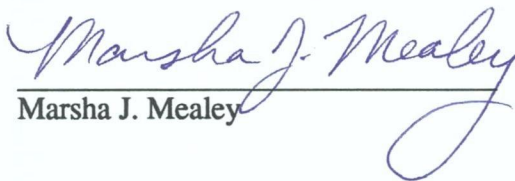
Mayor Linda Crockett-Lingle submitted nominations for the Maui County LEPC. All nominations were approved and appointed by the HSERC.

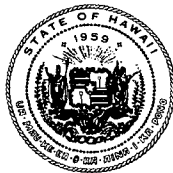
Dr. Anderson stated that nomination for additional members to any of the LEPC can be submitted for appointment at future HSERC meetings.

VI. Next HSERC Meeting

The HSERC will meet after the close of the 1994 legislative session.

Respectfully submitted,


Marsha J. Mealey



STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. BOX 3378
HONOLULU, HAWAII 96801

June 20, 1994

DRAFT MEETING SUMMARY
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #19

May 31, 1994
9:00 a.m. to 12:00 p.m.

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

In reply, please refer to:
HEER OFFICE

Attendees

John C. Lewin, M.D., DOH
Bruce S. Anderson, DOH
Roy Price for Major General Richardson, DOD
Ralph Moore for Rex D. Johnson, DOT
Russell Charlton for Dayton Nakanelua, DLIR
B.Z. Siegel, UH-School of Public Health
Gordon Akita for Keith Ahue, DLNR
Chris Takeno, City and County of Honolulu LEPC
Clifford Ikeda, Kauai County LEPC
Tom Smyth for Mufi Hannemann, DBEDT
Sean M. O'Keefe for Ron Davis, Maui County LEPC
Jay Sasan, Hawaii County LEPC

Other Attendees

Jim Vinton, BHPPA(H)
Steve Armann, DOH-HEER
Michael Choy, HECO
Blake Vance, Hawaii Sugar Planters Association
Terry Corpus, DOH-HEER
Laura Young, DOH-HEER

I. Call to Order

The 19th meeting of the HSERC was called to order at 9:15 am on May 31, 1994 by Dr. Lewin.

A. Opening Remarks

Introductions

Marsha Mealey, Hawaii DOH, HEER, EPCRA Coordinator
Laura Young, Hawaii DOH, HEER, Site Discovery and Assessment
Chris Takeno, Hawaii DOH, HEER, On-Scene-Coordinator

Dr. Lewin announced his resignation as Chairperson of the HSERC. Bruce Anderson will be acting Chairperson of the HSERC until a new Director of Health is named.

B. Discussion/Approval of Minutes from Meeting #18

The draft meeting summary from HSERC meeting #18 was reviewed and approved with no changes.

II. Nomination and appointment of LEPC members

A motion to appoint the following nominees to the local emergency planning committees of the counties as listed below was carried.

County of Hawaii

Galen Enriques, Fire Chief
U.S. Army Reserve Center
Pohakuloa Training Center
470 W. Lanikaula Street
Hilo, Hawaii 96720

County of Maui

Williet Medeiros
Maui News
100 Mahalani Street
Wailuku, Hawaii 96793

Sel Menor, ~~Director~~ *Administrator*
Maui County Civil Defense

Lawrence Hart
Maui District Health Officer

City and County of Honolulu

Laurence Raine
University of Hawaii at Manoa
School of Public Health

Nominees to LEPCs should attend meetings before their official appointment to avoid delay due to HSERC meeting schedules.

III. Update of Local Emergency Planning Committees Activities

Jay Sasan from Hawaii County

Hawaii County formally started LEPC activities in February. The first meeting was held without a chairman. The chairperson is now Nelson Tsuji, Hawaii County Fire Chief, and his Vice Chair is Harry Kim. The LEPC has held two meetings. The next meeting will adhere to the provisions of the Sunshine Law. Attendance at the meetings has improved. The workshop by Laura Young on EPCRA requirements was well attended by government representatives. Another workshop is planned for the public.

Sean O'Keefe from Maui County

The LEPC has had three (monthly) meetings. Captain Joseph Blackburn, of the Maui Fire Department, is the Chairperson. The Maui County Emergency Response Plan is being updated. They are also assembling a list of training resources. The committee is considering having Molokai and Lanai form subcommittees which will send a single representative to the main LEPC meetings. There has been no response from letters to their County Council members regarding LEPC participation. Bylaws and Public Relations subcommittees have been established.

Chris Takeno from the City and County of Honolulu

No meetings have been held since the appointment of the members by the HSERC. A tentative meeting is planned for June 21st. A Chair will be elected at that meeting.

Clifford Ikeda from Kauai County

State/City supplied a loan to run TGRAF software but some training is needed before it becomes operational. The Council approved money for three (3) Macintosh computers for the Fire Department (two portable and one Power Mac). The committee is planning a full scale EPA funded HazMat exercise on the morning of August 17th in Nawiliwili. All Tier II forms received have been entered into the database. Assistance from the State on determining the direction of the LEPC is requested. Bill Perry is the State OSC assigned to Kauai but Terry Corpus may switch with him.

IV. Hawaii Chemical Inventory Forms (Tier Two) and Filing Fee Submissions Update from Laura Young

The deadline for submitting Tier II forms was March 1, 1994 but the HEER office is still receiving several a week. Seventy four thousand dollars (\$74,000) in filing fees has been collected and submitted to the General Fund. Follow up will be done on sixty to seventy five facilities which have reported but have not submitted their fees as well as other facilities which are known to the State but have not reported. Two hundred more Tier II forms were filed this year than in previous years. The increased filing and the volume of question (at times 50 per week) indicate that professional associations have been effective in disseminating information about HEPCRA.

County DOT facilities should report as well as all car rental facilities. If they (or other facilities) are not reporting, the LEPC should submit the names to HEER and the HSERC will send requests for information; copies will be sent to LEPCs for their records.

The HSERC could send a warning letter, if there is no response, send an additional warning letter higher up in the management of the company before sending a formal order/fine.

LEPCs should submit requests for funds (staffing, computers, response equipment, etc.) to the HSERC and the HSERC should submit a proposal for a budget through the HEER

Office (appropriations bill) for a September legislative deadline.

The summary report of statewide Hawaii Chemical Inventory Form filing should be a formal document officially submitted to the libraries.

V. Review of Regional Response Team Exercise on June 7-9, 1994 from Terry Corpus

The State Of Hawaii has an Area Contingency Plan for Worst Case Oil Spills to Navigable Waters as mandated by the Oil Pollution Act of 1990 (OPA). It was developed by the Coast Guard with input from Federal, State and County government and also private industry. The comprehensive plan encompasses different shoreline types, endangered species and habitats, archeological sites, boom protection, deployment strategy, storage and disposal facilities and companies with HazWOPER trained personnel. An exercise program is also mandated by OPA. The Coast Guard follows National Preparedness for Response Exercises Program (NPREP). The exercise is scheduled for June 8th with physical deployment of a response crew and vessel. Vessel of Opportunity, shore skimming, beach clean up and decon. Participants include MSRC, Clean Islands Counsel (CIC), Marine Logistics, PENCO and their subcontractors. The command center at the Oil Response Center on Sand Island Access Road will be activated. There will be an RRT Workshop on June 7th and a critique on June 9th. HSERC Members are invited to observe.

DOT requested a list of participants.

VI. Direction and Role of the Hawaii State Emergency Response Commission from Steve Armann

The items on the attached timetable, which lists tasks mandated by HEPSCRA, the agency with current responsibility for completing the tasks and the tasks' progress toward completion, were discussed.

It was suggested that LEPCs submit emergency plans to the HSERC one LEPC per quarter. Review criteria for LEPC emergency plans was discussed. A meeting will be scheduled between John Bartlett (State Civil Defense) and DOH staff to begin drafting approval criteria.

VII. Other Business

Roy Price has submitted through the Department of Transportation for a training grant for the fiscal year 1995 and intends to apply for an extension for the existing planning grant and training grant both of which are in the \$30,000 range. Funds may be used to provide administrative support to the LEPCs. Now that DOH has funds, Roy will withdraw his 50% match.

Roy Price notified the HSERC that FEMA is providing training monies. Leighton Au Cook is meeting with community colleges to arrange reimbursement for courses which are put on by Civil Defense.

Alden Kang, of the State Civil Defense, is arranging a HazMat exercise in Kauai.

VIII. Schedule next HSERC meeting

The HSERC will meet next in late August.

Time Table of HSERC Activities Sorted by Agency

Task	Agency	Status
Appoint a local emergency planning committee (LEPC) to serve each of the districts.	HSERC	Completed.
Adopt bylaws and budget.	HSERC	DOH researching bylaws.
Review local emergency response plans annually, making recommendations for any needed changes.	HSERC	Annually.
Ask for further information from facilities, at the request of the state or another party or at its own discretion, about a particular chemical or facility.	HSERC	Upon request.
Provide the forum for coordinating all Title III information, and assist in understanding and communicating associated chemical risks.	HSERC	Ongoing.

Time Table of HSERC Activities Sorted by Agency

Task	Agency	Status
Provide strong leadership, coordination, technical assistance, and training, work closely with LEPCs to help identify their specific needs and carry out their programs, and use its knowledge and expertise to help all affected groups, organizations and individuals meet their responsibilities under the Act.	HSERC	Ongoing.
Coordinate proposals for and distribution of training and planning grant funds.	Civil Defense	See Civil Defense calender.
Coordinate and supervise the activities of the local committees, through regular communication and contact.	DOH	Ongoing.
Recommend suitable examples of bylaws.		By 06/07/94.
Develop information packet for new LEPC members.		By 06/30/94.

Time Table of HSERC Activities Sorted by Agency

Task	Agency	Status
Establish uniform information access for HSERC and LEPC members.		By 06/01/95.
Notify EPA of all facilities in the state that are either covered under emergency planning requirements, or have been designated as subject to these requirements by the SERC or the governor.	DOH	Annually.
Receive reports and notifications required by the legislation: material safety data sheets (MSDSs), or lists of MSDS chemicals, emergency and hazardous chemical inventory forms, and notices of emergency releases (this information also goes to the LEPCs).	DOH	Annually.
Make reports available to the public, and use them in developing and enforcing state environmental and public health programs.	DOH	As requested.
Establish procedures for receiving and processing public requests for information collected under the Act.	DOH	By 08/30/94.

Time Table of HSERC Activities Sorted by Agency

Task	Agency	Status
Request information from the EPA on health effects of chemicals that EPA has agreed to designate "trade secret," and ensure that this information is available to the public.	DOH	As needed.
Take civil action against facility owners or operators who fail to comply with reporting requirements.	DOH	As needed.
Insure that its state programs are integrated with the federal law in order to strengthen enforcement.	DOH	As needed.

From EPA's "Chemicals in Your Community"

**BRIEF
DR. LEWIN
DR. ANDERSON**

Will be included in TRI

*Mike Choi
HECO*

**HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #19**

**TUESDAY, MAY 31, 1994
9:00 a.m. to 12:00 p.m.**

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

AGENDA

I. Call to Order (DR. LEWIN 15 MINUTES)

A. Opening Remarks

I WOULD LIKE TO INTRODUCE MARSHA MEALEY, MARSHA WILL BE TAKING LAURA YOUNG'S PLACE AS THE STATE EPCRA COORDINATOR. MARSHA IS CURRENTLY PART OF THE HAZARD EVALUATION SECTION OF THE HEER OFFICE, SHE WORKS WITH FACILITIES THAT FILE TOXIC RELEASE INVENTORY FORMS UNDER EPCRA AND HAS WORKED WITH EPCRA COMPLIANCE AT THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

LAURA WILL BE WORKING WITH THE SITE DISCOVERY AND ASSESSMENT GROUP IN THE HEER OFFICE AND WILL BE ASSISTING MARSHA DURING HER TRANSITION

ALSO, CHRIS TAKENO OUR REPRESENTATIVE FROM THE HONOLULU LEPC WILL BE JOINING THE HEER OFFICE AS A STATE ON-SCENE-COORDINATOR, EFFECTIVE JUNE 1.

B. Discussion/Approval of Minutes from Meeting #18

II. Nomination and appointment of LEPC members

THE LEPC REPRESENTATIVE FROM HAWAII, MAUI AND THE CITY AND COUNTY OF HONOLULU WOULD LIKE TO SUBMIT NAMES TO THE HSERC FOR APPOINTMENT TO THEIR RESPECTIVE COMMITTEES.

*Dr. Hart
from Santa
Barbara*

**III. Update of Local Emergency Planning Committees Activities (30 MINUTES)
(DR LEWIN TO INTRODUCE**

JAY SASAN FROM HAWAII COUNTY

SEAM O'KEEFE FROM MAUI COUNTY (CAPTAIN BLACKBURN IS CONDUCTING TRAINING IN SAIPAN AND COULD NOT BE HERE)

*draft of
• Emergency Plan
• training resources list
• Molokai; Hawaii
perhaps sub comm
Send to rep*

*• Subcomm
• hazardous waste disposal
help*

CHRIS TAKENO FROM THE CITY AND COUNTY OF HONOLULU
CLIFFORD IKEDA FROM KAUAI COUNTY)

• TYRAF on mac - installed not quite working yet

- IV. Hawaii Chemical Inventory Forms (Tier Two) and filing fee submission (DR LEWIN TO INTRODUCE LAURA YOUNG - 5 MINUTES)
- V. Review of Regional Response Team Exercise on June 7-9, 1994 (DR LEWIN TO INTRODUCE TERRY CORPUS - 10 MINUTES)
- VI. Direction and Role of the Hawaii State Emergency Response Commission (DR LEWIN TO INTRODUCE STEVE ARMANN - 20 MINUTES)
- VII. Other Business
- VII. Schedule next HSERC meeting

tentative HEPERC mtg. June 21
• process tier II form

• macs for fire dept approved

• Hazmat Exercise planned

Aug. 17 @ Naurliiwili (EPA funded)

• All Tier II are input (CFISH)

* get a copy of first mtg. items for Clifford Ikeda

FVI - need to be compatible 1 yr -> UNIX 17

* HMIX?

* Print out of inventory (from CFISH?)
ask 2000
make a list of

man * Uses for Tier II info - annual report should go to libraries

* All DOT facilities should be reporting

Rick Johnson - HSERC will send letter asking for complete reporting.
(+ bases)

[LEPCs should submit companies names who should report to the HSERC and the DOH will send letter and second letter (State management level) with example of completed form]

* SERC needs to put in a request for funds from Leg.
* make a budget for Sept. - meet before then
Ask for what's needed - let the leg. decide how to fund
LEPC must submit requests for equip etc.
must coordinate staff budget with LEPC requests and first responder needs (level A etc)

buy shares

* Subcomm (. . .) will draft boiler plate
before next meeting * review on a staggered schedule?

* Send letter to EPA listing facilities

can be used
for admin
report
for HERCS

Roy has submitted a training and planning grant
+ an extension
FEMA has a training grant also. ?
50/50 grant DOT → Dept. of PH

* Make hurricane exercise part of emergency plans.
It is.

H. gov / County clerk receive notices of mtg.
6 days before.

Next mtg - late August

Agenda Criteria for the review of emerg. plans.

* Russel Charlton needs copy of Kawai ~~mtg~~
Emerg. exercise

Timetable of LEPC Activities

Task	Agency	Target Date	Status
Maintain LEPC membership.	LEPC	Ongoing	
Appoint members to the LEPC Membership Subcommittee.	LEPC	05/20/94	
Assure that representatives of each of the following groups and organizations are nominated for approval at upcoming HSERC meetings.	LEPC Membership	05/31/94	
Obtain resumes from SERC and LEPC members (with picture).	LEPC Membership	06/21/94	
Identify and work with available resources such as trade and volunteer organizations.	LEPC Membership		
Identify and work with small businesses.	LEPC Membership		
Adopt bylaws for LEPC activities.	LEPC	06/30/94	
Contact approximately 10 states to request copies of their bylaws.	DOH - Mike Cripps	05/30/94	
Choose 1 to 3 good examples of bylaws to present to committees and distribute.	DOH	06/07/94	
Appoint members to Bylaw Development and Adoption subcommittee.	LEPC	05/20/94	
Draft and recommend bylaws for adoption by LEPC.	Bylaw Development		
Develop budget.	Bylaw Development		
Establish costs of conducting LEPC activities.	Bylaw Development		

Obtain secretarial support for SERC and LEPCs.	Bylaw Development		
Review, revise and vote on bylaws.	LEPC	06/22/94	
Technology transfer.	EPA, DOH, HSERC		
Copy, write cover letter for and send brochure on conducting public meetings to LEPC Chairpersons.	DOH - Laura Young	05/30/94	
Develop information packet for new LEPC members.	DOH - Marsha Mealey	05/30/94	
Compose welcome/congratulation letter.	Laura Young	05/22/94	
Obtain tapes of emergency incidents to use in SERC and LEPC meeting agendas.	DOH - Bill Perry	05/30/94	
Merge EPCRA filing system.	Marsha Mealey		
Create new files for facilities covered under EO 12856.	Marsha Mealey		
Create filing system for EPCRA issues.	Marsha Mealey		
Establish information access for HSERC and LEPC members.	Marsha Mealey		
Regional Response Team (RRT) Exercise	RRT		
Informal meeting with Mike Ardita.	Laura Young and Marsha Mealey	06/06/94	
Formal meeting prior to RRT Exercise		06/07/94	
RRT Exercise	HSERC and LEPCs	06/08/94	
Review of RRT Exercise	HSERC and LEPCs	06/09/94	
Informal meeting.	HSERC	06/09/94	
Create and maintain an emergency plan.	HSERC, LEPC and Facilities		
Appoint members of LEPC to HazMat Plan Development subcommittee.	LEPC	05/20/94	

Appoint members of the HSERC to an emergency plan development subcommittee.	HSERC		
Review and coordinate adoption of state disaster plan.	HSERC and CD		
Complete a hazards analysis:	HazMat Plan Development		
Identify the type and locations of hazards.			
Identify the vulnerable zones and human populations at risk.			
Assess the likelihood of an accident and the severity of the consequences to humans {and the environment}.			
Identify (by title or position) the one individual responsible for each participating organization during a response, as well as the one individual responsible for each major response function and service.	HazMat Plan Development		
Identify available emergency equipment at facilities, on island and in the state and region.	HazMat Plan Development		
Develop a plan to prepare for and respond to chemical emergencies in accordance with NRT-1.	HazMat Plan Development		
Submit plan to SERC for review and vote.	LEPC	08/30/94	
Publicize the plan through public meetings or newspaper announcements for public comment.	LEPC		
Train emergency personnel.	HSERC and Fire, Police, Medical, etc.		

Annually review, test (by conducting emergency drills) and update plan.	HazMat Plan Development	06/08/94	
Review facility Emergency Response Plans.	LEPC		
Receive emergency release and hazardous chemical inventory information submitted by local facilities.	LEPC, HSERC and Fire Departments	Annually	
Publicize information and committee activities.	LEPC and Mayor's Office		
Appoint members to Public Information Policy subcommittee.	LEPC		
Announce meetings.	LEPC		
Establish and publicize procedures for handling public information requests and public involvement in the planning process.	Public Information Policy		
Make emergency release and hazardous chemical inventory information available to the public upon request.	LEPC and DOH		
Ensure strong media coverage of SERC and LEPC activities.	DOH and LEPC		
Serve as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks.	LEPC		
Request additional information from facilities for LEPC planning purposes or on the behalf of others.	LEPC		

Visit facilities in the community to find out what they are doing to reduce hazards, prepare for accidents, and reduce hazardous inventories and releases.	LEPC and DOH		
Take civil actions against facilities if they fail to provide the information required under the Act.	LEPC		

Direction of LEPC

•Local planning committees must consist of representatives of all the following groups and organizations:

elected state officials

elected local officials

law enforcement

civil defense

fire fighting

first aid

health

local environmental agencies

local transportation agencies

hospitals

broadcast and print media

community groups

representatives of facilities subject to EPCRA

•Develop a plan to prepare for and respond to chemical emergencies.

•Submit the plan to SERC for review.

•Publicize the plan through public meetings or newspaper announcements for public comment.

•Annually review, test (by conducting emergency drills) and update plan.

•Publicize committee activities.

•Receive emergency release and hazardous chemical inventory information submitted by local facilities.

•Establish and publicize procedures for handling public information requests.

•Make emergency release and hazardous chemical inventory information available to the public upon request.

•Request additional information from facilities for LEPC planning purposes or on the behalf of others.

•Visit facilities in the community to find out what they are doing to reduce hazards, prepare for accidents, and reduce hazardous inventories and releases.

•Take civil actions against facilities if they fail to provide the information required under the Act.

•Serve as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks.

From EPA's "Chemicals in Your Community"

Direction of SERC

- Designate local emergency planning districts within the state.
- Appoint a local emergency planning committee (LEPC) to serve each of the districts.
- Coordinate and supervise the activities of the local committees, through regular communication and contact.
- Coordinate proposals for and distribution of training grant funds.
Review local emergency response plans annually, making recommendations for any needed changes.
- Notify EPA of all facilities in the state that are either covered under emergency planning requirements, or have been designated as subject to these requirements by the SERC or the governor.
- Receive reports and notifications required by the legislation: material safety data sheets (MSDSs), or lists of MSDS chemicals, emergency and hazardous chemical inventory forms, and notices of emergency releases (this information also goes to the LEPCs).
- Make reports available to the public, and use them in developing and enforcing state environmental and public health programs.
- Establish procedures for receiving and processing public requests for information collected under the Act.
- Ask for further information from facilities, at the request of the state or another party or at its own discretion, about a particular chemical or facility.
- Request information from the EPA on health effects of chemicals that EPA has agreed to designate "trade secret," and ensuring that this information is available to the public.
- Taking civil action against facility owners or operators who fail to comply with reporting requirements.
- Insure that its state programs are integrated with the federal law in order to strengthen enforcement.
- Provide the forum for coordinating all Title III information, and assisting in understanding and communicating associated chemical risks.
- Provide strong leadership, coordination, technical assistance, and training, work closely with LEPCs to help identify their specific needs and carry out their programs, and use its knowledge and expertise to help all affected groups, organizations and individuals meet their responsibilities under the Act.

From EPA's "Chemicals in Your Community"

Prior to first meeting:

Letter to individual- Welcome/Congatulations.
Information on LEPC.
Contact namese in state and county (lead agency).
Provide member information to DOH - resume/background.

First meeting:

Introduction of members; present their background.
Overview of HEPCRA.
Duties of LEPC.
Public meeting requirements.
Scheduling meetings.
Necessary subcommittees
 Duties of subcommittes
 LEPC Membership
 Bylaws Development
 Public Information Policy
 HazMat Plan Development
 Budget and Finance

LEPC Time Table

•Maintain LEPC membership.

LEPC - Appoint members to the LEPC Membership Subcommittee.

LEPC Membership - Assure that representatives of each of the following groups and organizations are nominated for approval at upcoming HSERC meetings: 05/31/94

- elected state officials _____
- elected local officials _____
- law enforcement _____
- civil defense _____
- fire fighting _____
- first aid _____
- health _____
- local environmental agencies _____
- local transportation agencies _____
- hospitals _____
- broadcast and print media _____
- community groups _____
- representatives of EPCRA facilities _____

LEPC Membership - Obtain resumes from SERC and LEPC members (with picture).

Identify and work with available resources such as trade and volunteer organizations.

Identify and work with small businesses.

•Adopt bylaws for LEPC. 06/30/94

Mike Cripps - Contact approximately 10 states to request copies of their bylaws. 05/30/94

DOH - Choose 1 to 3 good examples of bylaws to present to committees and distribute. 06/07/94

LEPC - Appoint members to Bylaw Development and Adoption subcommittee.

Bylaw Development - Draft and recommend bylaws for adoption by LEPC.

Bylaw Development - Develop budget.

Establish costs of conducting LEPC activities.

Obtain secretarial support for SERC and LEPCs.

LEPC - Review, revise and vote on bylaws. 06/22/94

•Technology transfer.

Laura Young - Copy, write cover letter for and send brochure on

conducting public meetings to LEPC Chairpersons. 05/30/94
DOH - Develop information packet for new LEPC members. 05/30/94
Laura Young - Compose welcome/congratulation letter. 05/22/94
Bill Perry - Obtain tapes of emergency incidents to use in SERC and
LEPC meeting agendas. 05/30/94

Incidents:

Astropeak
Exxon Houston
Chevron HNL Tank Farm Fire '87
Kehee Lagoon (proposed)

Request tapes from Carter.

Request photos from John Bowen.

Marsha Mealey - Merge EPCRA filing system.

Marsha Mealey - Create new files for facilities covered under EO
12856.

Laura Young and Marsha Mealey - Apply for innovative technology
grant. 05/27/94

Marsha Mealey - Create filing system for EPCRA issues.

Marsha Mealey - Establish information access for HSERC and LEPC
members.

Regional Response Team (RRT) Exercise

MM & LY - Informal meeting with Mike Ardita. 06/06/94
HSERC - Formal meeting prior to RRT Exercise 06/07/94
HSERC and LEPCs - RRT Exercise 06/08/94
HSERC and LEPCs - Review of RRT Exercise 06/09/94
HSERC - Informal meeting. 06/09/94

•Create and maintain an emergency plan.

Develop a plan to prepare for and respond to chemical emergencies.

LEPC - Appoint members of LEPC to HazMat Plan Development
subcommittee.

Complete a hazards analysis:

Identify the type and locations of hazards.

Identify the vulnerable zones and human populations at
risk.

Assess the likelihood of an accident and the severity of
the consequences to humans {and the environment}.

Identify available emergency equipment:

Community
Facilities
Region

HazMat Plan Development - Submit plan to SERC for review 08/30/94
LEPC - Publicize the plan through public meetings or newspaper announcements for public comment.

Identify (by title or position) the one individual responsible for each participating organization during a response, as well as the one individual responsible for each major response function and service.

Train emergency personnel.

HazMat Plan Development - Annually review, test (by conducting emergency drills) and update plan.

LEPC - Review facility Emergency Response Plans.

- Receive emergency release and hazardous chemical inventory information submitted by local facilities.

- Publicize information and committee activities.

LEPC - Appoint members to Public Information Policy subcommittee.
Announce meetings.

Public Information Policy - Establish and publicize procedures for handling public information requests and public involvement in the planning process.

LEPC - Make emergency release and hazardous chemical inventory information available to the public upon request.

Ensure strong media coverage of SERC and LEPC activities.

Serve as a focal point in the community for information and discussions about hazardous substances, emergency planning, and health and environmental risks.

- Request additional information from facilities for LEPC planning purposes or on the behalf of others.

- Visit facilities in the community to find out what they are doing to reduce hazards, prepare for accidents, and reduce hazardous inventories and releases.

- Take civil actions against facilities if they fail to provide the information required under the Act.