



LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #67

Thursday, June 28, 2007 from 9:00 a.m. to 12:00 p.m.
Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

AGENDA

- | | | |
|-----------|--|---|
| 1) 9:00 | Call to Order Opening Remarks Approval of Minutes from Mtg #66 | Laurence K. Lau, Deputy Director for Environmental Health |
| 2) 9:15 | LEPC Updates | John Ross, Hawaii LEPC Representative Clifford Ikeda, Kauai LEPC Representative Scott Kekuewa, Maui LEPC Representative Carter Davis, Oahu LEPC Representative |
| 3) 9:45 | EPA Update | Mike Ardito, USEPA Region 9 |
| 4) 10:00 | HMEP Project Proposal | Honolulu LEPC |
| 5) 10:15 | Status of MOA | Ken Lesperance, SCD Curtis Martin, HEER Office |
| 6) 10:30 | Break | |
| 7) 10:45 | Re-distribution of Unused Tier II Funds | SCD, HEER, LEPCs |
| 8) 11:00 | HEPCRA Administrative Rules | LEPC Chairs |
| 9) 11:15 | Super Ferry | Representative from Super Ferry |
| 10) 11:30 | Other Business | |
| 11) 11:45 | Schedule next HSERC meeting | |

07 JUN 22 AM 10:26

LEUTENANT GOVERNOR'S OFFICE

RECEIVED
DEPARTMENT OF HEALTH

2007 JUN 27 A 11: 26

HEER OFFICE

May 30, 2007

Mr. Larry Lau
Hawaii State Emergency Response Commission
Hawaii State Department of Health
919 Ala Moana Blvd, Room 206
Honolulu, Hawaii 96814-4912

Dear Mr. Lau:

Attached is a listing of issues and concerns over the lack of Hawaii Administrative Rules for HRS 128E, Hawaii Emergency Planning and Community Right-to-Know Act, as you requested at the March 22, 2007 meeting of the Hawaii State Emergency Response Commission (HSERC).

Perhaps the most compelling argument in favor of such rules is that paragraphs 6(b) and 7 of HRS 128E specifically require the adoption of rules. We strongly feel that the lack of rules since the inception of HRS 128E in 1993 has limited the program's success. Guidance for Local Emergency Planning Committees and covered facilities is required to outline the administration, implementation, and enforcement of the law.

We ask that the HSERC consider these issues and begin the rulemaking process.

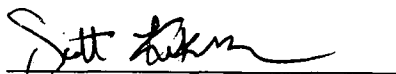
Sincerely,



Carter Davis
Chair, Honolulu LEPC



John Ross
Chair, Hawaii LEPC



Scott Kekuwa
Chair, Maui LEPC



Clifford Ikeda
Chair, Kauai LEPC

Attachment

ISSUES AND CONCERNS OVER THE LACK OF HAWAII ADMINISTRATIVE RULES
FOR
HRS 128E, THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-
KNOW ACT (HEPCRA)

SCOPE

A number of issues have arisen over the years since the adoption of HEPCRA which can be addressed by having rules to clarify the legislation. LEPCs have been informed by their legal offices that county assets cannot be used to support them, as they are considered state entities. Administrative guidance for LEPCs is required for a number of issues, ranging from by-laws, funding, meetings, and plan preparation and review. Additionally, reporting requirements for covered facilities require further clarity to preclude misinterpretation. These issues have been sorted into the categories of administration, implementation, and enforcement.

ADMINISTRATION

- Clarify the status of LEPCs under the law. If LEPCs are state entities, who provides them administrative support?
- Clarify the relationship of LEPCs to County government
- Provide guidance on LEPC by-laws
- Define how LEPCs are funded
- Outline LEPC financial management and reporting guidelines
- Provide guidance on LEPC plan preparation, and plan maintenance and review
- Provide guidance on LEPC meetings – frequency, minutes and sunshine requirements
- Provide guidance on the handling of Tier II reports
- Outline administrative record keeping guidelines
- Provide guidelines on handling requests for information
- Define training requirements
- Provide HMEP participation procedures and guidelines

IMPLEMENTATION

- Provide information required on the State Chemical Inventory Form, as required by Para 6(b) of HRS 128E
- Provide information required on hazardous substance release reports, as required by Para 7 of HRS 128E
- Provide clear and understandable language outlining reporting requirements for covered facilities, especially for non-EHS substances
- Establish more stringent State lower reporting limits, as required
- Establish procedures for electronic Tier II filing, and establish the basis for eventual web-based filing and fee payments
- Provide reporting requirements for hazardous substances in transit currently exempt under DOT regulations, e.g. items in temporary storage awaiting transport to neighbor islands or on-island users
- Identify EHS and other hazardous substances covered by HEPCRA, and any source document listings, e.g. Code of Federal Regulations, EPA List of Lists, etc.
- Address the Homeland Security concerns over sensitivity of HEPCRA data and the issues concerning the right-to-know aspects of the law. Define the EHS substances of greatest homeland security concern.
- Establish procedures and timeframes for the processing of Tier II reports and providing the Tier II database to the counties

ENFORCEMENT

- Procedures to determine, document and handle violations of the law need to be spelled out
- A compliance program requires effective and timely enforcement to ensure its success. The State of Hawaii cannot enforce HEPCRA without rules in place. The current default to EPA Region IX for enforcement action is cumbersome and untimely.
- LEPC enforcement authority and activity needs to be defined

March 14, 2007

HAWAII STATE EMERGENCY RESPONSE COMMISSION

DRAFT FY 08 BUDGET

Collections from the TIER II Reports: \$61,821

HSERC Expenses:

| | |
|---|-------------|
| To attend LEPC Meetings: | \$5,832.00 |
| HazMat Explo11 2007: | \$2,030.00 |
| NASTTPO Conference 2007, TBA | \$2,906.00 |
| 20% Match for the HMEP Planning Grant: | \$10,752.00 |
| (Based on last year's grant of \$43,006.00) | |

Funds available for distribution to the LEPCs:

\$61,821
-5,832
-2,030
-2,906
-10,752

\$40,301.00

TIER II Reporting Facilities by Counties (based on Tier2Submit 2005):

| | | |
|----------------------------|-----|--------|
| City & County of Honolulu: | 358 | 43.93% |
| County of Hawaii | 217 | 26.63% |
| County of Maui | 138 | 16.93% |
| County of Kauai | 102 | 12.52% |

FY08 LEPC BUDGET SPLIT
FINAL March 19, 2007

Straight percentage split:

| | |
|-----------------|--------------------------------------|
| Honolulu | $\$40,301 \times 43.93\% = \$17,704$ |
| Hawaii | $\$40,301 \times 26.63\% = \$10,732$ |
| Maui | $\$40,301 \times 16.93\% = \$6,832$ |
| Kauai | $\$40,301 \times 12.52\% = \$5,046$ |

With a \$3,000 base (utilized in previous years):

| | |
|-----------------|--|
| Honolulu | $\$28,301 \times 43.93\% + \$3,000 = \$15,433$ |
| Hawaii | $\$28,301 \times 26.63\% + \$3,000 = \$10,537$ |
| Maui | $\$28,301 \times 16.93\% + \$3,000 = \$7,791$ |
| Kauai | $\$28,301 \times 12.52\% + \$3,000 = \$6,543$ |

With a \$2,000 base:

| | |
|-----------------|--|
| Honolulu | $\$32,301 \times 43.93\% + \$2,000 = \$16,190$ |
| Hawaii | $\$32,301 \times 26.63\% + \$2,000 = \$10,602$ |
| Maui | $\$32,301 \times 16.93\% + \$2,000 = \$7,469$ |
| Kauai | $\$32,301 \times 12.52\% + \$2,000 = \$6,044$ |

With a \$1000 base:

| | |
|-----------------|--|
| Honolulu | $\$36,301 \times 43.93\% + \$1,000 = \$16,947$ |
| Hawaii | $\$36,301 \times 26.63\% + \$1,000 = \$10,667$ |
| Maui | $\$36,301 \times 16.93\% + \$1,000 = \$7,146$ |
| Kauai | $\$36,301 \times 12.52\% + \$1,000 = \$5,545$ |

March 20, 2007

HAWAII STATE EMERGENCY RESPONSE COMMISSION

DRAFT FY08 LEPC FUNDS DISTRIBUTION

After deduction of HSERC operational expenses, the balance of the TIER II funds in the amount of \$40,301.00 are proposed to be dispersed in the following manner: a base of \$2,000.00 and the balance on the percentage of TIER II reporting facility in each emergency planning district.

Honolulu $\$2,000 + .4393 (32,301) = \$2,000 + \$14,190 = \$16,190$

Hawaii $\$2,000 + .2663 (32,301) = \$2,000 + \$8,602 = \$10,602$

Maui $\$2,000 + .1693 (32,301) = \$2,000 + \$5,469 = \$7,469$

Kauai $\$2,000 + .1252 (32,301) = \$2,000 + \$4,044 = \$6,044$

March 14, 2007

HAWAII STATE EMERGENCY RESPONSE COMMISSION

Hazardous Materials Emergency Preparedness (HMEP) Planning Grant Project

There is a total of \$53,758.00 available for HMEP Planning Grant Projects. There is a grant amount of \$43,006.00 from USDOT that will be maintained and distributed by the State Department of Defense, Civil Defense Division and a 20% match of \$10,752.00 for HSERC. Project proposals and funding requirements should be submitted as soon as possible for HSERC membership approval due to funding deadlines.

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Thursday, November 01, 2007 7:59 AM
To: Leonida, Sharon L
Cc: Ekimoto, Beryl Y; Davis, Carter W
Subject: Budget Report

Sharon,

I'll be stopping by this afternoon to drop our LEPC quarterly budget report.

I'll be briefing my new DEM boss shortly & would like to be able to explain the distribution of Tier II funds. Could you provide the following info:

Number of reporting Tier II facilities (State & by county):

Tier II filing fees collected (total):

HSERC Operational Expenses:

HMEP Planning Grant 20% match:

Total funds available to the LEPCs:

Distribution (% and amount) to LEPCs

Thanks,

Leland

11/1/2007

Leonida, Sharon L

From: Clifford Ikeda [ciked@kauai.gov]
Sent: Monday, March 19, 2007 1:34 PM
To: Nakai, Leland A; Scott Kekuewa
Cc: Joe Blackburn; John Ross; Carter Davis; Ekimoto, Beryl Y; Leonida, Sharon L; Elton Ushio
Subject: RE: HEPCRA Administrative Rules

I won't be able to make the next HSERC meeting and am sending our Grants Coordinator Elton USHIO from our office. I'll forward this and see if he is able to hustle it to the meeting.

-- CLIFFORD

-----Original Message-----

From: Nakai, Leland A [mailto:LNakai@honolulu.gov]
Sent: Wednesday, March 14, 2007 2:02 PM
To: Scott Kekuewa
Cc: Clifford Ikeda; Joe Blackburn; John Ross; Carter Davis; Ekimoto, Beryl Y; Leonida, Sharon L
Subject: RE: HEPCRA Administrative Rules

Scott,

See John Ross' reply below. Still waiting for Clifford's reply - think he's on vacation. It would be nice to get Clifford's approval also, so we can stand together on this issue & make a strong case to the HSERC.

Recommend that we try to meet before the HSERC meeting next week to discuss - about 8:30 ok??, per John's suggestion.

Beryl, can you invite the necessary HEER guys to participate in the discussion??

Leland

Carter & Leland

I concur with your proposal. In addition Kauai has bought up a problem concerning bylaws.

I will be on the first flight over and would like to suggest all LEPC reps come in early to discuss both items prior to the SERC.

John S. Ross
rossjohns@netscape.net

-----Original Message-----

From: Scott Kekuewa [mailto:Scott.Kekuewa@co.maui.hi.us]
Sent: Wednesday, March 14, 2007 1:17 PM
To: Nakai, Leland A
Subject: Re: HEPCRA Administrative Rules

Leland,

7/3/2007

I agree that this issue should be brought forth through HSERC so that a revision can be made. So far on Maui, we have not any issues regarding interpretation.
Scott

Leonida, Sharon L

From: Ardito.Michael@epamail.epa.gov
Sent: Monday, June 25, 2007 7:59 AM
To: Leonida, Sharon L
Subject: Fed Ex Package Mailed Today for HSERC meeting

Sharon,

Aloha! Today I am mailing a Fed Ex package addressed to you for arrival by Wed. June 27. The package holds 35 copies (one page, double-sided) of the EPA program update to be distributed at this Thursday's HSERC meeting.

When you find out the date of the following or future HSERC meeting(s), please let me know so I can put the dates on our office calendar.

Mahalo,

Michael (Mike) Ardito
Emergency Preparedness Coordinator
U.S. EPA Pacific Southwest Region
75 Hawthorne Street, Mail Code SFD-9-3
San Francisco, CA 94105-3901
Tel.: 415-972-3081
Fax: 415-947-3520
Email: ardito.michael@epa.gov

Leonida, Sharon L

From: Ekimoto, Beryl Y
Sent: Tuesday, April 03, 2007 11:42 AM
To: Blackburj001@hawaii.rr.com; ciked@kauai.gov; hazmat@hawaii.rr.com; John Ross; Kekuewas001@hawaii.rr.com; Nakai Leland (E-mail)
Cc: Leonida, Sharon L; Martin, Clarence (Curtis)
Subject: hazardous substance quantities and your fy08 hmep planning projects
Importance: High

hi guys!

first, a friendly reminder to you (thanks to leland for reminding me), at the next hserc meeting on june 21st, you'll need to present your proposals for the fy08 hmep planning projects so start brainstorming:)

second and lastly, today we had our section meeting (emergency response and preparedness), there was discussion regarding the different programs' hazardous substance quantities so that everyone is on the same page on this issue

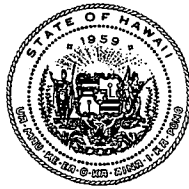
for tier II (epcra), we are using the current federal list of lists which utilizes TPQ levels, threshold planning quantity levels

for release reporting which is listed under RQ levels, reportable quantity levels, **need to refer to the june 1994 list** since cannot locate june 1993 list, there is only a slight difference between the 2 lists

and for the risk management plans -RMP, it refers to TQ levels, which stands for threshold quantity levels

if you have any questions or concerns, give me a call or email

thank you much!
have a good day
b



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P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #65

Thursday, December 7, 2006 from 9:06 a.m. to 10:57 a.m.

Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

Final Meeting Summary
Attendees

Voting

Leland Nakai, Honolulu LEPC
Laurence Lau, Department of Health
Ken Lesperance, Department of Defense, Civil Defense Division
Scott Kekuewa, Maui LEPC
Thomas Smyth, Department of Business, Economic Dev. & Tourism
Genevieve Salmonson, Environmental Quality Control Office
Tin Shing Chao, Department of Labor and Industrial Relations
Tracy S. Aruga, Hawaii County LEPC
Clifford Ikeda, Kauai Civil Defense, Kauai LEPC
Chris Takeno, Dept. of Transportation

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
Mike Cripps, Department of Health, Hazard Evaluation and Emergency Response Office
Terry Corpus, Department of Health, Hazard Evaluation and Emergency Response Office
Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Liz Galvez, Department of Health, Hazard Evaluation and Emergency Response Office
Mike Ardito, U.S. EPA Region 9
Shirley Zhai, Brewer Environmental Industries Hawaii
Cynthia Pang, U.S. Navy

1) Larry Lau called the meeting to order at approximately 9:30a.m.

1.1 No opening remarks by Larry Lau.

1.2 A motion was made and seconded to accept the minutes from meeting #64.

- 1.3 Attendees introduced themselves.
- 1.4 Larry Lau spoke about continuity of operations plans, regarding earthquakes. Motion to approve, Scott, seconded, Tin Shing, adopted.

1) Local Planning Committee (LEPC) Updates

2.1 Hawaii

Tracy Aruga:

- 1) LEPC meeting was held on December 5.
- 2) LEPC Provided \$3,000 to update reference publication for the Hazmat stations with trucks.
- 3) Hazmat team would like to thank the HEER Office and Mike Cripps for the Chemlab training.
- 4) Shortage of Tier II reports, hopes to resolve this with hiring of new HEPCRA person
- 5) LEPC sent 2 Hazmat team members and 1 representative to HAZMAT EXPO training.
- 6) At conference some LEPC members mentioned that they ID persons who requested Tier II information. Some cases need to be restricted. Media representative warned that it may violate Freedom of Information Act, also violate other Federal and State laws. How do other counties handle this.

Larry: Call for comments.

Clifford: Tell requestors to go to Federal Building Library.

Leland: Consultants request by letter, he provides information. No request to see information in person. Will suggest they go to Federal Building to see files.

Larry: If information is available from the federal government, its hard for State to argue information not available. If it jeopardizes public safety we should say so, specific laws can be pointed out. Check with Attorney.

Sharon: Attended a workshop provided by Office of Information Practices. State does not want us to use Federal rules, we need to check with them and they will make a decision. Tracy should check with his Corp Council or Attorney.

Larry: State law is broad. Talk to OIP or County Attorney.

Leland: Anything that concerns Critical Infrastructure information is looked over by legal and Law-enforcement, they will then handle request.

Tom: In case of legal issues, Attorney is the best person to talk to.

Larry: State rules, have 10 days to response to request for documents. OIP publishes a lot of opinions.

Problems may occur. Once information is out, it can't be taken back. Leland: Example of student requesting information and how he handled request.

Larry: After 911 have security concerns.

Clifford: After 911, didn't we agree to take information off web. We agreed to have people go to Federal Building.

Curtis: That was for the Risk Management Plan.

Mike Ardito: Reading room at Federal building is setup for Risk Management Plan. Need to make request to use room.

Clifford: It's up to us, local and State, to develop a plan.

Curtis: We do it on a case by case basis. If there is a need to see records they can request and come in to see records.

Larry: Makes common sense, should review on how to handle request. Report back next meeting, important issue. Need to work on this issue.

7) Tracy: Hawaii County LEPC not on list of recognized committees for county of Hawaii. County Chair and former Chair will talk to Corp Council to discuss problem. Committee is reviewing by-laws.

8) CST and fire to run joined exercise week of March 12.

9) Next meeting March 7,2007.

10) Larry: Announcement, Dept adopted interim rules, for Meth lab cleanup. Contains cleanup interim guidelines. By status, must be finalized by end of 2007. Formal rule making will be in 2007. Legislature gave 90 day deadline.

2.2 Kauai

Clifford Ikeda:

- 1) LEPC meeting Dec.2. Schedule LEPC meeting for all of next year. Will forward list.
- 2) Requests parking pass for all HSERC meetings.

2.3 Maui

Scott Kekuewa:

- 1) LEPC meeting Sept 20. The next LEPC meeting will be held on the Dec. 13.
- 2) Agenda item #3, members list. Don't have it with him.
- 3) Waiting for return letter from Mayor about changes made. Does not know who will be signing letter, new mayor or old mayor.

Larry: New mayor takes office Jan. 2, 2007.

Scott: She was the representative to council before she resigned to run for mayor.

Larry: Was she interested in LEPC?

Scott: Very interested. Looking for new council member to support them. That is Joe's job.

2.4 Oahu

Leland Nakai:

- 1) Carter is unable to be here, sends his regrets. LEPC meeting was held on Dec. 5, 2006. (HANDOUTS) The CLEAN representative gave an update. They sent 5 Firefighter to Continuing Challenge. Capt McGuire gave presentation. Thanks Clean for support.
- 2) CIP Resource guide is on CD only, no hard copy.
- 3) Promote Fire Pal CD to Kapolei schools. Meet with DOE complex area supervisor in January 2007. Goal is to make a copy for each student in complex.
- 4) CLEAN, OCD and Fire working on evacuation plan for CIP. Procedures to use in case of lockdown. How to keep track of people, help businesses that run 24 hour operations. St Francis West has joined in to help in this planning.
- 5) HAZMAT EXPLO/Mid-Year NASTTPO/EPA

Keynote speaker John Sewell, CEO Chalrretta Medical Center, St Bernard Parish, LA.

Give his experience during Hurricane Katrina. Lessons learned from this experience. Don't expect Federal government to come to your aid. IED devices used in Iraq. Retired 1st Sgt give talk. Getting more violent, targeting 1st responders.

NASTTPO forming like "RRT", Rapid Response Team. Addressing national issues such as the Federal register. Charley Rogoff, DOT representative, told of 70% increase in funding. Can be juggled by each State for FY 08 Electronic Grants Process, grant must be done on line. All funding, includes HMEP. Other states have advised that the system is hard to use. Need to get an early start on using this system.

Leland: suggests HMEP representative be sent to conference. Beneficial to have first hand information and details on the new process. Needs to get information from Charley Rogoff. Make motion to draft a letter to be reviewed by HSERC to send a HMEP grantee to attend NASTTPO conference, letter will be sent to Ed Teixeira

Larry: Asked for clarification on motion.

Leland: Draft letter to have HMEP grantee attend NASTTPO conference to gain knowledge on how to do on line application for HMEP grants. We can lose up to 1 to 2 years of grants because of not filing correctly.

Tom: Send letter to Adjutant General also.

Ken: Thank Leland for bring back power point, he tried, not able to get on system.

Larry: Understands how hard it is to apply, he has to do application for grants to EPA.

Ken: He has less and less knowledge on this subject as time goes on and is unable to do much.

Larry: Motion to have Leland draft letter to have HMEP grantee attend NASTTPO Conference. 1. Leland
2. Scott.

E-85, is 85 % Ethanol, 15 % gasoline. One-third of the States are using ethanol. Bear Agriculture is manufacturer. Most Ethanol producers in U.S. are small farms. Not major oil companies. Why is that?

FEMA NIMS Integration Center. Hazmat program not active for a while. No money available. RMP Facilities are decreasing according to Mary Wesling. Accidents are also down.

Carter Davis given Lifetime Achievement Award.

6) HEER/LEPC Team: Visit sites not reporting to HEPCRA. Twelve, 12, facilities to date. Planning Future visits.

7) EHS and Honolulu Harbor Project update used Homeland Security funds. Completed Oct 2006. Used Dixon Risk Services, Inc.

8) Kakaako-Waikiki Project: Hazard Analysis for this area, used Dixon Risk Services. Survey of 1,700 businesses using mailout. Prescreening done, then mailout, identify extremely hazardous substance. (Discussion Tom, Leland, Larry)

Tom: Area covered?

Leland: Makua of Nimitz highway

Tin: The business that did not respond. Did they get checked?

Leland: Follow up phone calls, site visits.

Tom: If someone said they did not have a substance and they did, how to check this? Example: Dry Cleaners. Most sites in hotels, offered to help with hotels. Will call to get list.

Leland showed list of responding businesses. NOTE: Original approval was \$24,000. Only \$22,200 used, \$1,800 given back for redistribution.

9) Kailua-Kaneohe Project: Jan 2007 start, completed by Sept 2007. Using Dixon Risk Services.

10) LSU WMD Cameo course, Nov 27-30, 2006.

CST, Fire, OSC attended. First day spent reviewing. One of our GIS guys attended and has a better understanding of what we need, he will supply more information. We will be having better road information to use on Marplot.

Ken: Asked for basic Cameo Course.

Leland said it is available

Ken: Need to add course, not approved yet.

Leland: Work with Ken, next April should have course, LSU Bio-Terrorism course.

11) Larry: attended workshop 12/6/06 DOD Regulatory Agency Meeting. "Hawaii Environmental Forum Agency. Schofield Garrison presentation, Goal "Zero End Waste." Efforts to help endanger species make a comeback. "Sustainability Issue", Tier II filers, way to get less harmful chemicals. Reduce the amount of generated waste.

Tom: Visited housing being built, privatization of military housing, 8,000 homes. Housing has to be kept for 50 years. Builder doing the upkeep. Different mindset from just building and letting someone else do repairs.

Larry: Trend is to reuse materials. Take apart and reuse part of building. In Europe car is given back to dealer after use. Dealer has to work with builder to do disposal.

3) Maui LEPC

Up-dated Membership List. Scott did not have it.

4) EPA Update

Mike Ardito:

1) Handout on table

2) EPA on earthquakes.

Two Federal OSCs sent to Oahu after Oct. 16, earthquake. Able to demobilize within a week.

Incident Command Training 300/400. Training that was scheduled for July-Aug of 2006, rescheduled for Big Island for week of Feb 5-9, 2007. Seats available, contact information in handout.

Tier II Submit: Software now available, information in handout..

Celebration of EPCRA's 20 Anniversary in Arizona. Other announcements.

Congratulations to Carter Davis for award.

3) Presentation on Murphy Oil Spill. Power point

Murphy Oil Spill-1 million gallons of crude oil. (3 HANDOUTS)

In St. Bernard Parish, 1,800 homes contaminated with oil. Tank farm underwater, 25,100 barrels released, 72 % recovered. Only 1 tank dislodged. Canals help spread oil, not from refinery itself. Discussion on damage with Tom, Mike A., Curtis given example of secondary containment. Example: for collection, Ala Wai Canal.

Larry: How did EPA and Community work? How did agencies deal with problems?

Mike: Joint command center. Liaisons officials deal with state/local representatives and EPA Region 6.

5) HMEP Training Classes and Exercises

Ken Lesperance: HMEP training. Nothing new, asked if there are any other classes that group would like to have training in. Chemistry and Tactics Course will be scheduled for Maui-15 seats for county and 5 each for other counties. If no one wants to apply, seats return to Maui.

6) New HSERC/HEPCRA Coordinator

Curtis introduced Sharon Leonida as new HSERC person

7) HMEP Funding: Redistribution of HMEP Project Funds. (Discussion Ken, Leland, Curtis, Larry)

Ken: Only Honolulu has requested money for projects. Money has to be spent now, not last minute.

Leland: If no other projects, HEPCRA 20% could be redistributed to LEPC.

Curtis: Yes, if by the next meeting no other projects come up, money could be redistributed to LEPC.

Ken: Wants HMEP money used. (Discussion on pre-planning money)

Clifford: Used \$20,000 for his project.

Ken: Other project can use money, must be completed by Sept. 30, 2007. All training money used.

Clifford: Money can be used to pay for preliminary planning needed for 2 year project?

Ken: Yes, you can. You need to use 2007 money by Sept 30, 2007. It can be a multi year project. They encourage doing multi year project.

Larry: Doing project in phases.

8) MOA between HDOH and SCD

Curtis: Draft MOA from Leland, if you want to response, deadline is Jan. 1, 2007. Send them to Curtis or Beryl.

Larry : Looks like two MOAs

Curtis: One is generic, can be changed.

Ken: Every project should have an MOA. Project used for Travel for training or Fire Pal. That way it would have to be followed, it would be a contract.

9) EPCRA Reporting

Beryl: She has more time to do inspections. Would like to thank Chris Takeno, doing reporting for DOT. Problems with potential filers. Example: Consultants come to HEER Office and claim clients don't have to file. Questions on rules, waiting for Kathy Ho. Triple F Site, supplier for CO2. Major distributors for soda dispensers. Refuses to believe that they need to file.

Larry: Advised Beryl to go to Attorney for interpretation, legal advice needed. May end up in court.

Leland: When businesses go to renew their paperwork they should be directed to check off boxes that apply to them.

Beryl: Checked into this, City referred her to the State.

Tom: Eleven types of business in city that have City Finance Department license, Police usually do check of these business that file with city. Most business not in that category

Larry: Wastewater has online permitting, maybe other offices can use this system.

Tom: 1. Business Action Center, DCCA function can have them check forms when they come in to start business. Make sure they do Tier II. When they renew, only several offices doing permitting.

2. Look at renewal process at agency. If we can tie it in with NAICS codes on line it could flag something and be noticed.

10) Other Business

Curtis: DOH, Fire, in coordination with American College of Medical Toxicology, having a one-day workshop on Feb 5 or 6, 2007. Leslie Au in charge, in Honolulu. Looking for a bigger location.

Liz: Pictures that were passed out at the beginning of meeting. It is a "mooring mine", found at Paula Drive, same place as vials. She was cleaning the yard. Hopefully last thing there.

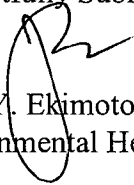
Larry: 1. Sustainability, 2. 2-sided copies, 3. Activate for life – walk, take the stairs.

11) Schedule next HSERC meeting.

The next HSERC meeting will be tentatively held on Thursday, March 22, 2007.

The meeting was adjourned at 11:00 a.m.

Respectfully Submitted,



Beryl Y. Ekimoto
Environmental Health Specialist IV

HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE
CITY AND COUNTY OF HONOLULU

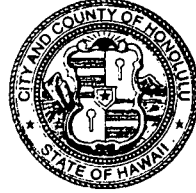
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4121 • FAX: (808) 524-3439 • INTERNET: www.honolulu.gov

DEPARTMENT OF HEALTH

2007 APR 10 P 2:35

HEER OFFICE

MUFI HANNEMANN
MAYOR



CARTER DAVIS
CHAIR

LELAND NAKAI
COORDINATOR

April 10, 2007

Mr. Curtis Martin
Hawaii State Emergency Response Commission
Hawaii State Department of Health
919 Ala Moana Blvd. Room 206
Honolulu, Hawaii 96814-4912

Dear Mr. Martin:

Attached is the Honolulu Local Emergency Planning Committee's (LEPC) invoice for the 1st payment to Dixon Risk Services, Inc. for the Kailua – Kaneohe Project.

Work conducted during this first phase of the project include the development of the project schedule and work plan, including site survey/visit data format and introductory letter. Attached are copies of the introductory letter, site survey form and warrant payment documents.

Request that funds be forwarded at your earliest convenience. Please contact Mr. Leland Nakai, LEPC Coordinator, at 527-5397 if you have any questions or require further clarification.

Sincerely,

A handwritten signature in black ink, appearing to read "Carter Davis".

Carter Davis, Chair
Honolulu LEPC

Attachments

Invoice

Date: April 10, 2007

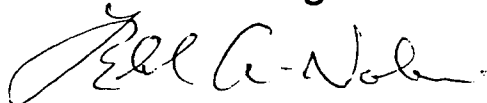
Honolulu Local Emergency Planning Committee (LEPC)

Transfer of operating funds from the Environmental Response Revolving Fund (ERRF) to the Honolulu LEPC:

| <u>Description</u> | <u>Amount</u> |
|--------------------|---------------|
| Operations | \$4,440 |
| Total | \$4,440 |

Mail Check to: Honolulu LEPC Chair
Oahu Civil Defense Agency
650 S. King St.
Honolulu, HI 96813

I certify that this is an original invoice.



Coordinator, Honolulu LEPC

Signature

606 Alamo Pintado Road # 252
Solvang, CA 93463
USA

Telephone 805-693-8493
Telefax 805-693-8456

INVOICE NUMBER 27016

April 5, 2007

Attn: Mr. Leland Nakai
Coordinator, Honolulu LEPC
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

Ref: Hazard Assessment of the Kailua – Kaneohe Area for Annex S of the City and County of Honolulu Emergency Operations Plan

Summary of Work:

Project schedule and work plan, including mailing lists, site survey/visit data format and introductory letter. This work has been performed as described in our letter proposal to Honolulu LEPC of November 3, 2006.

This invoice is for Phase 1 professional services and expenses.

TOTAL AMOUNT: \$4,440.00

Corporate Tax Identification Number EIN: 77-0433379

Thank you for the opportunity to serve you.

Leonida, Sharon L

From: Stephen T. Orikasa [Stephen.Orikasa@mpd.net]

Sent: Wednesday, July 25, 2007 4:09 PM

To: Leonida, Sharon L

Subject: Hawaii Superferry contact

I hope this is helpful to you.

Duane Kim
Manager – Maui County

Kahului Ferry Terminal
Pier 2 Kahului Harbor
Kahului, HI 96732

Office: (808) 853-4000
Mobile: (808) 226-0304
Fax: (808) 531-7410
Email: Duane.Kim@HawaiiSuperferry.com

*Stephen T. Orikasa
Administrative Sergeant-Wailuku Patrol Division
Maui Police Department
55 Mahalani Street
Wailuku, Maui, Hawaii 96793
Office : (808) 270-6534
Mobile : (808) 264-0037
Fax : (808) 244-6453*

Leonida, Sharon L

From: Chris.Takeno@hawaii.gov
Sent: Friday, June 22, 2007 3:25 PM
To: Leonida, Sharon L
Subject: Fw: Agenda for June 28, 2007 meeting

Sharon,
The name of the speaker for the SuperFerry is Terry White, VP of Operations. Please contact his assistant Sandra Tsuruda at 853-4135 and provide details.

Thank you,

Chris Takeno
Office of Special Compliance
State of Hawaii, Department of Transportation
Phone: (808) 587-2164
Fax: (808) 587-6306

----- Forwarded by Chris Takeno/ADMIN/HIDOT on 06/22/2007 03:20 PM -----

Yvonne Solorio
<yvonne.solorio@hawaiisuperferry.com>

To Chris Takeno <Chris.Takeno@hawaii.gov>

cc

Subject Re: Agenda for June 28, 2007 meeting

06/20/2007 06:00 PM

spoke to yvonne on June 25,
last month. When we have next
HSERC meeting let you know to set
up speakers.

Aloha Chris,

Thanks for the detailed back-ground. According to the attached agenda looks like you are really looking for a Q&A session rather than a "Presentation." Please clarify this for me before we can proceed.

Mahalo!

Yvonne Solorio
Business Development
Yvonne.Solorio@HawaiiSuperferry.com
office 808.853.4025 | fax 808.531.7410

- 1. left message 11:00 am, 7/17/07 about HSERC
2. 7/26/07 11:53 - left message about HSERC meeting, again left name + number.

One Waterfront Plaza
500 Ala Moana Blvd., Suite 300 | Honolulu, HI 96813
HawaiiSuperferry.com

----- Original Message -----

From: "Chris Takeno" <Chris.Takeno@hawaii.gov>
To: "yvonne solorio" <yvonne.solorio@hawaiisuperferry.com>
Sent: Wednesday, June 20, 2007 3:09:04 PM (GMT-1000) Pacific/Honolulu
Subject: Fw: Agenda for June 28, 2007 meeting

Sorry for the short notice, but I am contacting you on behalf of the Hawaii State Emergency Response Commission (HSERC) to speak at our next meeting on Thursday, June, 28, 2007.

The HSERC is a body created under the Hawaii Emergency Planning and Community Right to Know Act, and comprises of federal, state and county emergency response personnel within the State. We have quarterly meetings, and since the last meeting, there was a strong interest in the superferry and in particular the commission wanted to know more about any coordination that has been taken place with regard to emergency planning. An agenda is attached below for your review.

7/17/2007

May 30, 2007

Mr. Larry Lau
Hawaii State Emergency Response Commission
Hawaii State Department of Health
919 Ala Moana Blvd, Room 206
Honolulu, Hawaii 96814-4912

Dear Mr. Lau:

Attached is a listing of issues and concerns over the lack of Hawaii Administrative Rules for HRS 128E, Hawaii Emergency Planning and Community Right-to-Know Act, as you requested at the March 22, 2007 meeting of the Hawaii State Emergency Response Commission (HSERC).

Perhaps the most compelling argument in favor of such rules is that paragraphs 6(b) and 7 of HRS 128E specifically require the adoption of rules. We strongly feel that the lack of rules since the inception of HRS 128E in 1993 has limited the program's success. Guidance for Local Emergency Planning Committees and covered facilities is required to outline the administration, implementation, and enforcement of the law.

We ask that the HSERC consider these issues and begin the rulemaking process.

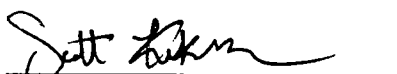
Sincerely,



Carter Davis
Chair, Honolulu LEPC



John Ross
Chair, Hawaii LEPC



Scott Kekuewa
Chair, Maui LEPC



Clifford Ikeda
Chair, Kauai LEPC

Attachment

ISSUES AND CONCERNS OVER THE LACK OF HAWAII ADMINISTRATIVE RULES
FOR
HRS 128E, THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-
KNOW ACT (HEPCRA)

SCOPE

A number of issues have arisen over the years since the adoption of HEPCRA which can be addressed by having rules to clarify the legislation. LEPCs have been informed by their legal offices that county assets cannot be used to support them, as they are considered state entities. Administrative guidance for LEPCs is required for a number of issues, ranging from by-laws, funding, meetings, and plan preparation and review. Additionally, reporting requirements for covered facilities require further clarity to preclude misinterpretation. These issues have been sorted into the categories of administration, implementation, and enforcement.

ADMINISTRATION

- Clarify the status of LEPCs under the law. If LEPCs are state entities, who provides them administrative support?
- Clarify the relationship of LEPCs to County government
- Provide guidance on LEPC by-laws
- Define how LEPCs are funded
- Outline LEPC financial management and reporting guidelines
- Provide guidance on LEPC plan preparation, and plan maintenance and review
- Provide guidance on LEPC meetings – frequency, minutes and sunshine requirements
- Provide guidance on the handling of Tier II reports
- Outline administrative record keeping guidelines
- Provide guidelines on handling requests for information
- Define training requirements
- Provide HMEP participation procedures and guidelines

IMPLEMENTATION

- Provide information required on the State Chemical Inventory Form, as required by Para 6(b) of HRS 128E
- Provide information required on hazardous substance release reports, as required by Para 7 of HRS 128E
- Provide clear and understandable language outlining reporting requirements for covered facilities, especially for non-EHS substances
- Establish more stringent State lower reporting limits, as required
- Establish procedures for electronic Tier II filing, and establish the basis for eventual web-based filing and fee payments
- Provide reporting requirements for hazardous substances in transit currently exempt under DOT regulations, e.g. items in temporary storage awaiting transport to neighbor islands or on-island users
- Identify EHS and other hazardous substances covered by HEPCRA, and any source document listings, e.g. Code of Federal Regulations, EPA List of Lists, etc.
- Address the Homeland Security concerns over sensitivity of HEPCRA data and the issues concerning the right-to-know aspects of the law. Define the EHS substances of greatest homeland security concern.
- Establish procedures and timeframes for the processing of Tier II reports and providing the Tier II database to the counties

ENFORCEMENT

- Procedures to determine, document and handle violations of the law need to be spelled out
- A compliance program requires effective and timely enforcement to ensure its success. The State of Hawaii cannot enforce HEPCRA without rules in place. The current default to EPA Region IX for enforcement action is cumbersome and untimely.
- LEPC enforcement authority and activity needs to be defined

Leonida, Sharon L

From: Jeff Conners [jeff.conners@hawaiisuperferry.com]
Sent: Wednesday, August 01, 2007 4:11 PM
To: Leonida, Sharon L
Subject: RE: HSERC meeting on September 20.

Aloha Sharon,
I have it on my calendar. See you on 9/20!
All the Best,
Jeff

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Wednesday, August 01, 2007 2:26 PM
To: Jeff.conners@hawaiisuperferry.com
Subject: HSERC meeting on September 20.

Mr. Conners,

I am part of the Hawaii State Emergency Response Commission (HSERC). This group was created under the Hawaii Emergency Planning and Community Right to Know Act (HEPCRA). We are federal, state and county emergency response personnel within the state. Businesses in the state also have representatives who attend our meetings, which are held quarterly. I spoke to Yvonne Solorio in June. No one was able to attend our meeting at that time. She suggested that when the date of the next meeting was set to call and request someone to attend. The next meeting will be held on September 20, from 9:00 am to 12:00 pm. The meeting usually does not extent for the full three hours. I have the Superferry down on the Agenda for 11:15. However, we usually do not take a break but go through the whole agenda at one time. If you could be here at 10:15 or before, that would insure that you would not miss the meeting. I can give you a parking pass so you will be able to park in a metered stall at the back of our building. We are located at 919 Ala Moana Blvd., ocean side of the street, in room 206.

There is a strong interest in the emergency planning that the SuperFerry has in place. Please let me know if you need more information. My phone number is 586-7542, or e-mail me at my return address.

Thank you again for returning my call.

Sharon

Leonida, Sharon L

From: Nakashima, Gail
Sent: Tuesday, July 31, 2007 3:12 PM
To: Leonida, Sharon L
Subject: phone call

Please call:

Jeff Conners
Superferry

Phone: 271-2625

8/1/07 I
9:33 called talked to Jeff Conners.
he wants me to email him time + date

Jeff. Conners @ hawaii super^{ferry.}~~com~~
com.

Mr Conners,
I was very happy to hear from you.
at our meeting we have representatives from different
agencies.

sent e-mail 2:28pm 8/1/07

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Friday, August 31, 2007 8:19 AM
To: Leonida, Sharon L; Ekimoto, Beryl Y
Cc: Davis, Carter W
Subject: HSERC Meeting

Sharon,

Minutes & agenda for next HSERC meeting? Recommend adding agenda item – HSERC Financial Report (report to LEPCs on how much \$\$ are in the fund & not distributed).

Leland

8/31/2007

Leonida, Sharon L

From: Ekimoto, Beryl Y
Sent: Tuesday, August 28, 2007 9:56 AM
To: Leonida, Sharon L
Cc: Nakai Leland (E-mail)
Subject: unused tier II monies in the errf

Importance: High

sharon fyi, its up to you to get curtis or keith to go talk to gale shida about how much is in the pot ok, i won't be here and you need to get that topic on the agenda, leland and all the lepcs want to know the amount by the next meeting, next month, i going forward this to leland so he can remind you, he's good about that:) he does that for me, i need it all the time thanks,
b

-----Original Message-----

From: Kawaoka, Keith E
Sent: Monday, August 27, 2007 9:57 AM
To: Ekimoto, Beryl Y
Subject: RE: Emergency Preparedness & Response 101 online course

Check w/ Curtis re this.

-----Original Message-----

From: Ekimoto, Beryl Y
Sent: Monday, August 27, 2007 8:47 AM
To: Kawaoka, Keith E
Cc: Leonida, Sharon L; Lao, Harold C
Subject: FW: Emergency Preparedness & Response 101 online course
Importance: High

FYI KEITH

ps

OH, NOT TO CHANG THE SUBJECT BUT,
will you be finding out from gale shida, the present amount of Tier II monies in account in the ERRF? i won't be here for the next hserc meeting but i think all the lepcs want to know what is in the pot, thanks
sharon can put it in the agenda for discussion at the sept. hserc meet.

b

Ekimoto, Beryl Y

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Tuesday, May 29, 2007 8:02 AM
To: Ekimoto, Beryl Y
Subject: RE: HMEP Question

I think we need to ask Ken L. at HSERC meeting if this is the procedure. Note that it doesn't say anything about LEPCs providing proof of payment.

From: Ekimoto, Beryl Y [mailto:beryl.ekimoto@doh.hawaii.gov]
Sent: Tuesday, May 29, 2007 7:14 AM
To: Nakai, Leland A
Subject: FW: HMEP Question

is this the one Ieland?

-----Original Message-----

From: Ken Lesperance [mailto:klesperance@scd.hawaii.gov]
Sent: Friday, April 13, 2007 7:29 PM
To: Ekimoto, Beryl Y
Subject: HMEP Question

Beryl,

Please send this to anyone who is attending the NASTTPO conference. I am unable to attend.

Please ask Charles Rogoff if we are allowed to follow this process for HMEP Planning projects:

SDC enters an MOA with the LEPC.

DOH pays the 20% match up front.

The vendor invoices the LEPC.

The LEPC invoices SCD

SCD requests drawdown of funds.

SCD receives the funds and reimburses the LEPC (or vendor directly).

Mahalo,

Ken

Agenda Items

EPA Updates

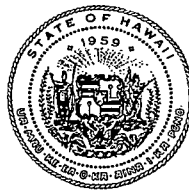
Mike Ardito is unable to be here.
Handouts are on the table.

Status of MOA

Curtis Martin is not here.

Super Ferry

Representative is unable to attend. The whole staff will be on Kauai for the dedication of their facility.



LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #66

Thursday, March 22, 2007 from 9:02 a.m. to 10:37 a.m.

Department of Health
919 Ala Moana Boulevard, Room 215
Honolulu, Hawaii 96814

Draft Meeting Summary
Attendees

Voting

Carter Davis, Honolulu LEPC
Edward Teixeira, Department of Defense, Civil Defense Division
Laurence Lau, Department of Health
Scott Kekuewa, Maui LEPC
Genevieve Salmonson, Environmental Quality Control Office
Gary Moniz, Department of Land and Natural Resources
Tin Shing Chao, Department of Labor and Industrial Relations
John Ross, Hawaii County LEPC
Elton Ushio, Kauai LEPC
Maria Lutz, American Red Cross

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Shirley Zhai, Brewer Environmental Industries of Hawaii
Cynthia Pang, U.S. Navy
Alan Sugihara, U.S. Navy
Leland Nakai, Honolulu LEPC
Ken Lesperance, Department of Defense, Civil Defense Division
Earl Nishikawa, Chevron USA Products Company
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office

1) Larry Lau called the meeting to order at approximately 9:02am

1.1 Opening remarks by Larry Lau.

Anniversary of Remembrance of Koloko Dam failure.

This Saturday will be the one (1) year anniversary of the Ala Wai Sewage Spill. We learned a lot, need to keep learning and monitoring.

October 2006 Earthquake and power outage, we need to work on Continuity Of Operations Plan and keep on top of things.

Taking Agenda out of ordering, Item #6, Budget. Some people have to leave early.

1.2 Introduction of attendees

1.3 A motion was made to accept the minutes from meeting #65, John, seconded by Gary.

6) FY 08 Budget from Tier II Collections (Handout)

Curtis: March 20, 2007 Draft FY08 LEPC Funds Distribution. After deduction of HSERC operational expenses, balance of Tier II funds to be distributed. Base of \$2,000 used, \$40,301 divided on the percentage of Tier II reporting facilities in each LEPC district.

Larry: This is for July 01, 2007?

Curtis: Yes

Carter: Discussion with LEPC before meeting. Agreed to \$2,000 base, 3 agreed, one opposed.

Ken: Who opposed?

Carter: Kauai. Clifford wants larger base.

Larry: Motion to accept? 1. Carter, 2. John. Motion passed

Jenny: Why do they want more funds?

Several responded: Use for expenses, operations.

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii

John Ross:

1) Reviewing ERP

2) Receiving hard Copies of Tier II. Wants any help that DOH can give regarding Electronic version.

3) One (1) person to NASTTPO Conference.

4) Working with Coast Guard and Region 9 to get ICS 300 training in May. Contacted Captain Honda to try and get ICS 400.

2.2 Kauai:

Elton Ushio for Clifford Ikeda:

1) Elton was not sure what to do, requested to do his report last.

2) Beryl mentioned that Clifford had told her about concerns for payment of the HMEP project.

Elton remembered that Clifford wanted funding switched from Continuing Challenge to Haz Tech Training.

Ken responded that the check for project had been mailed. He needed to check if seminar would be accepted as training.

John commented that a seminar is legal to fund. Discussion between Ken, John, Carter.

They talked about what can be covered by HMEP.

Ken used other State Civil Defense fund to pay last year's Tech course, \$45,000.

Carter stated Tech Training is high priority training for first responders.

Ken would like to give money to training, if he had any.

John asked Ken if he was going to conference in April.

Ken does not know if he can go.

2.3 Maui

Scott Kekuewa:

1) LEPC meeting held March 15, 2007, last Thursday.

2) Possibility of having website using Honolulu LEPC model. Can e-mail be used to report hazardous chemical dumping? Can it be done anonymous? Discussion between Carter, Scott, John.

Scott discussed creating the website with the county.

John wanted to know who did Honolulu's. Is it informative or interactive? Amount of cost?

Leland started site, explained website, other people do it now. He is still the web master.

3) Chris wanted to know if e-mail is legal form of notification.

Carter advised him to check with federal if its legal.

Curtis stated in 128D, e-mail is not notification, phone calls are. Discussion between Curtis, Larry and Jenny

Curtis advised that if we find out about anyone not notifying us, we would go after them.

Larry said we could use State status and tap funds to use the Environmental Crime Unit.

Jenny asked about the money limit, is it a small amount?

Larry commented it was not the money, if hazardous release, danger to environment, not just paper work, but environmental pollution for profit, this would be illegal. Examples are solid waste dumping, things in storm drains, others.

Carter added the city handles these things also.

2.4 Oahu

Carter Davis

1) LEPC meeting held March 14, 2007. Discussed budget concerns.

2) Presentation by Aircraft Fueling Facilities, handout. New name is: Aircraft Service International Group. All airlines grouped together to share fueling services. There is a problem on the outer islands with running out of fuel. Not enough storage available. Pipelines for fuel regularly checked to prevent spills.

3) CLEAN update. Five,(5), Firefighters to go to Continuing Challenge. Campbell Industrial Park, (CIP), evacuation plan is being completed. Examples of "Critical Incidents" were given.

A. Imperium Bio-diesel Plant at Kalaeloa with 100 million gallons annually imported vegetable oil, and three, (3), million gallons Methanol. No appropriate extinguishing agent right now. In addition, one (1), million gallons of Sodium Methanol. What plans need to be made for fire prevention?

B. A scenario where Grace Pacific has 9,000 gallons hot Asphalt spilled on highway. Impact on traffic flow would be similar to when overpass was knocked down. Trying to get plans in place before incidents occur.

HECO also moves hot fuel oil around similar to Grace Pacific. There is a need to coordinate these businesses together. Find the best way to handle situation.

Mike Cripps was asked to plan a field exercise to get everyone together to prepare a plan. Mainland has examples. Best to be pro-active, before situation occurs.

Curtis added that Barbers Point has asphalt plant that ships to outer islands. Intermodal tanks that can be up to 9,000 gallons. They can ship 30 tanks a week.

Chris from DOT noted that transport on roads have 5,000 gallon capability.

4) Janis Witul did workshop on January 23rd on EPCRA for outer islands and CIP, Campbell Industrial Park.

5) HMEP Planning Grant Project. Started on Kailua-Kaneohe Area, doing letter survey.

6) President's Executive Order 13423, Federal facilities still have to report to HEPCRA.

7) LSU, Louisiana State University, doing a Weapons of Mass Destruction class. It will be April 11-13 at HPD Training Center.

Carter mentioned chemicals bombs, made with plastic bottles and Chlorine.

8) Honolulu Emergency Plan was revised. On January 12, 2007, General Lee approved Emergency Operating Plan.

John asked if any seats available for Bio-Terrorism training.

Leland said Firefighters have first priority, John to give him names for a waiting list.

3) EPA Update

Mike Ardito was not able to be here. Handouts on table.

4) HMEP Training Classes and Exercises

Ken Lesperance:

1) Running behind in training classes. Refresher class must be done by June. Maui is next for hosting Chemical And Tactics Course. Their list has less than 5 approved personnel, would like to increase the list.

Scott still wants to host class, it won't start till June. He is using Haz Mat Tech class to have certified personnel. Ken is listing 15 seats for Maui, 5 each for the other counties. Does not want to have the class close to the deadline. Discussion on money for travel, expenses between Ken, Carter, Curtis, John.

Ken will use what money is left over for expenses. If a local teacher is used it will lower cost. No other money available for traveling.

John was hoping for help on travel expenses. Commented that class is two weeks apart.

1) Department of Agriculture half-day class workshop, Ken has course information. He received it late. He will e-mail to others.

1) Discussion on status of next years grant.

Ken announced that grant applications are due on July 1, 2007. This has to be done online.

John noted that Ken has to be proactive. Needs to go to the conference to learn online application.

Curtis mentioned \$43,000 as amount available.

Carter reminded meeting that grant could be up to 70% more then before. State can adjust it for more training then planning funding. Discussion with Ken, John, Carter.

Ken can see changing and using more for training then planning. Try to do the best to have application by July 1, 2007.

5) Redistribution of Unused Planning Monies for HMEP Projects.

Ken Lesperance: asked if anyone had any grant proposals.

John wanted to know what's available.

Ken has about \$20,000 left. Discussion between Scott, Ken, Larry.

Scott's website concerns reporting requirements. Would it fall under planning? Scott needs to give information to Ken and make it planning related.

7) Revised MOA between SCD and DOH

Curtis Martin:

MOA was signed, distributed February 12, 2007. HEER has a 20% match of funds.

Larry wants Ken to work with Curtis and report to him later.

Ken talked about Grant Process – HMEP Planning. Discussion between Ken and Larry.

Ken states that refunds did not arrive until late. Will work on that problem. Documents need to be in by October 30, this is not mentioned in the contracts. New MOA needs to address what documents needed and when they are due. New documents can be requested later. His office will be handling this.

Larry asked Ken to work it out and e-mail him.

Ken to meet after meeting with LEPCs.

John concerned about losing money because of this problem.

Ken said the new MOA would explain.

Larry wants to meet with Keith and Curtis.

8) SOSOC's Island Swapping

Curtis Martin:

Curtis explained OSC's will change Islands in September of 2007.

Paul will have Kauai.

Liz will have Maui.

Terry will have Big Island – Hawaii.

Mike will have Honolulu – Oahu.

9) EPA's Visit in January and February '07

Beryl Ekimoto:

Beryl and Janice Witul visited RMP facilities. Two facilities on the Big Island were given as examples. One facility was not following their regulations. The seconded was late in filing their Tier II. EPA will do follow up enforcement.

Larry asked Beryl to pass this on to the LEPC.

10) Other Business

10.1) Curtis Martin:

HazKat Kits, Manuals, CD available. It will be distributed to units.

Carter noted that the vendor is doing training next week.

10.2) Shirley Zhai, Brewer Environmental Industries.

Chlorine Training will be in April, fliers available.

10.3) Carter Davis:

HEPCRA 128-E not interpreted, it can cause questions, challenges by people filing Tier II. LEPC's are feeling the lack of Administrative Rules. Too many interpretations from different people and no rules can cause shortcomings. Discussion between John, Leland and Curtis.

John was doing research; it would be easier for HEER Office if there were Administrative Rules for 128-E. No problems at present time. It could develop later.

Leland added that when complaints come in, it would help if rules were in place.

Curtis stated that for enforcement we use EPA. For Administrative Rules we would need to have Public Meetings.

Keith supplied that the Attorney General would need to give written interpretation of the Administrative Rules.

Discussions between Larry, John, Curtis, Carter.

Larry's staff was asked to go over their rules. He suggested that other Island's talk and come up with a committee. Department's should do a review of their rules.

John wants to ask other states about their rules.

Larry and Curtis agree with John.

Larry said enforcement is big, should be important. It should be talked about.

Carter will talk to Keith and Curtis.

Larry wants the issues to be listed at the next meeting.

10.4) Keith Kawaoka

Super Ferry is coming in July. Is there anything about operations, feedback from Counties? Discussion with Larry, Carter, John, Chris, Tom, Shirley, Maria.

Carter has traffic, emergency response issues. Will the ferry be carrying any hazardous substance?

John questioned what happens if munitions are being transferred from barge to land on Big Island. Will ferry be allowed in Harbor?

Shirley said ferry has priority.

Tom stated that if explosives were on barge, they wouldn't move the barge.

Larry knows Honolulu has plans, how to deal with emergencies.

Maria Lutz, American Red Cross suggested that since there was so much concern about the Super Ferry that we invite a representative from the Super Ferry to the next meeting.

Chris will check with DOT Harbors, they must have a plan. Other cruise ships involved must have a schedule, he will check up on that. He will give information at the next meeting.

Larry would like someone from the Super Ferry at the next meeting.

10.5) Larry:

Depleted Uranium, not taking time to talk about it in meeting. See him after meeting. Welcomed Ed Teixeira.

10.6) Ed Teixeira:

Talked about Civil Defense and earthquake. It has been a busy year. Upcoming FEMA Hurricane Exercise in May. Training for April is set for the 14-19, April 20-24 is the Tabletop and April 25 is the wrap-up.

John has Big Island wide exercise going on at the same time. Will send dates to Ed later.

Ed informed meeting that City and County and Joint Taskforce do workshops on Debris Management.

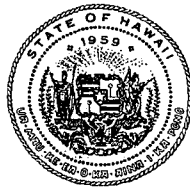
John asked if Ed could fund off island training.

Larry thanked everyone and gave comments on taking stairs, copy double-sided, conserve resources. Stay if anyone wants to talk about Depleted Uranium.

11) Schedule next HSERC meeting

The next HSERC meeting will be tentatively held on Thursday, June 21, 2007.

The meeting was adjourned at 10:37 a.m.



LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #67

Thursday, June 28, 2007 from 9:05 a.m. to 10:38 a.m.

Department of Health
919 Ala Moana Boulevard, Room 206
Honolulu, Hawaii 96814

Draft Meeting Summary
Attendees

Voting

- Carter Davis, Honolulu LEPC
- Laurence Lau, Department of Health
- Gary Moniz, Department of Land and Natural Resources
- Tin Shing Chao, Department of Labor and Industrial Relations
- John Ross, Hawaii County LEPC
- Clifford Ikeda, Kauai LEPC
- Robert A. Boesch, Pesticides Branch, Department of Agriculture
- Thomas J. Smyth, Department of Business, Economic Development & Tourism
- Chris Takeno, Department of Transportation
- (Isn't Ken L. a voting member, in Ed's absence??)

Non-Voting

- Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
- Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
- Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
- Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
- Elizabeth Galvez, Department of Health, Hazard Evaluation and Emergency Response Office
- Michael Cripps, Department of Health, Hazard Evaluation and Emergency Response Office
- Leland Nakai, Honolulu LEPC
- Ken Lesperance, Department of Defense, Civil Defense Division
- Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office

1) Larry Lau called the meeting to order at approximately 9:02am
Introduction of attendees.

1.1 Opening remarks by Larry Lau.

Legislature items are being looked at, start thinking about it. Process is year round. 1. Supplemental budget. 2. Need to start working on status about Administrative Rules.

1.2 A motion was made to accept the minutes from meeting #66, Clifford moved, Carter seconded.

Taking Agenda out of ordering, Item #8, HEPCRA , 128-E Administrative Rules. Some people have to leave early. Kathy Ho is here from Attorney General Office.

8) HEPCRA, 128-E Administrative Rules

Carter requested to speak about 128-E. Referred to letter signed by LEPC's and addressed to Larry. Handout. Went over concerns about not having rules for 128-E. Some reasons had been stated previously. Law requires rules to be adopted.

Larry asked if anyone had thought about who would be drafting the rules, how to work it out.

Kathy advised that a committee has to keep in mind the Sunshine law when they meet. Any two committee members get together to talk about commission business, notice must be given to the public.

John asked if this meant no internet communication.

Kathy said it depended on the subject matter.

Tom Smyth gave a suggestion about Permitted Interactive Group, or PIG. This is a way of meeting informally to discuss changes in status and to draft rules. He has experience with boards and businesses and will help us to start drafting changes. He explained no quorum needed, meeting can occur outside of office, non HSERC members can be present, discussion on changes, draft items can be done and presented to committee.

Kathy explained alternative methods of doing draft. Staff does first draft and reports to commission for their review. Status provides for rule making, may adopt rules. If you want to enforce rules, you need to make rules.

Larry remarked that LEPC's want rules, they can be beneficial. On that basis it would be worth pursuing.

John Ross commented he has no Corporate Consul anywhere. Attorney General representative stated she won't support counties, but will support HSERC. Corporate Consul Hawaii won't support LEPC because not a county committee, but state entity.

Larry noted that is a big issue, it has to be dealt with. Thinking how we should go through process.

John suggested if we go through rule making process, stipulation can be put in that Corporate Council function can be handed down to county.

Larry would like the lawyers to see if rules or status would be able to provide that.

Carter asked that the state provide staff to adopt or developed rules. LEPC's can do review, have discussion on areas of concern. This can be why rules are necessary, list items, see if state can address those issues.

Larry has kept his license, advised that committee needs to meet with attorney and staff to determine what these issues are. Need to clarify points on what is intended in order to do drafting. Attorney has to go through and see how much would be covered by rules and what would be covered by status change. A major drafting approach to rules can be to what extent do you want detail, definitiveness. Do you want to have morality, retain some discretion. Because of experience, would like to have these things discussed. Is a motion needed?

Keith mentioned that the HEER office is doing the MethLab rules, Act 170, now. LEPC's need to assist us with these changes to 128-E. Office is shorthanded.

Tom noted the HSERC needs to use PIG to create process to start. This needs to be voted on at meeting of the parent body. It can be done now because Administrative rules are on the agenda. This is the proper action to take. Explained what to do concerning members, meetings, method of communication, Look into need and develop concepts before drafting. Don't wait for another quarterly meeting to start. Group would be permanent, could be chartered to look further into what is needed, things that should be included and doing preliminary language to report back every quorum, or how often committee would like.

Larry noted that the LEPC's have taken lead, do other commissioners have interest to serve on this PIG?

Sharon and Beryl will be involved from HEER.

John stated that because of LEPCs interaction with the HEER office and comments from the office that they don't have firm answers to questions that come into their office about 128-E, two people from HEER should be assigned to committee.

Larry moved to have a motion to establish HSREC Rules using Permitted Interactive Group, PIG, to initially be composed of the representative for the LEPC and HEER office. Request Attorney General support for this effort. Ask other commissioners to participate within the limits of the PIG. Discussion between Larry, Tom, John, Ken.

John and Tom advised that HSERC committee members must be named by position or name in the motion. Staff and Corporate Counsel would not have to be named.

Ken concerned about unnamed people meeting together. Discussion between Tom, Carter, Ken, John, Larry.

Tom gave more examples of who could be in PIG meetings. He agreed to be on committee to help.

Larry motioned to form HSERC Rules PIG composed of members of the four (4), county LEPCs, representative from Department of Economic, Development and Tourism. These will be the members supported by HEER staff and Attorney General office. We will request support from Attorney General office.

Tom answered Chris Takeno's questions on number of people who can meet together and under what conditions they can do so.

Kathy explained that rules would be put before HSERC and comments could be made.

Tom commented how difficult it is to draft rules in a meeting setting. Better to have a committee put together draft with help from Attorney General and HEER office and then submit draft.

Larry asked if other commission members have questions could they write to staff?

Tom agreed it would be okay.

Kathy suggested sending it to HEER office staff; they can be the holder of all comments.

Larry noticed that the Environmental Council has a number of sub-committees, including one on rules. Members come from other islands. They schedule committee meetings ahead of the full council meeting. They make committee decisions then bring it to the full council. KEEP RULES AS A STANDING ITEM ON THE AGENDA. If we need to discuss them, it's already there. Discussion between John, Tom, Larry.

Tom said the Internet can be used to send out draft to others and comments can be received. Work can be done on draft this way without having to meet. This will be a very significant set of rules.

John added that whoever is in the committee could see what is received. This can be put in a separate folder on the computer and keep accumulating comments. No paper work to worry about.

Tom suggested a draft document could be put on the computer. People can look at it, while someone else can work on a section and add their input.

Larry wants to call for a motion.

Ken feels that State Civil Defense does not have to be on the committee. Only the bottom item on LEPC letter affects them. If any questions on HMEP sent them to SCD staff.

Larry wants to remove himself from committee. Rule making is a big deal to him. Does not want to offend anyone during the rule making process. Inviting a motion to form a HSERC Rules Permitted Interactive Group.

To be composed of the four (4), counties LEPC representative, DBED representative, and vice chair. It will be supported by HEER staff and we will request support from AG's office. Tom moves, Gary seconded motion. Voted, motion carried. It was acknowledged that Keith has to adopt rules for Methlab Cleanup before the end of the year. It will take us a while to get a first draft for our rules. It's good we started the process. Question for Kathy. To distinguish between what we can do by rules and when do we have to fix the statute. Something's are not within our rule making power. This needs to be fixed or clarified. If it needs a statutory change, we want to identify it as early as possible and talk about that. Ask staff to also put on agenda with or after item for Administrative Rules, Statutory changes. ✖

Kathy advised that while thinking about formulating rules, as an example, Statutes in the law is like a map and all the streets on road map are the rules. Rules help you interpret the statutes. Anything outside of the statutes does not fall within the rules. It needs to have statutory authority. When revising the statutes, if there is anything else that falls outside of that, you might want to think about changing or drafting further statutory changes.

Larry asked for other items on agenda that raise legal issues.

Gary asked that the first and second bullet item on LEPC's letter, relative to the rules, require AG's opinion as to what is the status of the LEPCs. He suggests writing a request or opinion to clear this up. He is making this a recommendation.

Kathy just got a copy of the letter, needs to draft a reply and sent it to us.

Larry wants to hold off on a motion until we get this advice. Return to the regular agenda.

2.1 Hawaii

John Ross:

- 1) Meeting held June 21; list of new members will be sent with minutes.
- 2) In the process of reviewing and updating by-laws and ERP. Funded by Civil Defense with a grant.
- 3) Coast Guard held ICS 300 course in May. County is doing ICS courses for employees and offering extra seats to other people. ICS 100 and 200 will be in June, 300 in July, 400 in August.
- 4) At NASTTPO Conference LEPC's were told to submit their count now for ERG. This is from USDOT, so they know how much to do for the initial printing.
- 5) Rebuilding their HAZMAT Tech's, lost 50% of members due to different causes. Situation is bad. County Fire has contracted to have the Chemical and Tech courses provided on island. The class is full, all are new recruits.
- 6) LEPC is funding four HAZMAT Techs to Continuing Challenge. A letter will be drafted to Fire One. Person must be HAZMAT Tech in that position to go to the conference. Two from East side and two from West side of island, no deviation, or they won't be sent. HAZMZT EXPO is not conducive on Tech aspect, Continuing Challenge is. Will support the Techs with Continuing Challenge every year.
- 7) Next meeting will be in the middle of August. Discussion between Ken, Larry, John.
- 8) Ken got in touch with the USDOT branch that handles education, they will be doing the printing. USDOT gave notice at conference so they can have a count. He is still waiting for finally guidance. John will put in request for 1,000 copies, 25% increase. Ken thinks that is a good idea. Put in amount now and if the request does not change it will be fine. Four years ago, they were told to add in training. These were pulled out, people were stuck. He wants to wait for the final guidance, and then ask for final count. Larry stated that Ken is saying that he is still waiting for final guidance. Everyone should get their count in now and finalize later. Ken will be going to the state agencies for their count. John stated that Ken will be going to the state agencies and LEPC will cover counties and below.

2.2 Kauai:

Clifford Ikeda:

- 1) Quite and mellow, had meeting for last quarter. Next meeting is August 29, 2007.
- 2) Had annual CST exercise. Doing NIM and ICS training. Trying to come into compliance with Federal regulations.
- 3) Sending as much people as possible to HAZMAT EXPO. Clifford won't be there.

2.3 Maui

Scott Kekuewa:

Not able to attend.

2.4 Oahu

Carter Davis

- 1) Oahu's Department of Emergency Management, DEM, sending out inquires to all Oahu departments for their ERP numbers, gathering data now.
- 2) LEPC meeting held on June 12. CLEAN help send five, (5) Firefighters to go to Continuing Challenge. HFD will send six personnel, total of 11 people to Continuing Challenge. Captain Sunny McGuire is one of them. He is now part of the staff of Continuing Challenge, Master of Ceremonies last year and this year. He has taken numerous trips back and forth to help with coordinating. CLEAN has helped him with the trips. Great support from Campbell Local Emergency Action Network.
- 3) Bringing in businesses to speak about their companies. Members of LEPC or business partner in the community. Talk about their businesses, their infrastructure and how it impacts the community. Last meeting

Hawaii Fueling Association explained about how fuel is moved around the islands. Gasco gave a presentation on their company, handout available. Honolulu LEPC planning to bring in different businesses at every meeting. Tesoro presentation at next meeting.

4) CLEAN update. Fire Pal given to Elementary Schools, total of five thousand copies. Other school districts showing interest in Fire Pal interactive CD.

5) Case Study for HFD.

A. City facility had odor similar to Beauty Saloon. Rat urine was found to be the source. After cleanup odor stopped. Larry suggested using Vector Control.

B. Paul Chong, State OSC from HEER Office did presentation on Ocean Fresh Seafood facility at Waiiau. Excellent presentation and pictures that showed the issues on the case. Investigation has gone on to Federal level.

6) Leland Nakai on NASTTPO Conference. Talked to Charly Rogoff, 70% increase in HMEP is held up in appropriation side. If and when it comes, the states will have option to change formula, more to training then planning. Original formula can't be changed. Charles Rogoff will ~~write~~(provide) funding on obligation. When you sent in request for drawn down, he will pay. He won't get involved with state's internal ~~states~~ fiscal ~~problems~~(policies). Just submit invoice and he will pay.

7) Chemical facilities have a new anti-terrorism standard being implemented. Law was passed last October, 2006. It may affect up to a quarter of a million facilities nation wide. They have gone through rule making process and have a chemical listing. He has not seen a finally chemical list. Chemical on list includes Vikane at low quantities. This means pesticide companies here would be burdened by planning and security procedures. Small businesses may not be able to stay in business if Homeland Security enforces law. Lots of people at conference voiced opinions because they come from agricultural states. When finally chemical list is published, program should go forth. State and local government cut out of process. They are putting up a need to know access under the Chemical Terrorism Involability Information Program. This is special access, EPA working with Homeland Security to get LEPCs access. We will be able to get an idea of what facilities here are covered under this law. HEPCRA won't be affected by this. *Vulnerability*

8)EPA update. Survey will be sent out this summer to LEPCs about a number of issues. Parking lots, shopping centers, car lots, will be required to report because of Sulfuric Acid. Discussion between Carter, Larry, Leland, Tom. Questions on who would do reporting, would it be under Tier II?

Carter gave example of how to do calculating to do reporting.

Leland said EPA Headquarter said no exception. According to Cicy ~~Jaycups~~(Jacobs). These discussions held at a national level. He has sent a formal request to clarify if HSERC's LEPCs need to enforce.

Larry is going to speak to Regional Administer about another matter, will ask about this.

Carter advised the need to attend meetings and try to stop these topics before it becomes a big issue.

John mentioned that people at meetings represent EPA, DOT, are high ranking people who make things happen. They put it out to a national committee.

Leland added another issue is that farmers are not exempt from reporting under HEPCRA. Chemical on property that exceed TPQ fall under HEPCRA requirements. He has asked for clarification from EPA Region 9 in writing, from Janice Witul. No reply received yet. Presentation is not up on website.

9)Case Study. Large chemical fire at Kansas City. Fifty mile smoke plume went over Kansas City. Ash and other things that had been drawn up into fire falling out of smoke plume. One regional office from EPA was there doing lots of testing. No ~~exceedents~~(*exceedances*) of allowable hazards were detected. Fly through with aircrafts were done. One finding was that the Incident Commander was burdened with lots of contractor visitors. They said they were LEPC responders, however they just wanted to see if they could get some business from the responsible parties. Too many people were let in.

10)FEMA update on NIMS. Doing fifth reorganization in FEMA, grant managers are moving to different regions. FEMA opening office in Hawaii. Doing NIMS document rewrites. Draft of NRPA is heldup. Lots of people upset about the structure of ESF.

Tom asked for new date for NRPA. Can't update his work until it comes out.

IC 700 and 800 training on line, 5.6 million people have completed course. Reinstating The CHMERCAP program. Comprehensive Hazardous Materials Emergency Response Capability and Assessment Program.

Kalaeloa ~~Exersiee~~(Exercise) was done under this program. Ken added the money from this program had a broad use, no match needed.

Threshold planning quantity

ERG update. Pat Romero from DOT gave an interpretation of Hazmat Transit Based Cargo. When in a transport facility for 72 hours, cargo is not required to report under HEPSCRA.

LSU WMD Beginning Cameo Course will be held from November 19-21. It is a three day course.

John wanted to add that the list for the Chemical Vulnerability (Vulnerability) Terrorism Program, that is waiting for approval, will probably come out after the law goes into effect on July 1. Hard to report when your not sure what to report.

Carter added that thirty-four people attended from the state.

3) EPA Update

Mike Ardito was not able to be here. Handouts on table.

Larry was concerned about the article on page 2, High Risk Chemical Facilities. This is what Leland had talked about earlier. Larry will check with Mr. Nastro (Nastro) on this.

Tom asked how many facilities in Hawaii under this criteria.

Leland thinks it covers all the critical infrastructure that has been identified. Depending on the chemical list, it may expend the numbers. Battery acid item is not part of this.

Larry wanted to know if we are expecting a change in number of facilities.

Leland expects it will because of lower chemical goals. Depends on kind of chemicals and quantity you have.

Facilities will fall under different Tiers. Top Tier is the most critical. They need huge lists of planning and security requirements that they are expected to have in place.

Larry inquired who informs the facility.

Leland said letter will come from Homeland Security.

John added the facilities report directly to Homeland Security, not state.

Tom wanted to know who enforces this. Homeland Security will.

Tom wondered if someone comes to check. Discussion between Tom, Larry, John, Carter, Ken. Speculation as to who and how this will be done. State will not see plans. If facility does not report for Tier II, we won't know who they are. Background checks would need to be done for employees.

Tom mentioned that we won't have access to information. Can we get access to it.

Leland referred to Chemical Vulnerability (Vulnerability) Program Access. EPA is working with DHS to get LEPCs access. Once we get access we can see what facilities are on program.

Larry related that Drinking Water Program has a similar program. He is going to ask Kathy if by state law we can get copies of information.

Tom commented that getting access would allow on scene personnel to check to see if facility on list.

Larry expressed these are big issues, regarding Department of Homeland Security requirements.

4) HMEP Project Proposal

Carter Davis:

1) Study of Waipahu area. From Leeward Community College to Kunia Road. See what is in that area. Project was proposed before and accepted.

Ken explained how projects were presented and approved. Is dollar amount \$24,000, does it includes match?

Carter verified amount, anything over \$25,000 changes process. John made motion to accept, Ken seconded, motion was carried.

5) Status of MOA

Larry Lau:

1) Curtis not here, asked Ken about MOA.

Ken said MOA signed since last meeting. Only concern was whether funds can be forwarded. Charly Rogoff said it was not a problem. Recommend that within the project, write your MOA. Whether doing study or sending someone to NASTTPO using HMEP funds, stipulate payment process. When Vice Director of SCD signs, everyone at SCD will have to follow it. Their attorney always reviews this so it will be legal and signed.

6) Break.

7) Re-distribution of Unused Tier II Funds

Leland Nakai:

1) Explained that matching funds from Tier II that were not used were returned. What is happening to that money?

Sharon answered funds should be there.

John asked can these funds be carried over for next years distribution to counties.

Sharon will talk to Curtis.

John is concerned about money that he has not submitted for. Discussion between John, Larry, Carter.

Carter explained about the 20% match and that money is left over from not being used. What happens to unused money and can it be divided between LEPCs.

Larry clarified about funds to LEPC and 20% match. Needs a process to identify amounts and act on it. Do we need a financial report?

John suggest an update towards end of year to see how much is left in the 20% match. Can be determined whether to roll over into next year operating fund, added to base or percentage.

Larry does not want to make it an agenda item, yet. Think about process to keep track and make sure it's brought up in a timely manner to reallocate spending so funds are used. Will ask staff to let him know what it takes to process quarterly report.

John would like reports towards end of year, whether State fiscal year or revolving. Just a time we decide on and remaining funds can be decided on also.

Larry wants everyone to keep this in mind for next meeting, important issue. Item 8 was done earlier

9) Super Ferry

No one available from company.

10) Other Business

1) John asked Ken which county would be supported for NASTTPO this past year? Should be revolving?

Ken said no one came forward.

Carter said Honolulu volunteered to go last. To give opportunity to neighbor islands.

Ken wants to leave it to LEPCs to figure it out. Don't need to vote on it.

John stated Hawaii County funded their person to go to NASTTPO this past conference. Can they recoup funds?

Ken will find out if they can get it back. If it needs to be voted on, will put it on next meeting agenda.

John asked if HMEP grant did not support anyone this year, can a county apply toward grant fund. Discussion on applying for funds by John, Ken, Clifford. In the minutes from previous years, possible one to two years ago, voted on rotation.

Ken has put \$10,000 in next years grant towards travel. This is for 20 people, from the planning side of grant.

Last time he requested to go to conference and supervisor denied him. He will ask to go again.

John notified meeting the next conference is first week in November, Hazmat Expo.

2) Leland wanted to ask about reimbursement for completed projects. Two projects still outstanding, update of EHS and Harbors project. Funds were coming from Homeland Security side.

Ken advised Leland to mail it to Dee Cook. He can't make anything happen. He will tell her about it.

Carter wondered about status of next years HMEP application.

Ken completed on line, one week ago he received guidance from USDOT. Contractor he didn't met before said he needed to also do a complete written copy, separated from on line. Just doing on line did not satisfy the requirement. He did complete it. He asked Carter for progress report on project, he is the only one with a current project. A paragraph is fine. Deadline for doing grant is August 1, he will complete it tomorrow.

3) Larry has a question on a proposal to built a 100 million gallon plant and storage facility for Bio-fuel at Kalaeloa. Does either the ingredients or waste products qualify as hazardous?

Leland said that was an issue brought up at NASTTPO Conference. It is under review. Bio-fuel falls under

HEPCRA.

Larry asked Keith about draft that was sent to him. He asked Mike Cripps about Bio-fuel. Ingredients would be stored as waste product, would it trigger reporting?

Mike said they are composting the by product. Glycerin by product is not clean enough to be sold to cosmetic or soap industry.

Larry asked Gary why he was quite. (quiet) Asked him if he was getting more staff.

Gary doesn't understand politics. Governor gave 50 new positions, Legislature cut that amount in half. He will be getting more staff. He is putting into supplemental Budget a request for Emergency Response Planner position. Can't keep up with all the training.

11) Schedule next HSERC meeting

The next HSERC meeting will be tentatively held on Thursday, September 20, 2007.

John asked if we can look to set a date for December, before the holiday season. Don't need to vote on.

Larry said December 6, tentative.

The meeting was adjourned at 10:38 a.m.

3/22/07

9:02a - Larry Intros

↳ Call to order

Opening Remarks - Anniversary of
remembrance of Kalaheo
Dance.

Sat - Ala Wai Sewage Spillage
Anniversary

Oct's Earthquake -

* ~~need~~ continuity plan.

Minutes - motion to accept
John/Gary

Item 6) FY08 - Budget from Tier II Collections -
Curtis maintain (Hardouts).

2,000 base used

\$40,301 to distribute.

Curtis - Discussion ^{before meeting} - 3 agreed - 1 opposed
to

Motion to accept.
Curtis/John

Garry - Why need more funds?

Elton -

John -

Reviewing RP - still
getting land copies of Tier 2 reports.

1 person to NASTIGO conf

meeting w/ Region 9 + Coast Guard

Coasty - ICS 300

~~John~~

~~John~~

Block is in mail. Re: project

~~Block~~

~~Block~~ Issue of Funding -

Ken - Most deck - w/ Regulator
and it funds money. + Grant.

Discussion - between Ken, Larry, John.
Carbur -

There's going to be an increase

(To Ken) John - You
why aren't you going to
Conf in April.

Scott - Lape mtg.

possibility of doing website -
model after Hon. Lape's
website.

In addition
Email Anonymously - regarding
dumping of hazardous
debris.

Carter - What going to create you site
County MIS -
just informative or
interactive.

What - web matter? -
No reply

Need to gather more info -
on cost.

Chris Takens - email contact - is it
legal form of
notification.

By phone - in 1280 - email notification is
not.

Unreported releases - Larry

There is - Curtis -

Larry - Environmental Crimes Unit

State statute - illegal solid waste
dumping.

pollution for profit

Curtis - Lape Mtg - March 14, '07

Discussed - Budget

- Air Craft - Pres. at Mtg.
Int'l. (Hurdant)
provide fuel at all of the
airports.

* when planes run out of fuel.

Chem updates - Sponsor 5 f.f.
to Courtney Challenge

* Campbell Industria Park Evaluation
Plan.

~~Data~~ Biodiesel plant - 100 million gallons
annually

import veg oil
3 mil gal of waste.

No appropriate extinguishing agent.

also sodium methanol.

↑ 1,000,000 gal

Inhomedical
Tanks

Grace Pacific - hot asphalt - scenario.
Spill of 9,000 gal -
impact on traffic flow
on freeway.

HeCo - hot fuel is moved around -
similar situation.

Best way to mitigate situation
Spoke w/ Mike Cripps.

Conts - ..

DOT - Chris Takano - capacity of
loads \$5,000

Site Assessment - Kadena/Kanaha
(letter survey) Area

EO - Fed facilities still need to report.

LSU WMD - April 11-13

HFD training center.

Chemical Bombs - Chlorine.

- Revised Haul-in Emergency Plan.

John Ross - Bio-T. - any seats available?

Ireland - FF have 1st priority.

(Mike - Hand out)

Kerr - ~~Running~~ ^{Running} behind trainingⁱⁿ class.

Mass next in rotation -
Chemistry + Tactics Course

less than 5 approved personnel
want to increase manpower.

Still want to host - per Scott.

5 seats for other counties.

Classes are split.

Kerr will send Agri course to Duff.

Conker Status of Next Years grant?

Kerr - Identical funding amount.

Now its online - Kerr needs to be proactive.

Curtis -

If grant is increased - anything above.

Carlow - 70% - state can adjust.

it would use training from
E planning.

Ken (Discussion Ken, John, Curtis)

Redist. of leftover ~~of~~ monies -

Ken - No grant proposal?

John - What's available?

Ken -

Non-allocated funds. -

\$ 20,000

Scott to Ask DOT - ^{after} format websites fall
under the grant
Got to make it planning related.

Ken

(Discussion)

Curtis - MOA signed - (Document)

Ken -

Hours planning -

planning grants. refunds ~~to~~ didn't
get until late. need to solve.

Larry -

Solution -

What docs are required + stipulate
it before date.

(Ken to meet w/ Leges after meeting)

Ken ~~the~~ New MOA addresses these

Curtis

OCS's -

5 years same

ocs on certain island

how

beginning in Sept

Paul - Kona

Wike -

Lia - Maui

Tracy - Big Island

Other
Business -

Curtis - Sampling kit + CD.
is now available.

Bel - going to Harse

Shirley - Chlame training -
in April

Carroll - HAN - 1200 -
drawback of

RQ - > Hepa
prog.

TPQ -

No ~~HAN~~ HAN incidents -

John - (Discussion - job order)

Curtis - ^{Just} Interested in compliance
public hearing - interested
on legis. issue.

Larry - suggest - appropriate - don't write version -

All island levy - talk to Keith -

form sub-committee

John - talk to consultant

Larry - Issues about enforcement -
~~was~~ state

Next meeting - list issues.

Keith - Super levy ^{curtis} carry ^{to Chris}
~~is~~ ^{is} ^{to Chris}

July -

feedback from Counties -

Traffic issue - Carter

Next meeting - Contact Chris to
find out more info
on

Red Cross -

present at next meeting
issue of Super Ferry!

Schedule - June 21 9-12 p.
Next meeting

~~Larry~~ welcome Ed Teixeira -

↑ Exercises Upcoming.

Game - ~~hurricane~~ exercises
Hurricane

Apr. 14-19 -

Apr. 20-24 Tabletop
Ed OPS

25 - wrap-up

Advised @ 10:37 ~~AM~~

(John Ross -
to
Ed - if
can fund
off island
training)

①

Larry Lau 9:05 called to order

Introduction of people present

Opening remarks:

W/ Legislature - we start ^{work on} supplemental budget. Start thinking about it. Process is year round.

need to start working on status about Administrative Rules. Draft ⁱⁿ by Sept.

Agenda #1 Approval of minutes moved - Clifford, and Carter Approved

Larry moved Agenda #8 HEPCRA 128E. Administrative Rules ahead. Kathy here, some people have to leave early. Curtis not here. Carter asked to speak. Explained LEPC's sign-off letter to have Admin rules adopted for 128-E. Law requires rules be adopted.

Larry - who would draft rules - how it would work. Kathy - If have ^{sub}committee need to keep in a dark shine law. rules. Example: FC explain what it is Has experience with neighborhood boards + business

John Ross - question Tom Smyth: Have examples of how to meet to draft rules. Draft rules: one less than quorum is fine, meeting can occur at other places. Discuss changes, draft items, then present to committee. Can be ongoing

Kathy - Explain alternative methods of doing draft. status provide for rule making. May adopt rules. If you want to enforce rules you need rules staff does 1st draft + report to commission then get reaction on that basis. Worth pursuing.

Discussion Larry - LEPC wants rules, they can be beneficial. John - no corp council anywhere. Atty general rep stated want support LEPC because not county committee, ^{but} state entity.

Larry - C

Added pg 1

Chitel - all LEPC signed letters. 'Some reasons on record from before

Agenda # 8 Larry - Anyone through who would draft rules.

Kathy - sunshine law. any 2 committee members get together to talk about commission business. need to provide notice to public.

John Ross - NO internet communication. Kathy - depends on subject matter

Tom PIG - Permitted Interactive Group. Bring in none HSEPC members

between pg 1 & 2

Larry - that is "big issues" thinking how would we go through process. Issue has to be dealt with

John - If go thru rule making process, can put stipulation in that Corp council function can be handed down to county.

Larry - That's possible. Lawyers would need to see if rules & status would be able to provide that.

see pg. 2 - Carter

pg. 2 Larry noted he kept his license. LEPC, and others on drafting committee need to meet with our AG + staff to determine what these ideas are. Need to clarify points on what is intended in order to do drafting. Assn has to go through + see how much would be covered by rules + how much would be covered by status change.

A major drafting approach: to what extent, do you want detail, definitiveness, etc. to what extent, do you want to have morality, retain, some discretion. Because of his experience, would like these things discussed. Is motion needed?

Keith - pg. 2

discretionary

② - Carter - would like to have state provide staff to adopt a develop rules, with review by LEPC or ^{name} discussion on areas of concern, why rules are necessary. Can list items, see if state can address those issues.

* Harry - noted he has kept his license; LEPC ^{or} ^{express on draft} ^{committee} needs to have see add pg 1 ^{what} ^{need} ^{when to} ^{do} ^{what}

Keith - office doing meth ^{Act 170} ^{hab} ^{rules} ^{now}, LEPC need to assist us with this changes for 128E. Our resources are limited.

Tom Smyth: ^{PIG} To ^{this} create process, need to vote on it at the open meeting of the parat body. It can be done very rapidly because Admin rules mag rules. ^{what to do} ^{can be} ^{plimiancy} ^{Explained} ^{members} ^{meetings} ^{method} ^{of} ^{communication} ^{ask} ^{into} ^{need} ^{and} ^{develop} ^{concepts} ^{before} ^{drafting}. Don't want to wait for another ^{ask} ^{initially} ^{to} ^{start}. ^{Group} ^{would} ^{be} ^{permanent}, could be chartered to look further ^{to} ^{what} ^{is} ^{needed}. ^{things} ^{that} ^{should} ^{be} ^{included} ⁺ ^{doing} ^{preliminary} ^{language} ⁺ ^{report} ^{back} ^{every} ^{quorum} ^{or} ^{how} ^{often} ^{you} ^{would} ^{like}.

Larry - LEPC taken lead - other commissions have interest to serve on this. ^{PIG}

Sharon + people will help the committee.

John stated that... Because LEPC interaction with office + comments from HEEL that they don't have firm answers to questions that come into their office about 128E - ^{other} people be assigned to committee.

(3)

Larry - motion - motion to establish HSREC Rules PIG

To initially be composed of the LEPC reps

+ rep from Heer office. Request Atty General support for the effort.

ASK other commissioners to participate within (manage) limits for PIG

Discussion Larry, Tom, John, Ken
Som Tom advised - HSREC committee members name to be named by position or name in the motion. Staff & corp counsel doesn't have to be named.

Ken - concerned about unnamed people meeting. Discussion Tom, Carter, Ken, Som, Larry. Clarified who could be in

PIG meeting.

Tom agreed to be on committee to help.

Larry motion to form HSREC Rules PIG composed of members of the 4 county LEPC, rep from ^{Dept of} Economic, Development & Tourism. These will be the members, supported by HEER Staff, + Atty general office. Will request support from Atty General office.

Tom answered Chris Toland questions on number of people who can meet together and conditions that they can do so.

Kathy explain that rules would be put before HSREC and comments would be made.

Tom - It is difficult to draft rules in a meeting setting. Better to have a committee put together draft with the help from Atty Gen + HEER office and then submit draft.

Larry asked if other commission member have questions can they write to staff?

Tom agreed it would be okay.

Kathy - Send to HEER office staff, they can be the holder of all comments.

Larry Enns, Council has a number of sub-committee including one on rules. Members come from other islands, they schedule committee meetings ahead of the full council meeting. Do committee decision + bring it to full council.

Larry * Keep rules as a standing item on Agenda. If we need to discuss it, there. Study

TOM - Can use internet to sent out draft to others. Comments can be received from others. ^{work on draft} This way instead of Having to meet. This will be a very significant set of rules.

John - Whoever is in the committee can see what is received. This can be put in a separate folder on the computer and keeps accumulating. no paper work to worry about.

Tom - put a draft document on computer. People can look at it, while someone else can work on a section, and add their input.

Larry - Wants to call for motion.

Ken - ^{state civil defense} SCD does not have to be on committee. Only bottom item on letter affects them. If any question on H.M.E.P sent them to SCD staff.

Larry - wants to remove himself from committee. Rule making is a big deal. ^{to him} Does not want to offend anyone. Inviting motion

To form an HSERC rules Permitted Interactive Group to be composed of 4 countries - EPCs representative, BED rep. + vice chair. ^{It} will be supported by HEEC staff. ^{we} will request support from A G's office. Tom moves, Gary second. motion carries.

It was acknowledged that Delta has to adopt rules for metatlab cleaning before the end of the year. It will take us a while to get a 1st draft for our rules. It's good we started the process. Question for Kathy

To distinguish ^{ish} between what can we do by rules, + when do we have to fix the status. Some things not within our rule making power to file or clarify. If it needs a statutory change, we want to identify it as early as possible + talk about that. Ask staff to also put on Agenda within a year. Item for Admin Rules, statutory

Changes: Kathy advised that while thinking about formulating rules, status is the law or like a map + all the streets on road map are the rules. Rules help you interpret the status. Anything outside of the status does not fall within the rules.

4

when you really ^{the} status. familiar

It is good to have statutory authority. If there is anything else that falls outside of that, you might want to think about looking at changing or drafting further statutory changes.

Larry: Other items on agenda that raise legal issue? If any, come up we will forward it on. Gary ask that the 1+2 bullet ^{item} on LEPC's letter, relative to the rules, require AG's opinion as to what is the status of the LEPC. He suggest writing a request or opinion to clear this up. He is making it a recommendation.

just got a copy of letter. Kathy - needs to draft a reply, + sent it to us. Larry - wants to hold off on motion if we can get this advise. Return to regular agenda.

Agenda # 2 LEPC updates

In process of revising ^{John - meeting June 21} by laws + ERP funded by CD on grant. ^{lost some members. working to replace those} ^{new members} ^{will be} ^{ship} ^{County doing ICS} ^{in June 1st 2000 to} ^{copies for}

Bad

County ^{should be submitted} ^{submit} ^{count} ^{from DOT. How many for} ^{initial printing ->} ^{copies for} ^{situation} ^{due to different} ^{leaves} ^{Full class} ^{on Island} ^{Continuing} ^{to} ^{4 Hazmat Techs} ^{in that position} ^{from what side} ^{East side} ^{not condusive} ^{to support them} ^{middle of Aug - 7} ^{Larry} ^{Ken - Jim} ^{Discussion} ^{Ken got court from Big Island. its great.} ^{education branch, us DOT} ^{whodo the educational publication at} ^{sent out guideness. yet. They gave a headup at NASTPO.} ^{Do head count, if numbers don't change between now + official} ^{count comes down that's fine. Guidelines should come out by} ^{the end of this month. Federal gives us the books} ^{John is going to request 1,000, up 25%.}

see add 4

Federal DOT wants counts now.

Count was submitted to State Civil Defense, and was told ~~he~~ ^{they} didn't want information now.

Add pg. 4

Ken - Four years ago they said to add training, then pulled those out. People were stuck. That's the reason he wants to wait for guides, then ask for count. If no changes in numbers; that's fine.

Larry - stated that we should get an informal count in now. Official count will have to wait for guides.

Ken will be going to each state agency.
John asked if that Ken will be covering state agencies and LEPCs will cover counties + below?
Ken agreed and to report that to state CD, his office.
The books will be mailed directly to outer islands.

Larry - pg 5 Clifford

5

Agenda #2

Kauai Clifford

quite, mellow - meeting last quarter
next meeting Aug. 29. will get 1 count to Ken.

Planning Annual CST exercise, Doing NIMS & ICS Training
Trying to come in to compliance ^{with Federal requirements}. Sending as many people as possible to HAZMAT EX. PO
Clifford probably won't be there.

Agenda #2

Maui
Scott - not here

1. Carter - Oahu
^{Dept of Emergency Management}
Oahu DEM sending inquiries out to all Oahu Dept
needs for ERG; gathering data.

2. Honolulu LEPC meeting June 12
6 HFD ^{personnel} continuing Chapelle, CLEAN opening
Support 5, total of 11 from Oahu.

Capt Sunny Maguire is one of them, ^{now} party staff of Capt. Chady
Master of Ceremonies. taking numerous trips back forth to
help coordinate. Clean helping him with trips. great support Campbell

Local Emergency Action Network

3. Bringing in ^{community} members LEPC or business partners in
to speak about their business
Gas Co give presentations. ^{on their business manufacturing & shipping done.} Plan to continue to do this at every meeting. Tesoro next meeting.

4. CLEAN - ^{Distributing} Fire Pal to Elementary Schools. 5,000
copies. Other DOE districts showing interest
in Fire Pal interactive CD.

5. Case Study for HFD - example ^{city facilities had similar to found in} ORCA Beauty Salon
Rat urine was source. Cleanp + Oda Stopped.
Larry suggested asking vector control.

Talk about their business,

How it impacts the community, and their infrastructure is.

Last meeting ^{it was} Hawaii Fuel people, explained
about how fuel is moved around the islands.

16

Agenda # 2

Case Study Ocean Fresh Sea Food Facility at Waian
Paul did presentation on
Excellent presentation - most represented issues in the case
continuing investigation that has gone to Federal level.

6. Ireland - Kansas City - NASTTPO
in HMEP in appropriate side
70% increase a hang up. When it comes state still
has option to change formulating more to training than
to planning. Can't change original -
Ireland talked to Charles Rogo, he won't get
involved with states
Just submit invoice + he will pay.

19. 11. 6

7. Chemical facilities affected by law passed last
Oct. (2006)

1/4 million facilities if homeland security does
act on it. Will affect a lot of people + facilities. →
state + local agencies will not be able to stop.

On line base ~~state, local~~, should be able
to access later.

Discussion Tier II EPA -

City Jaycups come up w/ examples of some items reportable.
Chris, Tom, Larry, Carter, Ireland, John

Car lots, parking lot - sulfuric acid
Farmers need to report chemicals

Ireland ask for clarification by EPA Janice Wital.
something in writing.

sepp. 11. 6

8. Ireland - case study - Feb 07 50 mile smoke
plume - Problems - Contractors were trying to get in
to area to try + get business.

Kansas City Chemical fire - over city. Ashes, other things falling
from plume. EPA doing testing no exceedance of allowable hazard
require

Did find that Incident Commander is hindered by potential
contracts violation

Agenda # 2

2. Case Study Paul Chong State OSC dist presentation on Ocean Fresh Seafood facility at Waian. Excellent presentation and pictures that represented issues on the case. Continuing investigation has gone on to Federal level

6) Leland - NASTTPO Conference at Kansas City.

Talk to Charles Rogo - 70% increase in HMEP is held up in appropriation side. If & when increase is realized, State have option to change formula. This formula is between Planning & training is flexible. Discussed in past meeting about putting more toward training than planning. Still an option if 70% increase comes down. Discussion between Ken, Carter,

John: 70%

Ken - if no increase, can we use planning.

John - plan on using what you have

Carter - Can't change original allocation.

Leland talked to Charly Rogo about funding situation. He will write funding on obligation. When you send in requests for exam down, he will pay. He will not get involved with internal state fiscal problems.

7) Chemical facility have new law passed last Oct, 2006. It may affect up to a quarter million facilities nation wide. They have gone thru rule making process, chemical listing. He has not seen final chemical list. Chemical on list includes Volatile quantities. This means pesticides, herbicides, fungicides, by planning & security procedures. Small business may not be able to stay in business if Homeland Security enforces law. Lots of people at conference voiced opinion because they come from agri states. When finally chemical list is published program should go forth. State & local govt cut out of process. Putting up need to know access under Chemical Terrorism Inviolability Info program. need special access. EPA working with Homeland Security to get LEPC's access. We would be able to get an idea what facilities here are covered under this law.

HEPCRA won't be affected by this.

EPA update: Survey will be sent out this summer to LEPIC's about a number of issues.

Talked about "parking lot, battery acid, shopping centers, car lots, shopping centers. Sulfur acid."

Discussion - Carter, Larry, Leland, Tom

Carter give example of how to do calculations to report. ^{requirement to report example}

Leland - EPA ^{Headquarters} Dard no exception. Cicy Jay cups according to this discussions held at National level.

EPA region 9

Sent formal request to clarify, if LEPIC's need to enforce.

Larry - Tier II reporting?

Tom - Who does reporting.

Leland - Owner of property.

Larry - is going to speak to Regional Administrator on another matter. Will ask about this.

Tom - point out. Car dealership have lots of batteries.

Carter - ^{key point is} need to attend meeting and try to stop these topics before it becomes a big issue.

John - People at meetings represent EPA, DOT are high ranking people who make things happen. They put it out to a National Committee.

Leland - Another issue is that farms are not exempt from reporting under HEPCRA. Chemical on property that exceed TPQ fall under "requirements". Asking for clarification from EPA region 9. no reply received yet.

Asked Janice Wital.

Tom asked if EPA likes this.

Carter asking for something in writing.

Leland - Presentation is not up on website. hoped it would be.

Case study 7

7

Feb. 07

Agenda # 2

Q 2

Leland - Case Study large Chemical Fire Kansas City
 50 mile smoke plume went over Kansas City, Ash + other
 things that had been drawn up into the fire falling out of
 smoke plume. One regional office from EPA was there
 and doing lots of testing. No exceedents of allowable hazards
 were detected. Fly through with aircrafts were done.

D:

One pending - was that Incident Commander was burdened
 with lots of contractor visitors so they said they were LEPC
 responders, however they just wanted to see if they could get
 some business from the responsible parties. Too many people
 were let in

10 FEMA update, on NIMS. Doing fifth reorganization in FEMA,
 Grant managers are moving to different regions. FEMA opening
 office in Hawaii. Doing NIMS document rewrite, Draft of
 NRP is held up, lots of people upset about the structure
 ESF.

Tom asked for new date for NRP. Cant update this work
 until it comes out.

FC 700+800 training on line 5.6 million have completed.
 Re instituting the CHMERCAP program. Comprehensive Hazardous
 Materials Emergency Response Capability and Assessment
 Program. Hakealoo Exercise was done under this program.
 Ken added the money from that program had a board use, no
 match.

ERG Pat Romero from DOT gave an interpretation of
 Hazard Transit Based Cargo, 72 hours while in a
 transport facility is not required to report under HEPRA.
 LSU Beginning Cameo Course VMD - 3 day course Nov. 19-21

John Chemical Vulnerability Terrorism Program, list that we are
 waiting for approval. ~~list~~ will probably come out after the
 law goes into effect, that is on July 1. They hoped to have
 the list approved before law went into effect.
 The final list may not be out by then.

add ⑦

Hard to do reporting when not sure what to report.
34 people attended from Hawaii

Agenda #3 EPA update Mike Ardito not here. Handouts available.

Larry p2 Calight ^{attention} High Risk Chemical Facilities, which is what Deland was talking about. He is going to check with ^{Mr.} Naskreen about Tiers

Tom - How many facilities are in Hawaii under this criterion? Deland - thinks it covers all the critical infrastructure that has been identified. Depending on the Chemical list it may depend the numbers. Battery acid item is not part of this.

Larry - Are we expecting a change in number of facilities? Deland - probably will, because of lower search goals of chemicals

Depends on kind of chemical and quantity you have, Facility will fall under different Tiers. Top Tier has ^{the} most critical. High list of planning & security requirements that they are expected to have in place.

Larry - who informs facility.
Deland - letter from Homeland Security
John - Facility reports directly to Homeland Security ^{not state}
Tom who enforces this.

Deland + John - Homeland Security
Tom - Does someone come to check? Discussion Tom, ^{John, Ken, Carter} Larry.
Speculation as to who and how this will be done. State will not see plans. If facility does not report for Tier II we won't know who they are. Background checks would need to be done for employees. Tom mentioned that we won't have access to information. Can we get access

Deland referred to Chemical Vulnerability Program Access. EPA is working with DHS to get LEPC's access. Once we get access we can see what facilities are on the program.

Larry mentioned that Drinking Water program has a similar program. He is going to ask Kathy if by state law we can get copies of information.

Tom commented that getting access would allow on scene personnel to check to see if facility on list.

Larry expressed these are big issues Dept of HHS requirements

⑦ Agenda # 2

8. FEMA update NIMS 5th revision
opening offices ^{in Hawaii} + reorganizing,
doing rewrites. Drop NRPA holdup

Tom asks for new date for NRP. Should be June 1

9. April 16-20 NASTEPO
On line training - 700+800

10. SURCAP - programs seems to ^{be} coming back

ERG Pat Re

72 hrs in facility - Not hepcra required reporting

34 attendees at NASTEPO

1st in line for course in Nov. 19+21.

law in effect July 1st.

John Chemical list - not out
law in effect July 1st.

Agenda # 3 EPA update - Mike Addison not here
hand out available.

Larry Tier - wants to speak to that person.

Discussion Tom asked about battery Acid
Larry, Carter, Deland, Tom

Homeland security does enforcement (Blue shirt person)

Larry House Tenting - Does it mean security check for
Tenting people? Discussion

Agenda # 4 HMEP Project Proposal
 Carter ... Proposal Study of Waipahu Area, from Leonard
 Community College to (cont.) See what is there.
 project was proposed before + accepted
 Ken explained how projects were presented and approved.
 Wants to clarify dollar amount \$24,000 includes match
 Carter verified amount. Any thing over \$25,000 changes process.
 Ken John - makes motion + Ken seconded, motion carried.

Agenda # 5 HMOA
 Larry - Curtis not here, asked Ken to speak
 Ken - MOA signed since last meeting. Only concern was
 whether funds can be forwarded. Charly Rigo said it
 was not a problem. Recommend to start in project MOA
 whether doing study or sending someone to NASTPO
 using HMEP funds, stipulate payment process. When
 vice director of SCD signs, everyone working for SCD will have
 to follow it. Their attorney always reviews so it will be legal signed.

1 April -
 6 no Break

Agenda # 7 Redistribution of unused Tier II Funds
 LeLend - explained that matching funds, ^{that} were not used were returned
 what is happening to that money?
 Sharon - Funds should be there.
 John - Can those funds be carried over for next year distribution to county
 Sharon - we need to talk to Curtis
 John - concerned about the money that he has not submitted for.
 Discussion John, Larry, Carter
 Carter explained about the 20% match. And that money is left
 over from not being used. What happens to unused money, and can
 it be divided to LEPC.
 Larry - Clarified about funds to LEPC + 20% match. Needs a process
 to identify amounts + act on it. Do we need a financial report.
 John - Have an update toward end of year to see how much is left in
 the 20% match. Can determine whether to roll over into
 next year operating fund, add to base or percentage.
 Larry - Does not want to make it an agenda item yet.
 think about process to keep track + make sure it's brought up
 in a timely matter to allocate spending so funds are used.
 ASK staff to let him know ^{what to} produce quarterly report.
 John - not quarterly, ^{but} towards end of year, state fiscal review.
 just a time we decide on + remaining funds can be
 decided on
 Carter ...

Larry - Keep this in mind for next meeting. Important issue.

Agenda 8 done earlier

Agenda 9 Super Ferry - need to reschedule

Agenda 10 Other Business

John Asher Ken - Which County would be supported for

John NASTRO this year? should be revolving.
Ken - It was NO body came forward.

Carter Leland - Honolulu volunteered to go last. To give opportunity to neighbor islands.

Ken - ^{wants to perform} agreement to LEPC's - figure it out. Don't need to vote on it. ^{will reschedule}

John - Hawaii County funded their person to go. Can they recoup funds.

Ken - for this past NASTRO? Will find out if they can do it. ^{meeting}
if need to be voted on, put it on next agenda.

John - if HMEP grant did not support anyone this year. Can a county apply toward grant fund.

Discussion on applying for funds. John, Ken, Cliff also voted
in the minutes from previous years, possible 1 to 2 years on rotation.

Ken has put \$10,000 ⁱⁿ next years grant towards travel. 20 people
2 people per conference from planning side. Last time he requested
to go and was denied. Will again ask to go.

John - next conference Nov. 1 week Harma expo.

Leland - Issue of reimbursement
related to LEPC activities. not be part
updated 2 projects EHS + Harbors ^{came out of} Homeland security ^{side}

Ken - Send it in mail to Dee Cook. Can't make anything happen
will tell her.

Carter - Status of next years HMEP application

Over #10 Ken - completed on line, One week ago he received guidance
from US DOT. Contractor he has not delt with before

10

saying also do a complete written copy, separate. On line
saying did not satisfy requirement. He did complete.

Told Carter he wants progress report on project, he is the only
one with ^{current} project. Would like a paragraph on status.
Deadline is August 1 now. He will complete it the next day.

Larry - question there is a proposal to build ^{gal}
Bio fuel - 100 million plants storage facility at
Kalaheoa. Do either the ingredients or waste products
qualify as Hazardous?

Deland - that was an issue brought up at NASTPO conference
It is under review. Bio fuel will be under HEPRA.

Larry asked Keith about draft that was sent to him.
Asked Mike Cripps about bio fuels. Carter the amount their making
may be under HEPRA.
Deland actually product is under review by EPA

Larry - ingredients would be stored as waste product,
trigger reporting.

Mike compacting the by product. Gerson is not
clean enough to be sold to cosmetic or soap industry.

Larry - Gary was quite today, asked him if he was
getting more stuff. Did legislature gave you more stuff.

Gary - Doesn't understand politics. Governor gave 50 new positions.
He is putting ^{depositions} cut it in half. He will be getting more stuff.
Response planner position. Budget. ask for emergency
training. Can't keep up with all the

schedule next meeting Sept. 20

John can we look to schedule ahead before Holiday season
Don't need to vote on it.

Larry - Dec. 6 tentative
thank you meeting Adjourn 10:38