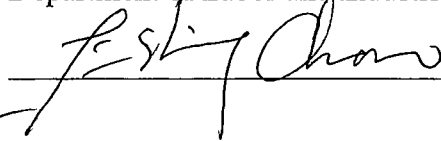


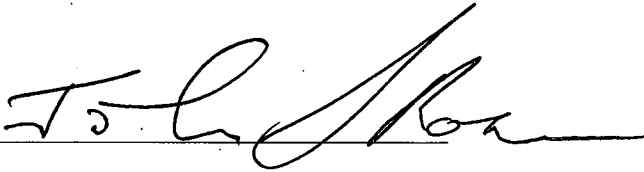
**HSERC MEMBERS OR THE VOTING REPRESENTATIVES'
SIGN-IN SHEET FOR MARCH 20, 2008**

Robert A. Boesch
Pesticides Program Manager
Pesticides Branch, Dept. of Agriculture
Board of Agriculture

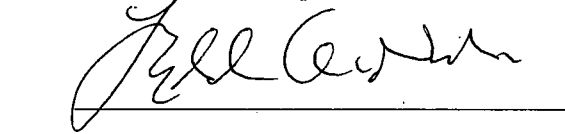
Tin Shing Chao
Manager
Occupational Safety and Health Division
Department of Labor and Industrial Relations



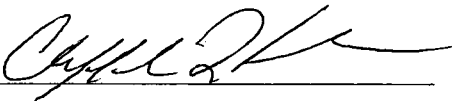
John Ross
Hawaii Representative/LEPC Chairperson



Captain Carter Davis
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department



Clifford Ikeda
Kauai Representative/LEPC Chairperson
Kauai Civil Defense



Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department



Laurence K. Lau
Deputy Director, Environmental Health
Department of Health



Maria Lutz
Manager, Disaster Services
American Red Cross

Gary Moniz
Chief of Enforcement
Department of Land and Natural Resources

Director
Environmental Quality Control Ofc.

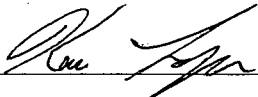
**HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN
SHEET FOR SEPTEMBER 20, 2007**

Thomas J. Smyth
Business Services Division
Dept. of Business, Econo Dev. & Tourism

Chris Takeno
Hazardous Materials Officer
Department of Transportation

Edward Teixeira
Vice Director
State Civil Defense
Department of Defense

Jay Maddock, Ph.D.
Director
Office of Public Health Studies
University of Hawaii at Manoa



KEN LESPERANCE
FOR ED TEIXEIRA BY PROXY

HSERC MEETING SIGN-IN SHEET FOR MARCH 20, 2008

Name	Organization	Telephone #	Fax #	E-Mail
Albert Kavi	KFO	241-6515		akavie@hotmail.com
Michael Ardito	U.S. EPA	415-972-3081		ardito.michael@epa.gov
Cynthia Pang	Navy	864-2463		Cynthia.pang@navy.mil
Laura Newman	Tetra Tech	441-6607		laura.newman@tetra.com
Ariel Rivera	Tetra Tech	441-6602		ariel.riveravicens@tetra.com
Clarice Chung	YCD	733-4700		cchung@scd.hawaii.gov
Curby Ma-hu	HEER	586-4249		
Keith Kawecker	HEER	"		
Harold Lao	"	"		



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 # 69

Thursday, December, 2007 from 9:10 a.m. to 10:34 a.m.

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

Attendees

Voting

Leland Nakai, Honolulu LEPC
Clarice Chung, Department of Defense, Civil Defense Division
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
Thomas J. Smyth

Non-Voting

Sharon Leonida, 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
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office
Michael Ardito, United States Environmental Department Agency, Region 9

- 1) Larry Lau called the meeting to order 9:10 a.m.

1.1 Opening remarks by Larry Lau.

He has spoken to the military that held their annual Hawaii Environmental Forum this week and talked to Hawaii State Pollution Prevention Partnership, also State Military Partnership that met yesterday. Two comments because of the implications on what this commission does.

1) Officially we have a high priority on increasing the state's energy independence. In 2006, Legislature passed a law that set 20% renewable or alternative energy for Electrical Power Generation and set a target date for 2020. In August of 2006, the Governor held a Biofuel summit to promote Ethanol and Bio Diesel. She issued an administrative directive, 06-01, challenging state departments to increase use of alternative energy and following

other green practices. Using "LEED" in new building design and major building renovations. This year the Legislature passed Act 234, Green House Gas Emissions Reduction. This sets target year 2020 to get the state's Green House Gas Emissions back to 1990 levels; this is based on a California Law. Energy and Green House Gas Emissions Reduction has lots of overlap, although they are not identical. Something's that may give us energy independence may not be green house gas friendly. Health Department is giving priority in permit processing to alternative energy projects, affordable housing projects and homeless shelter projects.

2) Increasing energy independence, expecting more on-site generation of energy. State agencies are looking at this. There is a PUC docket where state wants to generate energy on state property and use Hawaiian Electric lines to get power to another state facility. Larry asked Tom Smyth if this is a correct assumption and Tom gave an example of how it is tracked. He said H-Power is city owned facility and generates large amount of power. Larry: Concerned about problems that may occur from on-site generation. Recalled Mike Cripps example of backyard Bio Diesel, hazardous substance can result.

Leland: Concern about Bio Diesel plant in Kalealoha due to start in 1-2 years. They will have three, (3) One million gallon tanks of Methanol. Concerned for Fire Fighters, foam they have now will not work with Methanol. Thinking about what to do in emergency situation. Plant is next to Chevron, personnel there are concerned. Adds another dimension to what we may have to face.

Larry: Major state policy favors Island generation of power, such as biofuel, renewables. Noticed a Natural Energy Lab vehicle and thought about Algae as biofuel.

John: Algae as an alternative fuel was in newspapers, also fungicide, and waste to energy and trash to power on the Big Island.

Larry: Price of oil keep going up, more pressure to generate energy on site. Whether ingredients or by-products that are hazardous, we have to pay attention to this.

Tom: Refers to Sugar Mills making electricity with baggasse, sugar cane by-products. Not much hazard in that.

Larry asked if Tom wants to make an announcement.

Tom: Retiring end of December, offered continued help with rules. He will be around, "Fixed Guide way". He has talked to his director about someone taking his place. Hopes someone from the Energy Division will be appointed. More relation to what commission does, understand what happens in the meetings.

Larry thanked Tom for his work.

1.2 Approval for correction on minutes from meeting #67. Gary motioned, no objections, approved.

1.3 Approval for meeting #68, motion was made by Tom, seconded by John, adopted.

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii

John Ross:

1) Last meeting was on November 14. Waiting for MOA from SCD to get money back that Tracy paid to go to NASTTPO last year. LEPC paid Tracy and trying to get funds from SCD.

2) Held HAZMAT Course, both Tactical and Chemical for new recruits. Hawaii County will be hosting it for this coming year. It was held this year because of 50% loss of personnel due to various reasons. John expressed concern that he does not want it cancelled. He wants funding from SCD for this years training.

Claire: Ken has already talked to Chief Kaloma. Training for Chemical is in March of 2008 and Tactical set for April. Dates to be determined.

John: He needs to speak to the Chief to clarify.

3) Four persons were sent to Continuing Challenge, very successful.

4) One person sent to HAZMAT EXPLOR. HMEP funding no increases remains at 14.1 million. Congress has to sign off on the budget before it goes to 28 + million. State is still without representation at NASTTPO on HMEP Funds. SCD need to have someone there, they control HMEP funds. They should have first hand information

from NASTTPO. If not, then HMEP funds should go to DOH for administration.

5) Next meeting in February, will talk to Terry.

6) HECO leak is fixed, it was contained in containment. Explained situation on what occurred.

7) Chromate spill at pond that leads into Hilo Bay across from Ken's. It was reported to HEER, cleanup was not done. LEPC has been asked to look into this.

2.2 Kauai:

Clifford Ikeda

1) They sent some people to HAZMAT EXPLO, he did not go. Not much happening except rain. There were a few transformer problems. Drying out from the rain. Recent meeting should have been last week. Postponed because of other issues.

2.3 Maui

Scott Kekuewa:
Not able to attend.

2.4 Oahu

Leland Nakai:

1) Carter not here, sends his regrets. Last meeting was held November 29, twenty-six members were present

2) Sent two people to HAZMAT EXPLO, highlight Tim Wilkes, Charly Rogoff's boss, spoke about HMEP.

Every federal program on chopping block. Need to justify every dollar that is spent. They are looking at how the money is used or not used. We are in jeopardy if we don't fully use the funds. We need to push to use all the funds for the intended purposes.

3) Chemical Facility Anti-Terrorism Standard-CFATS Program for Department of Homeland Security. Chemical list recently released in November. Facilities that have chemicals that are on the list have 60 days to prepare a "Top Screen" to sent back to Homeland Security. DHS will review and assign facilities to different "Tiers".

Depending on the Tier they are given, some facilities may have to meet a set of standards and need to implement plans, programs to meet DHS guidelines. **State and Local governments won't be given information.** It will be treated as secret, need-to-know basis. Chemical-Terrorism Vulnerability Information or CVI is the program that handles this. You have to make a case to get information. Scott Mitchen from DHS was at LEPC meeting.

Offered to invite representatives from DHS to make a presentation at the next LEPC meeting. Leland will take him up on this and let us know. If it is close to HSERC meeting, it may be possible for that person to make a presentation.

John: DHS assured us they have procedures in place to review all applications in a timely manner. Able to review applications within 30 days and have information on what Tier they would be placed in. DHS did not give out any information on what procedures used or how this would be processed. It was noticeable by many attendees, by the way the information was given, that DHS representative did not understand the magnitude of this undertaking. Applicants are still 100% responsible to get information in by deadline date. They will face penalties.

Larry: How many facilities covered by requirements nationally?

Leland: DHS expects 8,000 facilities nationally to be regulated, 50,000 for Top Screening. Letters have gone out to facilities. We don't know who received them.

John: DHS has taken steps to visit facilities that they know fall into these categories. Refineries and other facilities that had problems. They have started to work with them to get them on track.

Leland: Chemical facilities will have these issues facing them. We won't know what is going on. Police won't be in on planning. They won't know what facilities are doing to increase security.

John: Told Tom Smyth that DHS does not care about Tier II. They are operating as an independent agency. They don't want to give information to Planning Community. Charly Rogoff and others tried to get them to agree to give the names of companies on Tiers and their ranking. DHS may look at reporting chemicals different from HEPCRA. Examples of tanks in Nevada. DHS has no guidelines that they can give to us to explain their reporting requirement.

Larry: Took ICS 300, he sees the importance of multi-agency coordination issues. Wonders how this will work. Example of Drinking Water Systems, plans given to EPA, not available to state.

Leland: Developing programs, lots of questions and issues. Will invite Homeland Security to come and give more details. Report back to HSERC.

4) Annie Lam from CLEAN, Campbell Local Emergency. They have 18 member companies. Projects for 2008, updating resources guide, posting training event for emergency preparedness. Developing website for CLEAN, they were on city website.

5) Dixon Services completed Kailua-Kaneohe project. They surveyed 2,300 businesses, 1,300 replied. Looked at 63 businesses for chemicals. This is on file. Waipahu project on track, MOA signed, vendor selected, hope to start January 1, 2008 until middle of September.

6) Beginning CAMEO course completed in November 2007, from LSU. People were from, Honolulu Fire, Federal Fire, Health Department, Navy. Schedule Advance Cameo for November 2008 and another beginning course.

3) EPA Update

Mike Ardito:

1) Handouts on table, 2008 calendars, contact numbers for EPA, also listed. Hard copies of EPA Southwest Region Annual Report, found on line at website also.

2) HAZMAT EXPLO at Las Vegas. Regional Award to NASTTPO. Under leadership of Tim Gablehouse, NASTTPO has improved communication between agencies. EPA has national award program also. Regional award nominee will be sent to EPA National Award, this will be in April.

3) NASTTPO Annual meeting in Savannah on April 6, 2008. Mid-year meeting with HAZMAT and NASTTPO is scheduled for first week in November 2008. It will be held at the Tuscan Hotel in Las Vegas.

4) DHS Chemical Facilities. DHS has met with EPA Headquarters a number of times. National meeting going on now. He has twenty-five presentations of DHS and Chemical Safety Board from HAZMAT EXPLO. He will mail these to NASTTPO website manager to upload on line. Should be ready in January.

4) HMEP Update

Clarice Chung:

1) Training for 80-hour Tactical and Chemical courses will be conducted on the Big Island in March and April respectfully.

5) SCD MOA Proposed

Clarice Chung:

1) SCD MOA. She will bring back concerns raised by Hawaii LEPC to Vice Director. Handouts are on the table, for propose changes to project attachment.

John: Concerned about time constraints for LEPC. SCD should have constrains also. He can do feedback at end of January 2008. He went over the agreement and gave example of time constraints. It took 1-1 1/2 years for MOA agreement; first task for MOA has shown problems. Put time line for whole thing. He is leaving today, can't give feedback until January.

Larry: State agencies have to pay within 30 days or get assessed interest from vendor.

Leland: Asked Clarice about intent for time constraints.

Clarice: Vice Director concerned about the counties setting on money and having it earn interest

Leland: He asked his fiscal office to review changes. They would need to see how their system could handle it. He has other questions and will put them in a correspondence.

John: Hawaii County is in process of changing some procedures in accounting. County Fire not fully aware of what changes are.

Larry: He is confused about where money is. State agencies pay on invoice, not in advance. Is this different from that method?

Leland: Explained that this MOA does not require payment before invoicing state. Hang up before in doing projects, did not have up front cash. This MOA goes beyond that, he just needs to check that fiscal system can handle this. Honolulu still reviewing, Hawaii County expressed deadlines for everyone. Clarice to mention concerns to Ken. John will e-mail Ken. He is trying to recoup monies, will talk to his fiscal office.

Larry: This MOA not ready to vote on. Put on agenda for next time. Questions on MOA from Clifford. Answer is that it is a template based on what Honolulu LEPC has been using.

6) Break

7) HSERC Financial Report

Sharon Leonida:

1) Handout on table. Explained about the information received from ERO accounts clerk. Figures are not correct; none of the questions were answered about the accounting information from ASO. New person has come in as head account. If no response will from them, will have to do a formal accounting request.

Larry: Concerned department needs more resource in fiscal side, problems with staffing. He has offered to use money from revolving fund to staff position. Offer turned down, department has pulled the work, as much as possible, into revolving fund administrative staff. We have our own accountants, it's not ideal. Because of federal money, financial status reports need to be done on time. There is need to improve departmental fiscal and accounting system.

Leland: Would like a budget report at each meeting. What balance is, what accrued during last quarter in transactions, what is left. Wants money given to LEPC instead of being in account.

Larry: He will take it back to top level.

John: Has a suggestion about rolling over of funds.

Larry: He met with EPA's Water Division last week and one of the papers they were given was an accounting for unliquidated grant obligations. We could ask federal agencies what their views are on what is left. Older years with larger amounts have him concerned.

John: Talked about shifting grant request from HMEP funds from 50% Training and 50% Planning to 80% - 20% split. As long as it has 20% minimum on one side, it's okay. Don't need to go to Charly Rogoff to ask permission.

Larry: Within 20 – 80 ranges the commission has discretion to allocate? He would like confirmation in writing. Sources would be United States Department of Transportation, need to contact and ask about this. Asked SCD to contact Federal for their view of our unliquidated grant obligations. He could show this to Department of Health Accounting people, that this is what Federal Government has told us. He will bring it to ASO, Federal has said to use or lose funding. Leland request should have a standing agenda item on budget. Keeping track of it can be sample. Try to get it straighten out for next meeting.

8) HEPCRA 128-E Statutory Changes Update

Sharon Leonida:

Several meetings were held. One was a conference call with Kathy Ho. We will be going with the format changes. We have already submitted them.

Larry: He has seen it, it is alive and will be part of Governor Administrative Package. It was going smoothly, then some issues came up, now it's back on track.

Keith: It has gone up to the Governor's Office and come back. We have task our contractor, Tetra Tech to provide support. He has signed off on this, so far so good.

9) HEPCRA 128-E Administrative Rules Update

Sharon Leonida:

Larry: Asked if the same meeting covered rules?

Sharon: Yes, Tetra Tech is going ahead, has given us outlines, scheduled meetings and dates. Tentative on these items. We are reviewing what some of the other states have sent us on what they have for their rules. Trying to determine what we would want in our rules. Announcements in newspapers will be printed and we will see what responses we will receive. What groups or individuals will come forward to ask questions and voice concerns.

Larry: Going back to statutes, he is referring to past meetings, concerned about status of LEPC. Supposedly a state entity should have state support. He assumes it will be part of contract review package?

John: Hopes it will be covered. He gave example of Arizona's State revised statutes. When SERC came out, quoted how their LEPCs would receive support. Hawaii County LEPC gets no support from County. By state law and federal law all LEPCs are a state committee. The other counties have a county employee as a chair of co-chair for their LEPC. They can get support from their counties through this. Hawaii County Legal Department won't support him. It is the State Attorney General's responsibility to support the LEPCs. They are a state not county entity.

Larry: Encourages work to move forward. First, there won't be a bill on that issue this session. Never too early to start working on this. Second, by summer, State Executive Government will be working on Biannual Budget for 2009 Legislature. If there is need for resources it should be proposed as part of the enduring structure of the budget. Supplemental years are not a good time to come in for resources.

John: DOH has ability by 128-E, to obtain LEPC and HSERC operating funds through the budget process. Something to consider instead of relying only on fees for funding.

Larry: Even if we have a pot of money, we still need the legislature to okay our taking money out of it. Example: We receive federal grants; it comes in off cycle from Legislative Appropriation, and the next year we ask for ceiling increase to get approval. It's usually a formality, but we still need to go through it.

John: Smaller LEPCs don't put in for projects because they don't have money to draw from. Fees are not from legislature, we could consider requesting some operating funds from legislature. It would allow the fund from fees to build up like Honolulu. Use funds from legislature for operating cost and build up fund from fees.

10) Other Business:

Liz Galvez:

Department of Health is planning either a Table Top or Workshop, depending on the participants in the meeting. Tentative date is August 1, 2008. Object is to "Refine Our Tactical Procedure Using An Incident Threat Protocol As a Guideline". Stake holder list is being created. It will include: First Responders, Police, Fire, EMS, Civil Defense and others. It will be statewide. Goal is, first responders when called by 911, go to the incident and be able to determine if threat is credible or not. She explained the rest of the training and what will be covered.

John: To update or exercise procedures?

Liz: Debating whether to have a tabletop or workshop. We do have guidelines, a protocol. This will test to see if it works, to validate this protocol.

John: Using this as an annual test? Tabletop different from Workshop, are you looking at rewriting or updating procedures as workshop might be?

Keith: This is to verify steps, also to revise where necessary. Working with State Lab, Civil Defense, General Richardson, and Kate Gaynor.

Larry: She is now officially All Hazards Emergency Coordinator for the whole department. Vacancy in that area for over a year. Physician by training, she has worked with the department before, big asset to have somebody fulltime. She will make our Hazardous Plan and Continuity Of Operations Plan. Make them two of the top priorities.

Tin: Asked if the "State Emergency Response Plan" had updates. The last one he saw was a 1993 version. Any updated version?

Clifford: They should have been working on it for several years. Quoted back page that said it should be reviewed and updated. State Civil Defense has been working on it.

Larry: Every department involved in this should be working on its piece. It's a big job.

Tin: Your so busy in your job, you don't have time to plan. When a real incident happens, then you need it.

Larry: Tell your new boss to make this a priority. If he gives you trouble, tell him Larry said so. Worked together in AG's office.

Tin: His boss is trying to make department more ready to respond.

Larry: Everyone on the same boat. Almost all of us, this is just another job. He views this as an important job, although he is not always active that way. His staff knows that of his eight goals, number one is to be prepared. Thanked everyone for their hard work. Everyone keeps coming together to keep network strong, try to build on it. Shouldn't be meeting your partner in ICS for the first time. Happy Holiday, Happy New Year.

11) Schedule next HSERC meeting

The next meeting was tentatively scheduled for March 20, 2008

The meeting was adjourned at 10:34 a.m.

Respectively Submitted,

Sharon L. Leonida
Environmental Health Specialist II



LINDA LINGLE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #70

Thursday, March 20, 2008 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 #69 | 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 Update
Status of MOA | Ken Lesperance, SCD |
| 5) 10:15 | HSERC Financial Report
Tier II Reallocation of Funds

Proposals On Tier II
Tier II Filing Fee Division | Curtis Martin, HEER

Curtis Martin, HEER
LEPCs |
| 6) 10:35 | Break | |
| 7) 10:45 | HEPCRA
128-E Statutory Changes Update
And Proposals

128-E Administrative Rules Update
Meetings For Focus Group | LEPC Chairs, HEER

LEPC Chairs, HEER |

08 MAR 14 P 2:52

LIEUTENANT GOVERNOR'S
OFFICE

8) 11:00 HONOLULU LEPC Proposals
Web base Reporting For Tier II

LEPC Chairs, HEER

9) 11:15 New Business
HAZMAT I.Q

Liz Galvez, Terry Corpus
OSCs HEER OFFICE

TRI - IT

Larry Lau

10) 11:45 Schedule next HSERC meeting

FY09 LEPC BUDGET SPLIT
FINAL March 19, 2008

Straight percentage split:

Honolulu	$\$66,968 \times 48.19\% = \$32,272$
Hawaii	$\$66,968 \times 23.22\% = \$15,550$
Maui	$\$66,968 \times 15.30\% = \$10,246$
Kauai	$\$66,968 \times 13.29\% = \$8,900$

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

Honolulu	$\$54,968 \times 48.19\% + \$3,000 = \$29,489$
Hawaii	$\$54,968 \times 23.22\% + \$3,000 = \$15,764$
Maui	$\$54,968 \times 15.30\% + \$3,000 = \$11,410$
Kauai	$\$54,968 \times 13.29\% + \$3,000 = \$10,305$

With a \$2,000 base:

Honolulu	$\$58,968 \times 48.19\% + \$2,000 = \$30,417$
Hawaii	$\$58,968 \times 23.22\% + \$2,000 = \$15,692$
Maui	$\$58,968 \times 15.30\% + \$2,000 = \$11,022$
Kauai	$\$58,968 \times 13.29\% + \$2,000 = \$9,837$

With a \$1000 base:

Honolulu	$\$62,968 \times 48.19\% + \$1,000 = \$31,344$
Hawaii	$\$62,968 \times 23.22\% + \$1,000 = \$15,621$
Maui	$\$62,968 \times 15.30\% + \$1,000 = \$10,634$
Kauai	$\$62,968 \times 13.29\% + \$1,000 = \$9,369$

March 19, 2008

HAWAII STATE EMERGENCY RESPONSE COMMISSION

Draft FY08 LEPC FUNDS DISTRIBUTION

After deduction of HSERC operational expenses, the balance of the TIER II funds which includes the 20% set aside (formally apart of the HSERC operational expenses) in the amount of \$66,968.00 are proposed to be dispersed in the following manner: a base of \$3,000.00 and the balance on the percentage of TIER II reporting facility in each emergency planning district.

Honolulu	$\$3,000 + .4819 (54,968) = \$3,000 + \$26,489 = \$29,489$
Hawaii	$\$3,000 + .2322 (54,968) = \$3,000 + \$12,764 = \$15,764$
Maui	$\$3,000 + .1530 (54,968) = \$3,000 + \$8,410 = \$11,410$
Kauai	$\$3,000 + .1329 (54,968) = \$3,000 + \$7,305 = \$10,305$

Planning Grant

The planning grant funds will be used for the following activities.

1. Annual HazMat Exercises for each of the LEPCs.
2. Update of Emergency Operation Plans
3. LEPC Support
4. HazMat Explo 2008 Convention in Las Vegas, Nevada, November 2008
5. National Association of SARA III Program Officials (NASTTPO) Convention in TBA, 2009

Since Hawaii is an island state, meeting to share and discuss information involves substantial traveling.

HSERC meetings are held quarterly. Each LEPC should follow a similar schedule. A representative from each of the LEPCs attends each HSERC meeting. The HEPCRA Coordinator attends each LEPC meeting. Each county encompasses different islands. The only way to reach another island, in a timely manner, is by air. In the Fiscal Year 09-10, a one-way coupon cost approximately \$100.00; a car rental coupon cost \$36.00; meal allowance of \$20.00 and parking of \$10.00.

LEPC Meetings

Airfare: We are planning for four meetings annually. There are four counties. One HEER representative flies to twelve of the sixteen meetings (4 of which are on Oahu). $1 \times 12 \times \$100 = \$1,200.00$
Rental Car: $12 \text{ meetings} \times \$36 = \$432.00$
Meal Allowance: $1 \times 12 \times \$20 = \240.00
Parking: $12 \times \$10 = \120.00
Total: \$1992.00

HazMat Explo 2008 Convention in Las Vegas, Nevada, November 2008

Airfare: \$640.00
Registration: \$150.00
Mid-Year Meeting Fee for NASTTPO: \$50.00
Per diem: $7 \times \$145.00 = \1015.00
Fare from airport to hotel: $2 \times \$20.00 = \40.00
Estimated lodging is \$110.00 per day. Excess expense for lodging: $6 \times \$25.00 = \150.00
Total: \$2,045.00

National Association of SARA III Program Officials (NASTTPO) Convention in TBA, 2009

Airfare: \$1000.00
Registration: \$300.00
Per diem: $7 \times \$145.00 = \1015.00
Fare from airport to hotel: $2 \times \$20.00 = \40.00
Estimated lodging is \$125.00 per day. Excess expense for lodging: $6 \times \$40.00 = \240.00
Total: \$2595.00

The total cost for the HSERC and LEPC activities for the year is \$6632.00.

March 13, 2008

HAWAII STATE EMERGENCY RESPONSE COMMISSION

DRAFT FY 09 BUDGET

Collections from the TIER II Reports: \$73,600

HSERC Expenses:

To attend LEPC Meetings:	\$1,992.00
HazMat Explo 2008:	\$2,045.00
NASTTPO 2009 Conference in TBA	\$2,595.00

Funds available for distribution to the LEPCs:

\$73,600
-1,992
-2,045
-2,595

\$66,968.00

TIER II Reporting Facilities by Counties (based on Tier2Submit 2006):

City & County of Honolulu:	359	48.19%
County of Hawaii	173	23.22%
County of Maui	114	15.30%
County of Kauai	99	13.29%

**Memorandum of Agreement
between the
Hawaii State Emergency Response Commission (HSERC)
and the
Local Emergency Planning Committees (LEPCs)**

Purpose and Scope

This MOA establishes a cooperative framework for the distribution of filing fees to the LEPCs for the support of their mission under the Hawaii Emergency Planning and Community Right-to-Know Act.

Authority

The Hawaii Emergency Planning and Community Right-to-Know Act (HEPCRA), §128E Hawaii Revised Statutes established the LEPCs and a funding mechanism through the collection of filing fees.

Permissible expenditures of the subject funds shall be for the functions of Local Emergency Planning Committees, as described by Section 128E-5(f). Section 128E-5(f) is paraphrased below.

Each Committee shall:

- (1) Adopt bylaws and other administrative procedures to carry out the duties, requirements, and responsibilities set forth in this chapter, and as required by the commission and EPCRA;
- (2) Take appropriate actions to ensure the preparation, implementation, and annual update and review of the local emergency response plan required by this chapter and EPCRA.
- (3) Request additional information from the facilities, if necessary, to develop emergency response plans;
- (4) Submit local emergency response plans to the commission for review, and to other affected agencies upon request;
- (5) Report to the commission on alleged violations of this chapter;
- (6) Prepare reports, recommendations, and other information related to the implementation of this chapter, as requested by the commission;
- (7) Have the primary responsibility for receiving, processing, and managing hazardous chemical information forms and data, trade secrets, and public information requests pursuant to this chapter;
- (8) Accept and deposit into the state treasury any grants, gifts, or other funds received for the purpose of carrying out this chapter; and
- (9) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make recommendations with respect to additional resources that may be required and the means for providing these additional resources.

Section 128E-5(g) states that the administrative and operational expenses of a committee may be paid by the State. [L 1993, c 300, pt of §1]

Guidelines

The State of Hawaii, as part of the annual legislative process, established an account under HRS 128E-8 called the local emergency response planning committees account (Currently # S00 342 H 338 371 1115) within the Environmental Response Revolving Fund (ERRF). The filing fees, collected annually under HEPCRA. The amount collected has ranged from \$71,900 to \$95,500. The HSERC annually reevaluates the amount to be allocated to each LEPC.

In order to receive the funding, each LEPC must establish an account with the finance department of the local government in their planning district. The State Department of Health will issue a purchase order at the beginning of each state fiscal year to transfer the funds from the ERRF. The LEPC will have maximum flexibility to expend the funds, and have authority to reprogram funds during the fiscal year. The LEPC will also have the authority to carry over and expend the unobligated balance in the subsequent fiscal year(s).

The account, once established, may also be used to streamline the disbursement of grants and other emergency planning related monies.

Oversight

Each LEPC is responsible for authoring and utilizing the subject funding for the purposes described under the authority section of this MOA.

During the first month of each quarter, each LEPC will provide the HEER Office an accounting of the expenditures and status of their account for the previous quarter.

In the second month of the fourth quarter of each year, each LEPC shall submit to the HSERC a proposed budget for the following year.

The HSERC will review the previous years accounting and the proposed budgets to determine the allocation to each LEPC account.

Amendments and Effective Date

This MOA may be altered, amended or modified only by written agreement of the HSERC and LEPCs. This MOA contains all terms, covenants, conditions, stipulations and agreements agreed upon by the HSERC and LEPCs. This MOA supercedes and cancels each and every other agreement, promise and negotiation between the parties, and no party shall be bound by any

inducement, statement, representation promise or agreement not in conformity herewith.

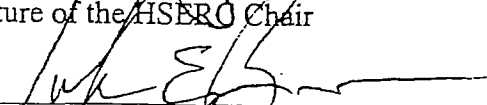
This MOA is effective upon signing by the HSERC Chair and the authorized Representatives of each LEPC. This MOA will remain in effect until terminated by the HSERC or LEPC.



Signature of the HSERC Chair

10/1/99

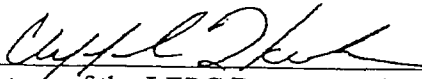
Date



Signature of the LEPC Representative for Hawaii

10-4-99

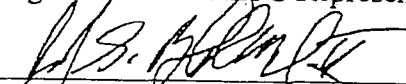
Date



Signature of the LEPC Representative for Kauai

10-1-99


Date



Signature of the LEPC Representative for Maui

10/1/99

Date



Signature of the LEPC Representative for Oahu

10-1-99

Date

UATIS CIVIL BUI LINDA KUMANA

99 OCT 12 4:55

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DRAFT OUTLINE OF PROPOSED HRS 128E REGULATIONS

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 453

(Note: 453 Identified as a placeholder, not sure exactly if this is where to place the regulations)

EMERGENCY PLANNING AND COMMUNITY RIGHT-to-KNOW

Sub Chapter 1: Introduction

- 11-453-1 Purpose and goals
- 11-453-2 Definitions
- 11-453-3 Incorporations by reference
(May choose to reference the definitions contained in federal EPCRA regulations at 40 CFR Parts 350, 355, 370, and 372 – this could also be set aside in a separate Sub Chapter)

Sub Chapter 2: State Emergency Commission

- 11-453-4 Establishment of state emergency response commission
- 11-453-5 Duties and responsibilities
- 11-453-6 Organization and general meeting rules
- 11-453-7 Rulemakings, appointment of hearing officers
- 11-453-8 Emergency plans review process
- 11-453-9 Receiving and processing community right-to-know requests

Sub Chapter 3: Local Emergency Planning Committees

- 11-453-10 Establishment of local emergency planning districts
- 11-453-11 Establishment of local emergency planning committees
- 11-453-12 Powers, functions, funding, and duties [**cross reference funding with regulations in Sub Chapter 8**]
- 11-453-13 Coordination and cooperation with political subdivisions in local emergency planning district
- 11-453-14 Organization and general meeting rules
- 11-453-15 Emergency plan preparation and annual review
- 11-453-16 Emergency plan minimum requirements
- 11-453-17 Receiving and processing community right-to-know requests

Sub Chapter 4: Emergency Planning

- 11-453-18 Facilities subject to emergency planning requirements (**may choose to incorporate by reference the federal 40 CFR Part 355 [Emergency Planning and Notification Requirements] here**)
- 11-453-19 Emergency planning requirements of subject facilities
- 11-453-20 Calculation of quantities for comparison with threshold planning quantities for solids and mixtures
- 11-453-21 List of extremely hazardous substances and their threshold planning quantities.
- 11-453-22 List of hazardous substances and their applicable reportable quantities.
- 11-453-23 Addition of hazardous chemicals, extremely hazardous substances and hazardous substances

Sub Chapter 5: Emergency Release Notification

- 11-453-24 Facilities subject to emergency release notification requirements (**may choose to incorporate by reference the federal 40 CFR Part 355 [Emergency Planning and Notification Requirements] here**)
- 11-453-25 Designation of hazardous substances
- 11-453-26 Determination of reportable quantities for hazardous substances
- 11-453-27 Determining notification requirements of mixtures or solutions
- 11-453-28 Release notification requirements for radionuclides and solid particles
- 11-453-29 Calculations for reportable quantities of continuous releases
- 11-453-30 Reportable quantities for oil including crude oil
- 11-453-31 Release notification requirements

Sub Chapter 6: Hazardous Chemical Reporting

- 11-453-32 Facilities subject to hazardous chemical reporting requirements (**may choose to incorporate by reference the federal 40 CFR Part 370 [Hazardous Chemical Reporting: Community Right-to-Know]**)
- 11-453-33 List or material safety data sheets (MSDS) reporting requirements for subject facilities
- 11-453-34 Facility emergency and hazardous chemical inventory form [**address use of state chemical inventory form here, see HRS 128E-6b**]
- 11-453-35 Identification of hazardous chemicals
- 11-453-36 Threshold quantities for hazardous chemical reporting

Sub Chapter 7: Toxic Chemical Release Reporting

- 11-453-37 Facilities subject to toxic chemical release reporting and recordkeeping (**incorporate by reference the federal 40 CFR 372 [Toxic Chemical Release Reporting: Community Right-to-Know]**)

Sub Chapter 8: Funding and Fees

- 11-453-38 Local emergency response planning committees account [**account established by HRS 128E-8**]
- 11-453-39 Annual inventory filing fees for hazardous chemical reporting [**\$100 filing fee associated with HRS 128E-9**] [**place here or in Sub Chapter 6**]

Sub Chapter 9: Claims of Confidentiality and Trade Secrets

- 11-453-40 Claims of confidentiality [**incorporate by reference the federal 40 CFR Part 350 [Trade Secrecy Claims for Emergency Planning and community Right-to-Know Information: and Trade Secret Disclosure to Health Professionals]**]

Sub Chapter 10: Enforcement

- 11-453-41 Violations
- 11-453-42 Inspection procedures
- 11-453-43 Enforcement response

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE

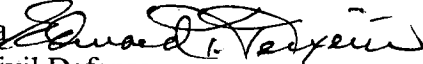


PHONE (808) 733-4300
FAX (808) 733-4287

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

March 20, 2008

TO: Mr. Laurence K. Lau, Chair
Hawaii State Emergency Response Commission

FROM: Edward T. Teixeira 
Vice Director of Civil Defense

SUBJECT: MARCH 2008 HSERC MEETING

I am unable to attend the March 20, 2008, HSERC meeting due to a conflicting schedule.

I hereby appoint Ken Lesperance from State Civil Defense to represent me at the above meeting with all the rights as a voting member.

June 12, 2008

OFFICE OF THE CHIEF OF
DEPT OF HEALTH

8 JUN 17 09:12

Hazard Evaluation and Emergency Response Office
C/o Mr. Larry Lau, HSERC Chair
919 Ala Moana Blvd., room 206
Honolulu, Hawaii 96814-4920

Aloha Mr. Larry Lau,

As Coordinator of The Hawaii County LEPC, I am assigning Mr. John Bowen as my Vice Coordinator. In my absence, Mr. Bowen is authorized to carry on any business concerning the Hawaii County LEPC.

Respectfully,



Henry G. Silva, Coordinator
Hawaii County LEPC
aposilva@hawaiiantel.net

cc: Hawaii Co. LEPC
Gerald Makino, Hawaii Co. Fire Admin, Finance Officer
Sharon Leonida, DOH, HEER
Terry Corpus, DOH, HEER

June 4, 2008

Mr. Larry Lau, Chairman
HSERC
c/o Hazard Evaluation and Emergency Response Office
Room 206
919 Ala Moana Blvd.
Honolulu, Hawaii 96814-4920

Larry,

As you well know this last couple of years has been very hard for me, with the extended illness and subsequent passing of my wife. I have received much support and encouragement from many friends and contacts and I am truly grateful to them for their concern and help. During the recent months it became apparent that I might need to relocate due to family and health matters. That decision was finalized this morning and I will be relocating out of state. Therefore, as of today, June 4, 2008, I am tendering my resignation as Chairman of Hawaii County Local Emergency Planning Committee.

The Hawaii County LEPC's last official business meeting was held on Wednesday 14 November 2007, 0930. As reported at the March HSERC, we were unable to gather a quorum for our March meeting and a subsequent date later in the month ended with the same result. No official business or financial transactions have been approved since that time.

As the committee does not have a Vice Chairperson, Mr. Henry Silva has agreed to serve as coordinator until such time as an official meeting can be held for the election of a new Chairman.

Respectfully,

John S. Ross
rossjohns@netscape.net

cc: Hawaii Co. LEPC
Hawaii Co. Fire Admin, Finance Officer
Sharon Leonida, DOH, HEER

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

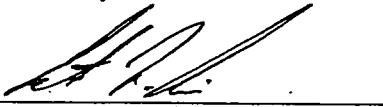
Dear Mr. Lau:

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).

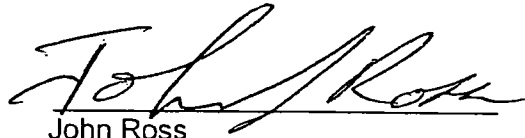
Perhaps the most compelling argument in favor of such rules is that paragraphs 6(b) and 7 of HRS 128E specifically require the adoption of rules. We strongly feel that the lack of rules since the inception of HRS 128E in 1993 has limited the program's success. Guidance for Local Emergency Planning Committees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



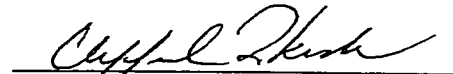
Carter Davis
Chair, Honolulu LEPC



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

DRAFT OUTLINE OF PROPOSED HRS 128E REGULATIONS

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 453

(Note: 453 Identified as a placeholder, not sure exactly if this is where to place the regulations)

EMERGENCY PLANNING AND COMMUNITY RIGHT-to-KNOW

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- 11-453-23 Addition of hazardous chemicals, extremely hazardous substances and hazardous substances

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- 11-453-34 Facility emergency and hazardous chemical inventory form [**address use of state chemical inventory form here, see HRS 128E-6b**]
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Sub Chapter 7: Toxic Chemical Release Reporting

- 11-453-37 Facilities subject to toxic chemical release reporting and recordkeeping (**incorporate by reference the federal 40 CFR 372 [Toxic Chemical Release Reporting: Community Right-to-Know]**)

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- 11-453-38 Local emergency response planning committees account [**account established by HRS 128E-8**]
- 11-453-39 Annual inventory filing fees for hazardous chemical reporting [**\$100 filing fee associated with HRS 128E-9**] [**place here or in Sub Chapter 6**]

Sub Chapter 9: Claims of Confidentiality and Trade Secrets

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Sub Chapter 10: Enforcement

- 11-453-41 Violations
- 11-453-42 Inspection procedures
- 11-453-43 Enforcement response

DRAFT

LETTER OF INVITATION FOR FOCUS GROUP

March 14, 2008

Small Business Regulatory Review Board
Attn: Sharon L. Pang, Vice Chairperson
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Ms. Pang:

You or another member of your organization are invited to participate in a focus group that will provide input on the preparation of proposed administrative rules to better implement and improve compliance with requirements of the Hawaii Emergency Planning Community Right-To-Know Act (HEPCRA), Chapter 128E, Hawaii Revised Statutes (HRS). More information can be found at: <http://hawaii.gov/health/about/admin/health/environmental/hazard/index.html>: "Notice of Intent of Proposed Rule Making".

The objective of the group is to provide input for preparation of a draft set of rules that will then be subject to a public review before the final rules are issued by the Hawaii Department of Health (HDOH). The first of two meetings will take place on *April 15, 2008 at 8:30 A.M.* The meeting will be held in *the 5th floor conference room at the Hawai'i State Department of Health offices, 919 Ala Moana Boulevard, Honolulu, Hawai'i.* The meeting will bring together representatives from the Hawaii Administrative Rules (HAR) group, the Local Emergency Planning Committee (LEPC), the Attorney General, environmental consultants and members of the community. During the meeting, an outline of proposed rules will be presented to the group for comment and further discussion. Following this meeting, the HDOH will review and consider comments from the focus group and an internal draft of rules will be developed. This process will be repeated at a second meeting in either June or July 2008, where the draft rules will be presented to the group for comment and further discussion. After the second meeting, a final set of draft rules will be prepared and the HDOH will seek public comment.

We hope that you will be a member of this focus group. If you are willing to participate, please send your response no later than **Friday, March 28, 2008**. You may respond either by phone, e-mail or in writing to: *Ms. Sharon Leonida, Office of Hazard Evaluation and Emergency Response, Hawai'i State Department of Health, 919 Ala Moana Boulevard, Room 206, Honolulu, Hawai'i 96814; (808) 586-4249; sharon.leonida@doh.hawaii.gov.* Thank you for your consideration.

Sincerely,

Sharon Leonida
Office of Hazard Evaluation and Emergency Response
Hawai'i State Department of Health

707 Richards Street, Suite 300, Honolulu, HI 96813
Tel 808.441.6600 Fax 808.836.1689
www.ttemi.com

DRAFT NEWSPAPER NOTICE

NOTICE OF RULEMAKING BY THE HAWAII DEPARTMENT OF HEALTH

The Hawaii Department of Health (HDOH) is preparing **NEW ADMINISTRATIVE RULES** to better implement and improve compliance with requirements of the **HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (HEPCRA), CHAPTER 128E, HAWAII REVISED STATUTES (HRS)**. The HEPCRA was enacted in 1993 and promulgated requirements implementing the federal Emergency Planning and Community Right-to-Know Act (EPCRA) which became law in 1986. EPCRA establishes requirements for Federal, State, and local governments and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous substances and toxic chemicals.

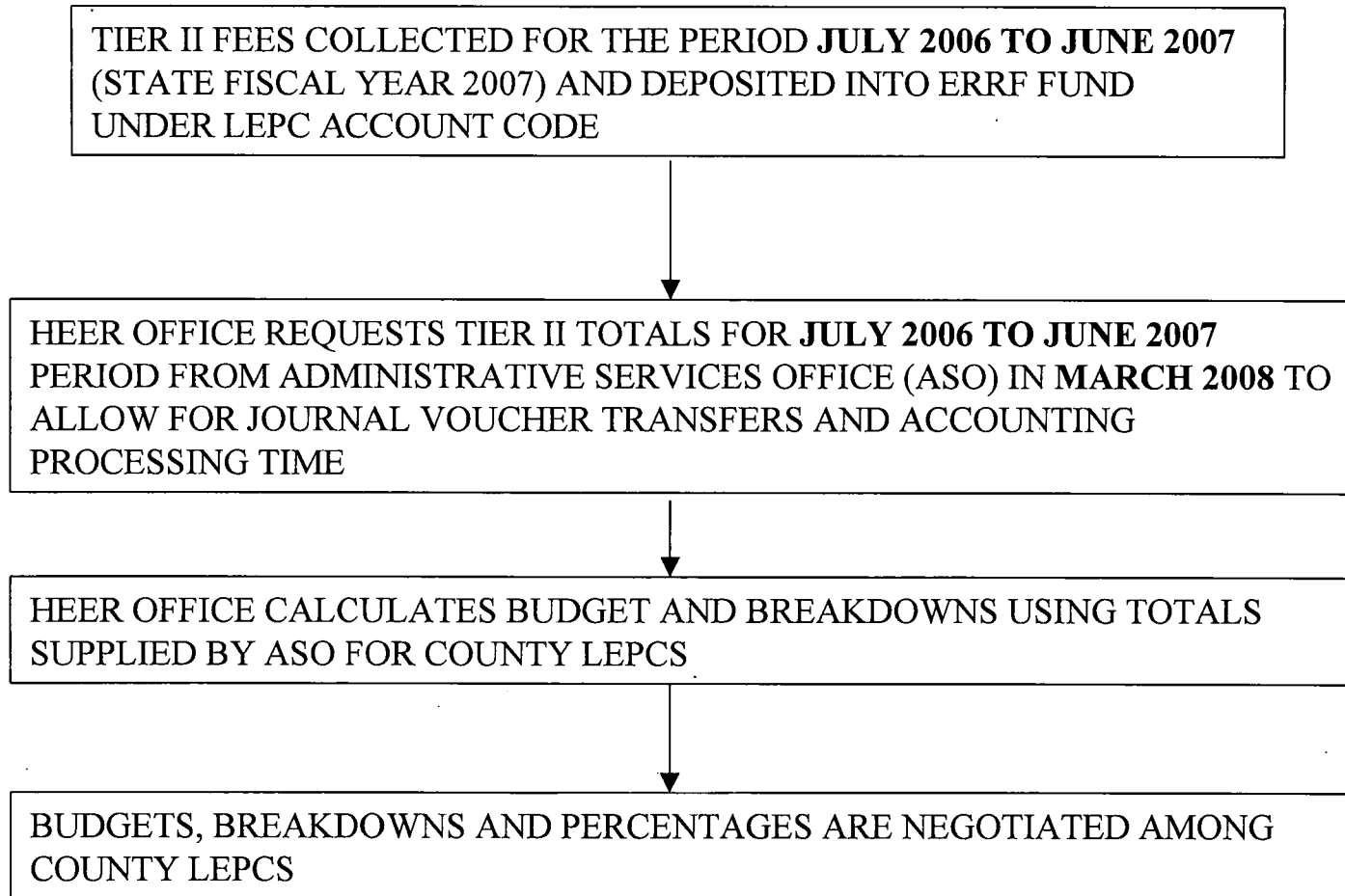
States and communities, working with facilities, can use the information to **INCREASE PUBLIC KNOWLEDGE, IMPROVE CHEMICAL SAFETY, AND PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.**

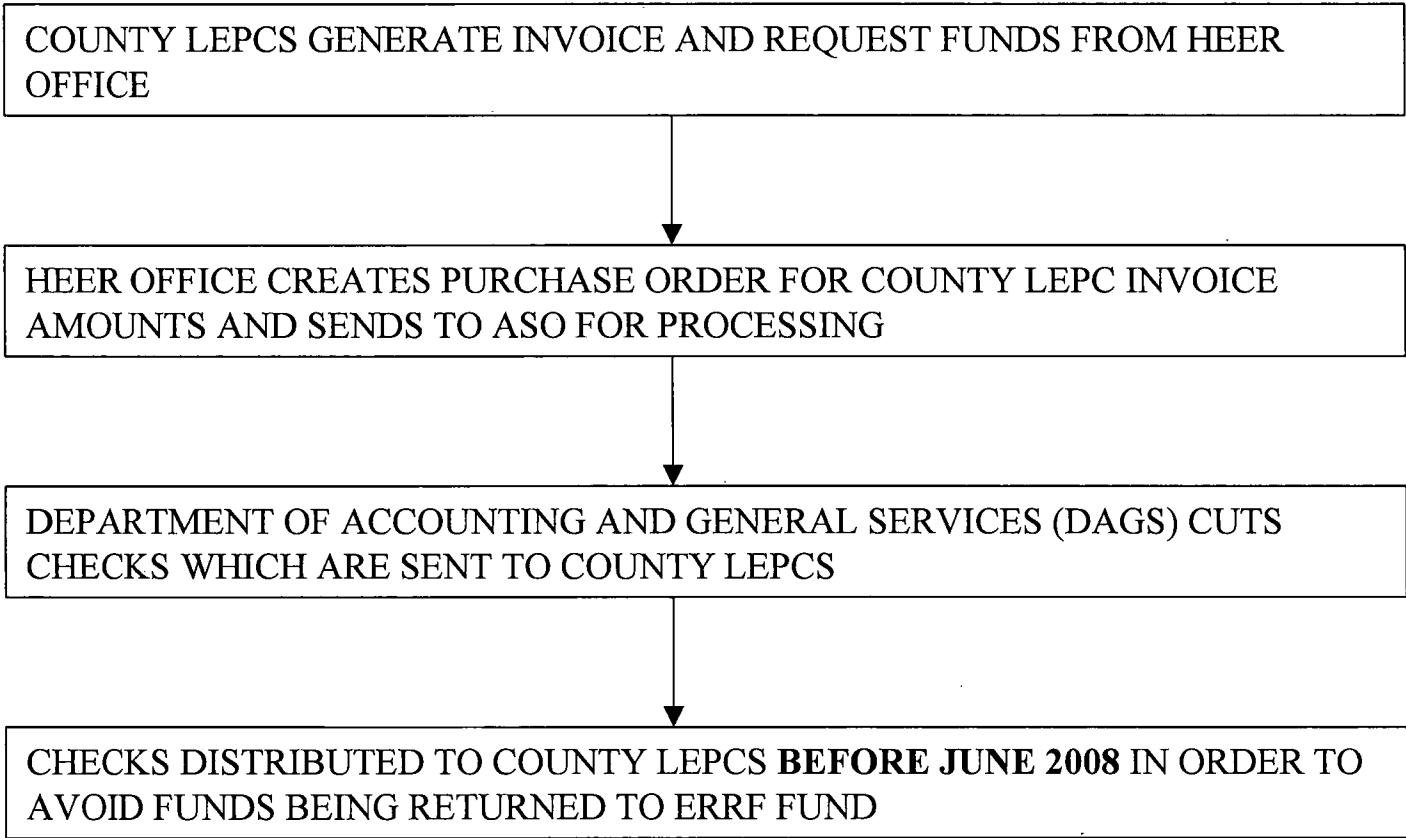
HEPCRA provides authority to the HDOH to create administrative rules implementing the requirements of the law; however, to date no rules have been developed. The HDOH and the local planning emergency committees (LEPCs) believe that **DEVELOPING RULES IS NECESSARY TO CLARIFY THE REQUIREMENTS AND PROVISIONS IN THE LAW**, specifically administration, implementation, and enforcement of HEPCRA. This notice is to inform interested parties that the HDOH has formed a workgroup to prepare the new rules. The HDOH will prepare new rules following administrative procedures established by Hawaii law and relevant policies and guidance. The Department expects to issue final administrative rules in late 2008.

For more information, please contact:

- **INSERT Web Address**
- Sharon Leonida; State of Hawaii Department of Health Office of Hazard Evaluation and Emergency Response; 808-586-4249 ; sharon.leonida@doh.hawaii.gov
- Beryl Ekimoto; State of Hawaii Department of Health Office of Hazard Evaluation and Emergency Response; 808-586-4249; beryl.ekimoto@doh.hawaii.gov

TIER II FEE COLLECTION AND DISTRIBUTION FLOW CHART
(REVISED)





**HEPCRA RULE MAKING
Project Schedule and Deliverables**

TASK	RPPD Step	Lead	START DATE	END DATE
Draft outline of proposed rules (Accompanied by examples of other states rules)	2	TTEMI	January 1, 2008	February 11, 2008
Public notice for publishing in/on: Honolulu Advertiser/ Star Bulletin Outer Island Papers/ Midweek DOH Website/LEPC Website OEQC	2 and 3	TTEMI	January 1, 2008	February 11, 2008
Review (Kathy Ho, HAR Group, LEPC reps, Larry Lau)	2 and 3	DOH	February 11, 2008	March 1, 2008
Publish public notice	2 and 3	TTEMI	March 1, 2008	
Received feedback from community on the public notice and identify participants for a focus group	2 and 3	DOH/TTEMI	March 1, 2008	April 1, 2008
Final outline of proposed rules	2 and 3	TTEMI	March 1, 2008	April 1, 2008
Agenda and power point slides for 1 st focus group meeting	2 and 3	TTEMI	March 1, 2008	April 1, 2008
1st focus group meeting	2 and 3	DOH/TTEMI	Early April, 2008	
Response to focus group meeting comments	2 and 3	TTEMI	Early April, 2008	April 15, 2008
Internal draft rules	2 and 3	TTEMI	March 1, 2008	May 1, 2008
Review (SBRRB, Kathy Ho, HAR Group, LEPC reps, Larry Lau)	2 and 3	DOH	May 1, 2008	June 1, 2008
Agenda and power point slides for 2 nd focus group meeting	2 and 3	TTEMI	May 1, 2008	June 1, 2008
2nd focus group meeting	2 and 3	DOH/TTEMI	Early June 2008	
Response to focus group meeting comments	2 and 3	TTEMI	Early June, 2008	June 15, 2008
Draft Rules	2 and 3	TTEMI	June 1, 2008	July 1, 2008
LRB / Attorney General Review	4 and 5	DOH	July 1, 2008	July 15, 2008
Draft Final Rules	NA	TTEMI	July 15, 2008	August 1, 2008
Pre-hearing memo to GOV ADMIN DIR	NA	???	July 15, 2008	August 1, 2008
DOH HAR Review Team review	6	DOH	August 1, 2008	September 1, 2008
Final Rules Package (memo and rules)	7	TTEMI	September 1, 2008	September 15, 2008
Public Hearing Approval Process	8 through 12	DOH	September 15, 2008	October 1, 2008
Prepare Hearing Notice	12	TTEMI	September 15, 2008	October 1, 2008
Public Hearing Approval Process	13 through 19	DOH	October 15, 2008	November 1, 2008
Publish Hearing Notice/Post Rules	20	TTEMI	November 1, 2008	
Secure Hearings Officer	20	DOH	November 1, 2008	

**HEPCRA RULE MAKING
Project Schedule and Deliverables**

TASK	RPPD Step	Lead	START DATE	END DATE
Agenda and power point slides for public hearing	20	TTEMI	October 15, 2008	November 1, 2008
Public Hearing	20	DOH/TTEMI	November 31, 2008	
Edit Final Rules per hearing and Submit to Attorney General	20	TTEMI	November 31, 2008	December 15, 2008
Attorney General Review	21	DOH	December 15, 2008	January 1, 2009
Write Post Hearing memo/Final Formatting of Rules	22	TTEMI	January 1, 2009	January 15, 2009
Final approval process	23 through 34	DOH	January 15, 2009	February 1, 2009

Notes:

LRB Legislative Reference Bureau
RPPD Rules Processing Procedures Diagram

NOTICE OF INTENT OF PROPOSED RULEMAKING BY THE HAWAII DEPARTMENT OF HEALTH

The Hawaii Department of Health is preparing administrative rules to better implement and improve compliance with requirements of the Hawaii Emergency Planning and Community Right-to-Know Act (HEPCRA), Chapter 128E, Hawaii Revised Statutes (HRS).

BACKGROUND

In 1986, the Emergency Planning and Community Right-to-Know Act (EPCRA), a federal law, established requirements for Federal, State, and local governments and industry regarding emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. The Community-Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment. In 1993, HEPCRA became law (HRS 128E) and promulgated the federal EPCRA requirements in the State of Hawaii. EPCRA created five separate reporting requirements for subject facilities, including:

- Emergency planning and notification (EPCRA sections 301 through 303)
- Emergency and accidental release notification (EPCRA section 304)
- Chemical hazard reporting requirements (EPCRA section 311)
- Chemical inventory reporting requirements (commonly referred to as Tier II) (EPCRA section 312)
- Toxic release reporting requirements (commonly referred to as TRI or Form R) (EPCRA section 313)

Under EPCRA, each state must establish a State Emergency Response Commission (SERC). In addition to other duties and responsibilities, the SERC designates local planning districts, appoints members of a Local Emergency Planning Committee (LEPC), and reviews emergency plans prepared by LEPCs. The Hawaii State Emergency Response Commission (HSERC) has designated local planning districts in the counties of Honolulu, Hawaii, Maui, and Kauai.

The LEPC in each district is crucial to local planning and community right-to-know programs and has many responsibilities, mandates, and deadlines. Members of the LEPC come from the local area and are familiar with factors that affect public safety, the environment, and the economy of the community. The LEPC focuses on community preparedness through activities designed to promote cooperation between facilities, first responders, and community members. The LEPC also has substantial information gathering authority and is responsible for collecting and disseminating Tier II and related data and using that information to foster closer cooperation between regulated facilities and the first responder community.

For more information, please see: HRS 128E [Hawaii Revised Statutes 128E, HEPCRA]

For more information, please contact: Sharon Leonida, State of Hawaii Department of Health Office of Hazard Evaluation and Emergency Response. 808-586-4249 ; sharon.leonida@doh.hawaii.gov. Beryl Ekimoto, State of Hawaii Department of Health Office of Hazard Evaluation and Emergency Response. 808-586-4249; beryl.ekimoto@doh.hawaii.gov.

Why are administrative rules for HEPCRA needed?

HEPCRA provides authority to the Hawaii Department of Health to create administrative rules implementing the requirements of the law. However, since the adoption of HEPCRA, the Department has not issued any administrative rules. In March 2007, the four chairs of the LEPCs informed the HSERC of a number of issues which they believe can only be addressed by having the Department issue rules to clarify requirements and provisions in the law. Issues concern administration, implementation, and enforcement of HEPCRA. The LEPC chairs also stated that the reporting requirements for covered facilities require further clarification to improve compliance and prevent misinterpretation. The Department agrees with the LEPC chairs and has decided that administrative rules are needed to clarify and better implement the requirements of HEPCRA (HRS 128E). The Department has formed a rule development workgroup to prepare the rules.

What will the administrative rules cover?

- Clarify definitions of hazardous substances, extremely hazardous substances, reportable quantities, and other key terms identified under HEPCRA
- Identify extremely hazardous substances and hazardous substances subject to HEPCRA reporting requirements
- Identify facilities subject to HEPCRA reporting requirements
- Provide clear and understandable requirements for reporting releases of hazardous substances, extremely hazardous substances, and hazardous chemicals to prevent misinterpretation of the reporting requirements and improve compliance for covered facilities
- Clarify the responsibilities, duties, administration, and implementation of HEPCRA requirements by the SERC and LEPCs
- Establish a state chemical inventory form to be used for reporting Tier II information
- Establish information required for hazardous substance release reports
- Identify procedures and timeframes for processing Tier II reports and disseminating Tier II information to counties and the general public
- Address enforcement of HEPCRA requirements, including inspection procedures and response to violations

How and when will the Department issue administrative rules for HEPCRA?

The Department will prepare rules following administrative procedures established by Hawaii law and relevant policies and guidance developed by the Department. First, the Department will draft proposed rules and seek public comment on those rules. The Department will then issue final rules after reviewing and responding to public comments. The Department expects to issue final administrative rules for implementing HEPCRA in late 2008.

S. Leonida informed the HSERC that the budget data she obtained is unreliable and a valid report cannot be provided at that time. L. Lau mentioned that he recognizes that shortfall, stating that DOH requires additional financial staffing. He did agree that budget reports at HSERC meetings will be an agenda item.

The Hawaii Administrative Rules (HAR) working group provided an update on the proposed change to HEPCRA and outlined the schedule for developing rules for the law.

L. Galvez discussed a DOH Table Top Exercise/Workshop to refine response protocols/guidelines to potential threats – eg. powders and unknown substances, scheduled for August 1, 2008.

The next HSERC meeting will be on March 20, 2008.

CHEMICAL FACILITY ANTI-TERRORISM STANDARDS (CFATS) PRESENTATION

Carlos Vasquez, Area 6 Commander of the Inspections & Enforcement Branch of the Infrastructure Security Compliance Division, Department of Homeland Security provided an overview of the new CFATS Program.

He discussed risk assessments, covered facilities, exemptions, planning requirements, and protection of sensitive information. LEPC members gained a better understanding of the program and he was able to answer questions and concerns of several covered LEPC members.

C.L.E.A.N. UPDATE

Annie Lam provided an update on C.L.E.A.N. activities. She discussed the 2008 Emergency Resources Guide, the C.L.E.A.N. website that is under development, and their most recent newsletter. She also announced that C.L.E.A.N. will again provide an \$8,000 gift to the LEPC to sponsor 5 additional Hazmat personnel at the 2008 Continuing Challenge Hazardous Materials Workshop. In addition, C.L.E.A.N. will sponsor the attendance of 2 HFD personnel at the Hot Zone Conference in Houston, Texas in October 2008, which will allow our Hazmat responders to better understand hazmat response in a marine/harbor environment.

Annie announced an upcoming C.L.E.A.N. sponsored Emergency Preparedness 101 Workshop for Campbell Industrial Park businesses. This workshop is scheduled for May 14, 2008 at the Filipino Community Center in Waipahu, and will have a special emphasis on Hurricane preparedness.

HSERC INITIATIVES

L. Nakai reviewed the Memorandum of Agreement concerning funding procedures for HMEP projects and the changes that SCD is proposing. He mentioned that the C&C financial system cannot meet the payment/notification timeline changes, and that we have asked SCD to reconsider the rather strict timelines.

He then discussed HB 3150 and SB 3072 which amends HEPCRA by clarifying reporting requirements for hazardous and extremely hazardous substances. The DOH, HFD, and the Honolulu and Kauai LEPCs have been testifying in support of the bills. Both bills have progressed through the legislature with no opposition to date.

L. Nakai reviewed actions taken by the Permitted Interactive Group (PIG) in the development of Hawaii Administrative Rules (HAR) for HEPCRA. With assistance from a consultant, the group has reviewed sample rules from other states, and is using a rule development process similar to that used for the Meth Lab rules. Federal Rules for EPCRA will be a model for the HAR. Public notices of rulemaking were published in local newspapers to inform the public and identify interested parties. Public Focus Group meetings are planned for April and June to gain concerns and recommendations for the rules.

L. Nakai discussed Tier II program concerns. The current system provides data to the counties that is nearly 2 years old upon receipt, which potentially may lead to unsafe conditions for responders and the public during a hazmat release. Two potential methods of expediting Tier II information to the county were presented. A short term fix of using DOT HMEP planning grant funds to assist with the processing of the annual data, and a longer term fix of developing a web-based reporting system that would provide real time data to the counties, possibly funded by Homeland Security grants, were discussed and endorsed by the LEPC. A letter outlining these recommendations will be provided to the HSERC for their consideration.

PROJECTED TRAINING COURSES

A Hazmat IQ Field ID Systems Training is currently scheduled for April/May '08. Presented by Industrial Emergency Council out of California, this is a patented methodology to quickly assess/size up a hazmat incident. Some 300 responders from HFD, and other federal, state and local agencies are scheduled to be trained on this system.

Two Cameo courses presented by Louisiana State University are also scheduled for the November '08 timeframe. These beginning and advanced train-the-trainer courses for local responders and their partners follow-on to the LSU Cameo Course given in November '07.

WAIPAHU PROJECT

L. Nakai announced that Tetra Tech EM, Inc. has begun work on the Waipahu Hazard Assessment Project. A business mailing list has been developed, and surveys are expected to be mailed in March '08. The project will be completed by mid-September '08.

IV. OTHER BUSINESS/SCHEDULE NEXT MEETING

LTC Trey Johnson, Commander, 93d Civil Support Team discussed exercise Kaimalu O'Hawaii, which is scheduled for July 28 – August 2, 2008. This exercise will be based on a harbor weapon of mass destruction scenario.

The next LEPC meeting is tentatively scheduled sometime in June 2008. The meeting was adjourned at 10:56 A.M.

Respectfully Submitted,



Leland A. Nakai
LEPC Coordinator

Attachment

**HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE MEETING
MARCH 4, 2008**

ATTENDANCE LIST

VOTING MEMBERS:

Carter Davis	HFD
Leland Nakai	OCDA
Andy Keith	HECO
Tom Vendetta	Human Resources
Earl Nishikawa	Chevron
Annie Lam	Tesoro
Lope Salvatierra	Enterprise Services
Kate Gaynor	DOH
Alex Leong	BWS
Steven Ogata	Agriculture
Shirley Zhai	BEI
Gavan Imamura	Red Cross
Michael Freitas	Customer Services
Gavan Imamura	American Red Cross
Tricia Nakamatsu	Corporation Counsel
Garrett Ogawa	Facility Maintenance

NON-VOTING MEMBERS:

Beryl Ekimoto	HEER
Sharon Leonida	HEER
Lynne Nakamoto	USAGHI Environmental
Jeff Farris	HFD
Roy Murakami	HFD
Dan Fullenwider	Gas Company
Zoe Williams	Gas Company
Michele Chang	MCBH
Gerald Schmitz	MCBH
Karen Rosa	USFWS
Nathan Kapule	Young Bros.
Laura Newman	Tetra Tech
Trey Johnson	93d CST
William Flynn	93d CST
Cynthia Pang	Navy Region Hawaii
Alan Sugihara	Navy Region Hawaii
Wayne Oshiro	Facility Maintenance
Jim Mistysyn	BEI

Confusion Over Facility Anti-Terrorism Standards and EPCRA Reporting

It was recently brought to the EPA's attention that there is potential reporting confusion for facilities covered by regulations from the Department of Homeland Security's Chemical Facility Anti-Terrorism Standards (CFATS) program as well as the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Clean Air Act Section 112 (r), the Risk Management Plan (RMP) program. In summary, the facilities covered by these programs may not withhold information required by the EPCRA, CAA Section 112(r), or any other previously existing federal requirement as they are still subject to those requirements. EPA Headquarters has sent clarifying information to all the EPA EPCRA / RMP listserv members regarding this issue.

Recently, several facilities subject to federal requirements under EPCRA or the RMP program, have attempted to withhold information required under those laws from the EPA or state officials responsible for their implementation. Facilities have cited non-disclosure or confidentiality agreements relating to implementation of the DHS new CFATS program.

At the headquarters level, the EPA and DHS officials have had recent discussions to confirm that the current intent of the CFATS regulations remains in accordance with the understanding that information required to be submitted under EPCRA and CAA Section 112(r) is not Chemical Terrorism Vulnerability Information (CVI).

National Response Framework

The Department of Homeland Security's Federal Emergency Management Agency last year completed an extensive review of the National Response Plan (NRP). As a result, the NRP was renamed the National Response Framework (NRF) and changes were made to streamline the document to be responsive to numerous requests to make it less bureaucratic and more user-friendly. The new NRF with 23 annexes was issued on Jan. 22, 2008 and will go into effect 60 days after that publication date in the Federal Register. The NRF focuses on response and short-term recovery by which our nation prepares for and responds to all-hazard disasters across all levels of government and community sectors. The NRF focuses on preparedness and encourages a higher level of readiness across all jurisdictions. The NRF base document, the Emergency Support Function Annexes and Support Annexes were posted on-line at the NRF Resource Center (www.fema.gov/nrf). An intensive nationwide training and exercise program is placing the NRF into the nation's preparedness and response cycle. The NRF training and exercise strategy will include awareness training, position-specific training, and exercises (tabletop and functional).

Annual NASTTPO Conference and Mid-Year Meeting 2008

The 2008 annual National Association of SARA Title III Program Officials (NASTTPO) conference will be held the week of April 6 in Savannah, Georgia. Registration and agenda information can be found via the Web site for NASTTPO at www.NASTTPO.org. The "mid-year" meeting will be held again with HazMat Explo at the Tuscany Hotel and Conference Center in Las Vegas, Nevada the week of November 3 -- in combination with the annual EPA Western Regions' Emergency Prevention and Preparedness conference.

EPA Releases 2006 Hawai'i Toxics Release Inventory Data

For the third year in a row, industries operating in Hawai'i have reduced toxic releases. According to the latest data available from the U.S. EPA, there was a 2.8 percent reduction of toxic releases in 2006 compared to 2005.

The data, released Feb. 21, 2008, comes from the EPA's Toxics Release Inventory (TRI), an annual measure of toxic chemical releases and waste generated by facilities in the U.S. In Hawai'i, 38 facilities reported a total of 3 million pounds of toxic chemical releases in 2006. This is 87 thousand pounds less than was released in 2005. Data from Hawai'i in 2006 show:

- Water releases decreased by 31 percent, which is 164,000 pounds. Reduced water releases reported by the U.S. Navy for the Pearl Harbor Naval Complex is the primary reason for the overall 2.8 percent reduction statewide.
- Air releases decreased by 2 percent or 61,000 pounds.
- Land releases went up 95 percent, or 85,000 pounds. The rise resulted from the U.S. Army Schofield Barracks / Wheeler Airfield reporting a large increase in land releases.

TRI reporting is required under EPCRA, passed in 1986. TRI provides important data for regulators, emergency responders and communities. The program has been credited with encouraging facilities to reduce their releases of toxic chemicals into the environment through source reduction, or pollution prevention measures.

Total releases include toxic chemicals discharged to air, water, underground injection, land – including landfills – and the amount transferred off-site for disposal. Data provided does not mean that facilities with elevated levels are out of compliance with federal, state or local regulations.

The full, detailed news release is posted to the EPA's regional Web-site in the "Region 9 Newsroom" at www.epa.gov/region09. The state fact sheet is available at: <http://www.epa.gov/triexplorer/statefactsheet.htm>.

NRT Releases Chemical and Biological Quick Reference Guides (QRGs)

On March 12, 2008, the National Response Team's Weapons of Mass Destruction (WMD) Subcommittee announced completion of 25 biological and chemical quick reference guides (QRGs) which are available by visiting www.nrt.org and looking under Hot Topics and Current Events. The chemical QRGs include: soman; cyclosarin; sulfur mustard; VX; tabun; and sarin. The biological QRGs include: anthrax; brucella species; botulinum toxin; bunyaviridae-Rift Valley Fever; Argentine, Brazilian, Bolivian, Dengue, Ebola and Marburg, and Venezuelan Hemorrhagic fevers; glanders and melioidosis; lassa fever; lymphocytic choriomeningitis virus (LCMV); plague; smallpox; tick borne encephalitis (TBE); and tularemia.

(over)

Facility Risk Management Plan (RMP) Resubmittals in 2009

An estimated 8,000 facilities nationwide (17 facilities in Hawai'i) will have their five-year RMP updates due in June 2009. EPA is aiming to have the RMP resubmittals completed via the secure, on-line CDX (Central Data Exchange) as currently used by facilities for the Toxic Release Inventory (TRI) reporting program. For updated and further information about the RMP resubmittals, you may check the EPA Web site at: <http://www.epa.gov/emergencies/content/rmp/index.htm> .

New System for Receiving EPA News Releases

As of Dec. 10, 2007, the EPA is using a new provider for distributing our news releases to subscribers via email. GovDelivery, now in use by all EPA offices and regions, ensures quicker delivery and allows our 3,500 regional subscribers to limit the releases they receive to specific topics or expand to receive EPA headquarters or other regional news. To subscribe to a customized set of EPA news releases, visit: <http://www.epa.gov/newsroom/emailsignups.htm> .

EPA Pacific Southwest Regional Annual Progress Reports

The annual progress reports for the EPA Pacific Southwest Region's environmental programs are posted to our Web site at www.epa.gov/region9/annualreport/index.html. The 2008 annual report is expected to be released in mid-April for Earth Week.

EPA Pacific Southwest EPP Program Contact

For more information about the U.S. EPA's Emergency Prevention and Preparedness program for Hawai'i, you may contact the liaison, Mike Ardito, at (415) 972-3081 or by email at ardito.michael@epa.gov .



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 #68

Thursday, September 20, 2007 from 9:13 a.m. to 10:55 a.m.

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

Draft Meeting Summary
Attendees

Voting

Ken Lesperance, Department of Defense, Civil Defense Division
Gary Moniz, Department of Land and Natural Resources
Phillip Arbitrario, Department of Labor and Industrial Relations
(John Peard)John Ross, Hawaii County LEPC
Robert A. Boesch, Pesticides Branch, Department of Agriculture
Thomas J. Smyth, Department of Business, Economic Dev. & Tourism
Leland Nakai, Honolulu LEPC
Scott Kekukewa, Maui County LEPC

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Michael Cripps, Department of Health, Hazard Evaluation and Emergency Response Office
Keith Kawaoka, Department of Health, Hazard Evaluation and Emergency Response Office
Kathy Ho, Attorney Generals Office

1) Tom Smyth called the meeting to order at approximately 9:13 am. Larry not here, asked Tom to chair meeting.

1.1 Opening remarks by Tom Smyth

Remarks on being healthy, use the stairs, healthy snacks that were available. Larry had no comments to pass on.
Introduction of attendees.

1.2 Review of minutes from meeting 67.

Ken: Corrections to the minutes, under Other Business, page 6 referring to money put aside for travel, it should be 2 people not 20.

Tom: Asked for show of hands to accept minutes. Minutes were accepted.

2) Local Emergency Planning Committee (LEPC) Updates

2.1 Hawaii

John Peard in for John Ross:

1) Last meeting held August 29, 2007. It was changed from August 22. November 14 will be the next meeting.

2) Main Agenda item was using LEPC resources to send people to training events, conferences. Discussing the merits of different trainings. Getting feedback from Hazmat personnel on priority to have people on Hazmat units to get training. In the past, some people were not from Hazmat units.

3) Beginning to review and update the Hawaii Planning Emergency Response Plan. Original patterned after Oahu's plan. Needed to be tailored to Hawaii County, on hold at the moment, waiting for Hawaii County Civil Defense to update their plan. Would like the LEPC plan to be compatible. Tom asked about Hurricane Flossie.

John: Lots of preparation, hurricane backed off at the last minute. People took it seriously, made preparations. Downtown boarded up, people stocked up. Shortage of food and gas before hurricane due to arrive. Boats removed from the water. Mentioned the earthquake, not much damage.

Tom: This was the best hurricane exercise that could happen. Communication improved, beneficial effects, no damage from the hurricane. Could have used the rain.

John: HELCO activated their Emergency Response Plan, got training from this incident.

Tom: Asked about release of State, City and County employees. Did they get the message out?

John: Everyone was notified.

Tom: There was a problem about who would be reporting. First time he heard the term, "Disaster Response People". Notification of personnel was not practiced much. Glad they worked this problem out.

Ken: Advised John Peard that planning money is available from HMEP. When they are ready this money can be used to help them to hire someone to help with planning.

2.2 Kauai:

Clifford Ikeda:

Not able to attend.

2.3 Maui

Scott Kekuewa:

1) Meeting held September 19, 2007. MECO had a oil spill.

2) On Site Coordinator from EPA, Janet Yocum, gave informative talk on what resources she can provide. Both Technical and Response help from EPA in a disaster.

3) Maui has a full time Hazmat company. Captain and driver right now, should be fully staffed by November.

Tom: How does this compare to previous Hazmat structure?

Scott: Hazmat was designated to Rescue Company they were doing both. Having a Hazmat unit takes the burden off of rescue and allows more responses a day. Blessed the truck the week before. Received the truck, cost was \$670,000.

4) Next meeting December 12.

2.4 Oahu

Leland in for Carter Davis:

- 1) Meeting held September 12, 2007, 33 people attended.
- 2) Reporting on old business. Clarification on EPA guidance.

Last HSERC meeting reported back from NASTTPO Conference. Reporting requirements for Parking Lots and Farms. Clarification came from EPA stating the reporting requirement was for initial notification to SERC and LEPC that these places fall under EPCRA. Does not apply to the annual Tier II reports. This falls under section 302 of EPCRA. If parking lot or farms have sufficient amount of Extremely Hazardous Substance that exceed the Threshold Planning Quantity, then they are required to report that initially to SERC and LEPCs. Stating that they fall under EPCRA. If they have changes later, they are required to report these changes. No annual Tier II report to respective agencies. Discussion between Tom and Leland.

Tom: Does this include existing places as well as new places? Is there an initial phase for places to log in?

Leland: Yes, for existing places, if they are not aware. When EPCRA and HEPICRA were instituted, initial letters were sent out to businesses outlining requirements. Don't know what the distribution of the letters was. Many people don't know the reporting requirements under the law. On the mainland many business people don't believe parking lot notification is enforceable or good. Any parking lot with "X" number of cars with batteries would qualify.

Tom: If there were a size standard, would church that only have cars on Sunday need to report?

Leland: He did some calculations; it would be under 100 cars. Technically speaking, Churches, Condominiums, Hotels, Shopping Malls, Used cars lots, State, City and County buildings, all have to report. But, this is not being enforced.

Tom: Wondered about penalty for not filing all these years. Who's responsible for publicizing, to notify the public to do the filing, so there would be a record of filing? Is it LEPC responsibly?

Leland: It maybe a State and local county issue.

Bob Boesch: There may be a provision in EPCRA about citizen's suits. If not in compliance, citizen may file an action suit.

Tom: Sounds like a harassment suit. Is there a certain amount of cars, total spaces? Recognizes Kathy Ho.

Kathy: Has EPA sent guidance documents or other things?

Leland: EPA just said there would be no exceptions to Section 302 reporting requirements and left it at that. Everyone in business said basically it's not enforceable.

Keith: What about farms?

Leland: Gave examples of chemicals used in farming, what is reportable.

Tom: Suggested putting this on agenda for next meeting. What prompted this now and is CFR going to coming out?

Leland: This is a standing requirement for EPA; there are always questions about interpretations on that, like questions on parking lots and farms. Report on this at last NASTTPO meeting. Questions on this same issue for several years, EPA trying to provide interpretation that there is no exception.

Tom: Questions about how different places would be able to figure out if they need to report. Where would they go to look up requirements? Some type of letter to the public to provide information is needed.

Leland: Should this be an issue that HSERC and LEPC should address and enforce? We know about parking lots and batteries. For responses, this is not a big deal.

Kathy: Both HSERC and LEPC created from 128-E. Our enforcement comes from 128-E. See if this issue extends to LEPC, HSERC or just a federal issue.

Tom: Talked about citizen lawsuits, concerned about notification of public. If someone didn't know about requirement because we had not managed to get the requirements out to everyone, does it increase liability of the person who did not know? This is our responsibility to raise awareness, so they should know.

Kathy: Referred back to where do we draw our authority from. They're drawn from 128-E and rules that we are about to embark on. Responsible is to 128-E, anything outside of that, EPA authority. Can't advise everyone about every law. We can advise people as to what our authority is. Suggest we go to 128-E to see if this issue falls within 128-E, or is this a federal issue.

Tom: This is simple compared to Tier II where changes are made about amounts and chemicals. It will be easy to get information out to public.

Kathy: We should just check to see if this issue is within 128-E.

Tom: Put this on for next agenda. Now that we are aware of this, see what we want to do about it.

Mike Cripps: TPQ is over a 24-hour period?

Tom: That is why he used church as an example, difference between places.

Mike: Based on 24 hour period would make a difference between used car lots, Wal-Mart, church.

Bob: Gas or battery triggers it?

Leland: Sulfuric acid triggers it:

3) Hazmat's Captain McGuire did presentation at 2007 Continuing Challenge in September. LEPC sponsored six Firefighters, CLEAN sponsored 5 more, total of 11 people. There were 1,000 participants this year. Carter Davis received Responder of the Year award.

Tom: Did the city do a press release? Information should be sent to Bill Brennan.

Leland: Honolulu Fire has the information, Leland will put in on the website. Mike Ardito from EPA has included it in his newsletter.

4) Invited business partners in to give presentations on their business operations. Tesoro did a presentation on Pipelines, Pipeline Operations, Terminals, Trucking and Barge Operations.

5) CLEAN Update: Campbell Local Emergency Action Network now has 18 member companies. Main concern is about preparedness of the Campbell Industrial area. Fire Pal CD was purchased in partnership with LEPC. Distribution of 4,000 copies will made to Leeward area schools. Captain McGuire was on the planning committee and Master of Ceremonies at this years Continuing Challenge. CLEAN supported his travel to go up for planning meetings.

6) Kailua-Kaneohe Project, under HMEP Planning Grant, should be finished shortly. Next year's project will focus on Waipahu area. It is now under review by State Civil Defense. Once signed, we will find a contractor.

7) Andy Keith from Hawaiian Electric conducted tours of their facilities for members of the LEPC. Seventeen people attended, Leland would recommend this tour. Offered once a year.

8) LEPC sponsoring Beginning Cameo Course, from LSU. This is in the third week of November.

3) EPA Update

Mike Ardito was not able to be here. Handouts are on the table, along with calendars.

4) HMEP Update

Ken Lesperance:

1) Only proposal for planning side for next year is in for review. He has a call into USDOT for questions. Latest question is, can we get all previous questions in on one page. He has been going back and forth with questions from USDOT and his Administrative Officer. He started process three weeks before. Does not know where the hang-up is. He has not been able to get hold of USDOT. Left his cell number and message to call him back.

Leland: In spring of this year, MOA was signed. Attached to this was a draft type of MOA that any HMEP project could use. This was the MOA he used for the project that is up for review at State Civil Defense. This does not require a receipt when you invoice for payment.

Ken: When he heard about this MOA, he thought it went against the fiscal practice. He talked to Ed Teixeira, Ed told him to check with USDOT. He did and Charles Rogoff said, "It looks OK to me". Ken considered this acceptable after Leland turned it in. His Administrative Officer said it was not acceptable. She asked for more, he sent it back to USDOT. They said it was good. This is the third time it has gone to USDOT. He is 100% in agreement this is being done right. The fiscal people have to be satisfied. If not able to find resolution with him, Leland is more than welcome to speak with Ed Teixeira.

Leland: Understands the issues, concern is for the timeline. Need that to be able to go forward with contracting process with the city. That takes time. When we start the project, if we get too far behind on the timeline, project would be in jeopardy.

Ken: Agrees with Leland. Tomorrow would be good as a deadline. Try again today to reach USDOT, after meeting. If unable to reach them today, will try again tomorrow. If this does not work, he recommend going elsewhere. MOA exists; Honolulu LEPC signed it, sent it through. Continue doing what was previous advised.

2) Current year, only project outstanding is Honolulu LEPC current project. Encourage LEPCs to get paper work, invoice, in to him by September 03. That is when its due.

Leland: Do you want the invoice?

Ken: Yes, will work be completed?

Leland: Yes, draft copy of report will be ready.

Ken: Draft report not needed, just invoice. As long as work is completed and you have certification it is completed. That is what is needed. By December 30, proof needed, draft report is fine to close out.

3) This current year of the grant, all training money was spent. It was \$45,914 plus \$5,000 of operating funds to make up the difference. Hazmat Technicians Course, the one that we want in Hawaii, is expensive, \$50,000. This is for 80 hours of Chemistry, 80 hours of Technical. Unless more HMEP funding is coming or other funds found, only one Hazmat Technicians Course a year. Next year is the Big Island.

Leland: Next years Tech Course grant, will it be able the same level?

Ken: Same dollar amount as last time. He has heard, from other people, that the amount of the grant would be raised. And, that there would be no dividing line between planning and training.

Leland: The new raised amount would have the dividing line removed, not the current grant. But, no indication yet that the new amount will be released. Last he heard it was held-up in appropriations.

Ken: Amounts were, \$45,914 for training, \$43,006 for planning. Federal is 80%, State match; he can do a soft match. That is what is done almost every year.

5) HSERC Financial Report: Tier II Reallocation of Funds.

Sharon Leonida:

1) Bad news is, I couldn't get any information. Curtis asked our fiscal office, ERO, and got a small slip of paper. The yellow marked portion is ours. Figures do not match; I have no idea where some of the figures came from. They are working on the supplementary budget that is due tomorrow. I don't want to put pressure on the clerk that can help us. I will check with her on Monday and ask her to check on the year-to-year amount and where it is located. Right now this is the only information I have.

Tom: Is it a big difference?

Sharon: Yes, every year it seems to come down to zero.

Bob: Gave information on Data Mart, explained how it works.

Sharon: We don't have that Curtis got information yesterday afternoon.

Tom: You can get information from Femis system, also labor, cost.

Bob: Data Mart checks on summary using the appropriation.

Sharon: Every year funds not used for 20% should be left in the account.

Tom: It should be in a special or revolving fund.

Keith: Explained about what type of fund it is. Discrepancies between what we put in and finding what we have left.

Tom: Is it primarily being carried over from previous years, is it not being carried over? Discuss it next time, important issue.

Leland: Whatever money leftover from Tier II all these years can be used now. It would be nice if we could identify the amount.

Tom: This is an important issue. Asked Leland if his money is in a special fund so he doesn't need to use it all in one year. Should be double checked to see that none is lost, see how it is accounted for.

6) Break.

7) and 8) HEPCRA 128E Statutory Changes Update and 128-E Administrative Rules Update

Leland Nakai:

1) Members of working group, Permitted Interactive Group or PIG, met soon after last meeting. Looked at letter that LEPC Chairs signed and looked at it point by point. Tom Smyth, Keith Kawaoka, Leland Nakai from LEPC, HEER staff, Sharon and Beryl, Kathy Ho were present. Clifford Ikeda was on with conference call, John Bowen offered information during the meeting. Went through the list discussing points in the letter. Talked about issues involved with law and the process, also idea of coming up with administrative rules. Consensus is that Administrative Rules are required as noted in the Hawaii Emergency Planning And Community Right-To-Know Act. The document requires it in at least two instances. We need rules to further the program, for example, enforcement. Talked about issues involved, process of writing those rules, lots of details and procedures that need to be followed. After discussing basic strategies, we looked at 128-E and decided what to present to HSERC. We first looked at minor changes to 128-E law. Examples are in the handout, we are trying to clarify 128-E-6(a)(2). This is a long sentence that has been misinterpreted many times and caused HEER Office to try and clarify it to a number of people. We will do a simple house keeping change to clarify a point in the law. Example on handout, it shows what the change would be. Intent is to amend the law next Legislative session. Putting packet together to present to up coming Legislature. Once this is done, we can begin rule-making process in with 2009 Legislative session. There is no exact tie to Legislative time schedule. During session people tied up, we hope to have a draft set of rules available for review, once the new changes have been signed into law. This will be about July of 2008. By starting rulemaking process this year, drafting rules, it will be available for people to discuss and review. We don't know how long it will take to get rules into place. We are not required to get rules in place by a certain time line. We will take as long as we have to in order to get rules in place. Issues of parking lots, farms, could be addressed in rules. See if state wants to address these issues. We have already met initially to look at time line to prepare rules. Planning to begin process to put pen to paper. Hope to provide our ideas to contractor or consultant to help with process of getting draft set of rules prepared by next summer.

Tom: Is Legislation part of DOH Administrative package?

Leland: Yes

Tom: So it will go in as part of Governor's List of Bills that the Speaker and President will introduce? I assume it will go to Health Committees, no moneys involved?

Keith: No fiscal budget involved.

Tom: Language change is word for word, just semicolons and breakouts. Doesn't change anything.

Administrative rules will have budget issues; create different reporting things in gap areas that don't have administrative rules. This is straightforward, shouldn't have any problems.

Gary: Do you need Statutory Amendment to write the rules? You could write the rules tomorrow morning.

Leland: We could, basically the law is the same content, just trying to clarify one issue, so people won't misinterpret. Begin the process and have it in place. We want a solid law in place to present the rules package.

John Peard: Leland are you the chair for the 2009 package of changes? John Ross sent Sharon Arizona's State Rules, with some suggestions. He wanted to address the problem he has on the Big Island. Can't get support from county even for storage space. There is a provision in Arizona's rules, John quoted the section. John Ross wanted us to be aware of how we could include something to help Big Island in the rules.

Tom: This is rules not Statutes, correct? Rules are at your own pace. He explains how long it can take to have rules done. Public hearing interest could cost about \$3,000. Notice in papers, hearings on different islands, mentions people who may attend.

Keith: HEER Office staff will basically be involved along with support from the HSERC and LEPCs. There is a lot of outreach to be done. Not just public hearings, there is a need to contact various outlets and organizations that may be affected by this. We need to present what these rules are. This is probably the main part of HEPCRA; hopefully by the time we get to public hearings, everything's been said.

Tom: New rules like these, law are old, but using law for rules. Have informational meetings, have draft ready, but leave room for flexibly. Have people give comments. Tom gave example of informational and rules meetings.

People rely too much on public hearings, hard to make changes at that point. Suggestion to allow written comments on the rule to be sent in, up to fifteen days after hearing.

Keith: Commented on contractors and money needed. Used Act 170, Metlab, as an example of how to do it and what people we used for that project. We need to see what kind of budget will be needed for technical and legal contractors.

Tom: Using contractors are good idea, fairly complex rules, especially in environmental area.

Leland: Initial we wanted to break away from 128-D. We sorted through the definition of what a hazardous substance is. Too many linkages to 128-D, this would bring down the process to get a clean HEPCRA package ready for next Legislative session. Rules for 128-D are stuck in time. People question what years list the OSC's use for releases. Because of these links with 128-D, we just went with clarification of that one long paragraph sentence that has been misinterpreted many times in the past.

Tom: Important and complex issues, important if it helps the LEPCs relationship with the counties, make coordination better.

9) Super Ferry.

Jeff Conner did not come to the meeting.

10) Other Business

Phillip Arbitrario for Tin Shing Chao:

1) Explained about Preparedness Conference put on by Federal OSHA that they attended. Federal OSHA is requesting information from Emergency Responders. This could be for modifying rules and regulations for the Federal. Asking for day-to-day emergency response training for responders. Series of questions in back of DUL register. Those are the questions that they want answered. In front is the address where you can send it to and phone numbers. Several things coming out this month from DHS. Framework, which is a good guideline for responsibilities for state government, National Guard, shows where they would fit in for emergency responses. National Preparedness Guidelines has to do with grants, money. It shows what goals have to be met before we can receive money.

Tom: He saw it in June, disappointed not much substance, lessons learned from past incidents. Trying to pattern State Response Plan. Ask Ken if they talked about this.

Ken: He and Clem Jung have been working on pieces of it. ESF 9 has been rewritten, not with the existing NRP Clem doing it possibly fulltime.

Tom: There is a thirty-day response period on National Response Framework document. Is State Civil Defense going to coordinate the responses from State agencies? He was going to call Clem and ask him.

Ken: It would be better to call Clem. Ken does not have anything to do with it.

Tom: Different from CFR on OSHA portion and different time line also. It does relate to emergency response.

Ken: Put into NRP initially in 2005.

Phillip: Initial Response left a lot of questions. That's why this Framework came out to fill in the blanks.

Ken: Phillip is talking about Homeland Security guidance for grants. That is different.

Tom: It's a Blue document; I have three sitting on my desk. Deciding whether to comment or not. It's not about money, but what we are supposed to do to carry out state responsible. That document states what the Federal Government does, and what agencies are in charge.

Ken: If anyone has comments on NRP, the state responses will be coming through SCD. Clem or Dick will do it.

Phillip: Commented about Department of Labor, OSHA is disappointed that structure did not address the safety of the responders; Safety Officer was part of Administrative Section. No safety person to look out for the responder. Gave examples of 911 and how firemen got respiratory problems from not wearing proper equipment.

Keith: Has questions about safety in the ESF.

Ken: He explained about Safety Officer Position in ICS. This is an example of Safety Officer Position going out in the field and whom they would report to. This was done at the World Trade Center and the Pentagon. Rescuers were told to put on masks and they refused, they made the choices.

Phillip: Should we pay for their healthcare?

Tom: Problems with the unexpected. Do the right thing or follow process. Most people would do the right thing.

Ken: Function of ESF is to coordinate state assistance to people on the scene. It is just to help them get what they need.

Tom: Is HIOSHA going to submit comments on this? Would they ask LEPCs for comments?

Phillip: This is just for emergency responders; Feds would call us if they want us to respond. Most of the time who wants OSHA to show up and tell them what to do. We are usually after the fact thing. We have a safety person in the Fire Department. That is the person who would show up. We usually give recommendations, consultations, mostly for compliance.

Tom: Ask about questions on the handout.

Phillip: He gave examples of what to do and what would happen.

Tom: He has concerns about First Responders and impacts it would have on them. Not sure how these questions relate to them.

Phillip: We do everything that OSHA does, basically. They are asking questions before they put out the regulations. Asking for information so they can modify or be friendly to responders. This is what it is about.

Tom: Biggest difficulty is what the situation will be for First Responders. Training can be done, but unexpected things can happen.

Phillip: Request is for the day-to-day type of response. They are also asking Utilities Companies, Police Departments for things like traffic, regular daily things that happen.

Tom: Thanked Phillip for bringing this to our attention. Doesn't know if LEPCs knew about this. They can get back to you or Tin. This is a national issue, applies to all of us. Tom gave example of Flossie and how federal personnel were here.

2) Glove Bag

Mike Cripps:

Display of Glove Bag, Mike gave report of white powder incidents that happened in 2002. He gave an example of a person mailing white powder to the Governor's Office and Police Department; how the incident was handled,

and the long procedures that were followed. He consulted with the FBI and was referred to Paul Keller at Quantico. Paul was tasked to develop the Glove Bag. Mike gave the background on the idea that the bag was developed from. This product comes with a power point training program. The cost is \$364 dollars for each unit, this is for single use only. Total of 12 units were purchased, one for each Hazmat unit and one for the 193rd CST.

He has asked the FBI if they would like to help with training. He has not received any response back.

Tom: Should civilians have access to it?

Mike: Other cheaper things available to them, this is meant for sampling. This is expensive, can't afford to waste any units. This example is going to be used for training and passed around for that purpose.

Tom: Why don't we see any white powder incidents now? It just stopped like a fad.

Mike: He does not have an answer.

Tom: Some letters arrived in his office, he explained what they did to check out the contents.

Mike: Post Office still has procedures in place for white powder. They try to trace where letter came from. It was a paranoia. Examples of a clerk that worked at Radio Shack and unpacked a box, also a Dentist that had received a magazine that he feared was tainted.

3) Emergency Response Guidebook

Ken:

ERG have been ordered, we should have plenty. They should arrive sometime next year, last time they arrived in November of 2004. Second shipment arrived in March 2005. If anyone wants some of the 2004 for training, Ken has some available.

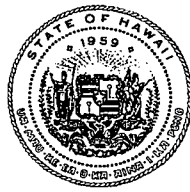
11) Schedule next meeting

Sharon: Larry is not available on December 6. Jan said December 13 is open.

Tom: OK, December 13 is the next meeting. Thanks for the snacks.

The meeting was adjourned at 10:55 a.m.

LINDA LINGLE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #70

Thursday, March 20, 2008 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 #69 | 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 Update
Status of MOA | Ken Lesperance, SCD |
| 5) 10:15 | HSERC Financial Report
Tier II Reallocation of Funds | Curtis Martin, HEER |
| | Proposals On Tier II
Tier II Filing Fee Division | Curtis Martin, HEER
LEPCs |
| 6) 10:35 | Break | |
| 7) 10:45 | HEPCRA
128-E Statutory Changes Update
And Proposals | LEPC Chairs, HEER |
| | 128-E Administrative Rules Update
Meetings For Focus Group | LEPC Chairs, HEER |

8) 11:00 HONOLULU LEPC Proposals
Web base Reporting For Tier II

LEPC Chairs, HEER

9) 11:15 New Business
HAZMAT I.Q

Liz Galvez, Terry Corpus
OSCs HEER OFFICE

TRI - IT

Larry Lau

10) 11:45 Schedule next HSERC meeting

9:08

Larry open remarks
Admiral Bill to clarify reporting levels for extremely
Horz saturday held in senate yesterday. Optimistic
continue to move forward meeting hearing.
that it will pass. Those who have submitted
testimony in support of bill, that help.

Introduction of people present

Hazmat
Tactical
Chemical

approval of minutes

no Header:

John ross - change of date

Dec. 13, 2007

motion - John 2nd

minutes adopted as corrected

#1 LEPC update

John Big Island ^{meeting} Feb - no quorum,
next meeting on March 27, 2008, at ^{Hawaii} Army Reserve center
not DOTT, pre commitments for room.

Kauai - Clifford introduced Albert Kari from Kauai
fire Dept. Would like him to have a leadership room in
Local Emergency planning commission, in the future.
sent 5 people to Hazmat Tactice class last quarter.
Hazmat ID class just the other day - Hazmat response, a
do-do truck overturned. That's about it for Kauai

Scott - Maui met yesterday, march 19, Discussed
current plans that they hope to accomplish this year.
Continues GIS project to map facilities on Maui, get the
information to Police and fire depts. Using common GIS dept
They have worked together for several years. Visit from
Chris Canillo - EPA point man. He has a disk from Tetra tech
w/ some GIS information. Talked about sharing information
to get project done. next meeting June 13. After 3 month
search fire commission on Maui named Capt Jeff Murphy?

new fire Chief, replacing Carl Kopalolo who retired in Dec. 2007. Appointment takes effect.

on April 15, 2008. HEER office did 2, 1 day Training march 11+12. Attending were mostly fire personnel on Hazcatting + sampling techniques. Good class, every one enjoyed it. Thanks the HEER office for training.

Leland-Dohu-Carter sends his regrets, in Reno for conference. Met on March 4, had guest presenter from Homeland Security Carlos Vasquez area six commander of inspections + enforcement branch of Infrastructure Security Compliance Division, dept of Homeland Security. Provided overview of CFATS program "Chemical Facility Anti-Terrorism Standards" program.

Affect ^{main} chemical facilities + a number of facilities on this island. Talked about entire program, risk assessments, which facilities fall under program, exemptions, planning requirements, protection of sensitive information.

Leland gave background of ^{DHS} program. Strengthen security ^{US} of chemical plants. Implement^{ing} program in phases, starting with chemical plants w/ highest risk. Explained "top screen" procedure. DHS estimate 7,000 facilities to fall in "high risk" category. 300-400 in the top tiers nation wide.

Explained what facilities in the "high risk" categories must do. Carlos Vasquez heads inspection group that will visit, help + inspect. Severe fines can result if facilities do not comply. Intent is to work w/ facility to bring them into compliance.

Chemical of interest are those that provide most serious risk to population, chlorine, fuel air explosive, highly flammable materials, any material stolen by terrorist that are used to harm public

Exemptions to this program were mentioned. DHS expects to spend time in each state including Hawaii

Discussions

John: question on whether DHS will provide the SERCs with list of facilities.

Island: Right now no information.

John: NASTTPO ^{was} against that, senior guest speaker at NASTTPO conference agreed to communicate w/ NASTTPO to see if they might work something out.

Larry: Concerned, ^{observed that} in different area, when working with USFDA in food recall, ^{they} have a commissioning process, if you have a commission you are allowed to get certain information ^{within} FDA from FDA. If you're not then you don't, ^{we're} looking at who + whether we should get more of our people commissioned. You feel a strong duty to alert the public, to become aware of something. ^{sometimes we don't become aware of it as soon as we think we should.} This whole business of sharing information + communication to the public is very important.

Island: ^{next} NASTTPO in several weeks, This maybe a possible discussion point to further ^{get an} understanding if DHS might be moving toward sharing information with SERCs + state + local govt. Right now nothing in place.

Annie Lam provided C.L.E.A.N update. Doing total overhaul on their Emergency Resource Guide 2008 edition. Developing ^{their} website, ^{giving a gift to LEPC to} again ^{sponsoring} 5 additional FF

A94

to attend Continuing Challenge in Sept. Also sponsoring 2 HFD personnel to ^{Attend} Hot Zone Conference in Houston in Oct. They will also sponsor an Emergency Preparedness workshop primarily for ^{Campbell Industries part} CIP₁ Business on 5/14. The emphasis is on Hurricane Preparedness.

Noted that
Liz on agenda →
LEPC

→ Hazmat IQ

→

in the process of getting + 10 classes for

HFD personnel on new patented sizeup procedure to determine ^{What an} unknown chemical may be, using a system based on the periodic table. This is to help people in the field. Looks promising, hope to have personnel up to speed, ^{Two} LSU Cameo courses in Nov., beginning and advance, ^{maple}

Waipahu Project - Laura Newman contact for Tetra Tech. Survey letters were sent out to businesses in Waipahu area. Expect to get feedback by ^{they will} end of March. Do processing & developing of hazardous assessment. It's on track and should be completed in mid Sept.

Curtis: asked if possible to get slots for neighbor island people to get in on Hazmat IQ training.

Leland: HFD looking at schedule, going to send invitations out to neighbor islands, holding some slots open. need to determine what is available and when.

Liz: passed out Hazmat IQ flowcharts used for training. They have been using it and testing it out, it works. Charts will be given to personnel attending classes. Example of how the charts are used.

Leland: Cynthia Pang will be having additional

HSEEP Homeland Security Exercise and Evaluation Program

credible threat

Sept 15 - Final planning

Oct. 15 - Exercise

K. Nakano @ honolulu.gov

⑤ classes for Hazmat IQ.

Cynthia: offered some slots if Carter doesn't have enough.

Artis: he wants Cynthia to buy extra charts - It would be cheaper to take classes.

Larry: Any questions. Mike Ardito.

#3 21:20 EPA Mike Ardito: Updates on rock table. EPA ^{national} website redesigned ^{easier to use} now on line. LEPC Survey. ^{explained 2008}
E-mail from Debbie Pettie to LEPCs, ^{hand} until mid-April to complete.
EPCRA reporting, ^{exemption for an release} of animal waste. March 27 is deadline for comment about change.

25:00 21:50 DHS CFATS program - Confusion on H/EPCRA reporting. EPA + DHS ^{had discussion +} confirm that H/EPCRA reporting is not the same as CFATS. Facilities need to submit their ^{required} reports.

National Response Framework - ^{DHS} Jan 22, 2008 ^{DHS} issued. NRFW. goes into effect ^{60 days after} end of this week.

NASTTPO Conference - April 6 - ^{Savanna} Georgia. Mid year w/ ^{NASTTPO} EPA ^{1st week} in Nov. Las Vegas

^{Nov. 2007} Presentations from Mid Year NASTTPO - Hazmat 21 e-mailed to Tim Gablehouse. 4 are too big for e-mail, he has to put in disc + mail out.

to
34 in a
row. TRI
Hawaii

²⁰⁰⁶ TDxic release down 3% from 2005.

pg 6

week of march 10th

National Response Team, released 25 biological & chemical quick reference guides. Listed on update on NRT website.

Risk management Plan Resubmittals due ^{June} 2009. Plans being made, 17 facilities in Hawaii. This time facilities will be requested to complete RP's on secure online central data exchange. ^{EPA currently using this for} ~~for~~ ^{this for} ~~this for~~ Release Inventory submission.

Starting next year it will be used for Risk management Plan also.

EPA News ^{releases} - Can sign up for them.

Annual progress report on line in April.

John ^{Overall} - Facilities RMP's - how soon can they go online?

Mike: Explained about update, earliest would be ^{Jan} 2009

Chemistry

4 HMEP - Ken Hazard Materials, + Tactics Course usually put on during summer until Sept. This pushes ^{us} up to the end of grant period. Have to scramble around to get documents for USDOT. With agreement from Fire dept, we have moved courses up to April & May. Honolulu ^{FP} will not be participating. They have large amount of people, may do their own. Big Island will send 16 personnel, Kauai will send 5 people, Maui will send 5. There are 4 seats that will be provided for the Hawaii National Guard on Big Island. They will provide the facility, worked it out with Fire dept.

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last few years 45,914, was spent on Haz mat Tech Course. Could not provide ^{anything} else with HMEP funds. In addition in the last year, \$5,000 from SCD Funds were used. This year using

using Hazardous Material Instructor from Big Island
Cost down, ^{is} \$33,000, ^{it will be} There is ^{\$} 12,914 left for Training
He mentioned ideas for training. Hazardous
Materials Operations Courses, awareness courses,
Hazmat Tech refresher courses. Ask for additional

Discussion ideas.

John: We can make the decision to use money from planning side.
Ken does not need to spend money from ^{state} Civil Defense.

Ken: Agreed that planning side funds can be used on case
by case basis.

John: We can cross the line as long as it does not exceed 80%

John + Leland spoke to Charles Rogoff specific on the topic
that money ^{was} spent on ^{the} training side & money left on planning
side. Charles Rogoff said it could be done internally.
They did not have to come back to him.

Ken: When Classic attended meeting in Dec, it was the 1st.
SCD heard about it. he contacted Charles Rogoff, ^{was told it's} on case by
case basis.

John + Ken: Discussed what Charles Rogoff had told them
about the use of planning money. How it could be used
if ^{all} the training money was encumbered.

Ken: Has an e-mail from Mr. Rogoff about it being on a case by case
basis. Mr. Rogoff very open, wants us to spend ^{the} money + we ^{are} not
spending it on planning. We need to spend the \$12,914 before he
can ask people what to do with other funds. There is
still six months left to encumber those funds. Asked
members what type of training they would like to have.

Scott: Re certification course would be good. They used the Hazcat
course as a refresher course.

8

John: Suggested that we buy up the request now for refresher ^{course} & do it again next year to make ^{sure} training is covered.

He has a lot of people that need to be certified.

Ken: ^{verified} Recertification on Hazmat Technician level is a priority.

In previous years SCD has used funds to help w/ inter-island travel for Hazmat Tactical + Chemistry courses.

Discussion

John: Have suggestion on how to handle travel. Have students go home for weekend.

Ken: He thinks that is the regular way that it has been done.

John: Plans for training should be formalized, makes it easier for Fire Dept.

Ken: Next HSERC meeting he would like to present some ideas for courses, he will talk to fire about this.

Especially about the refresher courses. * Look forward using some money to ^{support} inter-island travel. There won't be a meeting before next training ^{course} he would like to use money to support the travel.

Clifford: Question if offer from before about financing alternating counties to go to NASTTPO conference is still active?

Ken: That is on planning side, yes you can use it to send 2 people.

John: This is still being done, if one county declines, SERC can give it to someone else.

Leland: Honolulu has more funds, they allow their rotation to ^{go} the smaller counties.

Clifford: asked if this upcoming rotation sees his + thanked the SERC.

Ken: Clifford needs to send information to Ken before conference. Explained what he needs to do. He said Hotel rates are expensive. He intends to go.

MOA

Larry: asked about MOA

Ken: He has no idea, ^{needs to} ask Clarise. There is discussion between Seland + Clarise specific, ^{to} deadlines that are imposed.

Seland: ^{His} Fiscal office has looked at MOA turnaround time under ~~the~~ ^{their current} system + procedures they can't meet the time limits

Asked for reconsideration of short turnaround times.

Feedback to ^{SCD} ~~them~~ on spending + proof of payment

Ken: How much time is needed? If it could be submitted in writing, he could bring it to Admin officer. Would like to settle it

*Larry: Agenda item - on next meeting APPROVAL of MOA.

Ken: We have ^{Approved} MOA, signed last Jan. SCD asked to change MOA.

Larry want to have it on Agenda as a precaution, because of sunshine law ^{requirements} Question on whether we need to have agenda item for various funding proposals.

Ken: NO, not a specific vote, no requirements. Written in grant documents, that information is shared.

John: If something like that comes up, we can ^{turn at} ~~turn at~~ ^{part of new business} ~~under~~ when that person talks. Then go back into agenda format. Theoretical it could be covered under new business.

Larry: wants to double check on that.

9.

10

Ken: Have an example to give, wanted to clarify that it was correct.

#5

HSERC Financial Report

Curtis: He gave background on how fees collected for Tier II submit was given a separate account.

Able to track funds on a yearly basis, funds fluctuate because some business go below ^{reporting threshold} ~~find~~ new business that need to report. Continue to do outreach to find business that need to report.

Explained how the funding is from the ERF.

Budgeting is done on an annual basis. If the funds for that year are not used it goes back into ERF

at the start of fiscal year, ^{2009 starts} July 1, when we get invoices we can distribute funds. This will be from fiscal year 2007 - \$73,600. We have been losing the 20% set aside. If not distributed during a fiscal year it would go back to the ^{ERF} fund. We would like to do away w/ 20% set aside

Distribute funds to LEPC + they can use funds as they need. Explained the expenses that were deducted,

50:0 on handout. \$66,968 is the remainder, the rest of the money

will be divided among the counties. The division is done on a percentage basis, this is according to the number of facilities in each county.

The base will be \$3,000 for each county. Budget for 2009 need to be voted on. Handout on table.

Discussion
John
Curtis

Jelard - Question about when the 20% set aside will lapse
10: Concern about his project, HMEP.

Discussion

p. 11

Books closed middle of June

Curtis - Explained that 20% set aside needs to be distributed or will be lost.

John: How much time to redistribute ^{2008 fund}?

Honda: 10 to 15 days > working day to cut a check.

John: Suggestion to vote ^{today} on distribution of remaining 20% set aside funds. Also a separate vote for distribution of 2009 funds.

Leland: Wants to clarify that his project is paid for & then the rest of ²⁰⁰⁸ fund ^{is} distribute. He needs to invoice HEER for his project before close of fiscal year.

Curtis: No other projects, will use 2008 percentages to distribute 20% set aside. Explain that we need 2 separate votes. 1. distribute any left over ²⁰⁰⁸ set aside funds, ^{to HEER} before end of fiscal year. 2. In 2009 funding there will be no ²⁰⁰⁸ set aside. Money divided according to percentage plus base as printed on handout.

Discussion

John: Distribution is done automatically based on vote today. We don't have to invoice HSEER.

Curtis: Still needs to invoice.

Larry: Clarifying what John said, HSEER makes the decision on how any unobligated remaining money will be distributed now. We won't meet before that time comes.

John: When that time ^{frames} comes, Do ^{automatically} has the ^{tion} authority so he won't have to send in a letter to request funds.

Larry: Policy decision ratified by this ^{commission} is different from the mechanics of the invoicing & other stuff.

Cont #9

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Larry: needs someone to state the motion. This is for unobligated funds.

Curtis: This is for fiscal year 08 fund.

Larry: For fiscal year 08 unobligated ^{set aside} funds.

John: motion for ^{those} unobligated set aside funds be distributed in accordance with FY08 distribution policy before those funds expire at the end of the fiscal year.

Larry: OK there is a motion from John, second? Leland seconds, ^{Amey} Discussions, Is this sufficient for our purposes?

Leland: Clarification, is invoice still required?

Discussion Larry, John Leland - question if invoice needed for unobligated funds distribution.

Curtis: explained that invoice needed to track how money is distributed

Discussion

John: Thinks that ^{LEPC} hydroshot need to invoice that it will be done internally.

Curtis: We need to resolve this, what ever is required, John agrees, whatever is required, let them know.

Larry: ^{when the} motion talks about distribution, those are the percentages used for 08 distribution. Ask for everyone clear on motion, any ^{further} discussion. Call for the vote, In favor, ^{oppose} motion adopted.

Curtis: new motion ^{to accept} 2009 fiscal year budget allocation

Larry: Went over Handout - FY09 LEPC Budget Split final March 19, 2008. Refer to section that starts "with \$3,000 base". That's the proposal.

PRO

pg. 13

John: ~~Question~~, this proposal does not include a 20% set aside, correct?

Curt: Agrees, money will be distributed all upfront.

Bayl: One of the Handout has a mistake "FY 08 should be FY 09. LEPC Funds Distribution - draft, ^{she} Apologized.

Bayl explained to Larry what was on the handout
Deland: ask Curtis about FY 09 proposal: Can he invoice us in march of 09, is it ok?

Curtis: you can invoice us July 1 or shortly after.

Explained that we get allocation after start of fiscal year which is July 1. Funds for 09 will be available then.

John: Asked if they need to wait until after July 1, to invoice. E-mailed said if they bought ^{invoice} today it would expedite the distribution process.

Curtis: Funds won't be available until after July 1.

Larry: Bayl, ^{was referred to} 2nd document - ^{dated} March 19, 2008 "Hawaii State Emergency Response Commission", it should be draft FY 09 LEPC Funds Distribution. He ask for a further amendment to delete the phrase in the first paragraph, "which includes the 20% aside (formally apart of the HSERC operational expenses)". Read the paragraph with deletions completed. Add these lines under the section showing the funding distribution. ^{add new sentence} "There will be no 20% set aside unlike the prior year fiscal 2008". He feels this makes it clear there is no set aside.

ask for motion to adopt ^{this} March 19 Fiscal Year 09 LEPC Funds Distribution, as amended.

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Deland moved, cliff second, any discussion? call for approval, no objections, motion ^{adopted}. Thanked the Commission for doing this.

1:05:40 #L ^{and}

Called for a break

1:12:24

HEPCRA 128E- statutory original

^{shown} (March 19) #7 - 1st Senate meeting yesterday after the changeover. The House has the Senate Bill + The Senate has the House Bill. House Bill had the date changed to 2050. Rep Josh Green's office told us that to move it out of committee he changes the ^{to 2050} date. It was passed & moved out of committee for the Senate. The Senate bill in the House has not been assign a hearing ^{date} yet.

Keith: Encouraged everyone to keep the testimony ^{+ letters} coming in. Don't let up, all the testimony that comes in is mentioned at the hearing.

Deland: The more letters, ^{+ testimony} we have in support help them to pass it through.

Larry: Committee reports typically refers to who supports + opposes. Helps if more people supports, even in letters. Today is the deadline for moving bills from committee to other committees ^{in house or senate}. We will know after today how things are.

Focus group 128-E

Ad. Rules - Handouts on table.

Time table shows when we are attempting to schedule our focus groups, Drafting rules. We have had ^{some} feedback, ^{received from} Clean + a law office, this information given to Tetra Tech, ^{they are} helping us. HEPCRA Rule making Project schedule + Delivers

That is the schedule we are holding on to now. We have posted to ^{HSEER} website "The notice of Intent to Propose Rule Making By the Hawaii Dept of Health." Explains what we are doing. In newspaper it was published, notice to Rule making by the Hawaii Dept of Health. In March 24 in advertisement. On other handout "Letter of invitation" ^{for focus group}, this is being sent out to people who have expressed interest. notice of meeting place + time. Now schedule for April 15, 8:30 am, 5th floor.

#8 Larry: Lots of process in rule making. appreciate staff sticking with this. Helps to have contractor support. ^{He is} impressed in the last year, ^{we have} managed to get a fair number of rules adopted quickly.

1:18:00 Hopefully we can continue, ^{have to} just keep working at it.
The Deland: Should mention that LEPC's meeting after this HSEER meeting.

Shouni: LEPCs were sent items to be discussed. Memorandum of Agreement between the Hawaii State Emergency Response Commission.

Draft outline Purpose HRS 128-E Regulations.

Larry: Anything further? Next

#8 Honolulu LEPC Proposals. Web base Report for Tier II

1:19 Larry - all one subject? Yes

Deland - Sent letter on March 4, 2008. to Larry - from Honolulu LEPC. He had discussion with the new Director/manager of the Emergency management City & County about Tier II program.

relent

Describe the program + the flow of information down to county + to fire + first responder

Director

Concerned data was 2yr old upon receipt.

In the system its built in the reports received are from previous calendar year. HEER office does not have enough staffing to get information to ~~them~~ ^{us} in a faster manner. Data is nearly 2yrs old when ~~they~~ ^{we} receive it. Phones numbers + contacts may change over that time. When dealing with public safety a bad phone number or contact when dealing with a fire ^{release} @ 2:00AM in morning, could be safety hazard for 1st responders + public.

Concern is to speed up process to get information to counties + 1st responders in more expedite fashion

In letter to Larry make short + long term proposal
One way to expedite processing of data is to get Sharon some help, Contractor assistant to help process data into Tier II submit or Cameo + get it back down to counties. Instead of waiting for a year.

One way to do this is use HMEP Planning Grant to assist with this process. There are other sources that can be used. Long Term solution is to develop real time - web base electronic reporting system where the HEPCs + counties could get the data as soon as submitter goes on line and sends in data. It would be ^{recurrent} instantaneous + ^{we} could update our files real time. This would be the ideal state and advantageous to enhance public safety at user level.

In discussion one of the potential ways to develop such a system is to tap into Homeland Security funding. This is a planning kind of issue for public safety to enhance safety security. The idea is tossed out for consideration by Commission where we can then improve our tier II program. It would be interesting ^{ing} to hear any comments or discussion concerning ^{those} 2 ideas.

Ken - Homeland Security Funding for federal 08 submission have to be in early today or tomorrow.

Selent - He understands, looking long term, knows there are many challenges to have on I.T. system being developed compatible with the state along with all the depts involved. That is the potential long term effect in our situations.

Ken - It's now called investments and it's a ^{very} reasonable investment. For planning purposes, if you are looking to use homeland security money, shoot for ^{beginning} next calendar year, to have some proposals

John: Ask Larry what are Tier II requirements for state? Is there option for paper or is state ^{the} looking ^{and} going to mandate electronic submittal? If the state mandates electronic submittal, it goes a long way toward ^{the} commission's proposal.

gone
Example of Arkansas having mandated by a certain time electronic submissions. Time limit has not expired, yet, they have 90-95% submissions instead of paper.

Larry: Not aware of electronic reporting requirement, I believe ^{so far} the dept rules, ^{practice} + procedure allow it, he helped draft it. Whether they allow us to require it, he has to check. ^{we} In the Environmental Health Administration, Dept of Health have been working on electronic permitting. Using "permitting" in a broad ^{way}, it could include something like this. Trying to identify needs + ^{possible} resources. One of the governor's ^{to state} stated goals is to have electronic permitting by 2010. Looking to move in this direction.

John: ^{has gotten} 52 Tier II copies this year. This is less than half of Hawaii County. Companies he talked to are submitting Tier II electronic on federal level + state is paper.

Larry: Short answer: we are not requiring it, but moving toward electronic reports. We have a contractor who will bounce the TRI, Toxic Release Inventory Reports to us electronically from EPA. Trying to build computer infra-structure. His personnel viewpoint, ^{it's} waste of time to retype anything.

John: ^{is there} Anything that this committee can do to forward ^{the} Commission's goal w/ respect to

encouraging electronic submittal?

Larry: Yes to help identify ^{exactly} what is needed & then the price tag for it. Think, if the commission can provide money to help, that would be good. Identifying what the technical requirements are & what the cost is. ^{we are} Trying to hire a contractor who can provide a menu of services. Instead of hiring a contractor for one IIT project, we want someone who can do different projects when we direct them too. Going through the process to find someone, hope to have that completed soon. Maybe we could take advantage of that contractor once we have them on board. ^{Things can be done} Sounds like a worthy project.

He Delant: ^{The} Idea of a web based reporting has been around for a number of years. Many states on Mainland have it as John mentioned. Oklahoma volunteered to give us their system - free of charge. Person from Oklahoma talked to IT people, found the systems were incompatible. Machine language were different from D0H. Delant gave a suggestion on how to solve problem. Hire someone to write an interface between systems.

Larry: He has ^{been} pushing the EPA state exchanges network, ^{because} it has data exchange standards. There are things set up to facilitate this exchange of information.

John - Gave example of New Jersey finding another system that was cheaper, does the same thing

Larry: Part of mechanics of getting job done, what information do you need to capture. Presumably on the forms.

Then how do you get it from applicator or reporter to agencies. Who should do it, our staff or contractor? Same questions with electronic permitting. Surveyed other states, narrowed it down to couple of states. Other opportunities came up, we didn't go that way. Basic research would be part of developing the software.

We're trying to develop web based system that will warehouse a lot of these things. This type of operations carries a higher level of concerns than some other things we do. That can all be built in, just a matter of LEPCs + Commission identify what business needs are. It might be worth a work group just to specify.

John: Generically trying to build a system. Is there an IT manager that is working specifically with us in this regard.

Larry: No, trying to find replacement for person that left. ~~John asked if any prospects.~~

Larry: We weren't able to make suitable arrangements with either one. ~~Money was only part of it.~~

John: Proposal that when someone is hired, have that person meet with LEPC chair + fire dept

in a floating committee or commission. All islands are on the same page, everything is brought up front prior to writing up the program.

Larry: Agrees, exact how to, need to be flexible, agrees with the goal to make this electronic reporting system. That gets the information to countries real or near time. Keith is a member of ^{his} administration information ^{management} policy team. This is another thing we can add to our long list of things to do. This would have high interest.

He ~~mentions~~ ^{because} the money, ^{is involved} ~~because~~ of long list. Project that have money identified ^{with} ~~are~~ more likely to move forward. Dood topic, thank you. Any comments?

Information sharing is critical in today world.

Leland: That ^{addresses} the long-term ^{consideration} Short-term consideration, any ideas, discussions based on proposal?

Larry: Refer to Keith since it's his office.

Leland: Explained that ^{there is} a need to get information processed faster, earlier in calendar year.

Keith: Would like to explore that, what John suggested, having input from LEPCs on what they would like to see. How to achieve it, what ^{are the} ^{critical} to establish the basic guidelines. Before we can talk to a contractor. ^{actual}

John: He was basically talking about long-term. Short term suggestion was using planning funds to help hire additional person ^{to help} to input the hard copies ~~etc~~ ~~shown~~ receives. ^{This is to insure} Tier II data gets inputted.

in a more timely matter. Right now its
2 yrs turnaround from the time data submitted
to time Fire dept receives it. Hiring temporary ^{person} people
to help Sharon with inputting of data, ^{that is} short-term
solution that ^{we can use} HMFP funds to help expedite.
Keith: Used FT contractors before, we have Tetra Tech
on board. That type of support we can use for the
initial + long term.

#9

New Business:

Liz Galvez.

HALMATIO

Given previous

Keith: ^{we} would like to mention, this Monday, had an Initial Planning
Conference, IPC, all counties represented. Some
people in the room were there, in person or by
video conference. Over forty management ^{level} personnel
attend this IPC, from ^{all} counties, Federal, State
agencies, very successful. From 9/11, we wanted
to look at the notification + identification protocol
of CBR type incidents. Potential terrorist incidents,
wanted to take a ^{new} look at that. See if any changes
were made at each county. Should we start
again or accept what we refined. ^{He} thinks we
were successful in that. Chris Castillo was
monitor, tetra tech helped with support. Notes
+ other information ^{will be} sent out to participants
IF ^{members} LEPCs want information see Liz. Next step for
design team to gather information.

Further ^{develop} design Table Top exercise. Plan to have a finally planning Conference Sept. 15 + TT ^{exercise} Oct. 15. Thanked everyone for participating.

Liz: Asking for design team members. ^{Right now} only Liz + 3 people from state lab. Would like one person from each county to assist.

CBRNE

Keith: Civil Defense ~~Sea Work~~ Task Force Workshops around the same time in Sept. ^{±15} Regional or County based workshops. Look at ^{overall} need to have a Sea work task force made up of multi-agency, multi-level type of participation. Ask if Clarice knew anymore. Looking for Management ^{level} type personnel

#9
Larry

Last Item: ^{Information Technologies} TRI-IT mentioned it before, ~~last~~ contractors who will make data flow automatic from federal reporters, who report electronically, through electronic to us. Signed MOA w/EPA to take care of the necessary legal requirements.

#10

Anything that should be on next meeting agenda. Contact them.
next meeting - Larry will be gone most of June
Ken: Potential agenda idea of planning
Larry: July 10th
Motion by Larry
Ken 1st, John

9:08

Larry - call to order

reminds - 128-C continue to move forward
hopefully will pass.

introduction of individuals.

#

1. approval of minutes -

change to minutes

Dec. ¹³, 2007

John - change of

John - moves in record

Adopted as

#2

John - Feb no quote ok change to

Amy

March 27, 2008

Clifford - brought Albert to introduce him

5 people hor mat Tech class

Trainee Hor mat FD. other day

Hor mat response - DoDo truck overturn,

pumper over turn.

that's it for Hawaii

Mimi Scott - current plans - GIS mapping

to continue - give to fire + police

EPA Chris Castillo -

next meeting

June 13

Capt Jeff Murray

April 15

takes effect.

Liz +

HEER office training - Haz mat

Oahu Center - March 4 meet,

DHS - Area 6 commadec, Carlos

C-FATS program. talked about program. who falls

under

(2)

strengthen Security of US chemical
plants in U.S.

top scene, evaluated, 4 risk cat
7,000 high risk
300-400 in 2 top tiers

develop

Carlos - inspection group heads on.

can impose fines

Chlorine, flammable materials,

critical to

expent - ? water system - extantion.

new program - ^{intents to} spent time in each state
+ Hawaii.

John - question -

They don't have to share any information
except w/ law enforcement.

went over what happened ^(said at) Hazmat Explo

Larry - concern - example of how information
can be gotten w/ other instant.

Delan - more at NASTTPO

Clear - Up - ERG - overhaul, ^{own} website

sponsor 5 FF to Chandler in Sept

2 FF to
Oct - hot zone Houston

EP Workshop, May 1st - Hurricane
preparations

3

Training Courses. 10 classes for HFD
patented - unknown chemical course
LSU in ^{late} Nov. Begin + Advances

TetraTech - Honolulu - ^{LEPC} Waipahu project - first back
end of month. - mid Sept completed.

Curtis - Hazmat I.Q. - Neigake Island possible
to come in?

Ieland - yes holding slots.

Liz - pass around a flow chart Hazmat I.Q.
easy, has tried it very good.

Curtis - could order it

Ieland - Cynthia will have classes

Cynthia - yes will put people in
to her classes.

Curtis - could Cynthia order more?

#3

EPA ~~Make~~ Audits - went over handout.

Debbie Detrick - e-mail ^{to} LEPC about
survey.

Ieland - pass word?

LEPC will get the password.

CFAT - not in Hawaii, other places ^{had} confusion
about this - though did not have to solve Tier 11

NR F name change

NASTTPO April 6

TRI - down, 3rd year in the row

4

#3 EPA

RMP - 17 jawstin Hawaii
Starting next year - on line security.

John Facile! RMP - how soon on line
Mike ready Jan. 2009 on line
Don earlier 2009 - Jan.

#4 - Ken HMEP

moved trains in April + May own
Honolulu - have so many will do them

Bay 16

Kaun 5

Maui 5

\$33,000 this year used all funds last 2 years
on training \$5,000
5 once →

↳ any idea for other training.

John - 80/20 can be used - explain
about split. Charles Rogoff, mentioned
about going to HMEP meeting

Ken - in Dec. 1st time heard about that 80-20
split - contacted Charles Rogoff.

John - Charles told her about this

Ken - has it in writing - e-mail, case by case

John - Case by case

Ken - need to spend rest of fund 1st - training idea

Ken - use for travel

John - training - idea from other island sent them home for weekend.

Refresher - plan to do it formally - make it easier.

Ken next HSEKC meeting - come back with training travel inter island travel - wants to support

clifford - sent to NASTTPO conference 2 people

Ken - that's in planning use that

John - other explained

Leland - Honolulu will give up their turn

Ken - if public employee that fine if not public ^{employee} then he has to do ^{work} paper.

MOA Ken - no idea need to ask Claire

Leland - ask for reconsideration for turnaround time

Ken - need time idea naming days + he can take it bad

~~*~~ Larry - Approve for MOA in Agenda

Larry - do we need agenda item for funding items?

Ken - no

John - can put it under new Business

Ken - just DOT to move training to planning item
then need agenda item

John -

Larry -

#5 HSEPC - Financial Report - Curtis
explain how funds were started + tracked
explain why it varies in amounts.
explain line item in our office - budget
if not used, lost go back into fund.
explained deductions.

Leland - when does this close

Curtis - funds close June ¹⁵ middle.
John - ask for

Leland - 20% of Yr set aside for his program
now. Then others money not obligated
be split, redistributed

Curtis need two votes - 1. for 20% funds not
used distributed
2. for funding - just base

Larry ^{need motion} - fiscal yr 08 not obligated set aside
funds to be

John - motion - fiscal yr 08 non obligated set aside
funds to be distributed

Leland - 2nd - clarify needed

Larry - emergency clause?

vote - motion adopted

Curtis - 09 Fiscal Year \$3,000 base
Larry noted FY09 Budget split (paper) Final March 19 08

Leland - clarification - ^{don't} need to invoice until
next year?

Curtis - no, need^d July 1 or there after.

Larry - paper HSEAC
Project # 09 - Funds
amended - to delete 20% set aside
Leland moved

5 min break Cliff second motion adopted

#7

shawn Statute Change
otne
~~Adm~~

Adm rules - shawn -
newspaper - focus letter meeting

#8

Leland - ^{emailed letter to} new director describes
concern about data - 2 yrs old
dealing w/ public safety.

short + long term suggestion
HMEP planning funds to get help
On line - web site, HHS Homeland Security
proposed Act. - idea improve Tier II
program.

Ken - HMO Funds

FederalOS - submission in today -

Leland - looking long term

Bans - HHS money shot for next calendar year.

John - ^{ask Larry} State mandate - electronic or paper submitted
most states have it,

Larry - wit may have electronic, but may not use it, have for permitting, working with, Director working toward this

John - can commission help this along.

Larry - identify tech requirement + cost.

try to hire contractor provide menu of services going through.

Leland - webbase reporting on mainland. Oklahoma interface offered to give us theirs, not compatible

Larry -

John - N Jersey - example

Larry - information expected - same problem with permitting information gathered. Industry business needs

Johns - ? trying to build system, have IT to do this.

Larry - No had one, not now.

John - proposed ^{when} to have person on board meet w/ LEPC, Fire meet with them

Larry - agrees, need to have meet: in
Keith outlines high interest, good to see

LINDA LINGLE
GOVERNOR OF HAWAII



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

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

In reply, please refer to:
File: EHA/HEER Office

07-204bye

COPY

March 27, 2007

LEPC Chairs:

At the HSERC meeting held on March 22, 2007, the TIER II funds in the amount of \$40,301 that is presently available to the LEPCs has been approved by the HSERC membership to be dispersed in the following manner: a base of \$2,000 and the balance on the percentage of TIER II funds collected in each emergency planning district for the 2007 calendar year. The following is the distribution to the nearest dollar:

Honolulu	$\$2,000 + .4393 (32,301) = \$2,000 + \$14,190 = \$16,190$	<i>Done</i>
Hawaii	$\$2,000 + .2663 (32,301) = \$2,000 + \$8,602 = \$10,602$	<i>? Done</i>
Maui	$\$2,000 + .1693 (32,301) = \$2,000 + \$5,469 = \$7,469$	<i>?</i>
Kauai	$\$2,000 + .1252 (32,301) = \$2,000 + \$4,044 = \$6,044$	<i>Done</i>

If there is any additional distribution of funds, it shall be approved by the HSERC members.

Please invoice the HEER Office for your respective LEPC funds.

One of the conditions in receiving funding requires the LEPC to conduct quarterly meetings.

Please call (808) 586-4249 if there are any questions.

Sincerely,

Handwritten signature of C. Curtis Martin in cursive.

C. Curtis Martin
Emergency Preparedness and Response/Prevention Section

Larry -

John - data in time

#9

HAZMAT #Q Liz - passed out chart

Keith - HO management personnel
state, county

CVR - series -

see Liz

design team

tabletop

Liz - design team members
hoping for 1 from each county.

Keith - see bring

Larry - TRT - IT - got
MOA with EPA for

Schedule

July 1-4

Ken early

July 3

(XO)?

9-1

Leland

John

Call 864-2463

3/20/08

HOBK MITG.

9:00A

Larry Opening remarks -
Adm. Bill → Haz sub.
moves forward -
optimistic it will pass.

Intros.

Agreement of Min. -

Fahn, moved
Tim, seconded

Big Island

reschedule meet. 27 of March
Hawaii Army Reserve Ctr.

Kauai

5 people to attend
Hawaii 20 class - the other day.

Incident w/ cargo trucks ☺

Hawaii

Love Mtg yesterday -
cannot plan - Conf d.
GIS project.

June 13 next
mtg.

Chris Curtilla -
Visit
shared

Jeff Munn - New Fire Chief as of April 15
will replace Carl Kaupalolo

March 11, 12 - Hazmat Training -
their o/c. provided

Honolulu
Carl can't make it - on mainland
Leland to Stan - in
4 hr. of March - Lepe.
DHS - pres. - CFATS
Refer to Lepe. wty.
docs.
for details.

Clean up date - Annex Lam.
developing their own website.

Sponsor 5 for Hazmat Conf.
also hotzone conf.

Survey for Waipahu Area -
project via Tetra
Tech.
- mid-sept finished

Hazmat ID class - Navy ~~preparing~~ class held

Mike Ardito

refer to
Hardout

will mail out Carl notes -

of 17 facilities - Reg 5 - TH1 - ^{outline} reporting
earliest Jan '09 to update.
due June 2009

Ken

Training - how to Hal.

~~Utilized~~ Utilized all funds + more
for the most Tech Training -
12/c remaining -
need idea for
Spending?
any suggestions.

Case by case basis - planning funds could
be used for Training ~~after~~ ^{if Training}
funds are exhausted

Re-Cert Training is a priority for
managers.

— Discussion on class schedule - John R.
+ Ken L.

By Next Hsrc mtg - \$

Support interisland travel

Planning funds - travel for NASTepp conf. -
(2) - oked.

Non-public - need in advance ^{req.}
public employees - can be
after the travel ^{is} taken

MOA? - Ken does not know

Clarice - need to talk to her

Can to Leland -

Need it in writing on how long fiscal people need - on Hrd c+c side

Approval of MOA at Neef Mtg.

So asked to Δ MOA.

Planing → Training \$ - needs to be voted on at mtg. and put on Agenda!

Curtis

explained funding process on how it came about.
Funds all go into ERF

Beginning of Fiscal

?

June 30 2007

June 30 2008

Verity w/ Stan

11-

~~scribble~~

Ken - DHS - IT system - compatible w/
state & other
programs.

Larry - No electronic reporting required.

~~Keith~~
At State Lab

Planning Conf. on Monday at State Lab

over 40 mgt. level personnel from (county,
state, FED)

Design Team to develop Tabletop
Exer.

Final
Planning
Mtg. - Sept 15

Oct 15

Actual Tabletop
Exercise

SED to provide
CBRN Blackface Workshop.

TRI - Larry Lam -

Contractor hired -
signed MOA w/
EPA.

Next Scheduled Mtg. -

Adjourn - Wed,
John. July 16th
10:55 AM 9-12P