

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES'
SIGN-IN SHEET FOR JULY 10, 2008**

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

Robert Boesch

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

Tin Shing Chao

Henry Silva
Hawaii Representative/LEPC Chairperson
Hawaii County Fire Department

Henry Silva

for
Captain Carter Davis
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department

Carter Davis

Clifford Ikeda
Kauai Representative/LEPC Chairperson
Kauai Civil Defense

Clifford Ikeda

Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department

Scott Kekuewa

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

for
Sharon L. Leonida

Katherine P. Kealoha
Director
Office of Environmental Quality Control

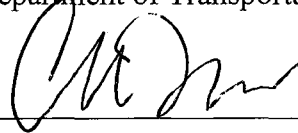
Katherine P. Kealoha

HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN SHEET FOR JULY 10, 2008

Gary Moniz
Chief of Enforcement
Department of Land and Natural Resources



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

HSERC MEETING SIGN-IN SHEET FOR JULY 10, 2008

Name	Organization	Telephone #	Fax #	E-Mail
Alfred [unclear]	KFD			
Doug Ottosen	DOH			
Gerry Sak				
Army Corps	DOA/HEER			
Clance Chung	SCD			
Dawn Johnson	SCD			
Deborah DeCade	SCD			
Katherine Kealoha	DEQC			
Ariel Rivers	TH			

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 #71

Thursday, July 10, 2008 from 9:00 a.m. to 12:00 p.m.

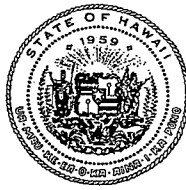
Department of Health
919 Ala Moana Boulevard, 5th Floor
Honolulu, Hawaii 96814

AGENDA

- | | | |
|-----------|---|---|
| 1) 9:00 | Call to Order
Opening Remarks
Approval of Minutes from Mtg #70 | Laurence K. Lau, Deputy Director for Environmental Health |
| 2) 9:15 | LEPC Updates | Henry Silva, 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 | State Civil Defense |
| 5) 10:15 | HSERC Financial Report
Tier II Division of Funds | HEER |
| 6) 10:30 | Break | |
| 7) 10:45 | HEPCRA
128-E Administrative Rules Update
Meetings For Focus Group | LEPC Chairs, HEER
Tetra Tech |
| 8) 11:00 | Other Business
CBR Table Top Exercise | HEER Office
Keith Kawaoka |
| 9) 11:15 | New Business
I. D. for LEPC | Henry Silva, LEPC Hawaii |
| 10) 11:30 | Schedule next HSERC meeting | |

08 JUL -1 PM 12:44

LIEUTENANT GOVERNOR'S
OFFICE



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

STATE OF HAWAII
DEPARTMENT OF HEALTH

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In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING # 70

Thursday, March 20, 2008 from 9:08 a.m. to 10:55 a.m.

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

Attendees

Voting

Leland Nakai, Honolulu LEPC
Ken Lesperance, Department of Defense, Civil Defense Division
Laurence Lau, Department of Health
Tin Shing Chao, Department of Labor and Industrial Relations
John Ross, Hawaii County LEPC
Clifford Ikeda, Kauai LEPC
Scott Kekuewa, Maui LEPC

Non-Voting

Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Beryl Ekimoto, Department of Health, Hazard Evaluation and Emergency Response Office
Liz Galvez, 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
Albert Kauai, Kauai Fire Department
Cynthia Pang, U.S. Navy, Pearl Harbor
Alan Sugihara, U.S. Navy, Pearl Harbor
Clarice Chung, Department of Defense, Civil Defense Division
Laura Newman, Contractor, Tetra Tech
Ariel Rivera, Contractor, Tetra Tech
Curtis Martin, Department of Health, Hazard Evaluation and Emergency Response Office
Harold Lao, Department of Health, Hazard Evaluation and Emergency Response Office

1) Larry Lau called the meeting to order 9:08 a.m.

1.1 Opening remarks by Larry Lau.

Bill to clarify reporting levels for Extremely Hazardous Substance held in Senate yesterday. Continues to move

forward, optimistic it will pass. Those who submitted testimony in support of bill, that helped. Introduction of attendees.

1.2 Approval of minutes from meeting #69. John Ross noticed day of the month was missing. It should be December 13, 2007. Motion to adopt minutes as corrected, John moved, Tin seconded, adopted as corrected.

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii

John Ross:

1) Last meeting was in February, no quorum present. Next meeting is on March 27, 2008, at Hawaii Army Reserve Center, not DOH. Previous commitment for the room.

2.2 Kauai:

Clifford Ikeda

1) Introduced Albert Kauai from Kauai Fire Department. Cliff would like him to have a leadership role in the Local Emergency Planning Commission in the future. Five people sent to Hazmat Tactical class last quarter and Hazmat I.D. class just the other day. They had a Hazmat response, a Do-Do pumper truck over turned. That's it for Kauai.

2.3 Maui

Scott Kekuewa

- 1) Met yesterday, March 19, 2008. Discussed current plans that they hope to accomplish this year. Continue GIS project to map facilities on Maui, get the information to Police and Fire Departments. Using their common GIS department, they have worked together for several years. Visit from Chris Curatillo, EPA point man. He has a disk from Tetra Tech with the same GIS information. Talked about sharing information to get project done.
- 2) After three months search, Fire Commission on Maui named Captain Jeff Murray as the new Fire Chief, replacing Carl Kaupalolo who retired in December 2007. Appointment takes effect April 15, 2008.
- 3) HEER Office did two, one day training on Hazcating and Sampling Techniques. Good class, everyone enjoyed it, thanks the HEER Office for the training.
- 4) Next meeting is June 13, 2008.

2.4 Oahu

Leland Nakai:

- 1) Carter not here, sends his regrets, in Reno for conference. Last meeting was March 4, 2008.
- 2) His guest presenter from Homeland Security was Carlos Vasquez. He is the Area 6 Commander of the Inspections & Enforcement Branch of the Infrastructure Security Compliance Division, Department of Homeland Security. He provided overview of CFATS Program, Chemical Facility Anti-Terrorism Standards Program. This affects many chemical facilities and a number of facilities on this island. Talked about entire program, risk assessments, which facilities fall under the program, exemptions, planning requirements, protection of sensitive information. Leland give background of DHS program. Strengthen security of US chemical plants, implementing program in phases, starting with chemical plants with highest risk. Explained "Top Screen Procedure". DHS estimates 7,000 facilities to fall in high risk category, 300-400 could be in the top tiers nation wide. Explained what facilities in the "High Risk" categories must do. Carlos Vasquez heads the inspection group that will visit, help and inspect. Severe fines can result if facilities do not comply. Intent is to work with facility to bring them into compliance. Chemicals of interest are those that provide most serious risk to

population. Examples: 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 spent time in each state including Hawaii. Discussion between John, Leland and Larry.

John: Will DHS provide SERCS with list of facilities?

Leland: Right now, no information.

John: NASTTPO was against that, senior guest speaker at conference agreed to communicate with 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 "commissions 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 get that information. We are looking at who and 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 and communication to the public is very important.

Leland: Next NASTTPO is in several weeks. This maybe a possible discussion point to further get an understanding if DHS might be moving toward sharing information with SERCS, states and local governments. Right now, nothing in place.

3) Annie Lam provided CLEAN update. They are doing a total overhaul on their Emergency Resources Guide 2008 edition and developing their own website. They are again giving a gift to the LEPC to sponsor five additional Fire Fighters to attend Continuing Challenge in September. Also, sponsoring two HFD personnel to attend Hot Zone Conference in Houston in October and will sponsor an Emergency Preparedness workshop primarily for Campbell Industrial Park Businesses on May 14. The emphasis is on Hurricane Preparedness.

4) He noted Liz Galvez on the agenda for Hazmat I.Q. LEPC in the process of getting ten classes for HFD personnel on new patented size-up procedure to determine what an unknown chemical maybe, using a system based on the periodic table. This to help people in the field. Looks promising, hopes to have personnel up to speed.

5) Two LSU Cameo courses in November, one beginning and one advance.

6) Waipahu Project: Laura Newman is the contact for Tetra Tech. Survey letters were sent out to businesses in Waipahu area. Expect to get feedback by end of March. They will do processing and developing of hazardous assessment. It's on track and should be completed in mid September.

Curtis: Is it possible to get slots for neighbor island people to attend Hazmat I.Q.training?

Leland: HFD looking at schedules, going to send invitations out to neighbor island, holding some slots open. Need to determine what is available and when. Liz passed out Hazmat I.Q. flowcharts used for training. They have been using it and testing it out, it works. Charts will be given to personnel attending classes. She gave an example of how chart is used.

Leland: Cynthia Pang will be having additional classes for Hazmat I.Q.

Cynthia Pang: Offered some slots if Carter doesn't have enough. Answered Curtis's question about buying extra copies of charts, it's cheaper to take classes.

3) EPA Update

Mike Ardito:

1) Handouts on table, EPA National Website redesigned, now online, easier to use.

2) Explained LEPC Survey for 2008. E-mail from Debbie Detric to LEPCs, have until mid April to complete.

3) EPCRA reporting, exemption for air release of animal waste. March 27 is the deadline for comments about changes.

4) DHS CFATS Program, confusion on EPCRA reporting. EPA and DHS had discussions and confirmed that EPCRA reporting is not the same as CFATS. Facilities need to submit their required reports to EPCRA.

- 5) National Response Frame Work: January 22, 2008, DHS issued the NRFW. It goes into effect sixty days after this date, at the end of this week.
 - 6) NASTTPO Conference April 6, in Savannah Georgia. Mid-year NASTTPO with EPA is the first week in November in Las Vegas.
 - 7) Twenty-One presentations from mid-year NASTTPO, 2007, have been e-mailed to Tim Gablehouse. Four are too big for e-mail and he hopes to put them on disks and mailout.
 - 8) For the third year in a row Hawaii's TRI Toxic releases down 3%. This has happened since 2005-2006.
 - 9) National Response Team: Week of March 10th there was the release of twenty-five Biological and Chemical Quick Reference Guides. Their listed on update and NRT website.
 - 10) Risk Management Plan Resubmitals: Due June 2009, plans are being made. Hawaii has seventeen facilities. This time facilities will be requested to complete RP's on secure on-line central data exchange. EPA currently using this for Toxic Release Inventory Submission. Starting next year it will be used for Risk Management Plan also.
 - 11) EPA News Release: You can now sign up for them. Annual progress report on line in April.
- John: Facilities RMP's, how soon can they go online?
Mike: Explained about updates, earliest would be in January 2009.

4) HMEP Update

Ken Lesperance:

1) Hazard Materials, Chemistry and Tactical Course usually put on during summer till September. This pushes us up to the end of grant period. Have to scramble around to get documents for USDOT. With agreement from Fire Department, we have moved courses up to April and May. Honolulu Fire Department will not be participating. They have large amounts of people, may do their own. Big Island will send sixteen personnel, Kauai will send five people, Maui will sent five. There are four seats that will be provided for the Hawaii National Guard on Big Island. They will provide the facility, worked it out with Fire Department. Last few years \$45,914 was spent on Hazmat Tech Courses. We could not provide anything else with HMEP funds. In addition, in the last two years, \$5,000 from SCD Funds were used. This year using Hazardous Material Instructor from Big Island. Cost is down, it will be \$33,000. There is \$12,914 left for training. He mentioned ideas for training. Hazardous Materials Operations Courses, Awareness courses, Hazmat Tech Refresher courses, asked for additional 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 and Leland spoke to Charles Rogoff specifically on the topic that money was spent on the training side and money left on planning side. Charley Rogoff said it could be done internally. They did not have to come back to him.

Ken: When Clarice attended meeting in December, it was the first SCD heard about it. He contacted Charles Rogoff and was told it's on a case by case basis. John and 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 and wants us to spend the money and 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: Recertification course would be good. They used the Hazcat course as a refresher course.

John: Suggested that we beef up the request now for refresher courses and 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 with inter-island travel for Hazmat Tactical and Chemistry courses. Discussion.

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

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 Department.

Ken: Next HSERC meeting he would like to present some courses, he will talk to Fire about this. Especially about the refresher courses, and look toward 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 travel.

Clifford: Is offer from before about financing alternating counties to go to NASTTPO Conference still active?

Ken: That is on Planning side, yes you can use it to send two 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 to the smaller counties.

Clifford: Asked if this up coming rotation was his and 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.

2) Status of MOA

Ken Lesperance:

1) He has no idea. Needs to ask Clarice. There is discussion between Leland and Clarice specific to deadlines that are imposed.

Leland: His Fiscal Office has looked at MOA. Turn around time under their current system and procedures, they can't meet the time limits. Asked for reconsideration of short turn around time, feedback to SCD on spending and proof of payment.

Ken: How much time is needed? If it could be submitted in writing he could bring it to Administrative Officer. He would like to settle it.

Larry: Make it an agenda item on next meeting, approval of MOA.

Ken: We have approved MOA, signed last January. SCD asked to change MOA.

Larry: Have it on agenda as a precaution, because of Sunshine Law requirements. Do we need to have agenda item for varies 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 around and put in under New Business when that person is talking. Then go back into agenda format. Theoretically it could be covered under that.

Larry: I want to double check on that.

Ken: Gave an example to John, wanted to clarify that it was correct.

5) HSERC Financial Report

Curtis Martin:

1) Gave the background on how fees collected for Tier II submit was given a separate account. Now able to track funds on a yearly basis. Funds fluctuate because some business go below reporting threshold and we find new businesses that need to report. Continue to do outreach to find businesses that need to report. Explained how the funding is from the ERRF. Budgeting is done on an annual basis. If the funds for that year are not used it goes back into ERRF. At the start of the State's Fiscal Year, 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 the fiscal year it would go back to the ERRF fund. We would like to do away with the 20% set aside. Distribute funds to LEPC and they can use funds as they need. Explained the expenses that were deducted on handout. The reminder is \$66,968, the rest of the money will be divided among the counties. The base will be \$3,000 for each county, division is done on a percentage basis. This is according to the number of facilities in each county. Handouts on the table.

Leland: Concerned about money for his project and when the 20% set aside will lapse. Discussion between John and Curtis.

Curtis: Explained that 20% set aside needs to be distributed or will be lost. Books close middle of June.

John: How much time to redistribute 2008 funds?

Harold: Ten to fifteen working days 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 and then the rest of 20% fund is distribute. He needs to invoice HEER Office for his project before close of fiscal year.

Curtis: There are no other projects, we will use 2008 percentages to distribute 20% set aside. Explain that we need two separate votes. 1. Distribute any leftover 20% set aside funds to LEPC before end of fiscal year. 2. In 2009 funding there will be no 20% set aside. Money divided according to percentage plus base as printed on handout.

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

Curtis: Still needs to invoice.

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

John: When that time frame comes, DOH automatically has the authorization, so he will not have to send in a letter to request funds.

Larry: Policy decision ratified by this commission is different from the mechanics of the invoicing and other stuff. He needs someone to state the motion, this is for non-obligated funds.

Curtis: This for fiscal year 08 funds.

Larry: For Fiscal Year 08 non-obligated set aside funds.

John: **Moved** that those non-obligated set aside funds to be distributed in accordance with FY 08 distribution policy before those funds expire at the end of the fiscal year.

Leland **Seconds** the motion.

Larry: any discussions, is this sufficient for our purposes?

Leland: Clarification, is invoice still required? Discussion between Larry, John and Leland about invoice needed for non-obligated funds distribution.

Curtis: Invoice is needed to track how money is distributed.

John: He thinks that LEPCs does not need to invoice, that it will be done internally.

Curtis: We need to resolve this, whatever is needed.

John: He agrees, whatever is required, let them know.

Larry: When the motion talks about distribution, those are the percentage used for 08 distributions. Is everyone clear on motion, any further discussions? Call for the vote,

Motion adopted.

Curtis: We need a new motion to accept 2009 Fiscal Year Budget allocation.

Larry: He went over the handout, FY 09 LEPC Budget Split, Final March 19, 2008. Refer to section that starts "with a\$3,000 base", that is the proposal. John: This proposal does not include a 20% set aside, correct?

Curtis: Agrees, money will be distributed all up front.

Beryl: One of the handout has a mistake. FY 08 should be "FY 09 LEPC Funds Distribution Draft". She apologized . Beryl explained to Larry what was on the handout.

Leland: Asked 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-mail said if they bought invoice today, it would expedite the distribution process.

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

Larry: Refers to second 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)". He read

the paragraph with deletions completed. Add these lines under the section showing the funding distribution for each counties, "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.

Leland: **Moved** to adopt this March 19 Fiscal Year 09 LEPC Funds Distribution as amended.

Clifford **Seconded**.

Larry: any discussion? Call for approval,

Motion adopted.

Thanked the commission for doing this.

6) Break

7) HEPCRA 128 –E Statutory Changes Update

Sharon Leonida:

1) First Senate meeting yesterday after the change over. The House has the Senate bill and The Senate has the House bill. Original House bill had the date changed to 2050. Representative Josh Green's office told us that to move the bill out of committee he changes the date to 2050. It was passed and moved out of committee for the Senate. The Senate bill in the House has not been assigned a hearing date yet.

Keith: Encouraged everyone to keep the testimony and letters coming in. Don't let up, all the testimony that comes in is mentioned at the hearings.

Leland: The more letters, and testimony we have in support helps them to pass it through.

Larry: Typically committee reports refers to who supports and opposes the bill. Helps if more people supports, even in letters. Today is deadline for moving bills from committee to other committees in House or Senate. We will know after today how things are.

2) 128-E Administration Rules Update

Sharon: Handouts on table. Time table show when we are attempting to schedule our focus groups, draft rules. We have received some feedback, several from CLEAN and a law office. This information was given to Tetra Tech, they are helping. HEPCRA Rule Making Project Schedule and Delivers is the schedule we are holding on to now. We have posted to HEER website, "The Notice Of Intent To Propose Rule Making By The Hawaii Department of Health". It explains what we are doing. In newspapers it was published, "Notice of Rule Making by the Hawaii Department of Health". On March 24, it was in the Advertiser. On other handout, "Letter of Invitation for Focus Group", this is being sent out to people who have expressed interest, notice of meeting place and time. Now scheduled for April 15, 8:30 am, in this room.

Larry: Lots of process in rule making, I appreciate staff sticking with this. Helps to have contractor support. I am impressed, in the last year we have managed to get a fair number of rules adopted quickly. Hopefully we can continue, have to just keep working at it.

Leland: Should mention that LEPCs meeting after the HSERC meeting.

Sharon: LEPCs were sent items to be discussed. Memorandum of Agreement Between the Hawaii State Emergency Response Commission and LEPCs. Draft outline Purpose HRS 128-E Regulations.

8) Honolulu LEPC Proposal for Web Base Reporting For Tier II

Leland Nakai

1) Sent Letter on March 4, 2008 to Larry from the Honolulu LEPC, on Tier II Program. Leland had discussion with the new Director of the Emergency Management, City & County about Tier II program. He described the program and the flow of information down to county, to fire and other first responders. Director concerned data was two years old upon receipt. In the system it's built in, the reports received are from previous calendar year. HEER Office does not have enough staffing to get information to us in a faster manner. Data is nearly two years

old when we receive it. Phones numbers and contacts may change over that time. When dealing with public safety a bad phone number or contact when dealing with a fire or release at 2:00 in the morning could be a safety hazard for first responders and public. Concern is to speed up process to get information to counties and first responders in more rapid fashion. In letter to Larry we made short and long term proposals. 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 and 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.

2) Long term solution is to develop real-time web based electronic reporting system, where the LEPCs and counties could get the data as soon as submitter goes on line and sends in data. It would be received instantaneous and 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 the commission, where we can then improve our Tier II program. It would be interesting to hear any comments or discussion concerning those two ideas.

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

Leland: Understands, looking long term, knows there are may challenges to have an I.T. system being developed compatible with the state along with all the departments involved. That is the potential long-term effect in our situation.

Ken: It's now called investments and it's a very reasonably investment. For planning purposes, if you are looking to use Homeland Security money, shoot for beginning next calendar year, to have some proposals.

John: Asked Larry what are Tier II requirements for state? Is there option for paper or is the state looking to mandate electronic submittals? If the state mandates electronic submittals, it goes a long way toward the commissions proposal. He gave an example of Arkansas having mandated by a certain time electronic submissions. Time limit has not expired, yet they have 90-95 submittals instead of paper.

Larry: Not aware of electronic reporting requirement so far. I believe the Department Rules, Practices and Procedures allow it. He helped draft it. Whether they allow us to require it, he has to check. We, in the Environmental Health Administration, Department of Health have been working on electronic permitting. Using term "permitting" in a board way, it could include something like this. Trying to identify needs and possible resources. One of the governors stated goals is to have electronic permitting for state by 2010. Looking to move in this direction.

John: He has gotten fifty-two Tier II copies this year. This is less then half of Hawaii County. Corporations he talked to are submitting Tier II electronically on federal level and state is paper.

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

John: Is there anything that this committee can do to forward the commissions goal, with respect to encouraging electronic submittal?

Larry: Yes, help identify exactly what is needed and then the price tag for it. Third, if the commission can provide money to help, that would be good. Identifying what the technical requirements are and what the cost would be is important. We are trying to hire a contractor who can provide a menu of services. Instead of hiring a contractor for one I.T. project, we want someone who can do different projects when we direct them to. We are going through the process to find someone, hope to have that completed soon. Maybe we could take advantage of that contractor once we have then on board. Things can be done, sounds like a worthy project.

Leland: The idea of 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. He talked to I.T. people here, found the systems ere incompatible. Machine language were different from DOH. Leland 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 is things set-up to facilitate this exchange of information.

John: He gave an example of New Jersey finding another system that was cheaper, does the same thing.

Larry: Part of mechanics of getting job done, first part, what information do you need to capture. Presumably, it's on the forms. Then how do you get it from applicant or reporter to agencies. Who should do it, our staff or contractor? Same questions with electronic permitting. We 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 are 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 and commission identifying what business needs are. It might be worth a work group just to specify.

John: Generically trying to build a system, is there an I.T. manager that is working specifically with us in this regard?

Larry: No, trying to find replacement for person that left. We had several prospects, not able to make suitable arrangements with either one.

John: Proposal that when someone is hired, have that person meet with LEPC chairs and Fire Department in a floating committee or commission. Make sure 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 an electronic reporting system that gets the information to counties 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 because money is involved. Projects that have money identified with them are more likely to move forward. Good topic, thank you, any comments? Information sharing is critical in today's world.

Leland: That addresses the long-term consideration. Short term consideration, any ideas, discussions based on proposals?

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: He would like to explore that, what John suggested, having input from LEPCs on what they would like to see. Have to determine how to achieve it, what are the criteria to establish the basic guidelines, before we can actual talk to a contractor.

John: He was basically talking about long term. Short term suggestions was using planning funds to help hire additional person to help input the hard copies Sharon receives. This is to insure Tier II data gets inputted in a more timely matter. Right now it's a two year turn around from the time data submitted to time Fire department receives it. Hiring temporary person to help Sharon with inputting of data, that is short term solution that we can use HMEP funds to help expedite.

Keith: We have used I.T. contractors before, we have Tetra Tech on board. That type of support we can use for the initial and long term.

9) New Business: HAZMAT I.Q.

Liz Galvez:

1) She had already given the presentation.

2) Keith: He would like to mention that this Monday we had an Initial Planning Conference, IPC, all counties were represented. Some people in the room were there, in person or by video conference. Over forty management level personnel attended this IPC, from all County, Federal, State agencies, very successful. From 911, we wanted to look at the Notification and 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 Curatillo was moderator, Tetra Tech helped with support. Notes and other information will be sent out to participate. If LEPCs members want information, see Liz. Next step is for design team to gather information, to further develop the tabletop exercise. We plan to have a final planning conference September 15 and Table Top Exercise October 15. He thanked everyone for participating.

Liz: Asking for people to volunteers to be Design Team members. Right now only Liz and three people from State Lab. She would like one person from each county to assist.

Keith: Civil Defense CBRNE Task Force Workshop is around the same time in September. The Chemical Biological Radiological Nuclear Explosives Workshop is regional or county-based workshop. This looks and sees if there is a need to have an over all CBRNE task force made up of multi-agencies, multi-level type of participation. Keith asked Clarice if she knew anymore. Looking for management level type of personnel.

3) TRI I. T.

Larry: Toxic Release Inventory Information Technology, he mentioned it earlier. We have a contractor who will make data flow automatically from federal reporters, who report electronically, and it will be sent electronically to us. Signed MOA with EPA to take care of the necessary legal requirements.

10) Schedule next HSERC meeting

Larry: Anything that should be on next agenda, contact Sharon. The next meeting was tentatively scheduled for July 10, 2008. The meeting was adjourned at 10:55 a.m.

Respectively Submitted,

Sharon L. Leonida
Environmental Health Specialist II

July 10, 08

9:05

Leland - Start meeting, explained about Larry being called away. And being asked to chair meeting

Explained about handouts, passage of HEPCRA 128-E Bill. Letter from Larry about attendance at HSEPC meeting. If not able to attend, letter that alternate may use to come in their place. Check over minutes from meeting # 71

Scott - motion to adopted

Tin Cheng - 2nd

Leland - approved minutes

#2 LEPC -

Big Island
Henry Silva

John Ross resigned, Dr John Bowen is vice chair. Trying to regroup. Contacting members by phone. Due to various problems, not able to meet. Next meeting scheduled Sept. 5, looking for location and need to set time.

Meet with Chief Oliveira, trying to set up a program with the Fire Inspection Bureau, assist with informing & educating people about Tier II compliance. Polled the members by e-mail, got approval to send 4 Hawaii Fire Department members to Continuing Change

In process of allocating funds. 11 Hazmat report from Waiakae station July 4, portable aviation tank bumped by pilot & reached. Breaking valve under the tank & spilling contents. Contractor brought in for clean up. No final report yet. Hope to gear-up by next meeting in Sept.

Kauai

Clifford - deferred to Albert Fire hat awareness for 2 day, 3 day training in Hazardous Technician recertification.

material

(3)

Hurt - Kanare Incidents - several calls on odors, fuel, diesel smells. ^{It's} nothing out of the ordinary. One incident unknown leaking from 55 gal drum. Hazcatting done, it was diesel fuel, drum deteriorating. Contained, clean-up crew called in. Otherwise quite. Land owner paid for clean up.

SCOTT - LEPC meet July 2, 2008. main topic: explained funding issues a changes in funding. ^{Also,} increase in HMEP program and proposals that were made. next meeting Oct. 13, tentative.

Oahu - Island - LEPC meeting June 20, 35 people attended, 13 voting members. CFC Kim Beasley was scheduled to do presentation, unable to make it. Will do it another time.

Gas company did presentation on annual public outreach update. ^{given to govt agency} Ryan Yoshida talked about Gas Company operations, emergency preparedness + responsive, properties of synthetic gas + propane. ^{HR} Showed the ^{way} pipeline + fuel line were positional throughout the community. Where they had "holders" or tanks, because pipeline were not in that area.

member of police brought up topic about pipeline problems that have been occurring. Example of incidents that occurred. Handouts passed around.

Discussion at LEPC meeting about problems

There is no enforcement oversight in state of Hawaii. The other 48 states + District of Columbia have an in state organization that looks over pipe line safety + concerns. Hawaii does not. We deal problems with broken pipelines. no major property loss or deaths so far. This problem is a concern responders. Tried to contact PHSMAT DOT Pipeline Hazardous Safety Material Agency on mainland. They would have enforcement oversight on the state. Island found out

13:10

for 1st

3

He does not believe State DOT has any over sight at all. City issues permits for construction, trenching etc. It seems there is no follow up to see if safe practices are used. Cited federal regulations about excavation - close to pipeline. Discussion at LEPC meeting, would like to bring HSEAC several concerns + recommendations. This is a state problem that will occur more often as building continues. Recommends that state have some type of organization or establishes some type of oversight or regulatory board, commission or group. There should be some type of oversight in the state instead of defaulting back to maintain. Right now we would have to call Denver Colorado. They cover several states and would probably only get involved if a major accident, explosion, fire, or if there were injuries that happened. Then they would come in + do an investigation.

We need some type of oversight, enforcement in the state we could develop some type of regulations concerning excavations + pipeline issues. This could allow them the capability to conduct in state investigations and enforcement with these regulations. This issue is occurring more often and hope to avoid a major problem in the future.

Bringing up to HSEAC for discussion, thoughts + comments. Discussion w/ Island, Tim Ching, Henry Enten, Chris Tallero

(no record?)
Questions

Tim: Any data on how often this happens?
Island: No data collected. Anyone calls 911 recorded, no data kept. Getting to be routine. It could be home doing work or construction on the streets.
Henry: Big Island has had problems.
Island: Good example of incident at Hawaii Kai, gas burning.

Henry: what dept would be regulatory agency?
Island: Usually FCH DOT handles this. State DOT not staffed or don't know if there is an interest.
Chris - Brought up before because of Chevron break or a pipeline incident. It was brought up who in the state would do regulatory oversight.

4

Nothing being done on this now. Federal DOT is doing oversight ^{entire} for Western Region of United States, based in Denver.

Bob Boesch - Question on if ^{inner} cover intra state or just cover standard ~~bound~~ crossing state boundaries pipeline +

Chris: not sure if they do oversight on state level. not as much pipeline as other states

Leland ask Chris if its possible to find out how state could setup organization or oversight agency. what would it take to set something up to provide in state enforcement or regulatory body.

Check + see if state has any rules or regulations if not then we could default back to the federal law. Forty-eight other states have state oversight agencies for state issues. we could check with some of the other states to see how they operate and enforce federal or state rules + regulations.

Chris agreed to look into this. Further discussion on ^{enforcement} counties involvement, possible permitting from them.

Bob Boesch: asked if someone from PHEMSA could give a briefing to HSERC. Chris: Only 2 inspectors for Western Region, he will ask.

Leland: Motion to have state DOT contact ^{PHEMSA or} Federal DOT to come and provide an informational presentation on pipeline safety, enforcement oversight + how they interface with other state enforcing bodies.

Henry Silva: Is it possible to get information from other States that already have this pipeline Commission in place?

Leland: Yes, we could invite someone, possible from Calif. Motion: DOT to research + ask Federal DOT or another state

State agency to provide us on informational presentation at a future HSERC meeting with the intent to see if it is possible to set up a similar body within the state.

Agenda #2

5

2nd Chintin

votel: motion approved

Annie Lamb - CLEAN give updates. new web site.
www.CLEANHawaii.org

NASTTPO - April 2008 - Savannah GE

E-Plan I Secure web base Tier II reporting system. Seven states participating. EPA hopes to nationalize + make it a federal program in future. Could be used in Hawaii until we have our own electronic based reporting system. Volunteered to gather information and do a presentation at a future HSERC meeting. It's free, web based, in secure, pay on line.

Concerns on Chemical Safety Board - Dust Explosions

OSHA has to implement rules within a certain time. Inching - Confirmed that rules implemented, Hawaii is participating. Some places notified that they will be inspected, they fall into that category. OSHA has a conference in Sept, one of the topic will be combustible Dust. Will sent invitation to HSERC members.

Island: Gave further information about dust explosions and conditions under which they can occur, damages that happen. Go to OSHA website for information about combustible dust, www.OSHA.gov

DHS - CFATS - Chemical Facility Anti-Terrorism Security Program
Facilities that fall under this program contacted by DHS. State, County, shut out from information.

This is on a need to know basis. Severe penalty if you break the law. NASTTPO trying to find out way for LEPC to get involved.

HAZMAT I & II - Field ID Systems in April + May
Team 300+ Responders, some from outer Islands. New method using the Periodic Table Elements.

⑥ CAMEO 3. Presented
Honolulu scheduling, 2 WMD CAMEO courses from
by LSU later in the year. ^{will} Hold some seats
for neighbor Islands.

Waipahu Project - On going ^{nearly} 600 survey letters
200 replied, doing follow up & analysing data come
out with results in Sept. Report to HSERC when
completed.

Petric Acid Response - Paul Dibong gave
a report on how well agencies work ^{well} together
Unified Response
Honolulu LEPC voted to include the Gas Company
as a voting member. Letter ^{coming} from Maya to HSERC.

#3 EPA - Mike Aizito - Handouts on tables.
Emergency Response Guide books, ²⁰⁰⁹ are also on the
table for HSERC members. The books have been released
& will be available nation wide.

Ieland - Looked over EPA handout, commented about vog.
Tin. In later ^{part} of June Senate committee had a hearing.
lots of agencies were called in, gen. Lee from C.D spoke.
Scientist from ^{the} volcano, HOSHA, UH, talk about potential
effects of vog on people.

Henry Silva: Big meeting on Big Fole this week for the
Big key players. Biggest problem for the Fire dept with the
volcano emissions, ^{was} who would take responsibility for
the expense involved in monitoring. Mayor Kim
said, we got to do what we got to do. Fire kept used
large part of budget for equipment purchase & manpower
to do initial SO₂ & vog & particulate air sample monitoring
this went on for almost a month. DOH does not want it.
Area Ray + Q Ray systems were bought. Area Ray for Both
Harmatunits, east + west. Equipment running 24 hrs a day,
hooked-up to computer to get remote readings.
Using this data for evacuation notices.

⑦ Example given when there is a spike in levels. Stations deployed with hand held O Ray monitors. Unknown if they will be able to recoup money spent. When this incident occurred the 93 CST were on island + assisted with monitoring, big help.
- At 1st only concerned about SO₂. After several weeks EPA came in because of notable particulates in air down range of emissions. Bigger concern how dust + ash have long term effects on people. This is just in the infancy stage of being studied.

LEPC Survey - coming out soon.

44:54
#4

HMEP - update Grant.
Clarice - Under current grant waiting for written response from Charles Rogoff to transfer monies from planning to training. This is for travel + pre-diem cost for main county personnel to attend the 160 hour technicians ^{level} course. The balance in the planning grant would be \$6,000 to be returned after Honolulu LEPC invoice is received.
HMEP Grant for 2009 was due on July 1, 2008. It was electronically submitted June 17, 2008. Thanks to Leant, Carter, Scott, Clifford, Clint Coloma, Sharon for furnishing information. Application has to go through 4 stages, currently at the fourth stage, "Grantor agency review". She spoke to each LEPC to identify the planning + training they wanted and the amount needed for 2009. There will be a 70% increase in funding. The LEPC would like this funding to be transferred to the training grant for more training. This was put into the grant application. There will be 2 courses each for the 160 hour technician level course, 80 hours for chemistry, 80 hr. techies. And possible 4 to 6, 8 hr technician refresher ^{classes} ~~course~~.

⑧ She would like to prepare for the grant. Asking for bids, to get things set up. Hopes training can be held from Feb through July. Counties can raise August + Sept to get their payroll data to her, this would cover per-diem and other costs. Ask about locations where the courses could be held. One of the 160 hr course will be in Honolulu, the other is on a rotation basis for neighbor islands. Hawaii had it last, discussion on who would be next. Honolulu + Maui will get the courses. She will contact those counties to set things up. For the 4-6^{8 hr} technicians refresher classes. Possible one for each county, LEPC needs to get together + decide the rest.

from other agencies

Approval MOA

She needs to research what the issue was with this. She would like to clear the Honolulu LEPC invoice 1st, due Sept 15 + close out the grant, MOA is next task.

Leland - will help Claire, explained the problem about time frame that SCD had set, his financial office could not comply with that + they had suggested some changes. He will contact her with information. This was being put into the revised MOA Template for HMEP planning projects.

Henry: Question on reimbursement for pending personnel off island, is this with grant? Yes

Leland: For planning side, could do a project or sent members to NASTTPO Conference. Discussion on how many LEPC from each county can attend conferences.

SCD - One from each LEPC can attend NASTTPO and mid year at HAZMAT. Expose. 2008 ERG shipped to neighbor Island county, to CED agency

distributed to 1st responders. Because funding DOT had to decrease each state request, only Oahu's was decreased. Neighbor Island got theirs. Requested 1,502, got only 6,886. received deliver last week Thursday. NO second shipment.

⑨ For state agencies that need the ERG, need to resubmit the number of books needed. she does not have the data that was submitted before. C&D will get the majority.

Iceland thanked Claire for doing the grant & others. ^{HMEP}

5 Final Report - Sharon went over previous Budget and remained Kawai to submit their request.

6 NO Break

7 HEPCRA - Iceland Ad mid Bill
Letter from Gov. - Handout on table
Act 87 May 21, 200 signed into law
129-E.

Introduced Ariel & from Tetra Tech.
working with us to get rules into place.
Explained about draft, developing with help from focus group. When focus group. Comments from them
2nd meeting with focus group to review ^{internal} draft on July 30. & rec'd comments. By end of August we hope to start typical state process of rule making. Public Hearing may be in November

Draft rules include enforcement, clarify regulations for public, Administrative ^{things} between HSEPC & LEPC, MOA, ^{done with}

Henry: Anything dealing with ^{Tier II} compliance in rules? Study done on Big Island, 50% only, ^{complaint} lots of people don't report.

Ariel: Explained about rules, enforcement that can be done when established. Answered question, if the rules in dictate what agency the LEPC would be under, LEPC is a state agency, we can't dictate to county agency to give support. LEPC are encouraged to develop agreements with the County. If that is not possible, state has to ^{provide} support.

Henry: Gave an example of problems encountered, had to pay for locker to keep files. Fire Chief said they would provide storage.

10

Leland explained MOA LEPCs signed. Better to have concerns in an MOA, it can be changed w/out going through a long process. If put into the rules it would need a long formal process to change anything. As people + things change it can be reflected in the MOA. State can't tell counties to support LEPC. Encourage counties to have agreement with LEPC; ^{supporting counties,} trying to make counties a safer place.

Question on fines, where it goes, we can use these funds. Sharon: There is a ^{set} fine + activities Fund. When rules finalized + stamped to show its in effect, we can get a "source code". Using this number we can get the fines that were deposited and have them transferred to our account to disburse.

For rules Internal draft right now, focus group meets on July 30. Two weeks after that, middle of Aug, LEPC should see draft rules. After all comments, from focus group, all issues we worked on. We expect comments from DOH, HSERC, Ab needs to go over and check so we can go for the formal rule process. Annual - after HEER + LEPCs review then HSERC will see it.

8

Liz - table top: HSERC was given information at pass meeting. date is Sept. 24, Chemical, Biological + radiological table top. Involve all islands, county agencies, police, fire, CD + property owners. She gave example, using tele-video conferencing with neighbor islands. Passport handouts, Kauai has another exercise planned for the same time, need to work something out.

9

New Business - ID. On LEPC - most members have some type of ID associated with their jobs. Gave example of Dr. Bowen who is retired and trying to help LEPC, but no way to identify himself as a member of LEPC or to do business for. Anyway to get something to identify members as a LEPC or vice LEPC. Comment that in the HRS, state commission members shall be treated as a state employee. As such should be entitled to State ID, Example given of attending a conference, meeting in the capacity of being an LEPC. Would it be correct to use another official ID not connected to the LEPC to gain entrance? Proper credential issue is a problem. Sharon will look into I-D process. Larry may be familiar how state board + commissions over

Discussion Leland, Henry, C. Flood

(11)

are credited. Issue raised from one of the countries follow up.

Henry Tier II reporting - Public notice, ^{information} would put a in paper telling about Tier II report. Some business unaware they should report. Is HEER office responsible ^{who is responsible that} on BEPC level. ^{have a} 2 levels, state ^{responsibility} to inform business on requirement under the law. A list was compiled of businesses that could fall under the law. Letters were sent out, this was years ago. Some follow-up done, studies that looked at Hotels, other industry groups. Sending them letters about requirements under the law. ^{not aware of what is happening now.} Carter inquired about "one stop program" that state was going to put together. Suggested that the state would benefit if a legal notice was placed in the paper in Jan stating the Hawaii EPCRA law also announcing it in the neighbor islands newspapers. This could be done about the time the annual mailing of Tier II are done and announce the March 1 deadline.

Discussions
advertising

Shawn - DBED, former Tom Smyth position, has been given out our packet with their business application. New business would have this as part of their package. Daring out reach to hotels, other business associations, if they fall into this category contact us or give us information + we will sent packets out. Need to talk to Curt's about advertising. Maui county, thought media person did public service announcement in print + voice media. This was done beginning of the year with Chris, Hawaii county is trying to get a better joint relationship with F.D. Trying to get Fire inspectors to educate people at local level. Would like to see it at a state level also.

Public notice about rules will be going out, likewise did before, before the formal public meetings in rulemaking process.

Comments and questions please mail to ewebb@wholedu Last updated 09/02



12
Clarice - For 8 hr refresher course, add a total of 4 classes. If cost is lower, can put on more classes.

Discussion - Priorities what counties will receive it.
Leland, Carter - LEPC need to discuss, will be up to 8 refresher.
Each county has 1 then the rest will be scheduled
Tech refresher course, see who has the need.

10 Schedule meeting - Sept 4th
Leland - motion - to adjourn
Scott - 2nd



GOV. MSG. NO. 729

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 21, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 21, 2008, the following bill was signed into law:

HB3150 HD2 SD1

A BILL FOR AN ACT RELATING TO THE HAWAII
EMERGENCY PLANNING AND COMMUNITY
RIGHT-TO-KNOW ACT.
(ACT 87)

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 21 2008

HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2008
STATE OF HAWAII

ACT 087
H.B. NO. 3150
H.D. 2
S.D. 1

A BILL FOR AN ACT

RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-
TO-KNOW ACT.

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

1 SECTION 1. The purpose of this Act is to clarify the
2 Emergency Planning and Community Right-to-Know Act reporting
3 requirements.

4 SECTION 2. Section 128E-6, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The owner or operator of a facility in the [State]
7 state that stores, uses, or manufactures any hazardous substance
8 shall comply with the following requirements:

9 (1) Each owner or operator of a facility in the [State]
10 state shall comply with the emergency planning and
11 notification requirements of sections 302 and 303 of
12 the Emergency Planning and Community Right-to-Know Act
13 of 1986, 42 [~~U.S.C. §§11002 and 11003,~~] United States
14 Code sections 11002 and 11003, if an extremely
15 hazardous substance is present at the facility in an
16 amount in excess of the threshold planning quantity
17 established for the substance;



1 (2) Each owner or operator of a facility in this [State]
2 state that is required to prepare or have available a
3 material safety data sheet for a hazardous chemical
4 under the Occupational Safety and Health Act of 1970,
5 as amended, 15 [~~U.S.C. §651~~] United States Code
6 Section 651 et seq., and regulations promulgated under
7 that Act, for [~~all hazardous substances present at the~~
8 ~~facility in amounts not less than 10,000 pounds, and~~
9 ~~extremely hazardous substances present at the facility~~
10 ~~in amounts not less than 500 pounds, or the threshold~~
11 ~~planning quantity for that substance, whichever is~~
12 ~~less, shall comply with the following reporting~~
13 ~~requirements]~~:
14 (A) All hazardous substances, except for extremely
15 hazardous substances, present at the facility in
16 amounts not less than ten thousand pounds; and
17 (B) All extremely hazardous substances present at the
18 facility in amounts not less than five hundred
19 pounds, or the threshold planning quantity for
20 that substance, whichever is less,
21 shall comply with the following reporting
22 requirements:



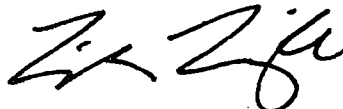
1 11023, shall comply with the toxic chemical release
2 form requirements of [~~section~~] Section 323 of the
3 Emergency Planning and Community Right-to-Know Act of
4 1986 by July 1 of each year; and

5 (4) Each owner or operator of a facility in this [~~State~~]
6 state covered under [~~section~~] Section 304 of the
7 Emergency Planning and Community Right-to-Know Act of
8 1986, 42 [~~U.S.C. §11004,~~] United States Code Section
9 11004, shall comply with the notification requirements
10 of [~~section~~] Section 304 of the Emergency Planning and
11 Community Right-to-Know Act of 1986, and section
12 128E-7, if a release of an extremely hazardous
13 substance occurs from the facility."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon approval.

APPROVED this 21 day of MAY, 2008



GOVERNOR OF THE STATE OF HAWAII



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 FY09 LEPC FUNDS DISTRIBUTION

After deduction of HSERC operational expenses, the balance of the TIER II funds 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	$\$3,000 + .1329 (54,968) = \$3,000 + \$7,305 = \$10,305$

There will be no 20% set aside as did in the prior year, FY08.

Regarding the Distribution of LEPC Operational Expenses, a motion was made and seconded to approve the "LEPC Operational Funds Distribution" and unanimously approved by the HSERC membership. Minutes to follow.

March 13, 2008

To: Curtis Martin
From: Beryl Y. Ekimoto
Subject: FY 09 HSERC Budget

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

HSERC Expenses:

To attend LEPC Meetings:	\$1,992.00
HazMat Explo12 2008:	\$2,045.00
NASTTPO Conference 2009, TBA	\$2,595.00

Funds available for distribution to the LEPCs:

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

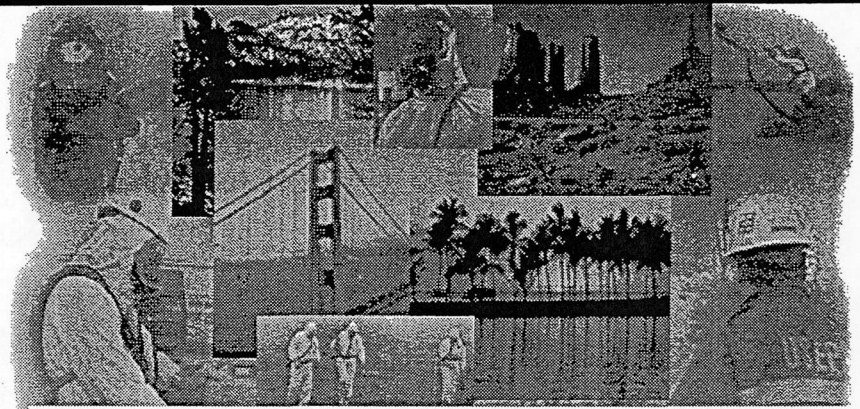
\$66,968.00

TIER II Reporting Facilities by Counties (based on Tier2Submit 2007):

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%



United States
Environmental Protection Agency
Pacific Southwest Region



**EMERGENCY PREVENTION, PREPAREDNESS, AND RESPONSE
PROGRAM UPDATE FOR HAWAI'I SERC
MEETING IN HONOLULU ON JULY 10, 2008**

PREVENTION, PREPAREDNESS AND RESPONSE ACTIVITIES

Emergency Response Guidebook 2008 Released

The latest edition of the U.S. Department of Transportation's Emergency Response Guidebook 2008 was printed in April and copies were shipped to various government agencies for distribution. The ERG is normally revised and reissued every four years. It can also be accessed electronically at <http://hazmat.dot.gov/pubs/erg/guidebook.htm>.

Kilauea Volcano and Air Quality

EPA's On-Scene Coordinator Janet Yocum was on the Big Island for several weeks this spring providing technical assistance to the State of Hawai'i and the County of Hawai'i for assessing air quality in communities adjacent to the Volcano National Park. Earlier this year a volcanic eruption created a new vent and caused significantly increased emittance of ash, sulfur dioxide and hydrogen sulfide on the Kilauea Volcano Crater. Strong Kona winds moved the material over residential communities. The County of Hawai'i issued voluntary evacuation orders to nearby communities.

Meetings in November 2008

The National Association of SARA Title III Program Officials (NASTTPO) will hold its "mid-year" meeting again during HazMat Explo at the Tuscany Hotel and Conference Center in Las Vegas the week of November 3. This will be in combination with the annual EPA Western Regions' Emergency Prevention and Preparedness conference on November 4 – 6. All SERC and LEPC members are invited to attend. More information will be posted on the NASTTPO Web site at: www.NASTTPO.org. More information about HazMat Explo can be found on its Web site at: www.hazmatexplo.org.

Congress Releases Mass Gathering Safety Report

On May 13, the Congressional Homeland Security Committee released its report on "Public Health, Safety, and Security for Mass Gatherings" which details 30 recommendations for federal, state and local governments as well as the private sector. The report's recommendations focus on countering biological terrorism and other threats to human health, planning for emergencies and sharing information and resources. The Web site link for the report is: <http://homeland.house.gov/SiteDocuments/20080513105623-98169.pdf>.

(over)

EPA Searches Waianae Property for Alleged Illegal Hazardous Waste Activity

The EPA announced on May 13, 2008, that Special Agents from the EPA's Criminal Investigation Division executed a Federal Search Warrant for a property in Waianae where there was alleged illegal handling of hazardous wastes such as perchlorate and PCB. The EPA worked with the U.S. Attorney's Office and with Federal and State law enforcement partners. Hazardous waste needs to be properly handled to protect human health and the environment. The EPA completed its emergency response to the site on May 19. Improperly handled hazardous waste can contaminate our nation's waters by seeping into groundwater and running off into rivers, streams, and the ocean. The "Operation E Ola Pono 2008" is being launched to federally enforce all EPA laws in the State of Hawai'i. Anyone may report the illegal dumping of hazardous wastes to EPA's Honolulu office at (808) 541-2720.

Update: NRT Releases Chemical and Biological Quick Reference Guides (QRGs)

Earlier this year, the National Response Team's Weapons of Mass Destruction (WMD) Subcommittee announced completion of 28 chemical and biological 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; sarin; and lewisite. The biological QRGs include: anthrax; brucella species; botulinum toxin; bunyaviridae-Rift Valley Fever; Argentine, Brazilian, Bolivian, Venezuelan and the Crimean-Congo Hemorrhagic fevers; Dengue, Ebola and Marbourg, glanders and melioidosis; lassa fever; lymphocytic choriomeningitis virus (LCMV); plague; smallpox; tick borne encephalitis (TBE); tularemia, and hantavirus.

Update: EPA's LEPC Survey 2008

The EPA's survey (approximately 55 questions) for each Local Emergency Planning Committee was conducted between April 2 and May 7, 2008. The survey delved into LEPC practices and proactive chemical accident prevention efforts. The LEPC survey results will enable the EPA to receive a national snapshot of current LEPC activities.

The EPA greatly appreciates each LEPC's participation in the survey. The survey was conducted by a third party, SRA International, and the survey answers will be confidential. SRA will analyze the survey results and develop a report, but SRA will not provide the EPA with anyone's specific responses. The EPA will share the final report by email and post it on its redesigned Web site for the Office of Emergency Management at www.epa.gov/emergencies.

EPA Pacific Southwest Regional Annual Progress Report 2008

Earth Day was celebrated in April and the 2008 annual progress report for the EPA Pacific Southwest Region's environmental programs was posted to EPA's Web site at: www.epa.gov/region9/annualreport.

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.

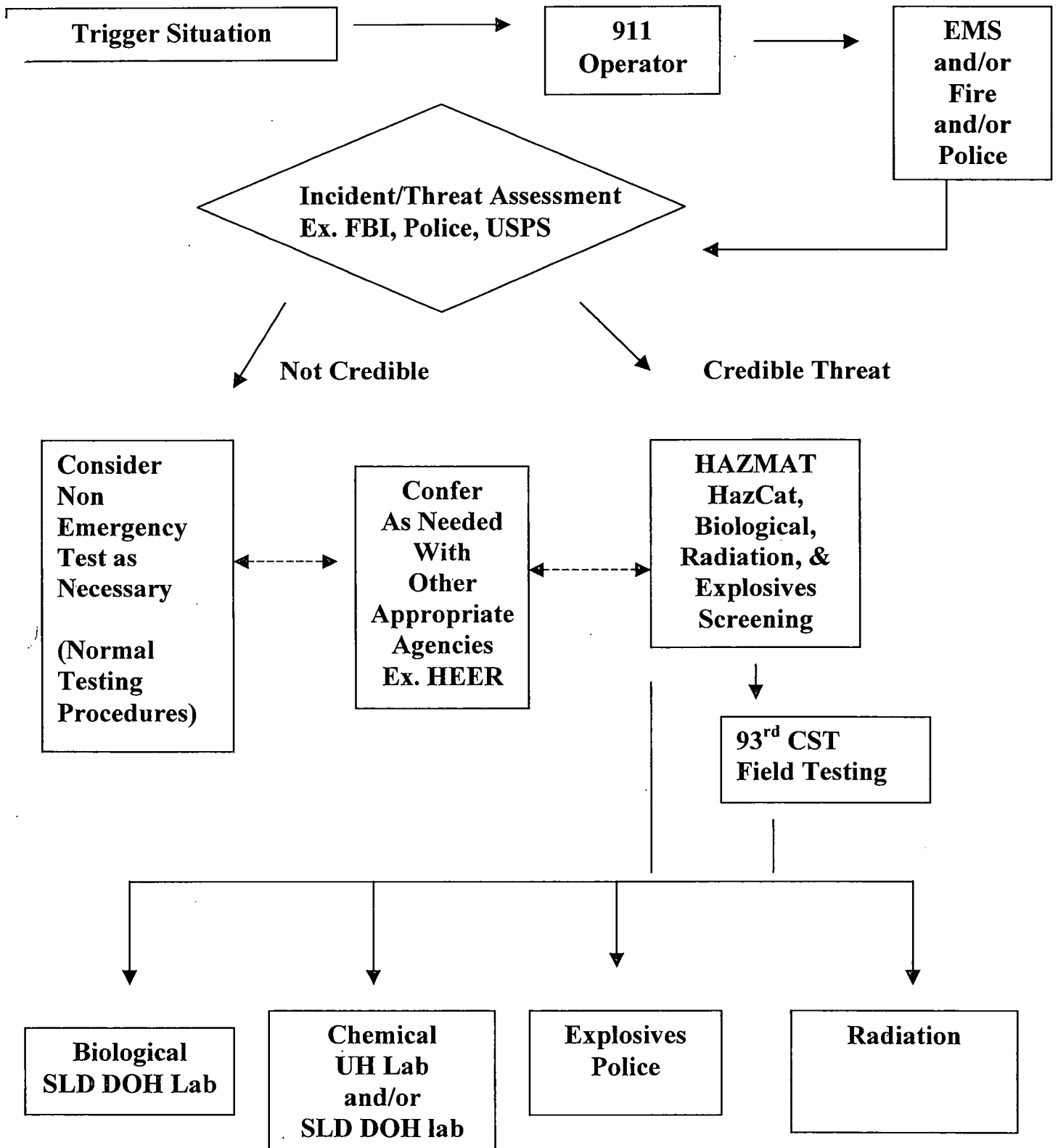
Pipeline Concerns

- HPD investigated a recent construction pipeline accident which brought up some concerns
 - No pipeline oversight in Hawaii, 48 States and the DC of Columbia have Pipeline Commission
 - Unsafe practices are occurring
 - US DOT Pipeline folks hard to contact
 - City issues construction/trenching permits, has no follow-up for complaints

Pipeline Concerns

- Recommend the State of Hawaii establish Pipeline oversight or regulatory board
- Adopt or develop pipeline regulations for Hawaii
- Develop the capability for investigations and enforcement of such regulations

Incident/Threat Protocol (All Islands)



DRAFT

06/17/2008

Please include this announcement at your next LEPC meeting and also HSERC meeting.

The Hawaii Department of Health (BT, HEER Office and the State Lab) are sponsoring a State-wide Chemical, Biological, and Radiological Table Top Exercise (CBR TTX) on September 24, 2007, from 9:00 – 4:00 p.m.


This tabletop will involve an incident on all islands and will involve police, fire, civil defense, property owners, among others.

The objectives of the TTX are:


- 1) To evaluate operational communication and notification protocols during a credible threat incident using the Incident Response Flow Chart (current version).
- 2) Identify similarities between Hazardous Materials Response Training offered by DOH and UH (training was offered on Oahu in 2003, Kauai in 2004, Hawaii in 2005 and on Maui in 2008) and each county's SOPs/SOGs for field screening, sampling, hazard categorization, transportation, shipping and maintaining chain-of-custody of samples.
- 3) Identify command and control structure at each location and overall command and control structure.

Spearheading the exercise (Design Team members) include representatives from the BT, State lab, HEER office, county agencies and contractors.

Thank you.




Mufi Hanneman, Mayor
City & County of Honolulu



HONOLULU LEPC

June 20, 2008

Carter Davis, Chair Leland Nakai, Coordinator



HONOLULU LEPC

June 20, 2008

- Call to Order
 - Introductions
 - Approval of 3/4/08 Meeting Minutes
- Old Business
 - 3rd Quarter FY 08 Budget Report

HONOLULU LEPC

June 20, 2008

3rd Quarter FY 08 Budget Report

- Balance - 12/31/07 \$ 14,027.28
- Account Activity

Meeting Notice, Continuing Challenge, Hazmat
Explo, NASTTPO, Kailua - Kaneohe, Waipahu,
'08 Tier II Funds

- Balance - 3/31/08 \$ 38,131.75*

*Includes \$18,640 encumbered for the Waipahu
project

HONOLULU LEPC

June 20, 2008

- New Business
- HSERC Meeting, 3/20/08
 - LEPC Updates
 - Big Island - 3/27 meeting
 - Kauai - KFD Captain Albert Kauai, future LEPC
Chair; 5 to Tech Course; Hazmat ID class
 - Maui - GIS Project; work w/EPA consultant; New
Fire Chief; Hazcat Class
 - Oahu - review of 3/4/08 LEPC meeting

HONOLULU LEPC

June 20, 2008

- HSERC Meeting, 3/20/08
 - HMEP Update
 - Can use Planning Grant funds for training on a
case-by-case basis
 - Hazmat Tech re-certification - 1st Priority, to
include travel to re-certification course
 - Hazmat Tech courses scheduled in Mar/Apr '08
 - Honolulu gave up its rotation to use excess planning
grant funds for NASTTPO conference attendance

HONOLULU LEPC

June 20, 2008

- HSERC Meeting, 3/20/08
 - MOA
 - Honolulu to provide timeframes it can accommodate
 - HSERC Financial Report/Reallocation of Tier II Funds
 - To distribute unobligated '08 Tier II set aside funds
 - '09 Tier II distribution approved
 - Honolulu to receive \$29K

HONOLULU LEPC

June 20, 2008

- HSERC Meeting, 3/20/08
 - Honolulu LEPC Proposals to HSERC for Tier II Program Improvements
 - Short Term – assist Tier II data processing
 - Long Term – web-based, electronic, real time Tier II report submission
 - Proposals were favorably received
 - Honolulu LEPC to draft a Statement of Work for Tier II data assistance
 - Tier II data will be included in future DOH web-based reporting system

HONOLULU LEPC

June 20, 2008

- HSERC Meeting, 3/20/08
 - HRS 128E change moving through legislature w/no problems
 - HRS Administrative Rule development
 - Public notices – newspapers, websites
 - Contacting potentially interested parties
 - 1st Focus Group meeting in April

HONOLULU LEPC

June 20, 2008

- HSERC Meeting, 3/20/08
 - DOH Table Top Exercise/Workshop
 - Refine tactical protocol guidelines
 - Response to terrorist threats (powders & other unknowns)
 - Sampling & handling procedures
 - October 15, 2008
 - Next HSERC Meeting
 - July 10, 2008

HONOLULU LEPC

June 20, 2008

- Clean Islands Council Presentation

Kim Beasley

HONOLULU LEPC

June 20, 2008

- Gas Company Presentation

Ryan Yoshida

HONOLULU LEPC

June 20, 2008

- CLEAN UPDATE

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - April 7-11, 2008
 - Savannah, Georgia
 - DOT PHMSA Update
 - 1.2 million daily hazmat shipments
 - Rural safety initiative – train responders, increase # of lepcs
 - \$12.8M to \$28M HMEP Program increase
 - Working on HMEP reauthorization

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - HMEP Update
 - 70% program increase – Hawaii totals: \$80K Training, \$70K Planning
 - Increased accountability of spending
 - Increased timeliness of reporting
 - Improved data collection performance

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - HMEP Training Curriculum
 - On-line self assessment tool & list of courses
 - New Operations curriculum
 - On-line responder encyclopedia
 - E-drills, graphic simulations, war stories

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - E Plan
 - Tier II data accessible via web
 - 7 states participating: voluntary program
 - EPA, DHS, University of Texas partnership
 - Attempting to nationalize E Plan & become a Federal Program
 - Secure access; 2,000+ users
 - On line reporting system; data download to Cameo

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - Internet Based RMP Submission Program
 - 1999 – 15K submissions
 - 2004 – 10K submissions
 - 2009 – 8K submissions projected
 - New web-based submission for 2009
 - RMP® e-submit
 - Secure access with electronic signature
 - Oct '07 beta test; Jan '09 transition

HONOLULU LEPC
June 20, 2008

- 2008 NASTTPO CONFERENCE
 - DHS Center for Domestic Preparedness
 - Anniston, Alabama
 - 37 resident programs
 - Most training programs on the road
 - Can train private sector
 - Travel & lodging covered

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - Chemical Safety Board
 - “If you think safety is expensive, try an accident”
 - 2005 Texas City BP accident
 - \$25M of upgrades vs. \$4B in accident expenses
 - Focus on Dust explosions
 - 1980-2005, 281 incidents

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - Chemical Safety Board – Dust Explosions
 - Layer thick enough to cover a dime can explode
 - Fuel, oxygen, confinement, ignition source
 - Only inorganic salts won't explode (eg, NaCl)
 - Primary & secondary explosions
 - No OSHA dust standard; most MSDS don't cover

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - Chemical Safety Board – Dust Explosions
 - Worker Protection Against Combustible Dust Explosion and Fires Act, H.R. 5522
 - Passed by House on April 30, 2008
 - Directs OSHA to publish interim Combustible Dust standard w/in 90 days
 - OSHA to issue final standard w/in 18 months
 - OSHA to include combustible dusts in the HAZCOM Standard

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - CFATS Update
 - DHS encouraging facilities to contact LEPCs
 - CVI only pertains to actual documentation – eg. letters, top screens, SSP
 - EPCRA information is **NOT** affected
 - “Tier” term confusing: Tier 2 - EPCRA not the same as Tier 2 - DHS
 - NASTTPO preparing a document for LEPCs on their interface with CFATS program

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - EPA Update
 - Final Rule in Oct '08 on air releases from animal wastes – reporting exemptions
 - Final Rule in summer '08 on emergency notification
 - New Web Site – EPCRA Q&A; SERC/LEPC can update contact info
 - LEPC Survey – to identify how EPA can assist SERC/LEPCs

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - CAMEO Update
 - Not just for hazmats anymore
 - Marplot is being used by many as an easy alternative to Arcview GIS for incident management
 - Major re-design of Cameo Chemical Library
 - Marplot upgrades – aerial photos; topo maps
 - Cameo 1.2.2 – direct link from Marplot to Chemical Inventory

HONOLULU LEPC

June 20, 2008

- 2008 NASTTPO CONFERENCE
 - NASTTPO Initiatives/focus
 - How to file comments on legislation, rules, etc
 - HMEP Reauthorization this year
 - NASTTPO role in CFATS program
 - An increasing potential for conflict between EPCRA and CFATS data management (CVI issue)

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - HMEP Planning Grant MOA
 - Honolulu recommended a 21 day turnaround for payments
 - HEPCRA Amendment
 - HB 3150 has made it through both houses of the legislature
 - Clarifies “extremely hazardous” and “hazardous” substance reporting requirements
 - On track for approval this summer

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Hawaii Administrative Rule Making
 - 1st Focus Group Meeting held on April 15, 2008
 - HECO, Tesoro, H2 Transportation Associates, PSC Environmental, HFD, SBRRB
 - Background for rule making
 - Actions to date
 - Feedback from regulated community & interested parties

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Hawaii Administrative Rule Making
 - Begin actual writing of rules
 - Address issues and concerns identified at Focus Group Meeting
 - Rules to be simple rather than complex, and refer to Federal Rules in most cases
 - Working from other State models
 - LEPC administrative guidelines in separate MOA
 - Enforcement issues will be addressed – eg. authorities, process, fines, etc.

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Hawaii Administrative Rule Making
 - Rough draft by early summer
 - 2nd Focus Group Meeting this summer
 - Final draft for review by Administration
 - Formal Public Meeting later this Fall
 - Final Rules early 2009

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Honolulu LEPC Tier II Program Concerns
 - Facilities provide Tier II reports on March 1 for the previous calendar year
 - Data is processed by DOH and provided to counties
 - Data is nearly 2 years old when received
 - Old, outdated data may pose a problem to responders & the community

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Honolulu LEPC Proposals to the HSERC
 - Use HMEP Planning Grant funding to assist with Tier II data processing
 - Expedite Tier II data to LEPCs
 - Start with the 2008 reporting data
 - Seek DHS funding to improve Tier II reporting
 - Web based electronic reporting
 - Real time data to LEPCs

HONOLULU LEPC

June 20, 2008

- HSERC Initiatives
 - Honolulu LEPC Proposals to the HSERC
 - The HSERC supported both proposals
 - L. Lau agreed with the proposals
 - HEER Office will provide assistance to input Tier II data
 - HEPICRA reports will be added to the DOI electronic reporting system once developed

HONOLULU LEPC

June 20, 2008

- Training Courses
 - HAZMAT IQ Field ID Systems Training
 - Industrial Emergency Council
 - April 21 – May 3, 2008
 - 300 responders, including federal, state and local agencies
 - New copyrighted technique of hazard assessment
 - LSU Cameo Courses (2)
 - Beginning & advanced, Train-the-trainer
 - Nov '08

HONOLULU LEPC

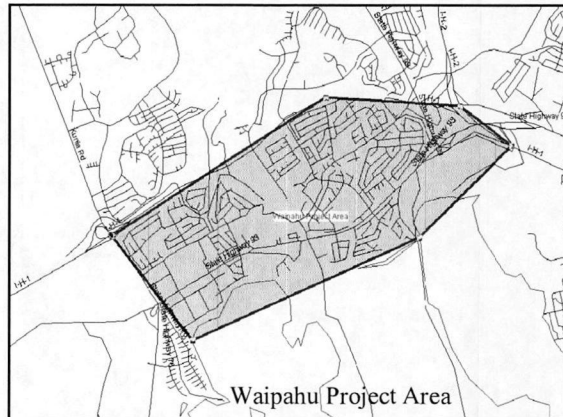
June 20, 2008

- Waipahu Project
 - HMEP funded project
 - Started in Jan '08
 - 592 survey letters mailed
 - 202 businesses have replied
 - 100 did not respond
 - Follow up w/non-respondents
 - Data being compiled, hazard assessments being prepared
 - September 2008 completion

HONOLULU LEPC

June 20, 2008

- Waipahu Project
 - Area of study:
 - Zip Code 96797
 - H-1 Freeway on north, Kunia Road on west, Pearl Harbor on south, and Leeward Community College on the east



HONOLULU LEPC
June 20, 2008

- Other Business
 - Picric Acid response
 - Gas Company LEPC membership
 - Next LEPC Meeting
 - September 2008 (T)



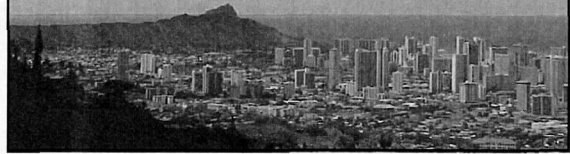
Mufi Hanneman, Mayor
City & County of Honolulu



HONOLULU LEPC
June 20, 2008

Carter Davis, Chair

Leland Nakai, Coordinator



LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA 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

July 10, 2008

TO; Hawaii State Emergency Response Commission

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

SUBJECT: JULY 10, 2008, HSERC Meeting

I am unable to attend the July 10, 2008 HSERC meeting due to a conflicting schedule.

I hereby appoint Leland Nakai from Honolulu LEPC to Chair the July 10, 2008 HSERC meeting in my place, with all the rights as a voting member.

Leonida, Sharon L

To: Lau, Laurence K.
Subject: FW: Hawaii Revised Statues

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

From: Jay Maddock [mailto:jmaddock@hawaii.edu]
Sent: Monday, September 10, 2007 2:21 PM
To: Leonida, Sharon L
Subject: RE: Hawaii Revised Statues

Hi Sharon,

This does appear to be me. The Dean of Medicine and I discussed and he felt that I would be the better person for the committee. Let me know when you meet.

Jay

Jay Maddock, Ph.D.
Director
Office of Public Health Studies
University of Hawaii at Manoa
1960 East-West Rd. D209
Honolulu, HI 96822
Phone: (808) 956-5779
www.hawaii.edu/publichealth

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From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Thursday, September 06, 2007 12:14 PM
To: skyi@hawaii.edu
Subject: Hawaii Revised Statues

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Thank you for helping me out. I am in the Hazard Evaluation and Emergency Response Office, Dept of Health for the State of Hawaii. This is my job that is part of this office program, HEPCRA. We have a committee, HSERC, that meets once every 3 months. The pages that I have included show where Dr. Maddock maybe a part of the commission that makes up the committee. I know it sounds confusing. Prima Melon, (I know that is not the spelling, sorry), was the representative about 5-6 years ago. If you could have him look at the pages I would be very grateful.

Thanks Sharon <<20070906114705949.pdf>>

Leonida, Sharon L

From: Lau, Laurence K.
Sent: Monday, July 07, 2008 7:52 AM
To: Kawaoka, Keith E; Martin, Clarence (Curtis); Leonida, Sharon L
Cc: Hasegawa, Jan K.; Kathleen S Ho
Subject: HSERC membership

Keith, Curtis, Sharon:

Kathy Kealoha will attend for OEQC.

The Red Cross prefers not to attend, feeling it is outside their expertise and the press of other work. Are they required by law to be members?

If not, and they drop out, how do we reduce the size of the commission? Or is the commission size fixed by law so we have to find a new institutional member?

LKL

Laurence K. Lau
Deputy Director for Environmental Health
State of Hawaii, Department of Health
Ph. (808) 586-4424, Fax (808) 586-4368
Laurence.Lau@doh.hawaii.gov

Comments to DHS Chemical Facility Anti-Terrorism Standards - Docket DHS-2006-0073

Electronically submitted

Dear DHS:

Thank you for this opportunity to comment on what we believe to be a very important proposal.

The National Association of SARA Title III Program Officials (NASTTPO) is made up of members and staff of State Emergency Response Commissions (SERCs), Tribal Emergency Response Commissions (TERCs), Local Emergency Planning Committees (LEPCs), various federal agencies and private industry. Members include state, tribal or local government employees as well as private sector representatives with Emergency Planning and Community Right to Know (EPCRA) program responsibilities, such as health, occupational safety, first response, environmental, and emergency management. The membership is dedicated to working together to prepare for possible emergencies and disasters involving hazardous materials, whether they are accidental releases or result from terrorist acts.

We are intimately familiar with the EPA RMP program and its techniques for evaluating risk. Chemical facility security risks are, in our view, always relative to the community in which the facility is located. A criminal act focused against even a smaller facility in a rural community may be as devastating to that community as an incident at a large facility in a densely populated area.

For a long time we have been concerned with the security of chemical facilities and the potential they present for terrorist or criminally caused chemical releases. We do not believe that the current statutory mandate is adequate given the very small number of facilities that will be covered by your proposal, but that issue is for another day.

We agree with DHS' proposed interpretation of "chemical facility".

We believe that the hazard class approach of evaluating the risks presented by a facility is more appropriate than evaluating specific chemicals. Combinations of materials that might be released in an incident may well be more dangerous than any one material on its own. That said, we specifically believe that the focus of this effort must include Division 1.1, 1.2 or 1.3 explosive materials as described by 49 CFR 173.50, poisonous by inhalation chemicals as described in 49 CFR 171.8, 49 CFR 173.115, 49 CFR 173.132 (a), and 49 CFR 173.133 (a), radioactive materials as described by 49 CFR 173.403, and all chemicals listed in EPA's Risk Management Plan regulation.

As noted above, it is important to recognize that the question of which facilities qualify as high-risk is an inherently community-specific issue. These facilities cannot be determined simply from quantities of chemicals stored. It is the context of that storage that should also be important. Accordingly, while we believe that the list of Risk Management Plan facilities is a good starting point, there will be facilities below those thresholds that present a high risk. Accordingly, DHS should evaluate risks based upon a variety of conditions certainly to include the type of chemicals and quantity, but also to include population impact, community impact, the capacity of local first response and facility vulnerability.

It is our strong belief that DHS must mandate chemical reporting by facilities for the purpose of conducting risk assessments. Denial is a strong emotion among many chemical facilities in our experience. We do not believe that it can be overcome by any voluntary program. We agree with DHS that it has the statutory authority necessary to compel this reporting.

We believe that all RMP facilities must complete the Top-screen process. These facilities are known to have potentially large consequences in their communities. It is fully appropriate for these facilities to evaluate whether they present a high-risk under Section 550.

DHS should adopt a procedure by which a State may designate additional facilities for consideration as high-risk. Such a procedure exists now within the Emergency Planning and Community Right-to-Know Act. It has been used sparingly and we believe a similar procedure under the instant proposal would also be used sparingly. We suggest that DHS specifically include a provision allowing the State Emergency Planning Commissions established under the Emergency Planning and Community Right-to-Know Act and the state homeland security agencies to propose additional facilities for consideration as high risk. This would not be mandatory and DHS would certainly retain the right to ignore such suggestions.

We are very concerned that site security plans are seemingly developed in a vacuum without consideration of community law enforcement and first responder capacities. Site security plans should address response coordination with these agencies and, more importantly, enhancements that might be necessary due to limitations in the capacity of these agencies.

Also, and while mindful of information security needs, DHS needs to create a process where local law enforcement and first responders are aware of whether or not DHS has reviewed a security plan in their community and whether that plan was accepted or rejected. Many communities are dependant upon volunteers and have limited resources. The health and safety of these responders may well depend upon whether the chemical facility has an adequate security plan. These agencies should know whether the facility has been responsible or not.

9:05

Leland - chairing meeting for Larry
went over hand out on Bill governor
signed.

mentioned

Letter on attendance to come to meeting.

#

Approval for min. #70
motion SCOTT

2nd by Tim Chan
mains approved

LEPC

#2

Henry - Hawaii

John - June resigned on

Dr Bowen vice chair.
no place at time yet.

LEPC Trying to regroup, next meeting Sept. 5.

met with Darly Oliveira to improve relationship.

developing ~~program~~ ^{program} to have Tier II more out there.

July 4 - Hazmat ^{report} - spill.

Clifford Albert - last week June 2 day ^{training} Hazmat

3 day for Tech recerti. Oda calls. 1 unknown

- Hazcat incident - diesel. Clean-up.

Neland - cleanup cost? - who

Albert - landowner.

Mari - Scott July 2 last meet
talked about change in feeding

proceed - Oct. 13 - ^{next meeting} pending.

Leland Hono - June ~~20~~ 20 35 people 15 voting.

went over meeting - ^{gas} company - presentation.
"police asked who does enforcement on negligent"
explained what he did to find out who to contact.
concern - state problem

recommendation - state establish a board
enforcement oversight. excavation + pipeline
Have state ^{investigation}, enforcement.

Tim - How often it happens?

Leland - 911 calls but no collection of data.

Henry - Big Island has several calls a year
what dept should regulate?

Leland - Usually Fed DOT

Chris - Has been brought up before. ^{ET should} ^{P.U.C should} ^{part of}
not sure, one incident. Right now US is the ^{- colorado}
contact.

Bob - asked about ^{they - US.} if could be intra state?

Leland - ask Chris if how could it be set up in
state. Regulations, something oversight for
state issues.

Chris - feasible study?

Leland - see how other states regulate or
have something set up. give HSERC
members idea if feasible

feed back to county permitting about how contractor did something before.

Chris - look into this.

Bob - beginning from someone about pipelines + permitting

to Chris - Leland - could someone from FEMA could give us a briefing.

Chris - could ask

motion - have ^{state research} DOT contact Fed DOT to get them to do (recording)

or other state DOT give information to set up

Henny - since other 48 states have. Why can't

relayed motion -

2nd ^{Tin} Ch

motion approved

Annie Lamb - Clean - website

Leland - NASTTPD -

Eplan - Tier II reporting - 7 states secure site.

Feds - want it to go national. He volunteered to do more research on this.

Chemical safety Board - Dust Explosion
OSHA has to have rules.

Tin - Have identified some sights, sept have a presentation on dust. Tell them to send invitation

on
Agenda
next
time

Selant - Lots of problems lately, - push for DSHA
Dust legislation.

Tin name invitation sent to HSERC.

CFATS - DHS - state shut out from
information.

HAZMAT I. O. Course

Cameo - Course

Waipahu project ongoing.

#3 EPA - handout on table

Tin - Vog - in June had meeting to discuss

Henry - Problem - who takes care of COST involved.

Mayor stepped up - Fire spend money. ^{Bought} Ray +
area ray computer hook up. Explained what
fire does - \$3 COST helped.

Explained about EPA involvement.

#4 LEPC Survey - Coming out

#4 HMEP update - Grant - waiting for written
from Charley Rogoff, about main training.

Thanked weyma for helping Grant ^{due} July 1, ^{she}
moved it up. It has to be submitted. 4 stages
in grants - in 4th stage now. Training - Feb-July.

Last months to have counties submit payroll

Discussion or who had it last
who has training -
Maui wants it, Honolulu.

She will talk to them about this.

MOA - ^{she} not sure what Ken was doing,

Leland - His financial could not do the turnaround
fast enough.

Henry - Question on money - planning.

Leland - Explained about Grant
allocation ^{(LEPC each count to NASTTPO}
~~40~~, LEPC each to HAHMAT

Clarence - SCD + LEPC to

ERG skipped to neighbor island ^{orders ok}

Honolulu had to be lowered ^{Amount} 6886

original request was for 9,502

Other ^{State} agencies - please sent in request to her

Leland - Thanked Clarence for doing the grant.

#5 Sharon - went over financial sheet
ask Hawaii

no break

HEPCRA - law signed May 21, 2008

Rules

Tetra Tech - Contractor Arical

meeting - July 30 focus group.

end of Aug start official state process.

Draft rules - Admin - rules - ^{MOA} LEPC +
Enforcement,

Henry - Ask about compliance - Island only 5090
compliance.

Ariel - Explained

Henry - Ask Questions

Ariel - law in other states - LEPC state
agencies, explained county does not
state has to support.

Henry - Explain about Storage + counties won't
help. Final Fire Capt agreed to help.

Leland - MOA would be better than being in
rules - takes a long time to redo rules.
easier to modify. We can't detach to county.

Ariel - Explained + Sharon explained.

Leland - should see this after the focus
group comments

Tim HSERC will see it?

Ariel Yes - after the focus group

#6 CBR - Liz handout explained
about ~~the~~ exercise.

deland incident - running incident same time
on all island at the same time? Yes

#7 New Business - ID for LEPC's - Henry.
How do we identify as LEPC

Cliff - Under HRS - each commission is a state
employee - State I.D.?

Commission member representing each county
ID - processed as ~~certification~~ ceremonial
next HSERC
find out ID - Atty General -

Henry - Tier II - reporting - notices to business
on how to do contact with them. Newspapers?

Carter - One Stop - was this suppose to be
going to notify.

Jan - ^{advertise} ~~advertise~~ in papers. ask curtis.
dBEB rep. - follow up.

Scott - media - person did newspaper ad

Henry - Ask Scott what ad - copy of.
Leland - Focus group - get informati through
them + business groups.

Clarice - 8 hr refresher course.

4 # , add 4 more incase lower cost
can add more.

Carter - Fire + police doing their own

Leland - Tech or - Discussion talks

Clarice + action about
Tech -

Carter tech

Clarice - OK Tech

Leland next meeting
Sept 4 -

Leland motion to adjourn.
Scott 2nd -

Big Island PV^* 15,764.
Honolulu 29,489

For 09 funds received

e-mail

Chris - Curtis

State + federal enforcement who is responsible.
information about pipe line