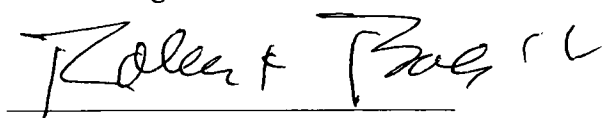


HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN SHEET FOR SEPTEMBER 4, 2008

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



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



Henry Silva
Hawaii Representative/LEPC Chairperson
Hawaii County Fire Department



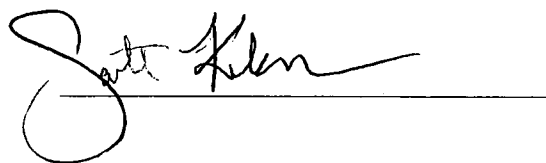
Captain Carter Davis
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department



Clifford Ikeda
Kauai Representative/LEPC Chairperson
Kauai Civil Defense



Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department



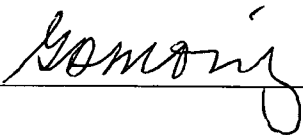
Laurence K. Lau
Deputy Director, Environmental Health
Department of Health



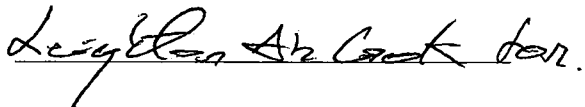
Katherine P. Kealoha
Director
Office of Environmental Quality Control

HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN SHEET FOR SEPTEMBER 4, 2008

Gary Moniz
Chief of Enforcement
Department of Land and Natural Resources



Edward Teixeira
Vice Director
State Civil Defense
Department of Defense

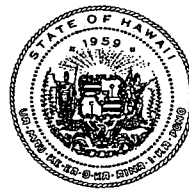


Chris Takeno
Hazardous Materials Officer
Department of Transportation

~~Jay Maddock, Ph.D.~~ *MARTHA RIDER, PhD*
~~Director~~ *DIRECTOR NPAC & Asst Prof.*
Office of Public Health Studies
University of Hawaii at Manoa

mrider@hawaii.edu





LINDA LINGLE
GOVERNOR OF HAWAII

LIEUTENANT GOVERNOR'S
OFFICE

'08 AUG 27 P2:48

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801

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

In reply, please refer to:
HEER OFFICE

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #72

Thursday, September 4, 2008 from 9:00 a.m. to 12:00 p.m.

Department of Health
919 Ala Moana Boulevard, Room 103
Honolulu, Hawaii 96814

AGENDA

- | | | |
|-----------|---|---|
| 1) 9:00 | Call to Order
Approval of Minutes from Mtg #71
New Format For Minutes | 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
Hawaii Vog Report | Mike Ardito, USEPA Region 9
Janet Yocum |
| 4) 10:00 | HMEP Update
Update of MOA | State Civil Defense
LEPC Chairs and State Civil Defense |
| 5) 10:15 | Pipeline Project Update | Chris Takeno |
| 6) 10:30 | Break | |
| 7) 10:45 | HEPCRA
Administrative Rules Update
Comments On Rules
Decisions on Directions for
Proposed Rules | HEER, Tetra Tech
HSERC, Tetra Tech

HSERC |
| 8) 11:15 | E-Plan Presentation | Leland Nakai, Oahu LEPC Representative |
| 9) 11:30 | Other Business
CBR Table Top Exercise
I. D. for LEPC | Liz Galvez
HSERC, LEPC, HEER |
| 10) 11:45 | Schedule next HSERC meeting | |



LINDA LINGLE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING # 71

Thursday, July 10, 2008 from 9:05 a.m. to 10:36 a.m.

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

Attendees

Voting

Carter Davis, Honolulu LEPC
Clarice Chung, Department of Defense, Civil Defense Division
Sharon Leonida voting for Laurence Lau, Department of Health
Tin Shing Chao, Department of Labor and Industrial Relations
Henry Silva, Hawaii County LEPC
Clifford Ikeda, Kauai LEPC
Scott Kekuewa, Maui LEPC
Robert A. Boesch, Pesticides Branch, Department of Agriculture
Katherine P. Kealoha, Office of Environmental Quality Control
Gary Moniz, Department of Land and Natural Resources
Chris Takeno, Department of Transportation

Non-Voting

Leland Nakai, Honolulu LEPC
Sharon Leonida, Department of Health, Hazard Evaluation and Emergency Response Office
Liz Galvez, Department of Health, Hazard Evaluation and Emergency Response Office
Paul Chong, Department of Health, Hazard Evaluation and Emergency Response Office
Albert Kauai, Kauai Fire Department
Terry Corpus, Department of Health, Hazard Evaluation and Emergency Response Office
Dawn Johnson, Department of Defense, Civil Defense Division
Leighton Ah Cook, Department of Defense, Civil Defense Division
Ariel Rivera, Contractor, Tetra Tech

- 1) Leland Nakai called the meeting to order 9:05 a.m.

1.1 Opening remarks by Leland Nakai:

Larry was called away to attend an emergency meeting. Leland and Carter were both asked to chair the meeting. Which person could be here at the time of the meeting would be chairing the meeting. Handouts that were on the table were explained, passage of HEPCRA 128-E Bill that was signed by the Governor. Letter from Larry Lau on attendance at HSERC meetings, if not able to attend, use letter that alternate may use to take their place. Look over minutes from meeting #70.

Scott: **Motion** to adopt minutes from meeting #70.

Tin Shing: **Seconded**

Leland: Called for approval,

Motion adopted.

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii:

Henry Silva:

- 1) John Ross resigned the beginning of June 2008; Dr. John Bowen has agreed to be vice-chair. Trying to regroup the LEPC, contacting members by phone. Due to various problems, not able to meet. Next meeting scheduled for September 5, 2008. Looking for a location and need to set time.
- 2) Met with Chief Oliveira, trying to set-up a program with the Fire Inspection Bureau to assist with informing and educating people about Tier II compliance.
- 3) Polled the members of the LEPC by e-mail, got approval to send four Hawaii County Fire Department members to Continuing Challenge, we are in the process of allocating funds.
- 4) HAZMAT report from Waiakea Station on July 4. Portable aviation tank bumped by pilot's vehicle, breaking valve under the tank and spilling contents. Contractor brought in for cleanup. No final report yet. We hope to be geared-up by next meeting in September.

2.2 Kauai:

Clifford Ikeda

- 1) Deferred to Albert Kauai from Kauai Fire Department.
- 2) Last week of June, Fire had training in Hazardous Materials Awareness for two days, three days training for Hazardous Materials Technician Re-certification.
- 3) Several incidents, calls on odor, fuel, diesel smells, nothing out of the ordinary. One incident was unknown leaking from fifty-five gallon drum. Hazcating done, it was diesel fuel drum deteriorating. Contained, clean-up crew called in. Landowner paid for clean up. Otherwise quite.

2.3 Maui

Scott Kekuewa:

- 1) LEPC meeting on July 2, 2008.
- 2) Main topic was, explaining funding issues and changes in funding.
- 3) Increase in HMEP program and proposals that were made.
- 4) Next meeting, tentative for October 13, 2008.

2.4 Oahu

Leland Nakai:

- 1) LEPC meeting was June 20, 2008, thirty-five people attended, 13 voting members. Kim Beasley from CIC was unable to give his presentation as planned. Will do it another time
- 2) Gas Company did a presentation on their Annual Public Outreach Update, that they give to government agencies. Ryan Yoshida talked about Gas Company's Operations, Emergency Preparedness and Response, Properties of Synthetic Gas and Propane. He showed where pipelines and fuel lines were positioned throughout the community. Where they had holders or tanks, because pipelines were not in that area. Answered question about concerns from the people attending.
- 3) Member of the Police Department brought up topic about pipeline problems that have been occurring. Example was of an incident that occurred at Hawaii Kai area. Handout passed out. There is no enforcement oversight in State of Hawaii. The other forty-eight States and District of Columbia have an in state organization that looks over pipeline safety and concerns. Hawaii does not. We do have problems with broken pipelines. No major property loss or deaths so far. This problem is a concern for first responders. Tried to contact PHSMA, DOT Pipeline Hazardous Safety Materials Agency, on the mainland. They would have enforcement oversight in the state Leland found out. He does not believe State DOT has any oversight at all. City issues permits for construction, trenches, etc. It seems there is no follow up to see if safe practices are used. He cited federal regulations about excavation close to a pipeline. From the discussions at the LEPC meeting he would like to bring to HSERC several concerns and 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 the mainland. Right now we would have to call Denver, Colorado. They cover several states and would possibly get involved only if a major accident, explosion, fire or if there were injuries or deaths that occurred. They could come in and do an investigation. We need some type of oversight, enforcement in the state. We could develop some type of regulations concerning excavations and pipelines issues. This could allow the agency that we create, the capability to conduct in-state investigations and enforcement with these regulations. This issue is occurring more often and we hope to avoid a major problem in the future. Bringing to HSERC for discussion, thoughts, and comments. Discussion with Leland, Tin Shing, Henry Silva, Chris Takeno. Question on how often this happened. Not data collected by anyone. Calls to 911 recorded, but not data kept. This is getting to be routine. It could be homeowners or construction on the streets. Island of Hawaii has had problems. An example was an incident at Hawaii Kai, gas was burning from the break. Question of what department the regulatory agency will be under. Usually this is under the Federal Department of Transportation. State DOT does not have enough staff or may not be interested. This subject was brought up before because of the Chevron Pipeline Break, who would do regulatory oversight. Nothing being done on this matter now. Federal DOT is doing oversight for entire Western Region of the U.S., based in Denver. Question, if the Federal cover intra-state or just cover standard pipeline crossing state boundaries?

Chris Takeno: Not sure if they do oversight on state level. We don't have as much pipelines as other states.

Leland: Asked Chris if it's possible to find out how state could set-up organization or oversight agency. What would it take to set something up to provide in state enforcement or regulatory body. Check and 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 either federal or state rules and regulations.

Chris: Agreed to look into this. Further discussion on counties involvement, possible permitting coming from them. Question if someone from PHSMA could give a briefing to HSERC? There are only two inspectors for Western Region, Chris will ask.

Leland: Motion to have State DOT contact PHSMA, Federal DOT to come and provide an informational presentation on pipeline safety, enforcement oversight and how they interface with other state enforcing bodies.

Henry: Is it possible to get information from other states that already have this pipeline commission in place?

Leland: We could invite someone, possibly from California.

Leland: **Motion** State DOT to research and ask Federal DOT or another State's agency to provide us an informational presentation at a future HSERC meeting with the intent to see if it is feasible to set-up a similar body within the state.

Tin Shing: **Seconded** the motion

Leland: Called for the vote

Motion adopted.

4) Annie Lam gave CLEAN update. New website, www.CLEANHawaii.org.

5) NASTTPO- April 2008, Savannah Georgia. E-Plan, secure web-base Tier II reporting system. Seven states participating in this program right now. EPA hopes to nationalize and make it a federal program in the future. Could be used in Hawaii until we have our own electronic based reporting system. He will volunteer to gather information and do a presentation at a future HSERC meeting. It's free, web-based, secure, pay on line.

6) Chemical Safety Board: Concerns on Dust Explosions, OSHA has to implement rules within a certain time frame.

Tin Shing: Confirmed that rules implemented, Hawaii is participating. Some places notified that they will be inspected, they fall into this category. OSHA has a conference in September; one of the topics will be Combustible Dust. He will send invitation to HSERC members.

Leland: 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.

7) Department of Homeland Security- Chemical Facility Anti-Terrorism Security Program, CFATS. Facilities that fall under this program will be contacted by DHS. State, County shut out from information. This is on a CEI need to know clearance. Severe penalty if you break the law. NASTTPO trying to find out ways for LEPCs to get involved.

8) HAZMAT I.Q.: Field I.D. system held three weeks in April and May. Trained 300 responders, some from outer islands. This is a new method using the Periodic Table of Elements.

9) CAMEO: Honolulu scheduling two WMD CAMEO courses presented by LSU later in the year. Some seats will be held for neighbor islands.

10) Waipahu Project: On going, nearly Six Hundred survey letters sent out. Only Two Hundred replies received. Follow up and analyzing data now, results due in September. Will report to HSERC when completed.

11) Picric Acid Response: Paul Chong gave a report on how well agencies work together under a Unified Response. This incident was at Kapahulu, Waikiki area.

12) Voting Member for Honolulu LEPC: Letter coming from the Mayor that The Gas Company will be a voting member of Honolulu LEPC.

3) EPA Update

Mike Ardito:

Mike was unable to attend; handouts and Emergency Response Guide Books 2008 are on the table. The books will be available nation wide. Discussion with Leland, Tin Shing and Henry Silva on Vog mentioned on handout.

1) In the later part of June Senate Committee held a hearing. Lots of agencies were called in, General Lee from State Civil Defense spoke. Scientists from the Volcano, HIOSHA, UH talked about potential effects of Vog on people. Big meeting was held in Hawaii County this week for the "Key Players". Biggest problem for the Fire Department with the volcanic emissions was, who would take responsibility for the expense involved in monitoring. Mayor Kim said, "We got to do what we got to do". Hawaii County Fire used large part of budget for equipment purchases and manpower to do initial SO₂, Vog and particulates air sample monitoring. This was on going for almost a month. DOH does not want it. Area Ray and Q Ray systems were brought, Area Ray for both HAZMAT units, East and West. Equipment is running twenty-four hours a day, hooked up to computer to get remote readings. Using this data for evacuation notices. Example given when there is a spike in levels.

Stations deployed with hand held Q Ray monitors. Unknown if they will be able to recoup money spent. The 93rd CST Squad was on island and was a big help in setting up the monitoring. SO2 was the main concern, after several weeks EPA came in because of noticeable particulates in air down range of emissions. Bigger concern of how volcanic dust and ash will have long-term effect on people. This is in infancy stage of being studied.

2) LEPC Survey: Coming out soon.

4) HMEP Update

Clarice Chung:

1) HMEP Update- Under the current grant, she is waiting for written response from Charles Rogoff to transfer money from Planning to Training under the HMEP Grant. This is travel and pre-diem cost for Maui County personnel to attend the 160-hour technician level course. When Honolulu LEPC invoice is received, the balance of \$6,000 in the planning grant will be returned. HMEP application grant for 2009 was due on July 1, 2008. Thanks to Leland, Carter, Scott, Clifford, Clint Coloma, Sharon for furnishing information. Application has to go through four states, currently at the fourth stage, Grantor Agency Review". She spoke to each LEPC to identify the planning and training they wanted and the amount needed for 2009. There will be a seventy percent, 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 two courses each for the one hundred-sixty hour, (160) Technician Level course, eighty, (80) hours for chemistry and eighty for Tactics. And four to six, eight-hour Technician Refresher classes. She would like to prepare for the grant by asking for bids to get things set-up. Hopes training can be held from February to July. Counties can use August to September to get their payroll data from their agencies to her. This would cover per-diem and other costs. Question on locations where the courses could be held. One of the one hundred-sixty hours course will be in Honolulu, the other is on a rotation basis for neighbor islands, and Hawaii had it last. Discussion on who would be next. Honolulu and Maui will get the courses. She will contact those counties to set things up. For the 4-6 classes of the 8-hour Technician Refresher Classes, there could be one for each county. The LEPCs need to get together and discuss the rest.

2) Approval of MOA

Clarice Chung:

She needs to research what the issue was with this, would like to clear the Honolulu LEPC invoice first. It's due September 15, and then she can close out the grant, MOA is the next task.

Leland will help Clarice, he explained the problem about time frame that SCD had set, his financial office could not comply with that and they had suggested some changes. He will contact her with information. This was being put into the revised MOA template for HMEP planning projects. Question if this HMEP grant reimburses the counties for sending personnel off island, yes it does. On the planning side, this could be done as a project or send members to NASTTPO Conference. Discussion with Henry, Leland, and Clarice, on how many LEPC from each county can attend conferences. State Civil Defense and one from each county LEPC can attend NASTTPO and mid-year at HAZMAT EXPLO.

Emergency Response Guidebook for 2008 being shipped to each neighbor island county, to Civil Defense Agency for distribution to first responders. Because of funding USDOT had to decrease each state's request. Only Oahu's was decreased, Neighbor Island got their full request. Oahu's request was 9,502, received 6,886, delivered last week Thursday, no second shipment. For state agencies that need the ERG, they need to resubmit the number of books needed. She does not have the data that was submitted before. City and County will get the majority. Leland thanked Clarice and other people for doing the HMEP grant.

5) HSERC Financial Report

Sharon Leonida:

Went over previous budget and announced which counties had handed in their request for funds. Remained Kauai to submit their request. Mentioned problems with addresses where checks are sent.

6) Break

No Break.

7) HEPCRA 128 –E Statutory Changes Update

Leland:

Administration Bill for 128-E, Act 87 was signed on May 21, 2008 into law by the Governor, handout on table. Ariel Rivera, contractor from Tetra Tech was introduced to explain about developing the rules and where we are in the process. He spoke on developing the draft with help from the focus group. Who is in the focus group, comments received and when the second meeting would be, July 30, to review internal draft developed from first meeting. By end of August, we hope to start the official state process of rule making. Public hearings maybe in November. Draft rules include enforcement, clarifying regulations for the public, administrative things between HSERC and LEPC, done with MOA. Question, if anything to do with Tier II compliance in the rules? Study on Hawaii County showed only 50% compliance, lots of people don't report. Explanation about rules, enforcement that can be done when established. The LEPC is a state agency, however we can't dictate to counties to give them support. LEPC are encouraged to develop agreements with the counties. If that is not possible, state has to provide support. Hawaii County gave an example of problems they encountered, having to rent a storage locker for their files. Fire Chief from that county said they would provide storage.

Leland explained MOA the LEPC's signed. It's better to have concerns in an MOA, it can be changed without going through a long process. If it were in the rules, it would need a long formal process to change anything. As people and things change it can be reflected in the MOA. The state can't tell the counties to support the LEPC; we can encourage them to have an agreement. LEPCs are supporting the counties, trying to make it a safer place. Sharon answered a question on fines, what happens to them. There is a set "Fines and Clean-up Activates Fund", when rules are finalized and stamped to show it has gone into effect, we can request a "Source Code". Using this number we can get the fines that were deposited transferred to our account to be disburse. Right now we have an internal draft of the rules, focus group meets on July 30. Two week after that, middle of August, LEPC should see draft rules. It should have comments from focus group, and all issues we worked on. After HEER and LEPC review, then HSERC will see it. We expect comments from DOH, HSERC, and the Attorney General's Office needs to do a check to insure we can go for the formal rule process.

8) Other Business - CBR Table Top Exercise

Liz Galvez:

HSERC was given information at a pervious meeting, date is September 24. It will be a Chemical, Biological, Radiological, tabletop. This will involves all islands, county agencies, and Police, Fire, Civil Defense and property owners. She gave an example of events; there will be tele-video conferencing with the neighbor islands. Passed out handouts, noted that Kauai has another exercise planned for the same time. Needs to work something out with them.

9) New Business: Identification for LEPC

Henry Silva:

1) Most members of the HSERC have some type of I.D. associated with their jobs. He gave an example of Dr. Bowen who is retired and helping with the LEPC. He has no way to identify himself as a member or to do business for the LEPC. Is there a way to get I. D. for the LEPCs and vice LEPCs? Comment made that in HRS, states that commission members shall be treated as state employees, as such should be entitled to State I.D. Example given of attending a conference or meeting in the capacity of being a LEPC. Would it be correct to use another official I.D., not connected to the LEPC to gain entrance? Proper Credential issues are a problem. Sharon will look in to I.D. process. Larry may be familiar on how state boards and commissions handle this.

2) Tier II Reporting:

Public Information Notice, who is responsible that would put ads in newspapers explaining about Tier II reports? Some businesses unaware they should report. Is HEER responsible or does it go down to LEPC level?

Leland: There are two levels; state has a responsibility to inform businesses on requirement under the law. Initially, a list was compiled of business that could fall under the law. Letters were sent out, this was years ago. Some follow up done, studies that looked at hotels, other industries groups. Sending them letters about requirements under the law. He is not aware of what is happening now. Discussion with Carter, Leland, Henry on what could be done to notify the public about Tier II. Question on the "One Stop Program", if it is in effect. Suggestion that it would be beneficial if an advertisement in the legal section of the newspapers in January stating the HEPRCA law be placed, coinciding with the annual mailing of Tier II packets and reminding companies of the March 1, deadline. This could also be placed in the neighbor island papers.

Sharon: Tom Smyth's former office, DBED has been giving out our packet with their businesses applications. New businesses would see the packet when going through the process. Doing outreach to hotels, other business associations and if they fall into this category, they can contact us; we will send a packet to them. Will talk to Curtis about advertising in the papers. Maui County, through their media person, did public service announcements in print and voice media. This was done beginning of the year.

Hawaii County met with Fire Chief, trying to get a better joint relationship with Fire Department. 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, like we did before. This will take place before the formal public meetings in the rule making process.

Clarice: For the eight-hour refresher course, add a total of four classes. If cost is lower then expected, more classes can be added. Discussion with LEPCs, prioritize what counties will receive classes. If up to eight refresher classes, each county gets one, then the rest will be scheduled. Tech refresher courses, see who has the need for them.

10) Schedule next HSERC meeting

Leland: Meeting is scheduled for September 4, 2008.

Motion to adjourn.

Scott: **Seconded.**

Respectively Submitted,

Sharon L. Leonida
Environmental Health Specialist II

NOTICE
8/21/08

The citation of authority and list of sections implemented by Section 11-453-1, Hawaii Administrative Rules, are to read as follows:

(Auth: HRS §§128E-1, 128E-2, 128E-3, 128E-4, 128E-5, 128E-6, 128E-7, 128E-8, 128E-9, 128E-10, 128E-11, 128E-12, 128E-13)

(Imp: HRS §§128E-1, 128E-2, 128E-3, 128E-4, 128E-5, 128E-6, 128E-7, 128E-8, 128E-9, 128E-10, 128E-11, 128E-12, 128E-13)

DEPARTMENT OF HEALTH

Adoption of Chapter 11-453
Hawaii Administrative Rules

August 21, 2008

SUMMARY

Chapter 11-453, Hawaii Administrative Rules, entitled "Hawaii Emergency Planning and Community Right-to-Know,

“HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 453

EMERGENCY PLANNING AND COMMUNITY RIGHT-to-KNOW

Subchapter 1: Introduction and General Provisions

- 11-453-1 Purpose
- 11-453-2 Definitions
- 11-453-3 Incorporations by reference

Subchapter 2: State Emergency Commission

- 11-453-4 Establishment of State Emergency Response Commission
- 11-453-5 Commission members and their responsibilities.
- 11-453-6 Duties and responsibilities
- 11-453-7 Rulemakings, appointment of hearing officers
- 11-453-8 Immunity from civil liability

Subchapter 3: Local Emergency Planning Committees

- 11-453-9 Establishment of local emergency planning districts
- 11-453-10 Establishment of Local Emergency Planning Committees
- 11-453-11 Committee members
- 11-453-12 Duties and responsibilities
- 11-453-13 Funding
- 11-453-14 Immunity from civil liability

Subchapter 4: Emergency Planning

- 11-453-15 Facilities subject to emergency planning requirements
- 11-453-16 Emergency planning requirements
- 11-453-17 Calculation of quantities for comparison with threshold planning quantities for solids and mixtures
- 11-453-18 List of extremely hazardous substances and their threshold planning quantities
- 11-453-19 Applicability of the hazardous chemical reporting requirements to facilities subject to emergency planning requirements

Subchapter 5: Emergency Release Notification

- 11-453-20 Facilities subject to emergency release notification
- 11-453-21 Applicability of other release reporting requirements to facilities subject to emergency release notification requirements
- 11-453-22 Designation of hazardous substances
- 11-453-23 Determination of reportable quantities
- 11-453-24 Release notification requirements

Subchapter 6: Hazardous Chemical Reporting

- 11-453-25 Facilities subject to hazardous chemical reporting requirements
- 11-453-26 Submittal of Hawaii Chemical Inventory Form (Tier II)
- 11-453-27 Submittal of Tier II forms by request.
- 11-453-28 Submittal of facility map with hazardous substance locations.
- 11-453-29 Notification that extremely hazardous substance or hazardous chemical reporting is no longer required

Subchapter 7: Toxic Chemical Release Reporting

- 11-453-30 Facilities subject to toxic chemical release reporting and recordkeeping

Subchapter 8: Funding and Fees

- 11-453-31 Annual inventory filing fees for hazardous chemical reporting
- 11-453-32 Local emergency response planning Committees account

Subchapter 9: Community Right-to-Know Requests

- 11-453-33 Receiving and processing community right-to-know requests
- 11-453-34 Claims of confidentiality

Subchapter 10: Enforcement

- 11-453-35 Violations
- 11-453-36 Penalties and fines
- 11-453-37 Inspection procedures

SUBCHAPTER 1

INTRODUCTION AND GENERAL PROVISIONS

§11-453-1 Purpose. (a) The purpose of the rules in this Chapter is to implement the Hawaii Emergency Planning and Community-Right-to-Know Act. The rules are to administer and enforce the reporting requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 ("SARA Title III") for emergency planning notification, material safety data sheets, chemical lists, emergency and hazardous chemical inventory forms, and toxic chemical release forms. The rules in this Chapter are intended to be consistent with the federal Title III regulations. (Auth: HRS §§128E-1, 128E-2, 128E-3, 128E-4, 128E-5, 128E-6, 128E-7, 128E-8, 128E-9, 128E-10, 128E-11, 128E-12, 128E-13) (Imp: HRS §§128E-1, 128E-2, 128E-3, 128E-4, 128E-5, 128E-6, 128E-7, 128E-8, 128E-9, 128E-10, 128E-11, 128E-12, 128E-13)

§11-453-2 Definitions. The following words or terms, when used in this Chapter, shall have the following meanings:

"Administrator" means the administrator of the United States Environmental Protection Agency.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §§9601-9675.

"Commission" means the Hawaii State Emergency Response Commission.

"Committee" means the Local Emergency Planning Committee within each county responsible for preparing hazardous material plans and performing other functions under the Emergency Planning and Community Right-to-Know Act of 1986 and Chapter 128E, Hawaii Revised Statutes (HRS).

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

"Department" means the Department of Health.

"Director" means the director of health.

"EPA" means the US Environmental Protection Agency.

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

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

"Extremely hazardous substance" or "EHS" means any substance listed in Appendix A of 40 Code of Federal Regulations Part 355, as amended.

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

"Hazardous chemical" means any hazardous chemical as defined under 29 CFR 1910.1200(c), except that such term does not include the following substances:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

- (2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

"Hazardous material" or "hazardous substance" means any hazardous substance as defined in chapter 128D, HRS.

"HEPCRA" means the Hawaii Emergency Planning and Community Right-to-Know Act.

"Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state, county, Commission, or, to the extent the United States or an interstate body is subject to this chapter, the United States or the interstate body.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any hazardous substance, or pollutant or contaminant into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous substance, or pollutant or contaminant.

The term does not include:

- (1) Any release that results in the exposure of persons solely within a workplace, with respect to claims that these persons may assert against their employer;
- (2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
- (3) Release of a source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2011 et seq., if this release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 42 U.S.C. §2210;
- (4) Any release resulting from the normal application of fertilizer;
- (5) Any release resulting from the legal application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; or
- (6) Any release from sewerage systems collecting and conducting primarily domestic wastewater.

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

"SARA Title III" means Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§11001-11050.

"Threshold planning quantity" or "TPQ" means the threshold planning quantity for an "extremely hazardous substance" as defined in Title 40 Code of Federal Regulations (C.F.R.) Part 355.

"Toxic chemical" means a substance appearing on the list of chemicals described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, as set forth in 40 Code of Federal Regulations Part 372. (Auth: HRS §128E-1) (Imp: HRS §128E-1)

§11-453-3 Incorporations by reference. (a) Reference to Title 40 Code of Federal Regulations (40 CFR) shall mean (unless otherwise specifically provided) the Superfund, Emergency Planning, and Community Right-to-Know Regulations, July 2008. (Auth: HRS §§128E-1, 128E-2) (Imp: HRS §§128E-1, 128E-2).

SUBCHAPTER 2

STATE EMERGENCY RESPONSE COMMISSION

§11-453-4 Establishment of state emergency response Commission. (a) The Hawaii state emergency response Commission is created pursuant to Chapter 128E-2(a), HRS, and shall be placed within the Department for administrative purposes and carry out the requirements of this chapter.

§11-453-5 Commission members and their responsibilities. (a) The governor shall appoint the Commission members as described in Chapter 128E-2(b), HRS.

(b) Each Committee chair shall be appointed by the governor as a member of the Commission

(c) Commission members shall be subject to the requirements of Chapter 128E-2(c-f), HRS. (Auth: HRS §128E-2) (Imp: HRS §128E-2)

§11-453-6 Duties and responsibilities. (a) The Commission shall perform duties and responsibilities as described in Chapter 128E-2(g), HRS..(Auth: HRS §128E-2) (Imp: HRS §128E-2)

§11-453-7 Appointment of hearing officers. (a) In addition to other specific powers provided in this chapter, the Commission may appoint, without regard to chapter 76, HRS, hearing officers to conduct public participation activities, including public hearings and public information meetings. (Auth: HRS §§128E-2, 128E-3) (Imp: HRS §§128E-2, 128E-3)

§11-453-8 Immunity from civil liability. (a) No Commission member shall be liable for the death of or any injury to persons, the loss of or damage to property, or any civil damages, resulting from any act or omission arising out of the performance of the functions, duties, and responsibilities of the Commission, except for acts or omissions that constitute willful misconduct.

(b) No employee, representative, or agent of a state or county agency, or persons requested by a state or county agency to engage in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site, shall be liable for the death of or any injury to persons, or the loss of or damage to property, resulting from that hazardous material release, except for any acts or omissions that constitute willful misconduct. (Auth: HRS §128E-10) (Imp: HRS §128E-10)

SUBCHAPTER 3

LOCAL EMERGENCY PLANNING COMMITTEES

§11-453-9 Establishment of local emergency planning districts. Each county is designated as an emergency planning district for the purposes of this chapter; provided that the department shall be responsible for Kalawao County. (Auth: HRS §128E-4) (Imp: HRS §128E-4)

§11-453-10 Establishment of local emergency planning Committees. (a) Local emergency planning Committees shall be created pursuant to Chapter 128E-5(a), HRS. The Committees shall be subject to the requirements of this chapter and section 303 of the EPCRA, 42 U.S.C. §11003.

§11-453-11 Committee members. (a) The Commission shall appoint the Committee members as described in Chapter 128E-5(b-e), HRS. (Auth: HRS §128E-2) (Imp: HRS §128E-2)

§11-453-12 Duties and responsibilities. (a) Each Committee shall perform duties and responsibilities as described in Chapter 128E-5(f), HRS. (Auth: HRS §128E-5) (Imp: HRS §128E-5)

§11-453-13 Funding. (a) Administrative and operational expenses of a Committee may be paid by the State. Funding for operation and administration of Committees will come from the local emergency response planning Committee account within the Environmental Response Revolving Fund established under Chapter 128D-2, HRS.

(b) Each Committee must establish an account with the finance department of the local government in their planning district in order to receive funding.

(c) Funding will be used to fulfill the duties and responsibilities of the Committee as described in §11-453-10 of this subchapter. (Auth: HRS §§128E-5, 128E-8) (Imp: HRS §§128E-5, 128E-8)

§11-453-14 Immunity from civil liability. (a) No Committee member shall be liable for the death of or any injury to persons, the loss of or damage to property, or any civil damages, resulting from any act or omission arising out of the performance of the functions, duties, and responsibilities of the Committee, except for acts or omissions that constitute willful misconduct.

(b) No employee, representative, or agent of a state or county agency, or persons requested by a state or county agency to engage in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site, shall be liable for the death of or any injury to persons, or the loss of or damage to property, resulting from that hazardous material release, except for any acts or omissions that constitute willful misconduct. (Auth: HRS §128E-10) (Imp: HRS §128E-10)

SUBCHAPTER 4

EMERGENCY PLANNING

§11-453-15 Facilities subject to emergency planning requirements. The requirements of this section apply to any facility at which there is present an amount of any extremely hazardous substance equal to or in excess of its threshold planning quantity, or designated, after public notice and opportunity for comment, by the Commission or the Governor. For purposes of this section, an amount of any extremely hazardous substance means the total amount of an extremely hazardous substance present at any one time at a facility at concentrations greater than one percent by weight, regardless of location, number of containers, or method of storage. Methods for calculation of quantities are described in §11-453-17. (Auth: HRS §§128E-6, 128E-7, 128E-13) (Imp: HRS §§128E-6, 128E-7, 128E-13)

§11-453-16 Emergency planning requirements. (a) The owner or operator of a facility subject to emergency planning requirements of this subchapter shall:

- (1) Designate a facility representative who will participate in the local emergency planning process as a facility emergency coordinator.
- (2) Notify the Committee and Commission within sixty days of the facility first being subject to regulation under this rule.
- (3) On or before March 1 of each year, inform the Committee of any changes occurring at the facility which may be relevant to emergency planning, including whether the facility ceases to meet the minimum emergency planning thresholds described in §11-453-17.
- (4) Upon request of the Committee having jurisdiction over the facility, promptly provide to the Committee any information necessary for development or implementation of the chemical emergency response and preparedness plan for the emergency planning district. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

(b) In the interest of public health and safety of emergency first responders and facility occupants, the owner or operator of a facility temporarily storing any EHS in excess of its TPQ or hazardous material greater than 10,000 pounds under active shipping papers for a period longer than 72 hours, is encouraged to comply with §11-453-16 of this Rule.

§11-453-17 Calculation of quantities for comparison with threshold planning quantities for solids and mixtures. (a) If a container or storage vessel holds a mixture or solution of an extremely hazardous substance, then the concentration of extremely hazardous substance, in weight per cent (greater than one per cent), shall be multiplied by the mass (in pounds) in the vessel to determine the actual quantity of extremely hazardous substance therein.

(b) Extremely hazardous substances that are solids are subject to either of two threshold planning quantities as shown in 40 CFR Part 355 Appendices A or B (e.g., five hundred/ten thousand pounds). The lower (five hundred) threshold planning quantity applies only if the solid exists in powdered form and has a particles size less than one hundred microns; or is handled in solution or in molten form; or meets the criteria for a National Fire Protection Association (NFPA) rating of two, three or four for reactivity. If the solid does not meet any of these criteria, it is subject to the upper (ten thousand pound) threshold planning quantity as shown in 40 CFR Part 355 Appendices A or B.

(c) The one hundred micron level may be determined by multiplying the weight per cent of solid with a particle size less than one hundred microns in a particular container by the quantity of solid in the container.

(d) The amount of solid in solution may be determined by multiplying the weight per cent of solid in the solution in a particular container by the quantity of solution in the container.

(e) The amount of solid in molten form must be multiplied by 0.3 to determine whether the lower threshold planning quantity is met.

(f) For purposes of this rule "mixture" means a heterogeneous association of substances where the various individual substances retain their identities and can usually be separated by mechanical means. Includes solutions or compounds but does not include alloys or amalgams. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-18 List of extremely hazardous substances and their threshold planning quantities. Extremely hazardous substances and their applicable threshold planning quantities and reportable quantities are those substances and quantities listed by the Administrator at 40 CFR Part 355, Appendices A and B. (Auth: HRS §§128E-1, 128E-6) (Imp: HRS §§128E-1, 128E-6)

§11-453-19 Applicability of the hazardous chemical reporting requirements to facilities subject to emergency planning requirements. Facilities subject to the emergency planning requirements of this subchapter must also comply with the Hazardous Chemical Reporting requirements in Subchapter 6 of this Chapter. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

SUBCHAPTER 5

EMERGENCY RELEASE NOTIFICATION

§11-453-20 Facilities subject to emergency release notification. (a) The requirements of this section apply to any facility at which:

- (1) A hazardous chemical is produced, used or stored; and
- (2) There is release of a reportable quantity of any extremely hazardous substance or CERCLA hazardous substance. (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

(b) This section does not apply to:

- (1) Any release which results in exposure to persons solely within the boundaries of the facility;
- (2) Any release which is a federally permitted release as defined in section 101 (10) of CERCLA;
- (3) Any release that is continuous and stable in quantity and rate under the definitions in 40 CFR 302.8(b). Exemption from notification under this subsection does not include exemption from:
 - (A) Initial notifications as defined in 40 CFR 302.8 (d) and (e);
 - (B) Notification of a "statistically significant increase," defined in 40 CFR 302.8(b) as any increase above the upper bound of the reported normal range, which is to be submitted to the community emergency coordinator for the Committee for any area likely to be affected by the release and to the Commission likely to be affected by the release;
 - (C) Notification of a "new release" as defined in 40 CFR 302.8(g)(1); or

(D) Notification of a change in the normal range of the release as required under 40 CFR 302.8(g)(2).

(4) Any release of a pesticide product exempt from CERCLA section 103(a) reporting under section 103(e) of CERCLA;

(5) Any release not meeting the definition of release under Section 101(22) of CERCLA, and therefore exempt from Section 103(a) reporting; and

(6) Any radionuclide release which occurs:

(A) Naturally in soil from land holdings such as parks, golf courses, or other large tracts of land.

(B) Naturally from land disturbance activities, including farming, construction, and land disturbance incidental to extraction during mining activities, except that which occurs at uranium, phosphate, tin, zircon, hafnium, vanadium, monazite, and rare earth mines. Land disturbance incidental to extraction includes: land clearing; overburden removal and stockpiling; excavating, handling, transporting, and storing ores and other raw (not beneficiated or processed) materials; and replacing in mined-out areas coal ash, earthen materials from farming or construction, or overburden or other raw materials generated from the exempted mining activities.

(C) From the dumping and transportation of coal and coal ash (including fly ash, bottom ash, and boiler slags), including the dumping and land spreading operations that occur during coal ash uses.

(D) From piles of coal and coal ash, including fly ash, bottom ash, and boiler slags.

(7) Any release in amounts less than 1,000 pounds per 24 hours of:

(A) Nitrogen oxide (NO) to the air that is the result of combustion and combustion-related activities.

(B) Nitrogen dioxide (NO₂) to the air that is the result of combustion and combustion-related activities.

(Auth: HRS §§128E-6, 128E-7, 128E-13) (Imp: HRS §§128E-6, 128E-7, 128E-13)

§11-453-21 Applicability of other release reporting requirements to facilities subject to emergency release notification requirements. Facilities subject to the emergency release notification requirements of this chapter must also comply with the release notification requirements for hazardous substances established in Chapter 451, Subchapter 2 of Hawaii's State Contingency Plan (§§11-451-4 through 11-451-7) and applicable reporting requirements established under 40 CFR Part 302, as necessary. (Auth: HRS §§128D-7, 128E-6, 128E-7) (Imp: HRS §§128D-7, 128E-6, 128E-7)

§11-453-22 Designation of extremely hazardous substances and hazardous substances.

(a) This section designates the extremely hazardous substances and hazardous substances subject to reporting requirements contained in §11-453-24.

(b) Extremely hazardous substances. Extremely hazardous substances are those substances and quantities listed by the Administrator at 40 CFR Part 355, Appendices A and B, as amended.

(c) CERCLA Hazardous substances. CERCLA Hazardous substances are defined in section 128D-1, HRS, and designated in 11-451-5. (Auth: HRS §§128D-1, 128E-1, 128E-6, 128E-7) (Imp: HRS §§128D-1, 128E-1, 128E-6, 128E-7)

§11-453-23 Determination of reportable quantities. (a) This section designates the reportable quantities for the extremely hazardous substances and CERCLA hazardous substances designated pursuant to §11-453-20.

(b) The reportable quantities for CERCLA hazardous substances and extremely hazardous substances that are also considered CERCLA hazardous substances are listed by the Administrator at 40 CFR Part 302, Table 302.4. as of July 1, 1993.

(c) The reportable quantities for extremely hazardous substances that are not considered CERCLA hazardous substances will be their respective threshold planning quantities listed by the Administrator at 40 CFR Part 355, Appendices A and B. (Auth: HRS §§128E-1, 128E-6, 128E-7) (Imp: HRS §§128E-1, 128E-6, 128E-7)

§11-453-24 Release notification requirements. (a) The owner or operator of a facility subject to this section shall immediately notify the Commission, Committee, and the fire department of any area likely to be affected by the release. (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

(b) The notice required under this section shall include the following to the extent known at the time of notice and so long as no delay in notice or emergency response results:

- (1) The name (trade and chemical) and chemical abstract service registry number, if available, of the hazardous substance that has been released;
- (2) An indication of whether the substance is an extremely hazardous substance
- (3) The approximate quantity of the hazardous substance, pollutant, or contaminant that has been release;
- (4) The reportable quantity or threshold planning quantity that is the basis for notification.
- (5) The location of the release;
- (6) A brief description of the release including the medium or media into which the release occurred or is likely to occur, and the cause of the release;
- (7) The date, time and duration of the release, and the date and time that the person in charge of the facility where the release occurred, obtained knowledge of the release;
- (8) The source of the release;
- (9) The name, address and telephone number of the caller;
- (10) The name, address, and telephone number of the owner and operator of the facility where the release has occurred;
- (11) The name, address, and telephone number of a contact person at the facility where the release has occurred;
- (12) Measures taken or proposed to be taken in response to the release as of the time of the notification, and any appropriate information relating to the ability of the owner or operator of the facility where the release has occurred to pay for or perform any proposed or require response actions;
- (13) The names of other federal, state, or local government agencies that have been notified of the release;
- (14) Any known or anticipated acute or chronic health risks associated with the release and where appropriate, advice regarding medical attention necessary for exposed individuals; and
- (15) Any other information which is relevant to assessing the hazard posed by the release, including but without limitation potential impacts to public health or welfare, or the environment. (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

(c) Within 30 days after a release which requires notice under (b) of this section, such owner or operator shall provide a written follow-up notice as established by the Department. The written form for the follow-up notice will be available from the Department of Health, Office of Hazard Evaluation and Emergency Response (HEER), HEPCRA Compliance Information homepage [include URL/web address]. (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

(d) Exceptions. An owner or operator of a facility from which there is a transportation-related release may meet the requirements of this section by providing the information indicated in paragraph (b) to the 911 operator, or in the absence of a 911 emergency telephone number, to the operator. For purposes of this paragraph, a transportation-related release means a release during transportation, or storage incident to transportation if the stored substance is moving under active shipping papers and has not reached the ultimate consignee. (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

SUBCHAPTER 6

HAZARDOUS CHEMICAL REPORTING

§11-453-25 Facilities subject to hazardous chemical reporting requirements. (a) An owner or operator of a facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act, shall comply with the EHS and hazardous chemical reporting requirements of 40 CFR Part 370.

(b) Minimum threshold levels for reporting.

(1) The minimum threshold for reporting of extremely hazardous substances is 500 pounds (or 227 kgs--approximately 55 gallons) or the TPQ, whichever is lower. EHS are described in §11-453-22(b) of this Rule.

(2) The minimum threshold for reporting of gasoline (all grades combined) that was in tank(s) entirely underground, at a retail gas station that was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements (40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281), is 75,000 gallons (or approximately 283,900 liters). For purposes of this part, retail gas station means a retail facility engaged in selling gasoline and/or diesel fuel principally to the public, for motor vehicle use on land.

(3) The minimum threshold for reporting of diesel fuel (all grades combined) that was in tank(s) entirely underground, at a retail gas station that was in compliance at all times during the preceding calendar year with all applicable UST requirements (40 CFR part 280 or requirements of the state UST program approved by the Agency under 40 CFR part 281), is 100,000 gallons (or approximately 378,500 liters).

(4) The minimum threshold for reporting of all other hazardous chemicals is 10,000 pounds (or 4,540 kgs.). Hazardous chemicals are defined in §11-453-2 of this Rule. (Auth: HRS §§128E-6, 128E-13) (Imp: HRS §§128E-6, 128E-13)

(5) The minimum threshold for reporting in response to requests for submission of an MSDS or a Tier II form from the Commission or Committee or fire department having jurisdiction over the facility shall be zero.

§11-453-26 Submittal of State of Hawaii Chemical Inventory Form (Tier II). (a) An owner or operator described in §11-453-25 shall submit a Tier II form using options provided by the Department of Health, Office of Hazard Evaluation and Emergency Response (HEER) by March 1 of each year for all hazardous chemicals present at the facility at any one time in amounts equal to or greater than their thresholds.. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

(b) Tier II forms shall be submitted to the Commission, Committee and fire department.

§11-453-27 Submittal of Tier II forms by request. (a) The owner or operator of a facility described in §11-453-23 shall submit a Tier II form to the Commission, Committee, or the fire department having jurisdiction over the facility upon request of such persons. The Tier II form shall be submitted within 30 days of the receipt of each request. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-28 Submittal of facility map with hazardous substance locations. (a) An owner or operator described in §11-453-23 shall submit a map of their facility indicating the location of hazardous substances included in their submittal of the State of Hawaii Chemical Inventory Form.

(b) After the first map submission, resubmission of a map is only required when changes in facility layout and/or hazardous substance locations occur. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-29 Notification that extremely hazardous substance or hazardous chemical reporting is no longer required. If a facility ceases to meet the minimum reporting thresholds of 40 CFR 370, Subpart B, for extremely hazardous substances and hazardous chemical reporting with regard to a specific extremely hazardous substance or hazardous chemical, the owner or operator of the facility will submit a notice to the Commission, Committee, and fire department indicating that the specific extremely hazardous substance or hazardous chemical is no longer present in a quantity that meets the minimum reporting threshold. (Auth: HRS §128E-6) (Imp: HRS §128E-6)

SUBCHAPTER 7

TOXIC CHEMICAL REPORTING

§11-453-30 Facilities subject to toxic chemical release reporting. (a) The owner or operator a facility subject to toxic chemical release recordkeeping and reporting as described in

40 CFR Part 372 shall comply with the requirements of such Part. (Auth: HRS §§128E-7, 128E-13) (Imp: HRS §§128E-7, 128E-13)

(b) Facilities that submit toxic chemical release data to the EPA via the EPA's Central Data Exchange (using the TRI-Made Easy tool) for the first time, as paper forms or via diskette shall also submit toxic chemical release data to the department.

(c) After the first year of usage, facilities that submit toxic chemical release data to the EPA via the EPA's Central Data Exchange (using the TRI-Made Easy tool) are not required to submit toxic chemical release data to the department. (Auth: HRS §§128E-7, 128E-13) (Imp: HRS §§128E-7, 128E-13)

SUBCHAPTER 8

FUNDING AND FEES

§11-453-31 Annual inventory filing fees for hazardous chemical reporting. Facilities that are required to report according to §11-453-23 shall remit \$100 with each submission of chemical inventory forms or Tier II forms to the Commission by March 1 of each year. All monies collected by the department pursuant to this section shall be deposited in the state treasury and accrue to the credit of the Environmental Response Revolving Fund. (Auth: HRS §128E-9) (Imp: HRS §128E-9)

11-453-32 Local emergency response planning Committees account. (a) The Department shall establish an account, to be called the local emergency response planning Committees account, within the Environmental Response Revolving Fund pursuant to section 128D-2, for the purpose of administration and oversight of this Chapter.

(b) All monies to meet the general operating needs and expenses of the emergency planning and community right-to-know program of the department shall be allocated by the legislature through appropriations out of the state general fund and the Environmental Response Revolving Fund; provided that the appropriations from the Environmental Response Revolving Fund shall not exceed the amount of monies collected from the filing fees assessed in section Chapter 128E-9, HRS. The department shall include in its budgetary request for each upcoming fiscal period the amounts necessary to effectuate the purposes of this chapter.

(c) The Department, with the assistance of the department of budget and finance and department of accounting and general services, shall prepare a report for the legislature concerning the amount of monies collected during the preceding fiscal year, the amount of monies collected to date during the current fiscal year, and the amount of monies to be collected during the upcoming fiscal year, pursuant to sections 128E-9, HRS and 128E-11, HRS. The Department shall submit the foregoing report to the legislature not less than twenty days prior to the convening of each regular session of the legislature. (Auth: HRS §128E-8) (Imp: HRS §128E-8)

SUBCHAPTER 9

COMMUNITY RIGHT-TO-KNOW REQUESTS

§11-453-33 Processing community right-to-know requests. (a) To obtain information regarding a specific hazardous chemical or EHS at a specific facility, local emergency response plan, or notice regarding a reportable toxic chemical release, a person shall submit a written request to the Committee or Commission. The Committee will have primary responsibility for processing such requests. If a request is submitted to a Committee, the Committee is encouraged to forward a copy of the request to the Commission so Commission staff can coordinate a response to the request.

(b) As required by EPCRA, the Committee or Commission shall respond to a written request for information. The response shall advise the person making the request of one of the following:

- (1) The time and location at which the person may inspect and copy the requested information;
- (2) That additional information is needed to process the request;
- (3) That the requested information is not available but the Commission or Committee will ask the owner or operator of the facility to provide the information; or
- (4) That the request is denied because:
 - (A) The requested information does not exist;
 - (B) The owner or operator of the facility is not required to provide the information;
 - (C) The Committee or Commission determined that disclosing the information will impair its ability to protect public health or safety and the public interest in nondisclosure outweighs the public interest in disclosure, or
- (5) The information is exempt by law from disclosure.

(c) The Committee or Commission shall charge the person making a request under this section the cost of reproducing the information requested. The Commission shall deposit the funds received under this subsection in the local emergency response planning Committee's account that is discussed in subchapter 8 of this chapter. (Auth: HRS §§ 128E-2, 128E-3, 128E-13) (Imp: HRS §§128E-2, 128E-3, 128E-13)

§11-453-34 Claims of Confidentiality. (a) All materials to be submitted under a Claim of confidentiality shall be submitted to the U.S. Environmental Protection Agency according to procedures described at 40 CFR Part 350 [Trade Secret Claims for Emergency Planning and Community right-to-Know Information: and Trade Secret Disclosures to Health Professionals.]

(b) A copy of the sanitized version of the documents, and a copy of page 1 of the accompanying U.S. Environmental Protection Agency substantiation form, submitted to the U.S. Environmental Protection Agency shall be submitted to the Commission.

(c) Public petitions requesting disclosure of chemical identity claimed as trade secret shall be made in accordance with procedures described in 40 CFR 350.15 and 40 CFR 350.16. (Auth: HRS §§128E-2, 128E-6, 128E-13) (Imp: HRS §§128E-2, 128E-6, 128E-13)

SUBCHAPTER 10

ENFORCEMENT

11-453-35 Violations. (a) Whenever, on the basis of information available to the Commission finds that any person has violated or is in violation of the Hawaii Emergency Planning and Community Right-to-Know Act, 128E, HRS, or any rule or regulation adopted pursuant thereto, the Commission shall:

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

(2) May require the alleged violator or violators to appear before the Commission for a hearing at a time and place specified in the notice or to be set later, and to answer the charges complained of; and

(3) May impose penalties as provided in section 128E-11, HRS and §11-453-32 by sending a written notice describing the violation, either by certified mail or personal service, to the alleged violator or violators. The exercise of any of the remedies provided in this subchapter shall not preclude recourse to any other remedy so provided. (Auth: HRS §128E-12) (Imp: HRS §128E-12)

11-453-36 Penalties and fines. (a) Any person who violates any of the emergency reporting, planning, or notification requirements of §128E-6, HRS, 128E-7HRS, or rules or regulations adopted pursuant, or fails to pay the fees required by section 128E-9 and §11-453-27, shall be subject to a civil penalty of not less than \$1,000 but not more than \$25,000 for each separate offense. Each day of each violation shall constitute a separate offense.

(b) Any person who:

(1) Knowingly fails to report the release of a hazardous substance or extremely hazardous substance, as required by section 128E-7 and §11-453-22, shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$1,000 but not more than \$25,000 for each separate offense, or imprisoned for not more than one year, or both. For the purposes of this paragraph, each day of each violation shall constitute a separate offense; or

(2) Intentionally obstructs or impairs, by force, violence, physical interference, or obstacle, a representative of the department, a hazardous materials response team, or a Committee attempting to perform the duties and functions set forth in section 128E-5 and subchapter 3 of this chapter, shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$5,000 but not more than \$25,000 for each separate offense, or be imprisoned for not more than one year, or both.

(c) All monies collected under this section shall be deposited in the state treasury and accrue to the credit of the fines and cleanup account within the Environmental Response Revolving Fund. (Auth: HRS §128E-11) (Imp: HRS §128E-11)

§11-453-37 Inspection procedures. (a) Officers of the Department are authorized to enter during normal operating hours any facility or other area of a facility; to inspect and investigate during normal operating hours within reasonable limits and in a reasonable manner, any such facility; and to review records which are directly related to the purpose of the inspection.

(b) Upon a refusal to permit Officers of the Department, in exercise of his or her official duties, to enter a facility during normal business hours, to inspect, to review records, or to question any owner, operator, or employee of the facility, the Department shall take appropriate action, including compulsory process, if necessary. The term compulsory process shall mean the

institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent.

(c) Any permission by an owner or operator to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action, civil administrative order, or penalty under 128E, HRS.

(d) Officers of the Department shall have authority to take or obtain photographs related to the purpose of the inspection.

(e) Officers of the Department shall have the authority to question privately an owner, operator, or employee of a facility concerning matters regarding the Hawaii Emergency Planning and Community Right-to-Know Act to the extent they deem necessary for the conduct of an effective and thorough inspection. . (Auth: HRS §§128E-2, 128E-12) (Imp: HRS §§128E-2, 128E-12) ”

State of Hawaii
Department of Human Resources Development
235 S. Beretania St, Room 1100
Honolulu, Hawaii 96813

CONFIDENTIAL
Request for Criminal History Record Clearance

PART I - PERSONAL DATA

Date: _____

Full Name: _____
Last First Middle

Any alias (es) / Former name (s) - Including maiden name: _____ Sex: _____

Social Security #: _____ Date of Birth: _____ Place of Birth: _____

Department: HEALTH Title: _____

Address: _____ Signature: _____

PART II - FILE SEARCH DATA

Reports:

BY: _____ Date: _____

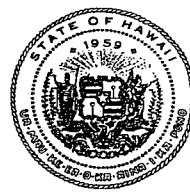
PART III - DETERMINATION OF QUALIFICATION

Person named above is:

Suitable - approved _____
 Unsuitable - disapproved _____

BY: _____ Date: _____

BY: _____



LINDA LINGLE
GOVERNOR OF HAWAII

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

LIEUTENANT GOVERNOR'S OFFICE
STATE OF HAWAII
DEPARTMENT OF HEALTH

In reply, please refer to:
HEER OFFICE

08 AUG 27 P2:48

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #72

Thursday, September 4, 2008 from 9:00 a.m. to 12:00 p.m.

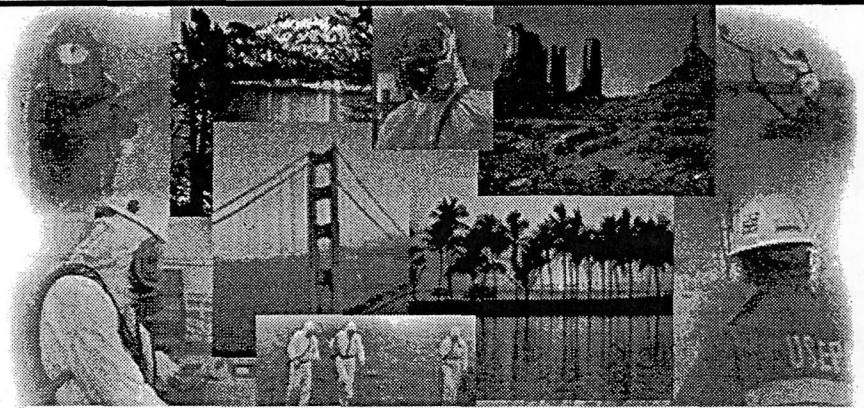
Department of Health
919 Ala Moana Boulevard, Room 103
Honolulu, Hawaii 96814

AGENDA

- 1) 9:00 Call to Order
Approval of Minutes from Mtg #71
New Format For Minutes
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
Hawaii Vog Report
Mike Ardito, USEPA Region 9
Janet Yocum
- 4) 10:00 HMEP Update
Update of MOA
State Civil Defense
LEPC Chairs and State Civil Defense
- 5) 10:15 Pipeline Project Update
Chris Takeno
- 6) 10:30 Break
- 7) 10:45 HEPCRA
Administrative Rules Update
Comments On Rules
Decisions on Directions for
Proposed Rules
HEER, Tetra Tech
HSERC, Tetra Tech
HSERC
- 8) 11:15 E-Plan Presentation
Leland Nakai, Oahu LEPC Representative
- 9) 11:30 Other Business
CBR Table Top Exercise
I. D. for LEPC
Liz Galvez
HSERC, LEPC, HEER
- 10) 11:45 Schedule next HSERC meeting



United States
Environmental Protection Agency
Pacific Southwest Region



**EMERGENCY PREVENTION, PREPAREDNESS, AND RESPONSE
PROGRAM UPDATE FOR HAWAI'I SERC
MEETING IN HONOLULU ON SEPT. 4, 2008**

PREVENTION, PREPAREDNESS AND RESPONSE ACTIVITIES

EPA Emergency Contact Calendar Cards 2009

The EPA is providing members and attendees of today's Hawai'i State Emergency Response Commission meeting with a stack of EPA's updated emergency contact calendar cards for 2009 – sized to fit into a wallet or pocket.

Emergency Preparedness 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 and the draft agenda 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. HazMat Explo is "competing" this year with a national convention of 120,000 people also descending upon Las Vegas that week. **It is recommended that HazMat Explo conference attendees make hotel and flight reservations as soon as possible.**

Kilauea Volcano and Air Quality

EPA's On-Scene Coordinator Janet Yocum, scheduled to speak at today's HSERC meeting, 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. The County of Hawai'i issued voluntary evacuation orders to nearby communities. OSC Yocum's report (containing recommendations) is posted to the EPA Web site at: http://www.epaosc.net/site_profile.asp?site_id=3981 under FOSC report for Kilauea / Pu'u O'o Hawai'i Air Response Team.

The Web site address for the minutes of the Kilauea Volcano response meeting sponsored by the EPA as part of the Oceania Regional Response Team meeting held on July 24, 2008 can be found at: http://www.nrt.org/production/NRT/RRTHome.nsf/AllPages/rrt_oceania_Workplan.htm.

(over)

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. Copies were made available at the July 2008 HSERC meeting. 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>.

Risk Management Plan Resubmissions for 2009

The federal Risk Management Plans (RMPs) from required facilities must be fully updated and resubmitted at least every five years. The five-year anniversary for most of the approximately 8,000 facilities nationwide will be June 2009. The facilities will need to resubmit their RMPs online via EPA's secure Web site. The RMP eSubmit program will be available in early 2009. For more information, please check the Web site: <http://www.epa.gov/emergencies/rmp>.

EPA's 2008 Report on the Environment

The U.S. EPA's 2008 Report on the Environment (ROE) was released in May. It is a science-based report that answers questions about recent trends in human health and the environment. It includes a report on environmental indicators (scientifically sound measures) for the Pacific Southwest. The report recently became publicly available on the following Web site: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid+190806>

EPA Pacific Southwest Regional Annual Progress Report 2008

The 2008 annual progress report for the EPA Pacific Southwest Region's environmental programs has been posted to EPA's Web site at: www.epa.gov/region9/annualreport.

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 EPP Program Contact

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

LINDA LINGLE
GOVERNOR

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

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE

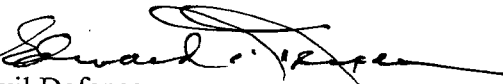


PHONE (808) 733-4300
FAX (808) 733-4287

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

September 2, 2008

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

FROM: Edward T. Teixeira 
Vice Director of Civil Defense

SUBJECT: HSERC Meeting - September 4, 2008

I am unable to attend the September 4, 2008, HSERC meeting due to a conflicting schedule.

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

SPECIAL FUNCTION PARKING RESERVATION REQUEST

TO: DAGS, PARKING CONTROL BRANCH PH: 586-0343 FAX: 586-0354
 FROM: DEPARTMENT / AGENCY: Dept of Health/Environmental Health Administration
 DIVISION / PROGRAM: Hazard Evaluation & Emergency Response Office
 CONTACT PERSON: Sharon Leonida PH: 586-4249 FAX: 586-7537

RESERVATIONS SHALL BE SUBMITTED NO LATER THAN 3 DAYS PRIOR TO FUNCTION

DATE(S) OF FUNCTION: September 4, 2008 LOCATION: AAFES Building

CHECK APPROPRIATE BLOCK(S)
 TIME: [] FULL DAY [XX] HALF DAY [XX] AM OR [] PM

	<u>PREFERRED LOT</u>	<u># STALLS REQUESTED</u>	<u># STALLS RESERVED PARKING CONTROL USE</u>
A	MAKAI GARAGE (ATTENDANT BOOTH CLOSSES AT 5:00 PM) 530 HALEKAUWILA ST.	_____	_____
R	SOUTH ST. GARAGE (ATTENDANT BOOTH CLOSSES AT 5:00 PM) 564 POHUKAINA ST.	_____	_____
D	KEKUANAOA BUILDING (METERS) 465 SO. KING ST.	_____	_____
F	IOLANI PALACE (METERS) SO. KING AND RICHARDS ST.	_____	_____
G	KALANIMOKU BUILDING (METERS) 1151 PUNCHBOWL STREET	_____	_____
L	KINAU HALE BUILDING (METERS) 1250 PUNCHBOWL STREET	_____	_____
S	STATE CAPITOL BASEMENT (METERS) 415 SO. BERETANIA ST.	_____	_____
V	VINEYARD GARAGE (METERS) 1418 PUNCHBOWL ST.	_____	_____
WA	AAFES BUILDING (METERS) 919 ALA MOANA BLVD.	7	7 WA1 METERS
KP	KAPOLEI CIVIC CENTER (METERS) 601 KAMOKILA BLVD.	_____	_____
	OTHER AUTHORIZED LOT	_____	_____

PARKING CONTROL USE

DATE RECEIVED: _____ DATE FAXED: 9/3/08
 PROCESSED BY: _____ R

① additional

Introductions

9:00 AM

length

1:19:40

remarks by Larry on volcano and people involved with emergency.
Approval of minutes, Scott moves, second Gary, adopted.

2 LEPC

2.1 Henry - LEPC ^{meeting} on Sept. 5, 2008, ~~increase~~ ^{working to} improve membership in LEPC, Drop of Tier II in Hawaii, wants to improve reporting.

2.2. ^{Albert} Aug 22 meeting, membership, more active, Changing leadership, will discuss more at next meeting. Incident chemical ^{turning in} 5 lb. mercury Paul Chong helped with situation. Odor ^{over 5 yrs}, Rod from Kauai DOH, ~~had~~ ^{hire} contractors to do clean up.

2.3 Scott ^{last} July 2, 2008, next Oct. 8, 2008.

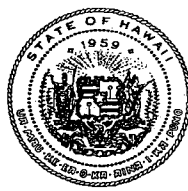
2.4 Carter ^{last meeting} Aug. 28, 29 attended, ^{settled} ^{Mayor} ^{will} Vegas Company be avoting member. Tesoro did ^{pool} pipeline presentation. CLEAN update. Spinnon S.F.F to Containment Challenge + HFD sent 6. Clean sent 2 FF to Hot zone confinement. LEPC sent 2 FF. Checking on maritime Hazmat training. Leland, HEER office & EPA checking on refineries. Cameo in Nov. slots available, no charge. ^{Advance} ^{Cameo} ^{training} ^{the} ^{trainer} Have LEPC not paying for travel. 18-20, 24-26 TFF

Mike missing #14-

Draft final for waipahua project. Study will be out in a month. HEER tour ~~to~~ Sept 11 + 23. Pesticide odor abandoned ¹⁵ drums in Haleiwa, ~~land~~ ^{owner} paid for cleanup, ^{working with} Larry - commented on waianae project, HEER office & EPA.

#3 EPA Update Mike Ardito. Mistake with mailout of updates. non available.

~~Scott~~ Hawaii Vol Report Janet Yocum power point presentation



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 #72

Thursday, September 4, 2008 from 9:00 a.m. to 12:00 p.m.

Department of Health
919 Ala Moana Boulevard, Room 103
Honolulu, Hawaii 96814

AGENDA

- 1) 9:00 Call to Order
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New Format For Minutes
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- 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
Hawaii Vog Report
Mike Ardito, USEPA Region 9
Janet Yocum
- 4) 10:00 HMEP Update
Update of MOA
State Civil Defense
LEPC Chairs and State Civil Defense
- 5) 10:15 Pipeline Project Update
Chris Takeno
- 6) 10:30 Break
- 7) 10:45 HEPCRA
Administrative Rules Update
Comments On Rules
Decisions on Directions for
Proposed Rules
HEER, Tetra Tech
HSERC, Tetra Tech
HSERC
- 8) 11:15 E-Plan Presentation
Leland Nakai, Oahu LEPC Representative
- 9) 11:30 Other Business
CBR Table Top Exercise
I. D. for LEPC
Liz Galvez
HSERC, LEPC, HEER
- 10) 11:45 Schedule next HSERC meeting

② additional

Explanation of events. Website on EPA handout for more information.

Tin Shing added information on monitoring at ^{different} ~~school~~ locations with EPA. Will be going back in Oct. Conference Sept. 25 + 26, handout on table. On HIOSHA website.

~~Keith~~ ~~Keith~~ ^{Prof} Keith Don Thomas from UH contact in Japan, ^{they} sent information.

Discussion on ~~safety~~ ^{was} ~~safety~~ Health Safety in workplace & public. How communication ~~was~~ handled, used. Keep this ~~one~~ in mind for future use.

#4 HMEP- Leighton Ah Cook ^{HMEP} 2009-2010 submitted 6/23/08 being reviewed. ^{some LEPC provided} Dates for ~~Technician~~ 160 Technician course & ~~Technician~~ refresher, awareness courses. Other LEPC's have not submitted dates for courses. ~~Budget~~ HMEP Training Budget grant, reimbursement \$49,000. \$7,000 per county.

~~update MOA~~ : 2008 HMEP ^{planning} grant, Waipahu Project ^{Honolulu LEPC} invoice Sept. 15, 2008 ^{due}
\$43,006 in ^{planning} grant
\$13,576 ^{in planning} moved to training, ^{to pay} for Maui + Kauai 160 hr ^{course}
Balance \$24,458, part used to pay waipahu program
Training grant \$45,914 - most has been spent for courses. ^{For evaluations}
general MOA still under review.

update MOA

#5 Pipeline Curtis - ~~No~~ No state pipeline Safety Board & Governor Lingle signed House Bill 2134 on June 22, 04 "one call Legislation". In effect Jan, 06, ^{legislation} ~~this is under~~ The office of Commerce, under this office ~~was~~ ^{is} Public Utilities Commission, ~~partly~~ administers it. This covers anything underground, not well known to the public. Private citizens not required to use "one call", under the law.

#6 Break

only 1st. page

③ additional

start 10:31

page 1: 02:19

#7 HEPCRA Ariel Tetra Tech

gave update of draft rules

missing 1:40 - 3:56

Discussion on different parts of the rules. Major point was "materials under active shipping papers."
 ~~Issue about~~ ~~from LEPC's~~ ~~Encourage~~ Encourage facilities to notify us of storage locations for ~~materials~~ ^{Hazardous} materials being shipped.

letter May 07

~~Issue~~ ^{between} LEPC & Commission

Issue: one was relationship between LEPC & Commission. Does rule ~~provide~~ ^{provide} adequate "fill in the blank" ~~also~~ for the relation between LEPC

25:57

& Commission. ~~He~~ explained what was the intention. ~~was~~ ~~period~~ ~~update~~ ~~can~~ ~~be~~ ~~done~~

Repository of information to refer ~~to~~ ^{to} when ~~using~~ ^{explaining} the rules would be helpful

~~periodic updates can be done~~ ^{review of the rules} ~~updates~~ can be done, ~~not~~ ^{should} ~~contravention~~, go through to make changes.

Entertain a motion To Approve the proposed draft rules of May 1, 2008 to go to. Public hearing subject to any comments by commissioners by end of next week, Sept. 12, 2008, and subject to adjustment by working group staff & contractor and with the explicit condition that the issue of materials under active shipping papers be part of the rules. moved by Carter Henry second. Approval. motion carried. Draft rules move forward

#8 EPlan

Island - Power point presentation. Beneficial to 1st responders, RMP data in system. Some states have tier II data in system, Secure, NO COST. DHS will be requiring participation in program in the future. 1st step to electronic ~~implementation~~ implementation

54:

#9 Other Business

1) CBR Table top Exercise Keith - Sept 24, every county will take part video-tele conferencing. Monday is final

meeting to set things. ~~Set~~ Check if any changes
need to be done

I.D for LEPC. - Larry did not have time
to familize himself w/forms
Because of Budget - check into video conferencing

#10 - Schedule next meeting Dec. 18.

①

Maui, Big Island, Hawaii
LEPCs - did reports on the different countries
no major incidents to report

Honolulu - LEPC - Tesoro did ^{fuel} pipeline presentation
11 FF to Cont Challenge.

Clean 2 to ^{hourly} A to Hot Zone - maritime ^{Fire Fighting} field
+ LEPC 2

Inspections - Iceland, EPA + HMRP
on Refineries

Iceland presentation on E-Plan

Comes - ⁱⁿ Nov. slots open, no charge for course

Hono. LEPC not paying for travel.

15: - 34:
missing minutes
because of battery

addition

Mike Ardito - mistake in mailing
no update at meeting

Hawaii Voo
Report

Janet Yocum EPA

Power Point presentation

Air monitoring for Big Island. for additional

CST 93th did a lot of work.

Explained about equipment used.

Park Service did not participate fully in Incident
Command with country.

EPA ^{both} Continuing to work together. CDC had sent Team
out + kids a team here now.
Web sites on EPA handout for more information

HMRP - 2009 - 2010 - waiting review of application
Clarice has
Some dates for training of 160 hour technical on course + refresher
awaiting more dates.

MOA -

Waipahoa process project 1st
general MOA still under review.

board
Safety

pipeline - Curtis - explained there is no state pipeline project

will be effect Jan 06

2134 House Bill - ^{passed} 2004 - En effect Jan 06
"one call" legislation is the office of commerce + under then
Under this the lead agency is the office of public utilities commission.

Public Utilities ^{Commission} administers it. There is an Advisor Committee
& there is a listing of people for them. Covers functions
of committee, enforcement, financing, notification,
marking sites, permits, penalties, hearings, appeals.
Not well known to the public.

Admin rules Ariel from Tetra Tech gave update of rules
1:40 no recording being drafted. Discussion on different
3:54 parts of the rules. Major point was
"materials under active shipping papers".

Motion to Approve the proposed draft rules of May 1, 2008
to go to Public hearing subject to any comments
by commissioners by end of next week, Sept. 12, 2008,
and subject to adjustment by the working group staff
and contractor + with the explicit condition that
the issue of materials under active shipping papers
be part of the rules.

Plan - Presentation by Leland Nohai - Honolulu CO-LEA
no cost, secure, DHS will require participation in the
future. Dept Homeland Security Many benefits.

CBR - table top - Sept 24 Every county will take
part. Monday - final meeting.

Because of budget cuts, should look into video-conferencing
next meeting Dec. 18

Sept. 4, 2008

9.00

Larry

introduction attendees

#1

+ talk about ~~which~~ volcano

motion of approval

Scott moved

Gary - seconded adopted

#2

Henry - ^{working} membership, # HEER office help w/ putting

Albert # ^{meeting} Aug 22 - membership, changing ^{strip} leadership
incident - mercury turn in, Paul Cheng help out.

Order -

5

Scott

Carter -

Clean - CFP

6 FD

5 FF Chromium Clean by Clean

Hot zone - if good training

Maine time

LEPC HEER - EPA - 2 Refinery - inspection

Training - Cameo - now.

min 14 missing

mv. 24-26 - Advance Cameo
draft penal - for Waipahu. Tetra Tech

②

study will ~~done~~ be out in a month

HECD - tour this month - Sept. 11 + 23

- Pesti order, about drum - ^{language paid} Hawaii per

not on agenda

Larry - question on adding a voting member
of LEPC

talk about dumping (Carter above)

Carter HEER did good job, Larry - boated Waianae
project.

missing
to here

3 EPA - mistake with updates

Hawaii Veg Dept Janet Yocum
slide presentation

catchment system - concern

what is going in to water?

HOSHA + DOH looking at personnel protection,
safe room for schools.

Tin - did monitoring, worked w/EPA
went to schools, prison, hospitals.

going back in Oct., copines ^{on} Sept. 25-109
Sept. 26

Keith - UH Prof help contact Japan - give
example.

Gary question - safety equipment? Keith don't know if
it helps.

Larry - risk communication - happy w/help from
different people - EPA fire, DOH. need to agree on
advice given out.

Carter - questions on how communication was done

③

Larry - Janet,

ICS

Discussion on communication

Keep this in mind of other islands.

#4 HMEP - Leighton Ah Cook.

application submitted 6/23/08 -

LFPC provided date for training 160hr ^{tech + refresh}

Big Island needs to submit. refresh -

~~Kauai~~ Maui - date problem

\$ 49,000 - 80 hr course refresh + travel

Update MOA - Waipahu project + do close out

\$ 43,006

- Kauai refresh

13

- 160hr course Maui + Lanai

\$ 24,458 left

45,

+ training - Spent for ^{course} chemical

8 refresh course - Hawaii - Big Island

center - funding issue, Henry - need. Halkepon dates
not know what they can get.

#5 - Chris - not here

Curtis - no state body for pipeline, ~~unfunded~~

signed gov. 6/22/04 - one call system

under commerce

→ public utility

in effect
gen. 06

gave rundown on what covered

20e-gas com. - "one call" is anything underground
develop - in registration on how to prevent
problems.

Act

2134

house
bill

"one ~~stop~~
call"

#4

g. Carter - should be under training in one call.
Oahu has a person.

Discussion - Carter, Larry, ^{Robert} need to check
it out, explanation needed on this law.

reinforcement to this - "one call" does the notification
of all agencies.

private citizen - not required to use "one call"

Committee for "one call" - doesn't meet
frequently.

#6 Break

#7 Admin Rules - Ariel explained what
happen w/ focus groups

Comments on rules -

Carter - encourage to report items that stay there
longer than 72 hr. Young Brothers does this.

Ariel - community doesn't want it
^{now} Federal law ^{excepted} structures - Shipping papers
state can be structured. ^{under}

Larry - keep it in ^{ref.} - align - in rules - as ^{but} guidelines, ^{practices}

Carter

Larry Funding ?

32-B

Comments about MOA that LEPC give to
him.

Robert explained about MOA.

#5

Larry - MOA agreement for LEPC

Henry - no - not gotten enough help.

Larry - other boards + committees asking for support - but, told to have budget cuts.

MOA -

453-13 Admin + costs - may pay

Henry - talked about putting files + records.

Larry refers to federal law.

Deland - explain about having a side reference book.

gary - can appendix be changed or other things by HSEPC?

Larry - NO - state does not automatically go w/ changes in Fed.

Henry - Changes - amended every several years

Larry - rule making done every several yrs.

should write a formula to do conversion
ex. 1 gal = 1 lb.

move -

Decisions on Directions for Pro rules:

Back to Carter - encourage to do 72 hr.

motion - approve program draft rules may 2008

public hearing -

Carter - moved

Henry seconded

motion carries - draft rules more forward

8 E

DHS will require this program

E plan - free.

state requirement

TRI - sign off to EPA

(6)

#8 Center - data lag -

E plan - from another state

Larry - program - that used ~~for~~ exchange network
= electronic reporting -

Hawaii
Business
Express

#9 CBR - Table Top -

Leith - Sept. 24, ^{every} County part; ~~for~~ Videotele

conferencing. Monday-June meeting
to set thing. ^{is on} Owey island.

see if changes need to be done

Larry -

Budgeting - ~~the~~ video-conference

meeting - ^{pro} 4 or 11

master Center

Tim Shug - Second

- HSEME MTG - 9/4/08

9:00 - BEGIN

Big Island - LEAD mtg. tomorrow

HWOP Grant

Topic 2 - ↓

INCREASE AWARENESS - PAPER + NEWSPAPER AD.

JANET YOKUM AT MEET.

Kaui - Aug 22 LEAD.

MEMBERSHIP LIST

A of LEADSHIP

INCIDENTAL - MEXICAN TURN IN.

- 5 YRS. OF CHRONIC ORCH
COMING FROM HONOLULU.

MAUI - July 2 - OCT 8 - NEXT
MTG.

HNL. Aug 28 - 29 ATTENDEES.

HAWAII.

maybe KONA GAS CO. TO ATTEND +
SPONSOR (5) FF FOR ^{VOTE} LOWT. CHALLENGE.

EPA - RAMP - 2 PETITIONER
INQUIRY.

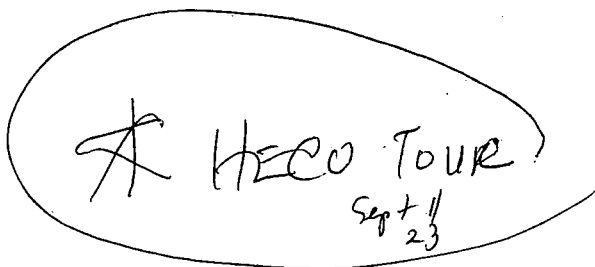
CANES TRANSFER TO W. NOV.

24-26 - NOV. CANES -
THAT THE
TRANSFER

WMPHATS PROT. -
TERRA TECH.

FINAL PROD. - in 1
MONTH.

15. DRUMS - ABANDONED -
NO BUDGET AD


* HECO TOUR
Sept 11-23

Tring Shing - Workshop in Sept. 25 + 26
NO PPE FOR SOZ
Vob topic all day.

Heighton

Hmap - Ap 2009 - 10 - submitted in June -
waiting for word from DOT

MOA -

process by Sept 15 - from H.H. Gye.

* No state regulatory body to investigate
release in pipeline. June 22, 2004

Act # 2134 HB eff. Jan '06
one-call

is covered - anything that is
underground - all utilities
even buried cables - electricity.

Found contractors needing educate it.

Can put into a guidelines -
re: temporary storage
(things in transit)

Funding + Fees

32(b) -

Comes from HRS.

MOA ~~could~~ may remedy
problem w/ Big Island #
(~~state~~ + state)