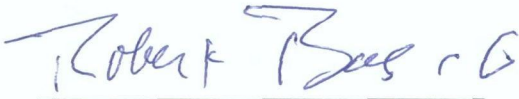
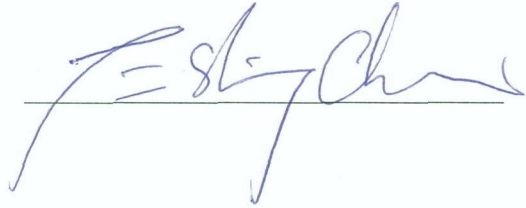


HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN SHEET FOR December 18, 2008

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



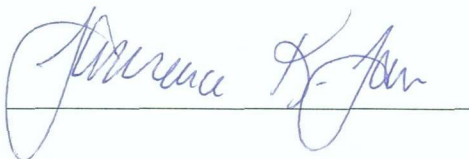
Clifford Ikeda
Kauai Representative/LEPC Chairperson
Kauai Civil Defense



Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department



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

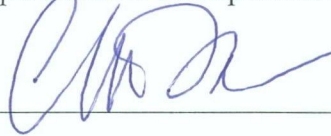


Katherine P. Kealoha
Director
Office of Environmental Quality Control

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN
SHEET FOR December 18, 2008**

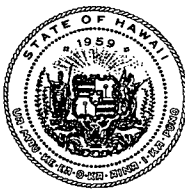
Gary Moniz
Chief of Enforcement
Department of Land and Natural Resources

Chris Takeno
Hazardous Materials Officer
Department of Transportation



Edward Teixeira
Vice Director
State Civil Defense
Department of Defense

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



STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
HEER OFFICE

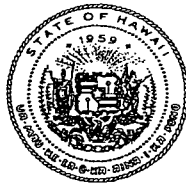
HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #73

Thursday, December 18, 2008 from 9:00 a.m. to 12:00 p.m.

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

AGENDA

- 1) 9:00 Call to Order
Approval of Minutes from Mtg #72
Replacement for Chair, Laurence Lau, to be announced at meeting
- 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 Vote to approve
New LEPC Membership
Honolulu LEPC
Hawaii LEPC
- 4) 10:00 EPA Update
Mike Ardito, USEPA Region 9
- 5) 10:15 HMEP Update
Vote on Project MOA Template
David Smith
- 6) 10:30 Break
- 7) 10:45 HEPCRA
Administrative Rules Update
And Decisions
HEER, Tetra Tech
- 8) 11:00 CBR Table Top Follow Up
HEER
- 9) 11:15 Other Business
I. D. for LEPC
Purpose Planning Grant Project
Vote on Planning Grant Project
HSERC, LEPC, HEER
Henry Silva, Hawaii LEPC
- 10) 11:30 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 # 72

Thursday, September 4, 2008 from 9:05 a.m. to 11:45 a.m.

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

Attendees

- Voting Laurence Lau, Department of Health; Carter Davis, Honolulu LEPC; Leighton Ah Cook, DOD, Civil Defense Division; 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; Gary Moniz, Department of Land and Natural Resources; Martha Rider, Public Health Studies, University of Hawaii
- Non-Voting Leland Nakai, Honolulu LEPC; Sharon Leonida, Department of Health, HEER Office; Liz Galvez, Department of Health, HEER Office; Paul Chong, Department of Health, HEER Office; Albert Kauai, Kauai Fire Department; Terry Corpus, Department of Health, HEER Office; David H. Smith, DOD, Civil Defense Division; Beryl Ekimoto, Department of Health, HEER Office; Ariel Rivera, Contractor, Tetra Tech; Zoe Williams, The Gas Company; Janet Yocum, U.S. EPA; Keith Kawaoka, Department of Health, HEER Office; Rebecca Alaki, Office of Environmental Quality Control

1) Larry Lau called the meeting to order 9:03 a.m.

1) Remarks on volcano emergency and the many people that helped and continue to work on this problem.

2) Approval of minute

Scott: **Motion** to adopt minutes from meeting #71. Gary Moniz: **Seconded. Motion adopted.**

2) Local Planning Committee (LEPC) Updates

2.1 Hawaii: Henry Silva:

1) LEPC meeting on September 5, 2008.

2) Working to improve membership in LEPC. Drop in Tier II in Hawaii, working to increase reporting.

2.2 Kauai: Clifford Ikeda

- 1) Deferred to Albert Kauai from Kauai Fire Department.
- 2) August 22, 2008 was LEPC meeting. Trying for more active membership, change in leadership will be discussed more at next meeting.
- 3) Incident of a person turning in five (5) pounds of Mercury. Paul Chong, OSC, helped with situation.
- 4) Chemical odor coming from a house for over five years, Rod from Kauai DOH hired contractor to do clean up.

2.3 Maui: Scott Kekuewa:

- 1) LEPC meeting on July 2, 2008.
- 2) Next meeting will be on October 8, 2008. Changed from October 13.

2.4 Oahu: Carter Davis:

- 1) Last LEPC meeting was August 28, 2008, twenty-nine attendees.
- 2) Submitted letter from the Mayor to nominate The Gas Company as a voting member.
- 3) Tesoro did a fuel pipeline presentation.
- 4) CLEAN did an update. Sponsoring Five Fire Fighters to Continuing Challenge and Honolulu Fire sent six. CLEAN and LEPC sent two Fire Fighters each to HOT ZONE Conference. Checking on MARITIME HAZMAT TRAINING at this conference.
- 5) Leland, HEER Office and EPA checking on Refineries.
- 6) CAMEO training in November, slots available, and no charge. Honolulu LEPC will not pay for travel. Beginning CAMEO will be November 18-20, Advanced CAMEO November 24-26, 2008.
- 7) Draft final for Waipahu Project Study will be out in a month.
- 8) HECO tour is set for September 11 and 23.
- 9) Pesticide odor reported, fifteenth (15), abandoned drums in Haleiwa, landowner paid for cleanup.

Larry commented on Waianae Project, HEER Office working with EPA.

3) EPA Update

1) Mike Ardito

He was unable to attend. There was a mix-up with the mail out. No updates available at this time.

2) Janet Yocum, EPA: HAWAII VOG REPORT

PowerPoint presentation, explanation of events. See website on EPA handout for more information.

Tin Shing added information on monitoring at different locations with EPA. They will be going back in October. Conference on September 25 and 26, topic is Vog on the 25th. Handouts on table, information available on HIOSH website.

Keith Kawaoka added that Professor Don Thomas from the University of Hawaii has contacts in Japan that has supplied information on volcanos and how they have handled the problems they have encountered. Discussion on Health Safety in work place and public. How was communication handled, used. Keep this in mind for future use.

4) HMEP Update

Leighton Ah Cook:

- 1) HMEP Update- HMEP application grant for 2009 was submitted June 23, 2008, being reviewed. Some LEPCs have provided dates for the hundred-sixty hour, (160) Technician Level course and eight-hour Technician Refresher, Awareness classes. Other LEPCs have not submitted dates for courses. HMEP Training Budget Grant reimbursement is \$49,000, \$7,000 for each county. HMEP Planning Grant for 2008, Honolulu LEPC Waipahu Project invoice is due September 15: from \$43,006 in the

planning grant, \$4,971 was for Kauai's NASTTPO Conference, \$13,576 was moved to training to pay for Maui and Kauai's 160 hour training course. Balance is \$24,458, part of this will be used to pay for Waipahu Project. Training Grant of \$45,914, most has been spent for courses.

2) Update of MOA

General MOA is still under review.

5) Pipeline Project Update:

Curtis Martin:

There is no State Pipeline Safety Board in Hawaii. For excavations, Governor Lingle signed House Bill 2134 on June 22, 2004, "One Call Legislation": this took effect on January 6, 2006, this covers anything underground. The lead agency is Department of Commerce & Consumer Affairs, under this department is the Public Utilities Commission that administers the act. This program does the notification to all agencies. This is not well known to the public. Private citizens not required to use "One Call Legislation" under the law. This committee does not meet frequently.

6) Break.

7) HEPCRA: Administrative Rules Update and Comments:

Ariel Rivera Tetra Tech:

- 1.1) Administrative Rules Update - Update of rules being drafted, discussion on different parts of the draft. Major point was "**Material Under Active Shipping Papers**" section. Suggestion on putting in to draft, "encouraging facilities to notify us of storage location for Hazardous Materials being shipped
- 1.2) Letter from May 2007, "Relationship Between LEPC and Commission"; does rule supply adequate "fill in the blank" support for the relationship between LEPC and Commission? Intention was explained and how it will be used. Repository of information to refer to when explaining the rules would be helpful. Periodic review of the rules to update them can be done.
- 2) Decision on Directions for Proposed Rules – **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, September 12, 2008, and subject to adjustment by working group, staff and contractor, and with the explicit condition that the issue of "**Material Under Active Shipping Papers**" be part of the rules. Carter Davis: **Motion to Approve**. Henry Silva: **Seconded** . **Motion adopted**.

8) E – Plan Presentation:

Leland Nakai:

PowerPoint presentation; web based, secure, beneficial to first responders, RMP data in system. Some states have Tier II data in system. Department of Homeland Defense will require states to participate in this plan in the future. This could be the first step to electronic implementation.

Larry knew of other programs that use electronic record keeping and exchange data with each other. TRI no longer needs to be submitted to the state. We signed an agreement with EPA to receive information that will be submitted to them by facilities. We can get information by going to EPA website.

9) Other Business - CBR Table Top Exercise

Keith Kawaoka:

1) CBR TableTop Exercise will be on September 24. Every county will take part, video-tele conferencing will be done with the neighbor islands. Monday is final meeting to set things, check if any changes need to be done.

2) Identification for LEPC:

Confirmation on whether this would be possible was not received from personnel.

Larry suggested that we should look into video-tele conferencing because of the budget problems and the cost of airfare to travel.

10) Schedule next HSERC meeting

Larry: Meeting is scheduled for December 18, 2008.

Motion to adjourn made by Carter Davis. Tin Shing: **Seconded. Approved**

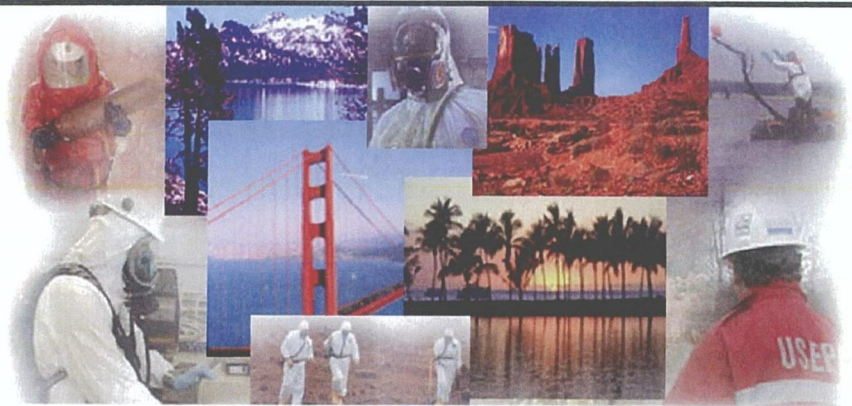
Meeting adjourned at 11:45 am.

Respectively Submitted,

Sharon L. Leonida
Environmental Health Specialist III



United States
Environmental Protection Agency
Pacific Southwest Region



**EMERGENCY PREVENTION, PREPAREDNESS, AND RESPONSE
PROGRAM UPDATE FOR HAWAI'I SERC
MEETING IN HONOLULU ON DEC. 18, 2008**

PREVENTION, PREPAREDNESS AND RESPONSE ACTIVITIES

Lifetime Achievement Award 2008 Presented to Leland Nakai

The coordinator for the Honolulu LEPC, Leland Nakai, received the U.S. EPA Pacific Southwest Region's Lifetime Achievement Award 2008 for Leadership in Emergency Prevention and Preparedness. The annual award was presented to him on Nov. 6 at the EPA Western Regional Emergency Prevention and Preparedness conference held during HazMat Explo in Las Vegas. A detailed write-up of his career and LEPC accomplishments is being provided on a separate handout today for Hawai'i SERC members.



Leland Nakai (center) is holding his Lifetime Achievement Award plaque as presented by the EPA's Kathryn Lawrence and Mike Ardito at HazMat Explo last month.

Emergency Preparedness Meetings for October 2009

The National Association of SARA Title III Program Officials (NASTTPO) will hold its "mid-year" meeting again during HazMat Explo returning to the Orleans Hotel and Conference Center in Las Vegas the week of October 19. This will be in collaboration with the annual EPA Western Regions' Emergency Prevention and Preparedness conference agenda for October 20 - 22. **All SERC and LEPC members are invited to attend.** More information and the draft agenda will be posted next year on the NASTTPO Web site at: www.NASTTPO.org. Meanwhile, twenty powerpoint presentations given at this year's conference (November 4 -6) have been submitted to the NASTTPO Web site for posting. (More information about HazMat Explo can be found on its Web site at: www.hazmatexplo.org.)

(over)

EPA Emergency Contact Calendar Cards 2009

The EPA is providing members and attendees at 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.

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 . Hard copies are also being made available to those interested at today's meeting.

Amendments to EPCRA: Release Notification and Hazardous Chemical Reporting

On October 17, 2008, the EPA finalized several changes to the Emergency Planning and Community Right-to-Know Act (EPCRA) regulations (40 CFR Parts 355 and 370). These changes were proposed on June 8, 1998. Facilities subject to these regulations, State Emergency Response Commissions (SERCs), Local Emergency Planning Committees (LEPCs), and fire departments should become familiar with the new regulations.

There are only minor changes to the emergency planning and emergency release notification sections. For hazardous chemical reporting regulations, there are changes regarding the Tier I and Tier II forms, as well as changes in how to report hazardous chemicals in a mixture.

Tier I and Tier II Forms:

- The Tier I and Tier II forms and their instructions have been removed from the code of federal regulations (CFR). They may now be found on EPA's Web site: www.epa.gov/emergencies .
- The revised regulation includes a description of the requirements for Tier I and Tier II. Facilities are now required to report their North American Industry Classification System (NAICS) code on the Tier I or Tier II form.
- Also, the chemical or common name of the chemical as provided on the Material Safety Data Sheet must be provided on the Tier II form.
- EPA encourages facilities to contact their State to determine whether any additional requirements or formats are required by the State.

Hazardous Chemical Inventory Reporting Chemicals in Mixtures:

- When determining whether the threshold quantity of an extremely hazardous substance (EHS) has been met, facilities must include the total quantity of that EHS present in the pure form as well as in any mixture, even if any mixture including the EHS is also being reported as a hazardous chemical.

• For hazardous chemicals that are mixtures and do **not** contain any EHS, facilities have an option when determining whether the threshold quantity is present: (1) add together the quantity present in its pure form and as a component in all mixtures (even if the mixture is also being reported as a hazardous chemical), or (2) consider the total quantity of each mixture separately.

Results of EPA's 2008 National Survey of Local Emergency Planning Committees

EPA Headquarters' Office of Emergency Management has posted on its Web site the summary report of results from the 2008 nationwide survey of Local Emergency Planning Committees that was conducted electronically between April 2 and May 7. The full report on the survey of LEPCs was released December 1 and can be accessed by logging onto the Web site: www.epa.gov/emergencies and clicking on the link under the red "Highlights" column located on the right-hand side. The report has a one-page introduction and background. It contains an executive summary on pages 5 and 6. Appendix E of the report is a copy of the survey questions.

As summarized in the 47-page report, "the 2008 LEPC survey provided a high-level snapshot of LEPC activity in the post 9/11 world. LEPCs shared valuable information and best practices. At the same time, they provided concrete feedback on the challenges they face. Despite these challenges, LEPCs continue to play a vital role in community emergency preparedness."

Of Hawaii's four LEPCs, three responded to the survey for a 75 percent response rate.

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. This RMP eSubmit program will be available in early 2009. For more information, please check the Web site: <http://www.epa.gov/emergencies/rmp>. The old "RMP Submit" software and diskettes used since 1999 are being phased out. The 2009 RMP resubmissions will be web-based reporting through EPA's Central Data Exchange (CDX). This will improve data quality, timeliness, accessibility and security for facilities and the government.

EPA Offers Electronic System for Companies to Self-Disclose Environmental Violations

The U.S. EPA announced in early August that a pilot project allows regulated facilities nationwide to self-disclose environmental violations in a secure environment on EPA's Website under the Agency's audit policy. This electronic self-disclosure system, or eDisclosure, should reduce transaction costs for companies by ensuring that each disclosure contains complete information. Facilities will be able to use eDisclosure to disclose violations of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA's audit policy provides incentives to companies that voluntarily discover, promptly disclose, correct and prevent future environmental violations. The EPA may reduce or waive penalties for violations if the facility meets the conditions of the policy. The EPA will not waive or reduce penalties for repeat violations, or violations that resulted in serious actual harm. Since 1995, more than 3,500 companies have disclosed and resolved violations at nearly 10,000 facilities under the audit policy. For more information on eDisclosure go to:

<http://www.epa.gov/compliance/incentives/auditing/edisclosure.html>

Page 3
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EPA's Home Page Redesigned

The U.S. EPA's Web site home page was redesigned this fall. It allows the public to locate information on our Web site more quickly and easily. The new design includes tips on how you can help protect the environment and provides information about environmental issues in your own zip code. It is also easier to find the latest video and features. The EPA's new home page encourages environmental dialogue. EPA's "Question of the Week" and blog "Greenversations," prominently featured on the home page provide opportunities to share experiences in protecting and improving our nation's environment. You are encouraged to visit: www.epa.gov.

Web site for EPA's 2008 Report on the Environment

The U.S. EPA's 2008 Report on the Environment (ROE) was released earlier this year. 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 new Web site: <http://www.epa.gov/roe>

Environmental Crimes Fugitive Web Site

A new Web tool is available to enlist the public and other law enforcement agencies in tracking down fugitives accused of violating environmental laws and evading arrest. The Web site includes photos of the accused, summaries of their alleged environmental violations, and information on each fugitive's last known whereabouts. The Web site address is: <http://www.epa.gov/fugitives>.

EPA Announces Hawai'i Environmental Enforcement Accomplishments for 2008

The U.S. EPA's 2008 enforcement actions in Hawai'i included actions for water pollution and pesticide violations, and an investigation into alleged illegal dumping on Oahu. "EPA enforcement actions in the State of Hawai'i will result in a reduction of over 2.6 million pounds of pollution and the clean up of over 1000 cubic yards of contaminated soil and water," said Wayne Nastri, the EPA's Regional Administrator for the Pacific Southwest.

EPA Orders Owner / Operator of Hakimo Road Property to Clean Up Site

The U.S. EPA in September ordered the owner and operator of a property on Hakimo Road in Leeward Oahu to clean up and remove hazardous substances found during a search done previously on the property. The order required the owner and operator to perform specific work under the direction of the EPA and to comply with all requirements of the order until the EPA concluded cleanup was complete. During a May 2008 inspection and response action, the EPA investigators found numerous containers of waste oil, paints, solvents and greases abandoned throughout the property. The containers were considered uncontrolled and presented a threat of release. Numerous lead acid batteries were also stored on the property. The soil around the battery storage area was found to contain very high levels of lead.

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.

public participation activities, including public hearings and public informational meetings. [L 1993, c 300, pt of §1]

[§128E-4] Establishment of 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. [L 1993, c 300, pt of §1]

[§128E-5] Establishment and functions of local emergency planning committees. (a) A minimum of one local emergency planning committee shall be established in each county. The committee shall be subject to the requirements of this chapter and section 303 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11003.

(b) The members of a committee shall be appointed by the commission, based upon the recommendations of the respective mayor of a county. The list of recommended persons shall contain at least one person from each of the groups listed in subsection (c). The commission may reject any recommendation made by the mayor of a county and appoint persons who did not receive a recommendation from the mayor.

(c) A committee shall be composed of at least one person from each of the following groups:

- (1) Elected state and county officials;
- (2) Law enforcement, first aid, health, environmental, hospital, and transportation personnel;
- (3) Firefighting personnel;
- (4) Civil defense and emergency management personnel;
- (5) Broadcast and print media personnel;
- (6) Community groups not affiliated with emergency service groups;
- (7) Owners and operators of facilities subject to the requirements of the Emergency Planning and Community Right-to-Know Act of 1986; and
- (8) Other groups recommended by the mayor and appointed by the commission.

(d) Not more than sixty days after the occurrence of a vacancy, the commission, based upon the recommendations of the mayor, shall appoint a successor member to the committee, unless the requirements of subsection (c) have been fulfilled.

(e) Upon the failure of the mayor of a county to submit a list of nominees to the commission not more than forty-five days after notice of a vacancy, the commission shall make the appointment on its own initiative unless the requirements of subsection (c) have been fulfilled.

(f) Each committee shall:

- (1) Adopt bylaws and other administrative procedures to carry out the duties, requirements, and responsibilities set forth in this chapter, and as required by the commission and the Emergency Planning and Community Right-to-Know Act of 1986;
- (2) Take appropriate actions to ensure the preparation, implementation, and annual update and review of the local emergency response plan required by this chapter and the Emergency Planning and Community Right-to-Know Act of 1986. The local emergency response plans shall include, but not be limited to, the following:
 - (A) Identification of each facility subject to the requirements of section 303 of the Emergency Planning and Community Right-to-Know

**U.S. Environmental Protection Agency Pacific Southwest Region
Lifetime Achievement Award 2008 for
Leadership in Emergency Prevention and Preparedness:
Leland Nakai**

Leland Nakai has served the last 14 years as the coordinator for the Honolulu Local Emergency Planning Committee. Leland is planning to retire from his career at the end of December 2008. Leland possesses extensive chemical and emergency preparedness knowledge. He has exemplified through his career the skills and talent necessary to forge the hazmat emergency preparedness program to its next levels of excellence. In particular, he has served Oahu and Hawaii well in this capacity.

Leland has an outstanding resume and background that prepared him well for his leadership assignment with Oahu Civil Defense (now Honolulu Department of Emergency Management). He received his BA in chemistry from the University of Hawaii in 1966 and his MS in chemistry from the University of Washington in 1968. He also received an MS in Management from Salve Regina College in Newport, RI in 1983. He also has an extensive background in military education -- U.S. Army Command and General Staff College in Ft. Leavenworth, KS, graduating in 1979. He is also a graduate of the US Naval War College in Newport, RI and the US Army War College in Carlisle Barracks, PA, completing his education there in 1991. He is also a retired US Army Colonel with over 26 years of active duty service in the Chemical Corps, specializing in Chemical Biological Radiological Nuclear matters.

Leland's career highlights include:

- He has had an enormous and positive impact on the EPCRA program for Oahu, the State of Hawaii, and has contributed to the national program as an active partner with the National Association of SARA Title III Program Officials.
- He had oversight of US Army Toxic Chemical and Nuclear munitions safety, storage, emergency response and demilitarization programs in the continental US and Johnston Island (for JACADS where he made 50 trips), stationed at Ft. Shafter, Hawaii, 1988 – 92.
- He was Commander US Army Criminal Investigation Lab in Frankfurt, Germany (which served the European Theatre of Operations), 1986 – 88.
- He had assignments with the 9th Infantry Division, 1st Calvary Division and Berlin Brigade (1983-86).
- He served as a chemistry professor at the U.S. Naval Academy, Annapolis, MD, 1976-79.
- He worked for the US Army Materiel Command in Alexandria, VA, 1992-94.

As coordinator and alternate chair for the Honolulu LEPC, Leland has:

- Coordinated the daily activities of the largest and most active LEPC in the State of Hawaii and functioned as the alternate Honolulu LEPC voting member on the Hawaii State Emergency Response Commission
- Created and maintained the Honolulu LEPC Website
- Totally revised and revamped the LEPC Hazardous Materials Emergency Response Plan in 1996 and 2007

- Served as principal participant in developing the amendment to the Hawaii EPCRA, HEPCRA Administrative Rules (arduous process) and HEPCRA program improvement initiatives
- Was co-planner / host for the annual NASTTPO conference held in Honolulu in 2002
- Been honored when the Honolulu LEPC was recognized by the Chemical Education Foundation as a finalist for the 2001 Community Award for Chemical Safety
- Been honored when the Honolulu LEPC was recognized by US EPA Pacific Southwest Region 2002 Emergency Prevention and Preparedness Leadership Award
- Implemented CAMEO / MARPLOT systems to manage Tier II facilities on Oahu
- Established the LEPC budget and financial management system in 1999 when funding became available
- Developed and conducted 10 Hazard Assessment Projects for areas on Oahu utilizing DOT HMEP Planning Grant and DHS grant funds and functioned as the contracting officer for these projects
- Coordinated the annual attendance of Honolulu Fire Department personnel at the Continuing Challenge HazMat Workshops and the Hot Zone conference
- Coordinated and sponsored the presentation of numerous Mainland-based CAMEO, bioterrorism and GIS training classes for Oahu for local emergency responders
- Coordinated the purchase of CAMEO Companion books and the Fire Pal copyright for the State of Hawaii and other county LEPCs.
- Coordinated the receipt and distribution of the US DOT Emergency Response Guidebooks for the City and County of Honolulu
- Coordinated the formation of the Environmental Crimes Task Force (later named the Hawaii Environmental Enforcement group)
- Served as chief planner for Operation Kalaeloa, a large field hazmat exercise, conducted on Oahu in 2002
- Associated with Campbell Local Emergency Action Network (CLEAN) originally with about 7 members, now with 16 members serving the Campbell Industrial Park (CIP)
- Participated in the development of the CLEAN / CIP Resources Guide and conducted its annual review and update
- Chaired the CLEAN Education and Training Committee
- Developed and personally conducted a CLEAN-sponsored Emergency Response Tabletop exercise for CIP businesses
- Assisted with the identification of Emergency Warning and Notification systems for CIP which resulted in the CLEAN purchase and distribution of Emergency Alert Sentinel radios for CIP businesses and surrounding communities; also the purchase of indoor warning systems for area schools
- Been recognized and commended by CLEAN for personal contributions to CLEAN's mission at its tenth anniversary celebration in 2006.

NOTICE
10/16/08

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

(Auth: HRS §§92-21,128E-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

October 16, 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 Designation of hazardous substances
- §11-453-22 Determination of reportable quantities
- §11-453-23 Release notification requirements
- §11-453-24 Applicability of other release reporting requirements to facilities subject to emergency 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 emergency response plans.
- §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 hazardouschemical 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") and regulations for emergency planning notification, material safety data sheets, chemical lists, emergency and hazardous chemical inventory forms, and toxic chemical release forms and to supplement the federal statute and regulations in the interest of protecting the health and safety of the citizens of Hawaii. [Eff] (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.

"Emergency response plan" means a written plan outlining procedures to protect public health and safety in the event of an accidental release of an extremely hazardous substance. The required elements for an Emergency Response Plan are listed in 11-453-28(b).

"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-1, HRS, and designated in 11-451-5.

"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, and designated in 11-451-6

"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. [Eff] (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. [Eff] (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 is placed within the Department for administrative purposes and carries out the requirements of this chapter. [Eff] (Auth: HRS §128E-2) (Imp: HRS §128E-2)

§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 is appointed by the governor as a member of the Commission

(c) Commission members are subject to the requirements of Chapter 128E-2(c-f), HRS. [Eff] (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. [Eff] (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. [Eff] (Auth: HRS §§128E-2, 128E-3) (Imp: HRS §§128E-2, 128E-3)

§11-453-8 Immunity from civil liability. (a) No Commission member is 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, is 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. [Eff] (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 is responsible for Kalawao County. [Eff] (Auth: HRS §128E-4) (Imp: HRS §128E-4)

§11-453-10 Establishment of local emergency planning Committees. (a) Local emergency planning Committees are 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. [Eff] (Auth: HRS §128E-5) (Imp: HRS§128E-5)

§11-453-11 Committee members. (a) The Commission shall appoint the Committee members as described in Chapter 128E-5(b-e), HRS. [Eff] (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. [Eff] (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 shall 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 shall be used to fulfill the duties and responsibilities of the Committee as described in §11-453-10 of this subchapter. [Eff] (Auth: HRS §§128E-5, 128E-8) (Imp: HRS §§128E-5, 128E-8)

§11-453-14 Immunity from civil liability. (a) No Committee member is 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, is 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. [Eff]
(Auth: HRS §128E-10) (Imp: HRS §128E-10)

SUBCHAPTER 4

EMERGENCY PLANNING

§11-453-15 Facilities subject to emergency planning requirements. (a) The requirements of this subchapter apply to:

- (1) Each owner or operator of a facility that stores, uses, or manufactures any hazardous substance and at which there is present an amount of any extremely hazardous substance (EHS) equal to or in excess of its threshold planning quantity (TPQ);
- (2) The owner or operator of a facility designated, after public notice and opportunity for comment, by the Commission or the Governor;.
- (3) 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.

(b) For purposes of this subchapter, 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. [Eff] (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 serve as a facility emergency coordinator and work with the Committee to implement local emergency planning.
- (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. [Eff] (Auth: HRS §128E-6)
(Imp: HRS §128E-6)

§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., lower TPQ/upper TPQ). The lower TPQ 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 TPQ 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. [Eff] (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 at 40 CFR Part 355, Appendices A and B. [Eff] (Auth: HRS §§128E-1, 128E-6) (Imp: HRS §§128E-1, 128E-6)

SUBCHAPTER 5

EMERGENCY RELEASE NOTIFICATION

§11-453-20 Facilities subject to emergency release notification. (a) The requirements

of this subchapter 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 hazardous substance
- (b) This subchapter 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 subchapter 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. [Eff]
(Auth: HRS §§128E-6, 128E-7, 128E-13)
(Imp: HRS §§128E-6, 128E-7, 128E-13)

§11-453-21 Designation of extremely hazardous substances and hazardous substances. (a) Purpose. This section designates the extremely hazardous substances and hazardous substances subject to release notification requirements contained in §11-453-23.

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

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

§11-453-22 Determination of reportable quantities. (a) Purpose. This section designates the reportable quantities for the extremely hazardous substances and hazardous substances designated pursuant to §11-453-20.

(b) The reportable quantities for extremely hazardous substances will be their respective threshold planning quantities as defined in 40 CFR Part 355, Appendices A and B

(c) The reportable quantities for hazardous substances will be the quantity of a hazardous material stated in the various lists of hazardous substances as defined in Chapter 128D-3, HRS, and designated in 11-451-6. [Eff] (Auth: HRS §§128E-1, 128E-6, 128E-7) (Imp: HRS §§128E-1, 128E-6, 128E-7)

§11-453-23 Release notification requirements.

(a) The owner or operator of a facility subject to this subchapter shall immediately notify the Commission, Committee, and the fire department of any area likely to be affected by the release.

(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

(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).

(d) Exceptions. An owner or operator of a facility from which there is a transportation-related release may meet the requirements of this subchapter 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. [Eff] (Auth: HRS §§128E-6, 128E-7) (Imp: HRS §§128E-6, 128E-7)

§11-453-24 Applicability of other release reporting requirements to facilities subject to emergency release notification requirements.

Facilities subject to the emergency release notification requirements of this subchapter 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 reporting requirements established under 40 CFR Part 302, as necessary. [Eff] (Auth: HRS §§128D-7, 128E-6, 128E-7) (Imp: HRS §§128D-7, 128E-6, 128E-7)

SUBCHAPTER 6

HAZARDOUS CHEMICAL REPORTING

§11-453-25 Facilities subject to hazardous chemical reporting requirements. (a) The requirements of this subchapter apply to each 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, as amended, 15 United States Code Section 651 et seq.

(b) Except as provided in paragraph (b)(6) of this section, the minimum threshold levels for reporting under this subchapter shall be as specified in paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this section:.

- (1) All hazardous substances, except for extremely hazardous substances, present at the facility in amounts not less than 10,000 pounds;
- (2) All extremely hazardous substances present at the facility in amounts not less than 500 pounds, or the threshold planning quantity (TPQ) for that substance, whichever is less. Extremely hazardous substances are described in §11-453-22(b) of this Chapter. Threshold planning quantities for EHS are shown in 40 CFR Part 355 Appendices A or B. Some EHS may have two threshold planning quantities (e.g., lower TPQ/upper TPQ), use the lower of those quantities if it is less than 500;
- (3) 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.
- (4) 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).

- (5) 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 Chapter.
- (6) 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. [Eff] (Auth: HRS §§128E-6, 128E-13) (Imp: HRS §§128E-6, 128E-13)

§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 State of Hawaii Chemical Inventory (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 substances, extremely hazardous substances, and hazardous chemicals present at the facility at any one time in amounts equal to or greater than their respective thresholds.

(b) Tier II forms shall be submitted to the HEER office, Committee and fire department having jurisdiction over the facility.

(c) The owner or operator of a facility that has submitted an inventory form under this section shall allow on-site inspection by the fire department having jurisdiction over the facility upon request of the department, and shall provide to the department specific location information on hazardous substances, extremely hazardous substances, and hazardous chemicals at the facility. [Eff] (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-27 Submittal of Tier II forms by request.

(a) The owner or operator of a facility described in §11-453-25 shall submit a Tier II form to the HEER, 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. [Eff] (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-28 Submittal of emergency response plans.

(a) An owner or operator described in §11-453-25 shall submit an emergency response plan along with their submittal of the State of Hawaii Chemical Inventory Form.

(b) At a minimum, the emergency response plan should include:

- (1) A diagram of the facility with the following information:
 - (A) Emergency contact information for the facility;
 - (B) Facility entrances;
 - (C) Facility emergency exits;
 - (D) Facility windows;
 - (E) Location of areas used for storage of EHS and hazardous substances;
 - (F) If installed, location of any mitigating measures such as, but not limited to:
 - (i) Fire extinguishers;
 - (ii) Fire hoses;
 - (iii) Sprinkler systems;
 - (iv) Smoke detectors; and
 - (v) Emergency warning systems.

(c) After the first submission of an emergency response plan, resubmission is only required when changes are made to any of the minimum elements of the plan described in §11-453-28(b). [Eff] (Auth: HRS §128E-6) (Imp: HRS §128E-6)

§11-453-29 Notification that hazardous substance, extremely hazardous substance, or hazardous chemical reporting is below reporting threshold. If a facility ceases to meet the minimum reporting thresholds of 11-453-25(b) for hazardous substances, extremely hazardous substances, and hazardous chemical reporting with regard to a specific hazardous substance, 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 hazardous substance, extremely hazardous substance, or hazardous chemical is no longer

present in a quantity that meets the minimum reporting threshold. [Eff] (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

(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. [Eff] (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. [Eff] (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

subchapter 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. [Eff] (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 subchapter the cost of reproducing the information requested. The Commission shall deposit the funds received under this subchapter in the local emergency response planning Committee's account that is discussed in subchapter 8 of this chapter. [Eff] (Auth: HRS §§ 92-21, 128E-2, 128E-3, 128E-13) (Imp: HRS §§92-21,128E-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. [Eff] (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. [Eff] (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 subchapter 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 subchapter 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 subchapter 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 subchapter shall be deposited in the state treasury and accrue to the credit of the fines and cleanup account within the Environmental Response Revolving Fund. [Eff] (Auth: HRS §128E-11) (Imp: HRS §128E-11)

§11-453-37 Inspection procedures. (a) Officials 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) Officials of the Department may perform unannounced inspections at a facility or provide notice to the owner or operator of a facility prior to performing the inspection.

(c) Upon a refusal to permit Officials 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.

(d) 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.

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

(f) Officials 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." [Eff]
(Auth: HRS §§128E-2, 128E-12) (Imp: HRS §§128E-2, 128E-12)

EPA Progress Report 2008

Pacific Southwest Region



From the Regional Administrator

Dear Readers,

With the change in Presidential administrations coming in January 2009, most people here at EPA's Pacific Southwest Regional Office are aware that this will be my last year as Regional Administrator. In recent weeks, I have been reflecting on what our regional managers and staff have accomplished during my seven years here, and the challenges still ahead.

While many of the environmental issues before us will take years to resolve, we have made remarkable improvements thanks to new approaches and the relentless efforts of dedicated professionals and concerned citizens.

It has been a privilege to work with the managers and staff here at the regional office. Their commitment to protecting the environment and public health is awe-inspiring. Together, and in concert with our partners in other federal agencies, states, tribes and local governments, we have accomplished a great deal even with tighter budgets. This report summarizes some of our challenges and major gains of the past year.

But what keeps these successes coming year after year? As I look back over our past Progress Reports, I recognize some common threads.

First is leadership—our managers and staff look for opportunities to make headway even on seemingly intractable challenges such as air pollution from rapidly-expanding Southern California ports or illegal dumping on tribal reservations. We cannot solve these problems alone, but we have found that when we lead the way, others follow.

The second is innovation—the willingness to think creatively, to try new technologies and new approaches, which is key in our fast-changing world. Our Cleanup Clean Air Initiative is a great example of this. We're using solar power, biodiesel, even molasses and whey to clean up contaminated sites—and getting the job done faster, cheaper and cleaner.

Third is partnerships—not only with our traditional partners, the states, local governments and tribes, but with foreign governments as well, such as Mexico and China. With trade, commerce and pollution crossing all geographical boundaries, these relationships are key to protecting the environment. And our combined efforts, such as the West Coast Diesel Collaborative, are achieving results that no single agency could hope to accomplish.

Finally, there is perseverance and a focus on results. We keep our eyes on long-term goals, and keep working not just year after year but decade after decade. We measure the results, and adjust our efforts. Our long struggle for clean air in our major cities and clean water in our rivers and lakes has largely been successful, but only because we have never been discouraged by the scope of the problem.

These are qualities that will make EPA and its partner agencies successful in the next decade and beyond. I look forward to seeing continuing success in EPA's Pacific Southwest Region and am proud to be a part of it.



Wayne Natri

Regional Administrator

EPA Pacific Southwest Region



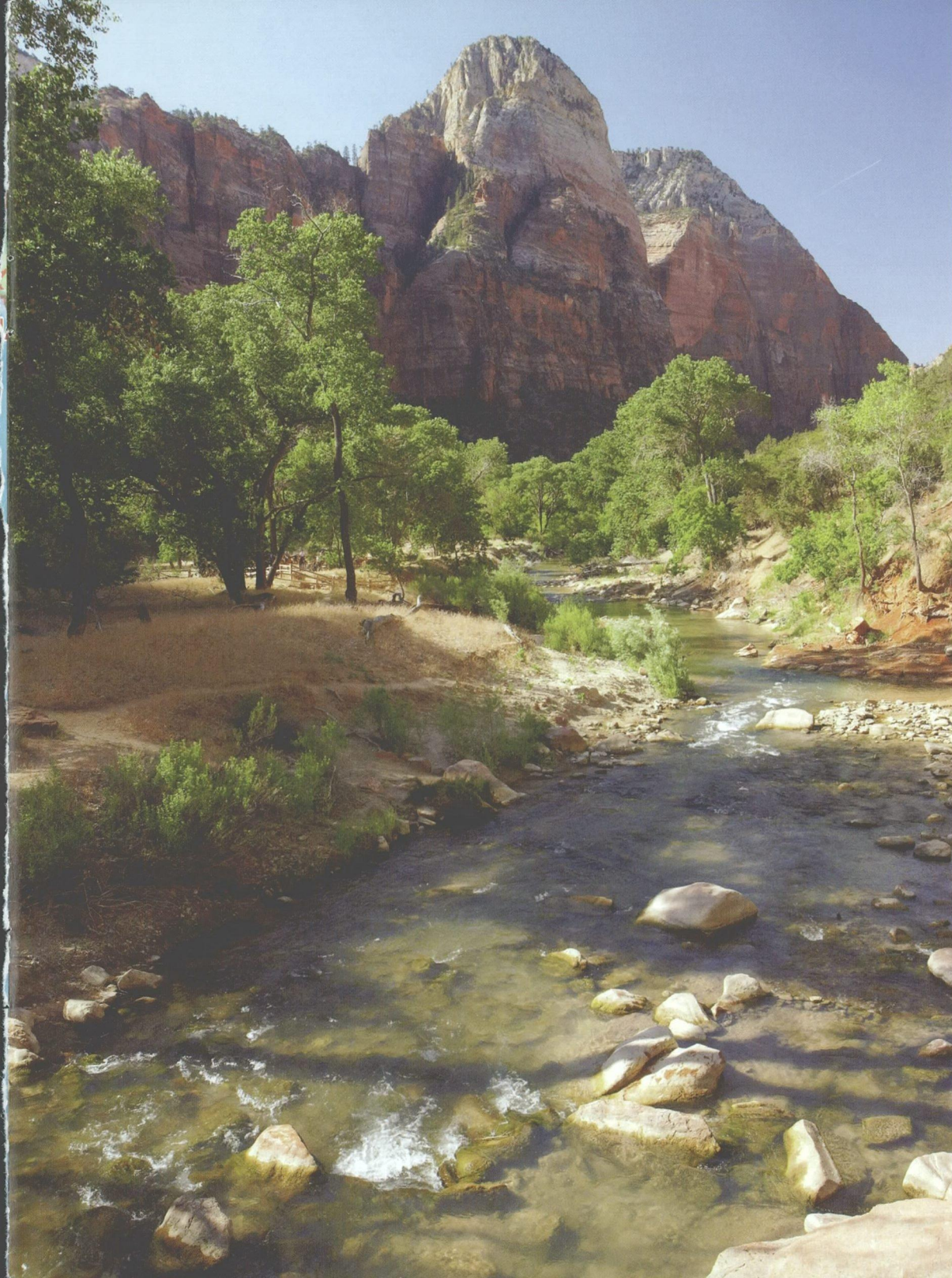


Table of Contents

Clean Air 2

Clean Water 10

Clean Land 16

Communities and Ecosystems 24

Compliance and Stewardship 32

Contact Information

Inside Back Cover

Clean Air



Clean air is a simple concept, but keeping it clean is not so simple. The tremendous diversity of topography and weather in the Pacific Southwest dictates that air will nearly always be healthy in some places, but not in others. It's a long way from the breezy Hawaiian islands to the sun-baked valleys of California.

But the biggest factor is the human one. Of all the things we do, energy use is the biggest determinant of how clean the air will be and which pollutants will be a problem. In California, a large percentage of the air pollution results from burning fuel for transportation—cars, trucks, buses, ships and trains. In Nevada and Arizona, with smaller populations and fewer vehicles, a greater proportion comes from fossil-fuel-burning electric power plants.

Global climate change has added a new dimension to air concerns—greenhouse gases, such as carbon dioxide

and methane. But in the end, the key to both ensuring healthy air and reducing greenhouse gases is tackling the energy issue.

In 2007, EPA's regional office was active on several fronts: taking enforcement actions against fossil-fuel power plants that exceeded permitted emissions limits, holding a scientific conference on the air quality impacts of anticipated climate change, unveiling a bus and package delivery truck powered by innovative drive systems, and putting together a strategy to coordinate energy-related activities.

Trends

New Tools Allow Web Users to Map Air Quality Information

The quality of the air we breathe varies day to day. In the past, finding out if poor air quality was a hazard to one's health meant waiting for a weather forecaster on TV or radio to announce it. Detailed information was hard to get, and air quality often wasn't mentioned until it became hazardous for everyone, leaving sensitive populations like asthmatics gasping for breath.

Since then, air quality has improved dramatically in most urban areas, and so has the availability of accurate air quality data. EPA made a major advance a few years ago with the AIRNow Web site, making air quality data available online. Last November, AIRNow data became even more useful when EPA released a dynamic data layer on Google Earth, allowing anyone to combine detailed mapping with air quality information that's updated hourly.

This combining of different types of data—often referred to as a “mashup”—gives the user a distinct new look at information. In this case, EPA's Air Quality Index (AQI), based on real-time monitoring data, is merged with the cartographic imagery of Google Earth. This information can benefit everyone, particularly people with asthma, the elderly, and other sensitive populations who can use accurate pollution conditions to make daily decisions about their activity levels or exposure to outdoor air.

For instance, parents of a child with asthma can decide if it's safe to allow their child to play soccer. TV weather forecasters can combine the AQI layer with other information they display to viewers. Individual users can also decide which data to combine based on their own needs:

The dots on this map represent air quality at monitoring stations—green is good, yellow is moderate, orange is unhealthy for sensitive groups.

Home buyers could “mash up” the AQI with real estate listings to inform their decision-making. Community activists may choose to overlay the AQI on a map showing the location of industrial facilities.

During air quality emergencies like wildfires, where smoke conditions can change quickly, the AQI layer can be crucial for early response teams or fire departments. By using AQI on Google Earth, they can see where the pollution is worst and overlay other information such as the locations of schools, hospitals, airports and roads. Being able to layer such crucial information can help inform decision makers.

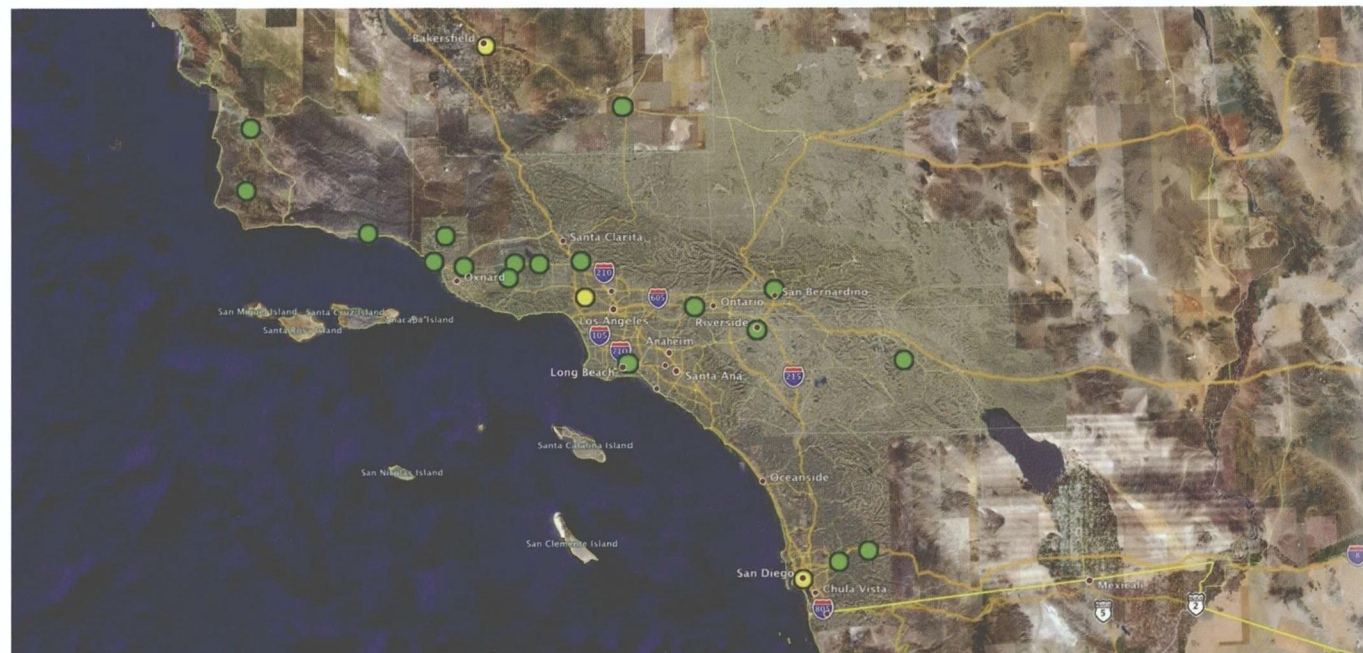
The AQI is a color-coded numeric system that rates air quality according to six divisions that express conditions: 0-50 is healthy, 51-100 moderate, 101 to 150 unhealthy for sensitive

Real-time data can help parents decide if it's safe for their children with asthma to play outside.

groups, 151-200 unhealthy, 201 to 300 very unhealthy, and 301-500 hazardous.

With this information visually displayed on Google Earth, it's easy to assess local air quality conditions wherever you happen to be—and to customize the experience with an intuitive mapping tool. Just visit AIRNow.gov and select “AQI in Google Earth” under Resources.

For air quality conditions and projections:
www.airnow.gov



Primer

Energy and Climate Change

The national dialogue on climate change reached a new level in 2007 as scientists, policy makers, leaders of industry and individuals focused on the latest findings of climate researchers and weighed the most effective approaches to mitigation.

Assessing the Problem

Throughout the year, the United Nations Intergovernmental Panel on Climate Change (IPCC) issued a series of reports that raised awareness and concern about climate science, environmental impacts, and mitigation options. The IPCC stated that “Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level.”

In its findings, the panel noted that it is very likely (>90% probability) that human influence has caused warming over the past 50 years. The IPCC also said that if greenhouse gas emissions are left unchecked, global temperatures would likely increase between 2.0 and 11.5° F, potentially causing greater sea level rise and extreme weather, impacting human health, ecosystems, and food and water availability.

In the Pacific Southwest, the State of California has also assessed potential impacts from climate change. California found that medium warming assumptions, in drier scenarios, caused the Sierra Nevada spring snowpack to be reduced by 80%. With those same assumptions, there would be a 55% increase in wild-fire frequency, and 75 to 85% more days when ozone (smog) could form in Los Angeles and San Joaquin Valley.

**The Role of Energy**

The energy we use to power our homes, businesses and transportation system is the source of nearly 90% of the greenhouse gas emissions in the U.S. Increasing the efficiency of the energy we burn, reducing emissions from traditional energy sources, and aggressively seeking new sources of energy that put less carbon into the atmosphere are all important strategies in reducing greenhouse gas emissions.

In prioritizing opportunities to reduce emissions, it is important to understand their source. In California, the transportation sector has received particular focus because it accounts for a larger share of greenhouse gas emissions than in the U.S. as a whole—39% vs. 28%—accounting for more of California’s greenhouse gas inventory than the electric power industry.

Evaluating Needs, Taking Action

At the national level, EPA has begun evaluating options for regulating greenhouse gases following the U.S. Supreme Court’s ruling that the agency has authority to do so under the Clean Air Act. Late in the year, the President signed H.R. 6, the Energy Independence and Security Act of 2007, which increases renewable fuel mandates, sets more aggressive vehicle fuel efficiency standards, and promotes investment in energy efficiency.

Left: Wind power is one of California’s renewable energy sources.

Above right: The coal-fired Navajo Generating Station near Page, Ariz.



In the Pacific Southwest, EPA's office in San Francisco is working with the region's state, tribal and local governments as they take an active role in evaluating their needs related to climate change.

With its large population and powerful economy, California's total greenhouse gas emissions dwarf those of its neighbors (as shown in Fig. 1). However, the state has long been a national leader in addressing emissions and energy efficiency, with by far the lowest per-capita greenhouse gas emissions of states in the region.

California's extensive energy and climate change policies and regulations include AB32 (the Global Warming Solutions Act of 2006), SB1368 (Global Warming Emissions Standard for Electricity Generation) and the Low Carbon Fuel Standard. The Governor's office is directing implementation of the state's Climate Action Plan. The state has completed extensive analyses of energy and climate change issues, with projections and recommendations detailed in a Climate Action Team Report to the Governor and Legislature, and the state Energy Commission's Integrated Energy Policy Report.

Arizona has developed a Climate Change Action Plan that includes a greenhouse gas inventory and recommendations for various energy-related sectors. Hawaii is completing an update to their Energy Strategy, last completed in 2000. In 2007, the state adopted legislation similar to California's AB32.

Nevada in 2007 adopted legislation requiring greenhouse gas emissions inventories and a Climate Change Advisory Committee. The state recently completed an Energy Status Report and a Renewable Energy and Energy Efficiency Report for the Governor and Legislature.

At the regional level, EPA's Pacific Southwest Regional Office is working to improve coordina-

tion of its own activities related to energy and climate change (the list to the right provides a small sampling). Evaluating opportunities across all environmental programs—from waste management to air quality to water infrastructure—will also facilitate increased support of other federal, state, local and industry efforts.

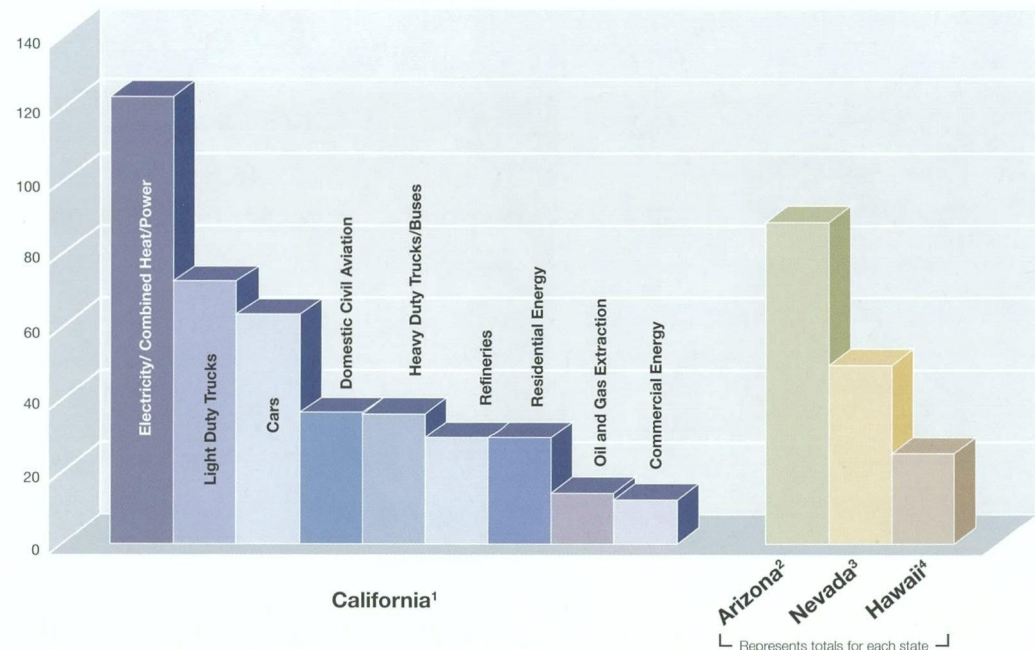
An example of regional leadership has been EPA's convening of the West Coast Diesel Collaborative, which has brought a concentrated focus to the issue of goods movement—from ships to the huge network of trains and trucks that move goods from ports to store shelves. EPA has brought together regional officials from across the U.S. to discuss solutions for port-related pollution. These efforts, together with EPA's core role in setting national emissions standards, will continue to ensure progress in improving public health in these areas.

EPA is working with state, local and nongovernment partners across the Pacific Southwest to tackle issues involving energy use and its impact on our climate.

This report describes several of these efforts, from local measures to new technology development to advances in global science.

- Air Quality Impacts of Climate Change** 6
- New Hybrid Technologies for Trucks, Buses** 7
- Reducing Power Plant Emissions in Nevada**..... 8
- Steve Frey: Enforcing the Clean Air Act** 9
- Cleaner Cleanups Reduce Local, Global Impacts** 17
- Grants, Challenges Spur Green Building** 34
- California Surpasses 50% Waste Diversion Goal** 37
- East Bay MUD Creates Energy from Food Waste** 38

Figure 1: California Greenhouse Gas Emissions
(in Million Metric Tons CO₂ Equivalents)



Notes to Figure 1: 1. 2004 emissions, 2. 2000 emissions, 3. 2005 emissions, 4. 2005 preliminary estimate

Science

Conference Addresses Impacts of Climate Change on Air Quality

In October 2007, some of the nation's leading climate change scientists gathered with EPA, state, local and tribal air quality regulators for a conference in San Francisco to address the predicted impacts of climate change on air quality. The scientists shared the results of their current research and participated in discussions with regulators on integrating science with policy and on priorities for future research.

Among the distinguished speakers was Stanford University's Dr. Stephen Schneider, who shared the 2007 Nobel Peace Prize with fellow members of the United Nations Intergovernmental Panel on Climate Change and former Vice President Al Gore.

The conference was organized by EPA's Pacific Southwest Air Division, in conjunction with EPA's national Office of Research and Development (ORD), which leads EPA's efforts to con-

duct, fund and communicate climate change research.

Studies cited at the conference indicated that rising temperatures associated with climate change will produce a "climate penalty" of worsening ozone (smog) levels. Areas that now barely attain federal ozone standards could become non-attainment areas, and existing non-attainment areas will need more time and pollution controls to meet the standard. If nothing is done to further strengthen pollution controls, rising smog levels will result in increased mortality among the elderly, sick, or frail, one scientist predicted.

Studies on the impact of climate change on particulate pollution indicated varying results, depending on the chemical composition of the particles. Smoke particles will become an increasing problem if rising temperatures

cause more and bigger wildfires. Scientists and air quality regulators agreed on the need for more research on how climate change affects particulates.

Government air quality managers called for more information to help them understand the benefits and trade-offs of energy and climate change policy, as well as the prospects for carbon sequestration and cleaner coal combustion. One climate change mitigation strategy—energy efficiency—was predicted to provide triple benefits: cleaner air, better health, and cost savings.

Some of the state, local and tribal air quality managers voiced their interest in further collaborating with EPA on climate change and using EPA's climate modeling tools and research. EPA's Office of Research and Development plans to publish in 2008 a synthesis of results from EPA-funded research on the impacts of climate change on air quality.

The October workshop generated a list of future research themes and collaboration opportunities to help guide upcoming activities. For example, EPA's regional office is organizing a series of meetings with local scientists working on air quality and climate change issues. In addition, the regional office will participate in helping ORD set future research priorities on adapting to the impacts of climate change on air quality.

EPA's Global Change Research Program:
www.epa.gov/ord/npd/globalresearch-intro.htm

Stanford University's Dr. Stephen Schneider is one of the world's foremost experts on climate change science.



Innovation

New Hybrid Technologies Bring Cleaner Trucks and Buses

Diesel trucks and buses more than 10 years old are the dirtiest vehicles still on the streets. Since they generally last 20 years, they won't disappear overnight. But when they do, they may be replaced by fleets of trucks and buses far cleaner and more energy-efficient, thanks to new hybrid technology developed by EPA and several partner organizations. In fact, these new drive systems may also be used in light trucks, SUVs and vans.

In August 2007, EPA joined the Bay Area Air Quality Management District, Pacific Gas & Electric Co., and Advanced Energy officials to award a total of \$215,843 in grants to the Napa Valley Unified School District to fund California's first plug-in electric hybrid school bus. The bus has the potential to double fuel efficiency and reduce emissions by up to 90%.

Meanwhile, EPA's laboratory in Ann Arbor, Michigan, has patented an innovative hydraulic hybrid drive system for delivery trucks that's now being road-tested. The demonstration model, a 12-ton UPS delivery vehicle, stopped in at the South Coast Air Quality Management District offices in Diamond Bar, Calif., in December 2007. In lab tests, the truck slashed fuel use by an amazing 60 to 70%, and reduced smog-forming hydrocarbon emissions by 50% and particulate emissions by 60%, compared to conventional trucks.

Trucks that operate in urban stop-and-go traffic—such as delivery vehicles—contribute significantly to pollution and fuel consumption. "If every truck adopted this technology, it would

make a big difference for air quality," said Matt Haber, deputy director of EPA's regional Air Division.

The hydraulic hybrid drive system costs more to build, but would pay for itself within three years by cutting fuel costs, ultimately saving \$50,000 over a truck's 20-year lifespan, based on a fuel price of \$2.75 per gallon. As fuel prices continue to increase, lifetime savings would be even greater.

The unique UPS delivery vehicle features EPA-patented hydraulic hybrid technology. It uses hydraulic pumps and hydraulic storage tanks to store energy that is normally lost in braking. When the vehicle accelerates, it uses that energy. The engine is also more efficient and can shut off when stopped or decelerating.



The truck was designed with the support of UPS, Eaton Corporation-Fluid Power, International Truck and Engine Corporation, the U.S. Army, Morgan-Olson, the University of Wisconsin, the University of Michigan, and Michigan State University. FEV Engine Technology Inc., and Southwest Research Institute built the vehicle under contract to EPA.

More info and video on this new technology:
www.epa.gov/region9/air/hydraulic-hybrid



Upper right: California's first plug-in electric hybrid school bus is now in use in the Napa Valley.

Lower right: EPA developed the energy-saving hydraulic hybrid drive system now being road-tested in this delivery truck.

Places

Reducing Emissions from Las Vegas Power Plants

It takes lots of energy to power the glittering lights and laboring air conditioners of Las Vegas' famous "Strip," as well as the city's fast-growing suburbs in Clark County, Nevada. Most residents never see the fossil-fuel-burning power plants that supply most of the area's electricity, but they'll soon breathe cleaner air thanks to two legal settlements with local utility Nevada Power that will sharply reduce smoke-stack emissions.

In the first case, the Nevada Department of Environmental Protection (NDEP) spent two years investigating alleged Clean Air Act violations at Nevada Power's Reid-Gardner coal-fired generating plant 50 miles northeast of Las Vegas.

The NDEP carefully assembled evidence, then issued 56 violation notices to Nevada Power for exceeding limits on particulate matter emissions at the facility. Some of the violations included faulty record-keeping, which made it difficult to measure the extent of the illegal emissions.

Nevada Power and NDEP called for EPA's assistance to help resolve the case. After two years of negotiating, EPA, NDEP and the company reached a settlement with multiple benefits. First, Nevada Power agreed to spend \$85 million on pollution control equipment to reduce the plant's particulate emissions by more than 300 tons per year, and reduce nitrogen oxide (NOx) emissions by at least 282 tons per year.



The company also agreed to set up an Environmental Management System to ensure that future compliance will be verified.

Secondly, the company agreed to fund more than \$4 million in energy conservation projects for the Clark County School District over the next seven years, saving the schools at least \$500,000 per year in energy costs, as well as reducing air pollution by cutting fuel consumption. And finally, the company agreed to pay \$1.11 million in penalties to the state and federal governments.

The other case involved Nevada Power's natural gas-burning Clark Generating Station. While natural gas is cleaner than coal, older gas-fired plants emit far more NOx than newer ones using the Best Available Control Technology (BACT). That's why the Clean Air Act's New Source Review rule requires BACT whenever fuel-burning power plants are substantially modified.

EPA found that the company had made major changes at Clark that increased NOx emissions without installing the required pollution controls. In the settlement, the company agreed to reduce the plant's NOx emissions by about 2,300 tons per year, a dramatic 86% reduction, at a cost of about \$60 million. The company also agreed to fund a \$400,000 photovoltaic solar power array on the roof of a building housing a local nonprofit organization. In addition, Nevada Power will pay a \$300,000 penalty.



Left: Las Vegas and its suburbs continue to grow rapidly.

Above: Nevada Power's coal-fired Reid-Gardner Generating Station. Photo: Nevada DEP

People

Steve Frey: Enforcing the Clean Air Act

When Steve Frey talks about his 32-year career at EPA as an environmental engineer involved in Clean Air Act enforcement, what's striking are the large numbers: Thanks to cases Steve worked on, the coal-fired Navajo Generating Station reduced its sulfur dioxide (SO₂) emissions by 65,000 tons per year in the 1990s. The Four Corners Power Plant, another coal-burner on the Navajo Nation, more recently slashed its SO₂ emissions by 88% for a 20,000 ton-per-year reduction. Nevada gold mines reduced mercury emissions by more than 16,000 pounds per year.

Of course, Steve didn't do it alone. At the Four Corners Power Plant, the reductions were the result of a partnership between the Navajo Nation, the Arizona Public Service Corp., the National Park Service, Environmental Defense, Western Resource Advocates, and New Mexico Citizens for Clean Air and Water. Nevertheless, as an expert in monitoring air pollutants and testing pollution control equipment, his role was crucial to ensuring that the agreed-upon reductions were achievable, and provable.

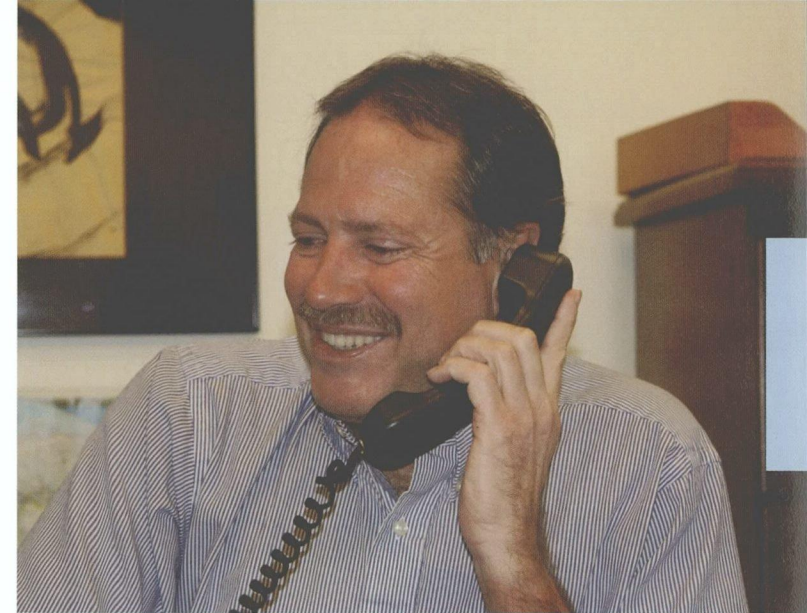
Steve grew up in the Philadelphia area, and began studying chemical engineering at Pennsylvania State University in the early 1970s. After the Energy Crisis of 1973-74, he switched his focus to air pollution control engineering, and after graduation took a job with EPA's regional office in New York City. He traveled throughout the state of New York inspecting power plants, chemical plants, cement plants, and other pollution sources. He also helped the state write permits for such facilities, providing the techni-

cal expertise needed to ensure they minimize emissions.

Always an avid skier, Steve was drawn to the West by the skiing. The best powder snow, he says, is in the Rockies, so in 1980 he moved to EPA's office in Denver. There, he tested smoke-control devices on wood-burning stoves to help develop Colorado's wood stove pollution standards. Steve was also heavily involved in a federal court case aimed at two plants in Colorado making waferboard—wood panels manufactured using wood chips and glue. These plants were part of a new industry that had underestimated their emissions and built without major new source construction permits required by the Clean Air Act.

Inspecting facilities and enforcing permits help reduce air pollution by tens of thousands of tons each year.

Steve transferred to EPA's regional office in San Francisco in 1988, where he was assigned to Clean Air Act enforcement. Here, one of his early cases involved another wood products industry case which was concluded as part of a national settlement involving the two major waferboard companies in the U.S. for more than 20 of their plants that they built without the proper permits. Ultimately, EPA required all such facilities to install pollution control equipment to



limit emissions of smog-forming volatile organic compounds (VOCs).

For the past decade, Steve has worked on enforcement cases involving some of the Pacific Southwest's biggest coal-burning power plants—thus the big numbers. In some of these instances, like the Four Corners Power Plant, EPA works with the owner and other stakeholders to negotiate voluntary but binding agreements for pollution reductions, which can take effect faster than traditional enforcement actions, which may involve protracted litigation.

One recent negotiation with the Arizona Public Service Co., regarding the coal-burning Cholla Power Plant east of Flagstaff, produced an agreement in which the company is spending \$300 million on equipment to reduce SO₂ emissions by more than 70%, particulate emissions by 50%, and smog-forming nitrogen oxides (NO_x) by 40%.

Steve is planning to retire in 2008, but his work will be carried on by his colleagues in the regional Air Division's enforcement office, under the leadership of office chief Doug McDaniel.

Clean Water



The Pacific Southwest Region is a varied water landscape, from the Pacific Ocean and its tropical islands to the austere beauty of its arid inland deserts. The challenges of supplying drinking water and keeping waterways clean similarly vary across the region.

Along the U.S.-Mexico Border, infrastructure needs have lagged far behind explosive population and industrial growth. But with EPA's assistance and binational cooperation, the New River, once known as the dirtiest in the West, is becoming significantly cleaner.

In urban areas that get slightly more rain, winter downpours dump huge amounts of litter from the streets into storm drains, creeks and beaches. Los Angeles has taken action to address this problem, and the San Francisco Bay Area is next.

In California's less-populated far north, the Klamath River has been an area of enduring controversy between competing users dependent on its waters for food, jobs and energy. But over the last couple of years, cooperation among water users has made progress toward resolving the Klamath's issues possible.

Even issues that once seemed intractable, such as the disposal of dredged materials from San Francisco Bay, have been resolved through such cooperation. The mud is still mud, but it's no longer unwanted—it's now a resource being used to restore tidal wetlands.

Trends

Wastewater Treatment Cleans Up Border Waterways

Throughout the United States, water quality improved dramatically in the 1970s and 1980s as a result of the Clean Water Act of 1972 and the wastewater infrastructure improvements built to comply with it. But waters polluted by sewage continued to flow into the U.S. along the U.S.-Mexico Border, and as the Mexican border cities' populations grew explosively in recent decades, the problem worsened. EPA and Mexican government agencies have been cooperating since 1995 to fund and build wastewater improvements, and the results have been dramatic.

These wastewater projects have benefited more than 635,000 people in Mexicali, Mexico.

The New River, flowing from Mexicali, Mexico, to California's Salton Sea, is a case in point. It's called the "New" River because it didn't exist until the Colorado River broke a levee in 1905 and sent a stream of water into Mexico that turned north into the Imperial Valley, creating the Salton Sea. The levee breach was repaired, temporarily drying up this "river," but later the channel was re-watered by sewage and irrigation runoff from Mexico. As Mexicali's population exploded from 6,200 in 1920 to more than 850,000 today, the city's wastewater infrastructure did not keep up, and, consequently, pollution in the New River continued to increase.

Work began in 1996 on renovation and repairs to Mexicali's existing sewage pipes and treatment facilities, funded jointly by the U.S. and Mexico. The binational cooperation continued, upgrading and expanding the city's treatment capacity over the next few years. While these efforts resulted in significant improvements, 10% of the New River's flows still consisted of raw sewage.

In 2007, a new wastewater treatment plant located in the south of Mexicali was completed. The estimated 15 million gallons per day of sewage that once flowed untreated into the New River is now treated, disinfected and discharged into a series of irrigation canals that flow southward into the Rio Hardy, which is a tributary to the Colorado River Delta in Mexico.

The removal of this untreated sewage from the New River has resulted in significant drops in bacteria levels as well as increased dissolved oxygen. Phosphates in the New River, which contribute to water quality impairments in the Salton Sea, have dropped by 25%.

Overall, EPA has contributed nearly half the \$98.6 million cost of the Mexicali wastewater projects, with the Mexican government contributing the remaining funds. Already, these projects have benefited an estimated 635,000 people in Mexicali, and have resulted in the treatment of approximately 40 million gallons per day of sewage.

Construction is underway on similar projects elsewhere, such as the Nogales International Wastewater Treatment Plant, due for completion in 2009. Not only do these investments result in improved water quality, they also create



wastewater utilities in Mexico with the capacity to finance and construct future infrastructure projects. It's a welcome trend for millions of people on both sides of the border.

More info on U.S.-Mexico efforts:
www.epa.gov/border2012



Upper right: New sewer pipe is installed near the U.S.-Mexico border.

Lower right: EPA Administrator Stephen Johnson (right) and Regional Administrator Wayne Nastri (facing) visit the New River.

Primer

Keeping Trash Out of Waterways: LA Water Board Leads the Way

In urban areas of the Pacific Southwest, millions of pounds of litter accumulate in streets and parking lots during the long dry season, then are flushed into storm drains by the first major rainstorm. Storm drains empty into streams, bays and harbors, and onto beaches, depositing loads of trash that are not just unsightly, but a serious health hazard to people, wildlife and fish.

Trash harms birds and marine life who consume small pieces, mistaking them for food. Some of the waste contains pathogens that sicken swimmers and surfers.



Last year, the Los Angeles Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) for trash in the LA River Watershed. This landmark TMDL was originally adopted by the Regional Board in 2001 and EPA-approved in 2002, but litigation required the TMDL to be set aside until it was re-adopted in 2007. Following its full adoption through the water quality standards approval process, the wasteload allocations will be brought into the Los Angeles County stormwater permit.

In its support of the Los Angeles Regional Board, EPA made it clear that preparation of this TMDL, the nation's first to regulate trash as a pollutant, was a key action to address this serious problem. Under the TMDL, cities, Los Angeles County and CalTrans prevent trash from reaching storm drains and fouling waterways and beaches. They are reducing trash discharges incrementally over nine years, with a goal of zero by 2016. The Regional Board documented the huge amounts of trash involved—more than 4.5 million pounds per year, which costs downstream cities hundreds of thousands of dollars each year to remove from their harbors and beaches.

Some cities in the Los Angeles area have already implemented the necessary measures, including what are known as 'full capture systems'—devices that trap all particles retained by a 5 mm mesh screen and have a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour storm in the subdrainage area. The Regional Board has certified various full-capture devices proposed by five cities, the County of Los An-

During every heavy rainstorm in urban areas, trash from streets and parking lots gets washed into storm drains that empty into creeks, bays and shorelines.
Photo: Rick Loomis, LA Times

Total Maximum Daily Loads (TMDLs)

The TMDL process provides an assessment and planning framework for pollutant load reductions or other actions needed to attain water quality standards that protect aquatic life, drinking water, and other designated uses. TMDLs address all significant pollutants in a water body identified by the state as impaired.

geles, and Caltrans that local governments can use to achieve compliance.

These devices are most effective when not overwhelmed with trash and debris. We all do our part by keeping trash and other waste off the streets as cities continue public outreach, provide receptacles for trash, and routinely sweep streets and clean catch basins.

Meanwhile, the San Francisco Bay Regional Water Quality Control Board has held hearings on a proposal to include similar limits in its region-wide discharge permit for cities that discharge storm water (and trash) into the bay. Local environmental groups have documented the problem of trash-covered creeks that drain to the bay.

The regional water boards in Los Angeles and San Francisco Bay Area have recognized that voluntary measures aren't enough to keep trash out of the waterways. It's a serious water pollution problem, and EPA supports the Regional Boards' regulatory actions to make sure that every local jurisdiction participates in solving it.

Partnership

Wetland Restoration Underway Through SF Bay Harbor Dredging

In the 1990s, federal and state agencies struggled to find a better solution to disposing of mud dredged from San Francisco Bay to keep the navigation channels open. Disposing of the dredged materials elsewhere in the Bay had raised public concerns about impacts on water quality, fishing, and even navigation.

Environmental groups, ports, state agencies, EPA and the Army Corps of Engineers developed a Long-Term Management Strategy (LTMS) for dredged materials to both reduce in-Bay disposal and encourage beneficial reuse of marine sediments to restore wetlands. Today this strategy is being implemented, as millions of tons of material from Oakland dredging recently began flowing through a pipeline that deposits it on 1,000 acres of Hamilton Field, a former military base in Marin County.

As the Hamilton wetland restoration began, there were already two other privately-operated projects making beneficial use of dredged materials. The Montezuma Wetlands project is restoring a large wetland adjacent to Suisun Bay, and Carneros River Ranch is piping dredged material from a small harbor on San Pablo Bay onto nearly a square mile of fields to grow crops.

Dozens of square miles of hayfields in the North Bay were originally sea-level salt marshes. Salt marshes are critical to maintaining a healthy ecosystem for fish, migrating birds and other wildlife. During more than a century of being diked, dried and cultivated, the land surface sank. Breaching the dikes alone would simply create a saltwater pond too deep for wetland

vegetation to grow. So dredged material—millions of tons of it—is being deposited to raise the level of these areas as part of an overall restoration plan.

Oakland is now deepening its harbor to 50 feet to handle larger ships, removing 12 million cubic yards of dredged materials in the process. One quarter of that is being piped now to Hamilton Field, another three million has been deposited at the Montezuma Wetlands, and the remaining six million was used to create better fish and bird habitat in the bay close to Oakland.

These projects are just the beginning for beneficial reuse of dredged material. The LTMS agencies are considering options to further reduce in-Bay disposal by getting materials to Hamilton

Field faster and cheaper. EPA and other agencies are also working on using dredged materials to build up levees in the Sacramento-San Joaquin Delta. Maintaining this levee system is critical—if the levees break, salt water from the Bay will rush into the Delta, harming habitat for sensitive fish species. Further, salt water would intrude into the state and federal aqueducts, making the water undrinkable—a disaster for the more than 20 million Californians who depend on imported water supplies.

In the 1990s, the question was how to get rid of dredged materials. Today, it's a valued resource for restoring wetlands and protecting Delta farms and water quality.



A bulldozer spreads dredged mud at the Hamilton Field wetland restoration site in Marin County, California.

Places

Klamath River Tribes, Anglers, Farmers, Agencies Work Together

Many Californians may not be familiar with the beautiful Klamath River in northern California and southern Oregon. But for those who live in the forested Klamath Basin, the river and its tributaries are all-important in providing the essentials of life: water, food and jobs. The Yurok, Karuk and Hoopa Valley Tribes have thrived on the river's salmon for thousands of years. Upstream farmers depend on the Klamath's water for their livelihoods, and PacifiCorp's Klamath Hydroelectric Project dams have generated electric power in the region since the 1950s.

With competing demands on the river's water, and varying amounts of snowmelt feeding it each year, it's not easy to find the delicate balance that meets the needs of fish, farms, people and energy demand. In 2001, farms went dry when water diversions were stopped to protect endangered fish. The following year, crops were irrigated, but the river flow fell to such a low level it triggered a massive die-off of

salmon from heat and disease. Contentious arguments took place between farmers and fishermen, with both sides seeing water allocation as a paramount issue to resolve.

After the salmon die-off, the Yurok, Karuk and Hoopa Valley Tribes called for greater EPA involvement in restoring the river's water quality and fisheries. Since 2002, EPA has been working with Klamath Basin tribes, as well as other Klamath water users and state and federal agencies. One key strategy EPA has led is the coordinated development of Total Maximum Daily Loads (TMDLs; see box on p. 12) to ensure the Klamath meets each state's water quality standards for temperature, dissolved oxygen, and nutrients.

These analyses are interlinked and crucial to fish. When temperature and nutrients get too high, algae blooms; once algae dies, dissolved oxygen plummets, killing fish. Oregon and California are expected to issue their TMDLs for the Klamath in 2008 and 2009, respectively. In addition, the Hoopa Valley Tribe adopted, and EPA recently approved, tribal water quality standards for the Klamath River. Though the tribe's reservation includes just a short stretch of the river, the standards help protect fish and water quality both upstream and downstream.

Temperature is particularly important in the Klamath, where a toxic strain of cyanobacteria (blue-green algae) grows. It's virulent enough to cause liver failure and death if a person or animal drinks enough water tainted by it. Touching it can cause rashes. EPA has worked with state, local and tribal entities to warn people to avoid



contact with the water around the Iron Gate and Copco Reservoirs during the algae bloom season in summer.

Meanwhile, EPA grants are supporting improved water monitoring and watershed restoration work. A \$275,000 EPA grant to California is funding the Klamath Watershed Institute's effort to develop a strategic and coordinated water quality monitoring program for the river, and to make the data accessible. A \$900,000 EPA grant is funding watershed restoration efforts by Trinity County, the Yurok Tribe, and a local resource conservation district.

A sign of progress on water use issues is the January 2008 Restoration Agreement between the Yurok and Karuk Tribes, the Klamath Tribes of Oregon, fishermen, farmers, counties and resource agencies regarding basin restoration, water allocation and the removal of four hydroelectric dams which block migrating fish. That agreement is contingent on reaching agreement with PacifiCorp on removal of their four lower dams on the Klamath, which are being considered for relicensing by the Federal Energy Regulatory Commission.

The level of cooperation among Klamath River stakeholders over the last three years is unprecedented. There's great long-term potential for cooperative water use, water quality improvements, and restoring salmon and steelhead trout to this beautiful watershed.



Upper right: EPA's Gail Louis and a Karuk Tribe team take samples of blue-green algae at Iron Gate Reservoir on the Klamath River.

Left: The Klamath River Watershed

More info on Klamath toxic algae:
www.waterboards.ca.gov/bluegreenalgae

People

Catherine Kuhlman: Protecting California Waters

Catherine Kuhlman is retiring—but not really. After more than 25 years of federal service, she is leaving EPA, but continuing to serve the environment. In April 2008, she becomes Executive Officer of the North Coast Regional Water Quality Control Board, a state agency based in Santa Rosa, Calif.

How she got there is an interesting story. Catherine “Cat” Kuhlman grew up in Laguna Beach, Orange County, Calif., where she spent entire summers at the beach, playing volleyball, swimming, surfing, skim-boarding, snorkeling, scuba diving and, at her mother’s insistence, reading a large pile of classic books. “I am a water animal,” she says, “grew up at the beach—pulled by the lure and mystery of water.”

Inspired leadership at the federal and state levels helps ensure cleaner inland waters.

She came to Northern California to study biology at Sonoma State University, just a few miles from Santa Rosa. After graduating in the late 1970s, she took a job as a secretary in EPA’s Water Division—because that was the only job open at EPA’s regional office at the time.

Cat’s abilities were soon recognized, and she was promoted to Environmental Scientist, and then manager. She found her mission in “policy work, figuring out how to apply the Clean Water Act to arid environments, working with the states and tribes to restore and protect watersheds.”

Over the years, Cat had a chance to work on all of EPA’s major water programs. One of her biggest successes was helping California adopt water quality criteria for toxic pollutants in the 1990s. The state of California had just had its criteria stricken down in court—a critical blow to protecting water quality. The criteria were the basis for the state’s Inland Surface Waters Plan, a set of policies and standards for applying the Clean Water Act in every river and stream in California.

The State Water Resources Control Board asked for EPA’s assistance, and Cat’s branch of the Water Division was tasked with coming up with a set of federal criteria that could replace the state’s plan. Working with EPA colleagues Diane Fleck, Matt Mitchell, Phil Woods and Ann Nutt over several years, they developed the criteria, which are still used as the basis for discharge permits on California’s inland waters.

Cat was also instrumental in developing policies to implement the Clean Water Act with regard to ephemeral streams and washes—waterways in vast expanses of the western states that are dry most of the year, flowing only after rains. These EPA policies, still in effect, held the line against critics who wanted to amend the Clean Water Act to exempt such waterways entirely.

Five years ago, Cat took an IPA (Intergovernmental Personnel Assignment) as Executive Officer of the North Coast Regional Board, which does the ground-level work of enforcing the federal Clean Water Act and a similar state law. She found it to be “an intriguing set of challenges” where she was able to apply lessons learned at EPA, working with states, tribes and others.



The North Coast is California’s wettest area, with rivers like the Russian, Smith, Eel, Mad, Trinity, Klamath and Van Duzen. Most of it is covered with redwoods and other forests. Logging is a major industry here, with heavy impacts on these rivers and their tributaries—primarily, sedimentation from heavily-logged slopes and unmaintained roads. She counts as one for her great achievements issuing the first water quality permit for timber harvesting in the West, and issuing a pair of very controversial permits to Pacific Lumber Company that have slowed the rate at which they were cutting redwood trees in the Elk River and Freshwater Creek watersheds.

“It’s amazing and humbling to drive north, crossing rivers and streams, knowing it is your job to protect and restore them,” says Kuhlman. “When the rivers look dirty, it’s like a punch in the stomach. When they are clean, I am elated.

“My time at EPA has been great, but now it’s on to more complex adventures beyond the ‘Redwood Curtain,’” she says. For a water animal, it’s natural habitat.

Clean Land



The job of cleaning up contaminated land in the Pacific Southwest often rests with EPA's Waste and Superfund Divisions. From complex sites requiring comprehensive cleanup to emergency responses and homeland security, EPA is prepared to respond.

In addition to cleaning up some of the nation's most contaminated sites, EPA's Pacific Southwest Region has been at the forefront of utilizing innovative techniques and approaches. Many cleanups involve transporting large amounts of contaminated soil or pumping large volumes of groundwater. Recent innovations are reducing the environmental "footprint" of these operations by using biodiesel-powered equipment, solar power for pumps, and new methods that leave soil and groundwater in place.

Another first in the Pacific Southwest is an innovative partnership between EPA, the Department of Defense (DOD)

and a private developer planning to concurrently clean up and redevelop a portion of the closed McClellan Air Force Base near Sacramento, with DOD funding and EPA oversight.

EPA emergency responders were busy in 2007, with a major national terrorist attack simulation, Southern California's most destructive wildfire season, and a major oil spill in San Francisco Bay. In addition to participating in frequent drills and unplanned disasters, responders like Harry Allen are working to clean up urgent health threats like radioactive soil from uranium mining on Navajo lands.

Trends

Cleaner Cleanups Reduce Local, Global Impacts

Cleaning up toxic sites takes energy, often requiring equipment like diesel trucks and bulldozers, which can add pollutants to the air even as contaminated soil and groundwater are being removed or cleaned. Groundwater treatment systems require electric power, adding to the environmental impact.

In 2007, however, EPA's Pacific Southwest Region launched the Cleanup Clean Air initiative, a pilot project to demonstrate ways to reduce air emissions at cleanup sites. Results thus far show promise for these techniques to be used on a broad scale.

Cleanup Clean Air encourages diesel emission and greenhouse gas reduction technologies, emphasizing:

- Clean diesel equipment
- Alternative fuels
- Energy efficiency
- Renewable energy, such as solar and wind power, and methane from waste
- Carbon sequestration, such as trees planted in parks

At the Pemaco Superfund site at Maywood in Southern California, photovoltaic solar panels were installed to provide power to run vacuum pumps that draw contaminants out of the soil and groundwater. The electricity is also used to heat the soil and vaporize contaminants, making them easier to collect and treat.

The solar panels produce about 4,500 kilowatt-hours of electricity annually. If this power had come from a fossil-fuel-burning power plant,

it would have accounted for 4,311 lbs. of CO₂ emissions.

At Camp Pendleton, a Marine Corps base between San Diego and Los Angeles, cleanup crews are using clean diesel technologies, construction equipment retrofitted with pollution controls, ultra low-sulfur diesel fuel, and biofuels in six vehicles that are removing 120,000 cubic yards of contaminated soil. By using cleaner vehicles and fuels, the Marine Corps and Naval Facilities Engineering Command Southwest are

At the Pemaco Superfund site in Southern California, solar panels help power vacuum pumps that draw contaminants out of the soil and groundwater.

reducing particulate emissions from the cleanup by 27%. In addition, most of the soil will be hauled out by train, keeping 6,250 trucks off Southern California freeways—saving energy, reducing diesel emissions, and reducing traffic.

At the Romic hazardous waste facility in East Palo Alto, Calif., soil and groundwater are contaminated with volatile organic compounds like dry cleaning solvents, paint thinners, and chemicals used in making computer chips. Here, an innovative treatment involving cheese whey and molasses is showing promise. The molasses and whey are pumped into the subsurface, allowing natural bacteria to proliferate by provid-



ing a food source. The bacteria break down as much as 99% of the contamination into CO₂, water and salt—using very little energy. EPA has proposed using this method for the entire site.

A similar in-situ bioremediation method has already been successful at the Selma Superfund site near Fresno, Calif. There, EPA greatly reduced the chromium contamination in groundwater by injecting molasses into the ground. In the most heavily contaminated area, chromium levels dropped from 80,000 parts per billion to undetectable levels in just three weeks. Molasses injection elsewhere on the site is expected to speed up the groundwater cleanup from 75 years to just five.

By replacing the traditional treatment system, EPA will save an estimated \$32 million, while cutting chemical use by a third, transportation for off-site disposal by half, and electricity use by 215,000 kilowatt-hours annually, preventing 368,000 pounds of CO₂ emissions into the air each year for 75 years.

For more on Cleanup Clean Air, visit:
www.epa.gov/region9/cleanup-clean-air

More info and video on Romic cleanup:
www.epa.gov/region9/waste/features/romic-paloalto

Above right: Excavator retrofitted with a diesel particulate filter and burning a biodiesel blend significantly reduces air emissions at Camp Pendleton cleanup.

Primer

Emergency Response Put to the Test in 2007

In October 2007, EPA's Emergency Response teams in the Pacific Southwest and Northwest Regions played a central role in "TOPOFF 4," a simulated national emergency involving the intentional release of radiation from "dirty bombs" in Phoenix, the island of Guam, and Portland, Ore. Close to 15,000 people from federal, state and local agencies participated, including 90 from EPA's Pacific Southwest Regional Office.

The exercise proved timely. Two days after it ended, many of the same people were called into action at the biggest outbreak of wildfires in Southern California history. And before the post-fire cleanups were finished, a major oil spill occurred in San Francisco Bay, not far from EPA's regional office in downtown San Francisco.

These back-to-back crises proved the value of preparedness exercises like TOPOFF 4. In emergencies, people from many different agencies must be prepared to work together under a unified command structure. For nearly a week during TOPOFF 4, EPA's regional Emergency

Operations Center was staffed around the clock, constantly updating field crews and EPA managers, and coordinating EPA's efforts with other agencies.

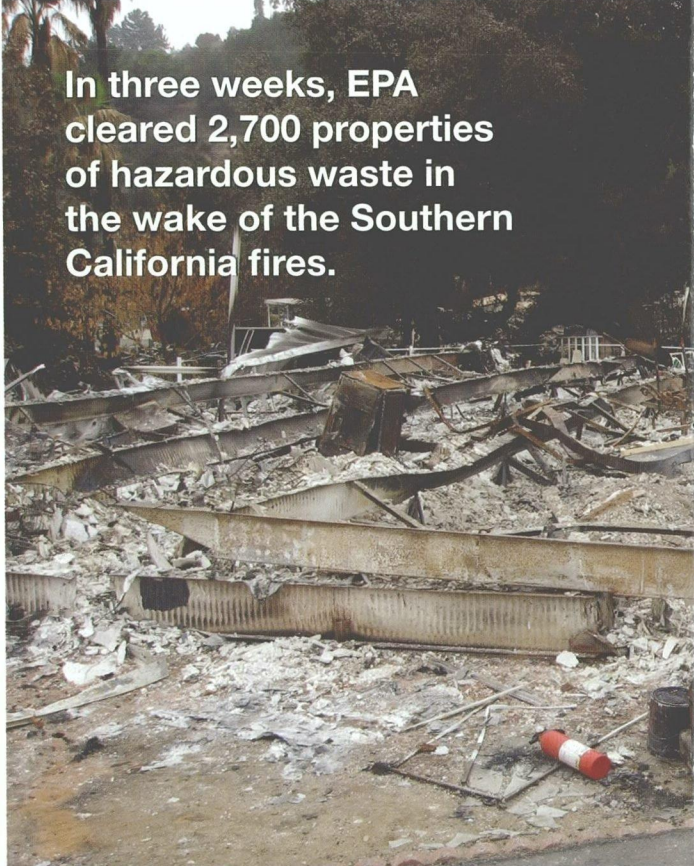
The exercise simulated how EPA emergency response personnel would work with federal, state and local responders in assessing the type, extent and danger of radiological contamination. The data collected would inform decisions about risk to the general public, evacuation decisions and decontamination.

"It's just like in sports—you have to practice if you want to be good at it," says Steve Calanog, EPA's regional chief of Emergency Response. Thanks to exercises like TOPOFF 4, he says, government agencies responded well to the Southern California fires, including the evacuation of about 1.5 million people from the San Diego area, the second-largest peacetime evacuation in U.S. history (Hurricane Katrina caused the largest in 2005).

In any emergency, local agencies—fire departments and police forces—are the first responders. State and federal agencies like EPA are the "second responders," called in by local agencies if needed. EPA's approach to these kinds of emergencies is spelled out in the National Response Framework. In case of a major natural disaster, EPA would respond as called upon by the Federal Emergency Management Agency, often addressing hazardous debris and impacts on water infrastructure.

Responding to Wildfires

In the Southern California fires, EPA's early role was primarily to help other agencies monitor air pollutants from the fires. An EPA aircraft known as ASPECT, which has infrared monitoring equipment that can detect air pollutants remotely, was brought in to survey the wildfire areas and measure and map airborne contaminants. After the fires passed through an area, EPA staff and contractors collected and disposed of household hazardous waste in the ruins, including paint, propane tanks, solvents,



In three weeks, EPA cleared 2,700 properties of hazardous waste in the wake of the Southern California fires.



Left: In an emergency simulation, rescue workers wearing protective gear practice setting up a decontamination unit.

cleaners, pesticides, and unknowns—such as chemical containers and aerosol cans whose labels had been burned off in the fires.

EPA personnel and partners responding to the fires included 110 people, about one-fourth of them EPA employees, and the rest cleanup contractors and members of the U.S. Coast Guard's Pacific Strike Team. They found that some chemicals were incinerated by high temperatures or transformed into less toxic gases like CO₂. In three weeks, they cleared 2,700 properties of hazardous waste.



Assisting Oil Spill Response

On November 7, while the post-fire cleanup was still in progress, a container ship hit a support structure of the Bay Bridge in San Francisco Bay and leaked 58,000 gallons of bunker fuel oil. For spills in open water, the U.S. Coast Guard is the first responder.

However, when the Coast Guard called for assistance, EPA responded. All together, 30 EPA employees helped with the cleanup, from On-Scene Coordinator Harry Allen IV (see story, p. 23)—who developed a plan for enlisting, training and deploying volunteers for beach cleanups—to Jim Vreeland, an EPA congressional liaison who was deployed for nearly six weeks as incident liaison officer.

EPA's emergency responders must be ready to go on a moment's notice, and willing to put in 12- to 16-hour days for weeks at a time. In its

biggest response ever, EPA sent hundreds of individuals to assist in the aftermath of Hurricanes Katrina and Rita in 2005, including nearly 10% of regional staff in the Pacific Southwest.

One of the likeliest scenarios for the next major natural disaster in the region is an earthquake. Seismologists predict a major quake will occur by 2030 on the Hayward Fault, which runs through several cities on the east side of San Francisco Bay. In a 2006 exercise simulating a major earthquake on the fault, EPA and other agencies practiced dealing with myriad simultaneous emergencies like fires at chemical plants, fuel pipeline breaks, leaks at oil refineries, and sewage treatment plant breakdowns.

Whether it will be an earthquake or other disaster, emergency responders from all across the region will be ready.

Left: Household hazardous waste is recovered after Southern California's October 2007 fires.

Above: The container ship Cosco Busan hit San Francisco's Bay Bridge, tearing a hole in the ship's hull and spilling about 58,000 gallons of oil.



Places

Halaco Cleanup Underway Alongside Ormond Beach Lagoon

The juxtaposition is startling: A sunny Southern California beach, an extensive tidal wetland teeming with wildlife, and an abandoned smelter with a huge pile of toxic waste. EPA took action to stabilize the site and limit its impacts on people and wildlife even before officially putting the Halaco site in Oxnard, Calif., on the Superfund National Priorities List in September 2007.

Halaco Engineering Co. operated a low-tech smelter on the beachfront site from 1965 to 2004, melting down scrap metal to recover valuable aluminum, magnesium and zinc. Over the years, Halaco generated a 26-acre pile of waste and contaminated the soil, sediments, surface water and groundwater in and around the site with toxic metals and hazardous chemicals.

The Ormond Beach Lagoon adjacent to the site is one of the largest remaining tidal wetlands along California's South Coast. The region's coastal wetlands are the focus of a major land acquisition and wetlands restoration effort and home to several endangered or threatened species, including birds like the western snowy plover and the California least tern. EPA is working with the California Coastal Conservancy and local activists to coordinate cleanup and restoration efforts. Soil and sediment samples from the site show contamination from barium, beryllium, copper, chromium and radioactive thorium.

In 2006, EPA worked with one of the site owners to remove drums of hazardous chemicals that were left on the site after the bankrupt smelter shut down. Last year, EPA stabilized the massive waste pile to prevent rain and wind from scattering its toxic material into the wetland and adjacent properties. EPA also removed waste that was already in the wetland and improved security at the smelter site to discourage people from entering the hazardous property.

In September 2007, EPA held a community meeting in Oxnard to update city residents on the contaminants present at the site, the risks, and EPA's progress on developing a comprehensive cleanup plan. Sites like this can sometimes take years to clean up, but EPA is expeditiously moving forward, ensuring the protection of this unique coastal area.

More info on the Halaco cleanup:
www.epa.gov/region9/waste/features/halaco

Opposite: Defunct scrap-metal smelter at Halaco Superfund site in Oxnard, Calif.

Right: Aerial photo of Halaco Superfund site shows beach and wetland alongside smelter and waste piles.



Partnerships

Revitalizing McClellan and Fort Ord Superfund Sites

EPA, the Department of Defense, and local interests have begun cleaning up portions of the McClellan Air Force Base and Fort Ord Superfund sites, through unique partnerships that accelerate cleanup and redevelopment. These two “privatized cleanups” of military Superfund sites are the first of their kind in the nation.

The Defense Department is funding the work at McClellan in Sacramento County and Fort Ord in Monterey County in California. But local interests are conducting the work in order to coordinate cleanup and redevelopment.

In Sacramento County, developer McClellan Business Park is using \$11.2 million from the U.S. Air Force to clean up a 62-acre parcel that is slated for redevelopment expected to bring in 1,200 new jobs and \$600,000 in new tax revenues annually. The agreement allowing this novel arrangement was approved in August 2007 by EPA, the state Department of Toxic Substances Control (DTSC), the Regional Water Quality Control Board, Sacramento County and McClellan Business Park.

“The framework of this project serves as a model for similar revitalization projects at closing military bases across the nation,” says Keith Takata, director of EPA’s regional Superfund Division. “Combining redevelopment needs with cleanup efforts will help move these properties back into productive reuse.”

The first step in cleaning up the 62-acre section of McClellan is a thorough investigation of soil contamination, which is now underway. Next, EPA will draft a preferred cleanup option for public review and comment and select the final remedy. The developer will carry out the selected remedy with EPA and state oversight.

The 62 acres is part of the 3,000-acre former base, which has more than 300 sites contaminated with solvents, metals and other hazardous wastes resulting from aircraft maintenance and other industrial activities in decades past. The base closed in 2001. The Air Force has groundwater cleanup underway already, using a network of more than 600 extraction and monitoring wells.



At Fort Ord, on the California Coast near Monterey, it’s a similar story. The base, which was placed on the Superfund National Priorities List in 1990, was closed in 1994. In the 1990s the Army, in consultation with EPA and Cal/EPA, was successful in addressing a wide range of environmental contamination, including fuel spills, disposal sites such as a 150-acre landfill, small arms ranges in sand dunes near the beach, and several contaminated groundwater plumes. However, approximately 6,000 acres, used for firing ranges in the center of the base, remain heavily contaminated with unexploded ordnance. The Army will be responsible for cleaning up this acreage.

In May 2007, EPA, the Army and Cal/EPA agreed to transfer about 3,500 acres of the roughly 28,000-acre base to the Fort Ord Re-use Authority (FORA) under the privatization plan. As part of the plan, the Army provides FORA approximately \$100 million to conduct additional investigations to ensure that the area has no contamination or unexploded ordnance remaining.

Current info on redevelopment projects:

www.epa.gov/region9/waste/sfund/mcclellan
www.fortordcleanup.com

Above: McClellan Air Force Base Museum

Left: McClellan Air Force Base in the 1990s



People

Harry Allen IV: Cleanup Is a Family Tradition

Harry Allen IV and his father hold a unique distinction: They're both EPA emergency responders. Harry Allen III, who works in EPA's Environmental Response Team office in New Jersey, worked on the cleanup of the Exxon Valdez oil disaster in Alaska in 1989. Harry IV has been working in the Pacific Southwest Region since 2002.

Over the past few years, the father-and-son team has been collaborating on bioremediation—the use of bacteria to break down toxic contaminants in the environment. Dad provides the recipe, and son mixes it up and applies it to site cleanups.

This technique works well on cleaning up soil contamination from hydrocarbon-based pesticides like toxaphene, which was used extensively to kill fleas on sheep on the Navajo Nation decades ago, leaving the soil contaminated.

Back in 1994, when Harry IV was a first-year environmental science student at New Jersey's Rutgers University, Harry III took him along on a trip to the Navajo Nation to supervise bioremediation of toxaphene-contaminated sites. Harry IV met the Navajo Nation EPA staff, learned about the field work firsthand, and decided to follow in his father's footsteps.

After graduation, he got a job with Weston Solutions, a contractor that provides support for Superfund cleanups nationwide. For three years he worked on EPA Superfund cleanups in New York, New Jersey, and Puerto Rico. The company transferred him to California in 2001, and in 2002 he joined the Pacific Southwest Region as an EPA employee.

Today, he's working with EPA colleague Andy Bain and some of the same Navajo Nation EPA staff on removing radioactive waste rock from abandoned uranium mines that has been dumped around homes on Navajo land. Elsewhere, Harry has been using compost from biosolids (sewage sludge) to stabilize heavy metals in mine waste.

If it sounds contradictory to use one potential pollutant to clean up another, Harry has the scientific explanation to prove that it works. Put simply, the organic materials in the compost absorb the metals, decreasing their solubility, and effectively detoxifying them. Meanwhile the compost is an effective plant fertilizer, which helps to grow plants on slopes consisting of abandoned mine waste, helping to prevent erosion. If the mine waste is acidic, as it usually is, Harry adds limestone, which is alkaline, to balance the pH. Then water can't leach acidic metals out of the rocks and pollute streams. If it contains lead, he adds phosphates, a mineral fertilizer that binds with lead.

Recently, Harry co-authored an EPA scientific paper on this topic titled "Use of Soil Amendments for Remediation, Revitalization and Re-use." The technique was originally developed to clean up acid mine drainage from coal mines in the Eastern U.S., and has also been used in the Rocky Mountains. The paper outlined additional environmental benefits of amending soils to treat contamination. On-site treatment of waste rock from mines doesn't require excavating and transporting huge amounts of heavy material, which saves energy and prevents air

pollution and greenhouse gas emissions. In another industrial setting, the technique even helps to safely get rid of an unwanted byproduct of sugar beet processing—lime.

In addition to working on Superfund cleanups, Harry took classes to obtain a Master's degree in Environmental Management at the University of San Francisco. Today, he teaches two classes in the same program: Soil Science Treatment and Technology, and Environmental Statistics. Why take on the extra work? "Sharing my knowledge is fun," he says.

More on this father/son team:
www.epa.gov/superfund/accomp/news/father.htm



Right: Harry Allen IV working with air monitoring equipment at the Amco Superfund site in Oakland, Calif.

Communities and Ecosystems



EPA's Pacific Southwest Region stretches from the arid Navajo lands of northwest New Mexico to the remote tropical Pacific Islands of Guam and Saipan. Within that vast expanse are thousands of unique communities and ecosystems, each with its own character and environmental conditions.

Many EPA programs work with communities to improve environmental conditions. The Tribal Program, for instance, works with more than 140 Indian tribes in the Pacific Southwest. This chapter includes the story of how EPA and other agencies helped the Torres Martinez tribe shut down illegal trash dumps on its lands in California's Coachella Valley. Two experts, David Taylor and Jean Gamache, explain their work with tribes throughout the region.

EPA's Environmental Justice Program works with tribal, Pacific islander and urban communities to address their

specific environmental challenges. One such community is the Los Angeles-area Hispanic neighborhood of Pacoima, which is taking steps to reduce the effects of air pollution on its residents.

Agricultural communities have their own environmental challenges, such as the ongoing effort to reduce the use of toxic pesticides without reducing crop yields. EPA also looks at communities in a broad sense—such as children, who face greater risks from toxics due to their metabolism and habits.

Trends

Transitioning to Sustainable Agriculture

Moving toward sustainable agriculture depends on widespread adoption of farming practices that reduce reliance on chemicals. Recent statistics from California indicate that this is already happening: The most current data show that farm pesticide use fell 6% from 2005 to 2006, a decrease of 10 million pounds. It was also the third straight year of reductions in farm use of the most hazardous pesticides, those linked to cancer, reproductive or neurological problems.

Use of the highly toxic soil fumigant methyl bromide bucked this trend, increasing in 2006 due to the expanding acreage of strawberry fields where it's used. Still, the 2006 total for methyl bromide was lower than 2004.

Reducing Pesticide Use

EPA supports two approaches to encourage the transition to less harmful pesticides: funding demonstration projects of agricultural best practices, and promoting programs that certify environmental performance. Both can raise yields and farm income in addition to their environmental benefits. Demonstration projects help extend new techniques to additional growers. Certification programs use market mechanisms to promote strong environmental practices by growers and help farmers prosper by doing the right thing for the environment.

For example, EPA funded a project in Hawaii to minimize pesticide risks for small farming communities threatened by the melon fly. Through field trials and crop demonstrations, Oahu growers learned how to reduce their use of highly toxic organophosphate pesticides by 40%. Some crops reported a 30% increase in yields and higher income per acre. The adop-

tion of less-toxic integrated pest management to combat the melon fly also improved produce quality, and extended harvest periods.

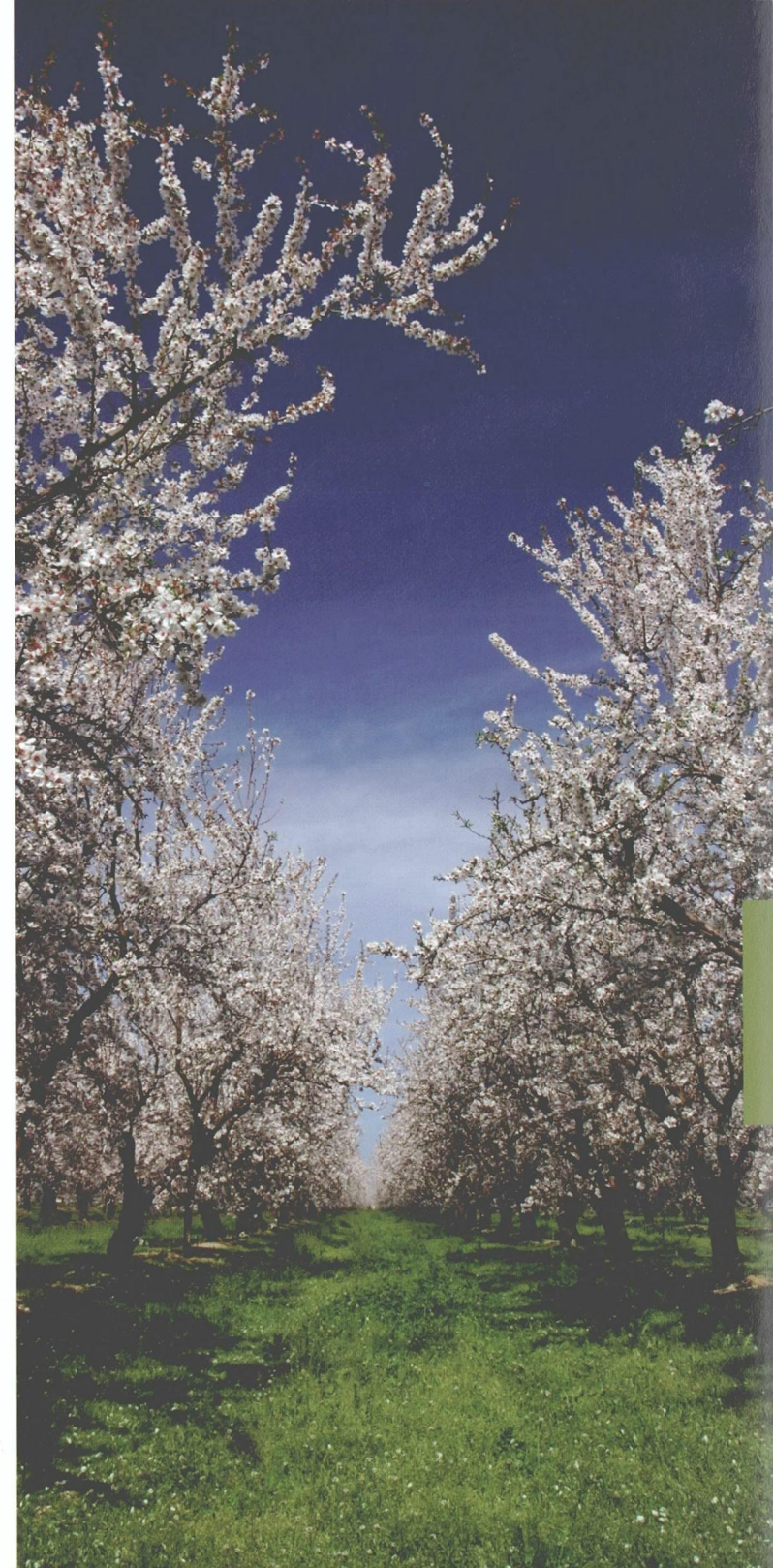
In 2007 there was continued progress on reducing use of high-risk pesticides in California fruit orchards. In the Kings River watershed, use of sonic sensing and precision spraying technology has reduced application of organophosphate pesticides by 20% in older orchards and by 40% in younger orchards.

In just one year, farm pesticide use in California fell 6%—a decrease of 10 million pounds.

Reducing Air Pollution

Spraying of liquid pesticides doesn't just affect pests. It also releases volatile organic compounds (VOCs)—the same type of chemicals that evaporate from gasoline and contribute to ozone pollution, or smog. That's why pesticides used on grapes are a serious problem in California's San Joaquin Valley, which has some of the nation's highest smog levels. In 2007 EPA funded a project to help growers reduce high-risk, VOC-emitting pesticides on 94% of California's 85,000 acres of table grapes.

The trend toward reductions in pesticide use is already benefiting millions of people who live in the state's agricultural valleys, as well as fish and wildlife. To ensure further progress, EPA will continue its efforts to promote sustainable agricultural practices.



Primer

Environmental Justice: Healthier Environments for all Communities

In 1994, the President's Executive Order 12898 required EPA to address environmental justice in low-income and minority communities. Under this mandate, EPA has worked toward a fundamental goal—that all communities and people enjoy the same degree of protection from environmental and health hazards, and equal access to the decision-making process that secures a healthy environment in which to live and work.

EPA's Pacific Southwest Regional Office has not only focused a great deal of work in specific low-income minority communities, but also has considered environmental justice as a guiding principle in all agency actions. EPA is commit-

ted to working on the biggest environmental challenges facing the most vulnerable communities bearing disproportionate impacts from pollution and toxics.

The Pacific Southwest Region is as diverse in demographics as it is in terrain. Specific areas that face unique challenges include the ports of Los Angeles, Long Beach, and Oakland, the U.S.-Mexico border, Pacific islands, tribal lands, and California's Central Valley. EPA works with these communities and helps address their environmental challenges by funding and creating collaborative projects, ensuring industry compliance, providing technical assistance, and ensuring meaningful community involvement.

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

In Los Angeles County, fully 90% of EPA's enforcement actions last year were in low-income and minority communities. EPA has made an effort to target these areas in part as a result of environmental justice concerns. Pacoima is one such community where high-impact local operations such as metal platers have been targeted for inspection and successful enforcement.

Pacoima, in the northeast section of California's San Fernando Valley, is a Los Angeles community with a mostly Latino and African American population. Residents are affected by pollution from freeways, a railroad line, an airport and more than 300 industrial facilities. Pacoima added 243 homes to its newly created Lead-Free Homes registry and enlisted 205 residents to identify and reduce local toxics with the support of an Environmental Justice Collaborative Problem Solving grant from EPA. The grant recipient, the nonprofit Pacoima Beautiful, partnered with and received aid from the Los Angeles Neighborhood Housing Services to conduct lead remediation at 18 homes.

Pacoima Beautiful also convened more than 320 community residents, partners and stake-



An EPA grant supports training of promotoras—neighborhood health advocates—in Pacoima, a Hispanic community in Los Angeles.

holders to review data and information on toxic sources in the community with an EPA Community Action for a Renewed Environment (CARE) grant. As a result, the community secured a second CARE grant for \$300,000 in 2007 to address two of the identified community priorities: small pollution sources in a targeted area of Pacoima, and diesel emissions from trucks and school buses throughout the community.

Tribal Lands and Pacific Islands

The Pacific Southwest is also home to 146 Indian tribes, many of whom live in areas where meeting basic needs is a challenge. For example, 19% of the region's tribal households lack access to safe running water, and more than 1,000 open dumps scar tribal lands. EPA has directed funding and other resources to tackle these unacceptable threats to human health and welfare. As a result, in the last five years tribes have closed nearly 400 open dumps, built more than 130 tribal government environmental protection programs, provided safer drinking water to more than 22,000 tribal homes, improved sanitation for more than 21,000 tribal homes, cleaned up more than 40 leaking underground fuel tanks, and installed more than 50 air monitors.

The island territories in the Pacific Ocean—American Samoa, Commonwealth of the Northern Mariana Islands (CNMI), and Guam—face disproportionately severe environmental infrastructure problems. Saipan is the only U.S. community of its size without 24-hour access to safe running water. In American Samoa, 17% of residents have been exposed to Leptospiro-

sis—a bacterial disease—as a consequence of piggeries contaminating water. In the past, raw sewage contaminated island drinking water wells and surface waters. With EPA's help, American Samoa is using outreach, compliance

Pacoima secured a \$300,000 EPA grant to address two community priorities: diesel emissions and small pollution sources.

assistance, enforcement, and a polluted runoff prevention program to address water contamination from small piggeries. On Guam, raw sewage overflows have been reduced by 99%.

EPA is using environmental justice and geographic information systems (GIS) tools to target enforcement, grants and other resources to the communities most heavily impacted and most vulnerable. The agency is also using grants, technical assistance, and collaborative approaches to support community-based leadership in solving environmental problems.

Collaborating with these diverse communities, EPA has focused resources and formed partnerships to make real public health and environmental improvements. These communities, in turn, help EPA integrate environmental justice priorities into the agency's everyday work. The goal is to ensure that all communities have meaningful involvement in decisions that affect them, and that all people have clean air, water and land where they live, work and play.



San Fernando Road, Pacoima

Places

Torres Martinez Collaborative Combats Illegal Dumps

Two years ago, illegal dumping on the Torres Martinez Desert Cahuilla Indian Reservation in California's rapidly growing Coachella Valley reached crisis levels as unscrupulous waste haulers used the open desert land as a dumping ground outside the reach of state regulatory agencies. Illegal dump operators burned massive amounts of waste, creating plumes of smoke that clouded the skies and forced schools to close. New dumpsites appeared overnight on remote reservation roads. Despite persistent efforts, the tribe's staff were unable to stem the tide of trash.

To combat the dumpers, EPA, the Bureau of Indian Affairs (BIA) and the tribe formed an alliance with 24 federal, state and local agencies and nonprofits in April 2006: The Torres Martinez Solid Waste Collaborative. Members of the collaborative energetically pooled the talents and resources of the various agencies, combining public education, outreach, enforcement and direct action.

In less than two years, the collaborative has achieved impressive results. All illegal dumps on the reservation have been shut down. For the past year, no new dump sites have appeared. The collaborative has cleaned up more than 20 dumps and installed gates, fences and other access controls. Open burning has been almost entirely eliminated. Outreach and public education have redirected haulers to legal disposal and recycling facilities. No single agency could have done it alone. Each success involved the cooperation and participation of multiple agencies.

Collaborative members pooled their talents, combining public education, outreach, enforcement and direct action.

At the notorious Torlaw illegal dump, where fires created constant smoke, a lawsuit by EPA and BIA ended in victory: The U.S. District Court ordered the operators to shut down and vacate the property. The court also ordered them to pay up to \$42.8 million in cleanup costs, plus more than \$2.3 million in penalties. After the dump closed, the Riverside County Fire Department and the California Integrated Waste Management Board (CIWMB) chipped and mulched 17,000 cubic yards of green waste to prevent fires.



At the illegal, 25-acre Auclair Dump, EPA removed hazardous waste to a permitted landfill, including 1,400 tons of ash, 400 pounds of asbestos-cement pipes, 1,600 pounds of waste oil and sludge, and 100 cubic yards of discarded wooden grape stakes treated with toxic chromated copper arsenate (CCA). The California Integrated Waste Management Board (CIWMB) finished the cleanup, removing 1,700 tons of debris, 35 tons of metal, and 22 lead-acid batteries.

At another site, just 200 yards from a school in Thermal, the state Department of Toxic Substances Control (DTSC) worked with the tribe and Riverside County Waste Management to remove 100 tons of CCA-treated grape stakes. Elsewhere, EPA took enforcement actions against two mobile home park operators for illegally dumping residents' trash, securing enforceable commitments to provide trash pickup for the residents and improve waste management.

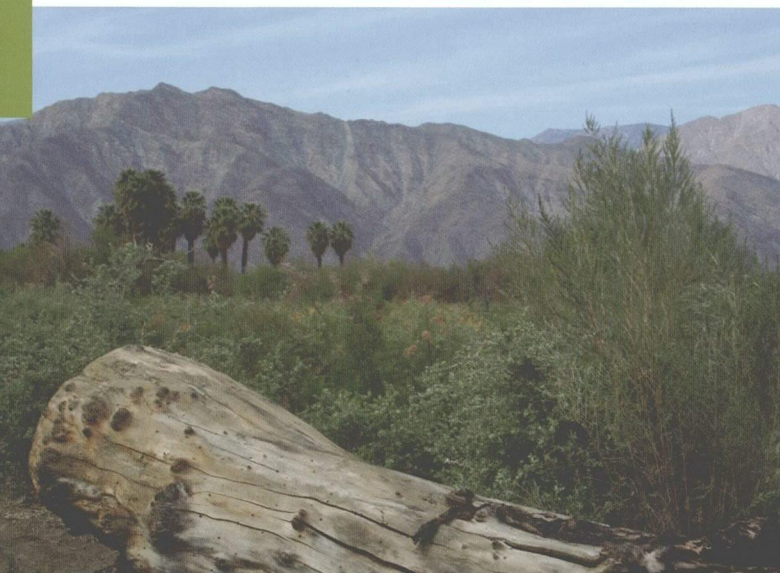
The California Highway Patrol and the Riverside County Sheriff's Office have contributed to the effort with aerial monitoring to keep track of the dumpsites and find any new ones. EPA is now working with the tribe and BIA to assess former dumpsites' potential for reuse.

For updates on the collaborative and a list of its members, visit:

www.torresmartinez.org/collaborative
www.epa.gov/region9/indian/torres-martinez

Above right: The AuClair dump site on the Torres Martinez Reservation, before cleanup.

Left: A former dump site at the Torres Martinez Reservation, after cleanup.



Advances

Protecting Children from Toxics and Pesticides

Children are our future, and protecting them from toxics in the environment is a high priority. Children are more vulnerable to toxics than adults—their bodies are small and still developing, and exposure to toxins in this critical period can permanently alter the way the child's biological system operates. They're also more likely to play on lawns and floors, where pesticides and toxics can get on their hands, and then into their mouths.

Lead in paint, toys or even candy poses a threat, as do household pesticides, or pesticides brought into the home on the clothes of farmworker parents. Some products pose multiple, different threats—an unregistered disinfectant, for example, might be packaged in a bottle that resembles a soft drink, resulting in the poisoning of a child who drinks it. A similar product, if used in a hospital, could allow diseases to spread.

Reducing Risks of Pesticide Use

By enforcing pesticide regulations, EPA ensures that products are properly registered and labeled, minimizing risks to children, workers and other members of the public by providing directions for proper use and disposal, and preventing false or misleading claims. Last year, EPA's Pacific Southwest Office brought 31 enforcement actions against violators of federal pesticide regulations, collecting \$1.2 million in penalties.

EPA took four enforcement actions against companies selling pesticides with chlorpyrifos and diazinon, which were cancelled for house-

hold use in 2001 and 2004 respectively, due to exposure risks to children.

Under the terms of a legal settlement with EPA, one company paid a penalty and spent an additional \$200,000 to produce a DVD and brochure on "Do's and Don'ts of Retailing Pesticides," and present it to retail industry audiences. The video provides an overview of EPA rules on household pesticides, which stem from the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Children's bodies are still developing, and they can take in toxins more quickly.

Six companies were cited for selling unregistered pesticides, including "Fabuloso Energia Naranja" (Fabulous Orange Energy) an import from Mexico that was sold in clear plastic bottles and looked like soda pop, even though it was sold as a disinfectant. In another case, EPA took action against a company for distributing in the U.S. an unregistered and mislabeled disinfectant bleach intended for sale in Asia.

Farm workers and their children can be harmed by pesticides if employers don't comply with regulations. In Hawaii, a company was fined \$24,640 for several instances of pesticide misuse, including failure to notify workers of pesticide applications, and failure to protect workers from exposure to pesticide drift.

Prevalence of Lead in Candy Studied

The discovery that numerous imported toys contain lead has caused widespread alarm and prompted several product recalls. Lead poisoning in young children can trigger learning disabilities, hyperactivity, hearing loss, and brain damage.

EPA has helped advance investigation into another possible source of childhood lead poisoning—imported candy.

The extent to which lead contaminates imported candy is unknown, but state and local health departments in California and Arizona have estimated that it may account for 5% of childhood lead poisoning cases. Last October, EPA awarded a grant of \$96,798 to the University of Nevada, Las Vegas, to develop a cost-effective method of screening imported candy for lead content.



Some pesticides have been cancelled for home use due to risks to children.

People

Jean Gamache: From Alaska to the Southwest Tribes

Jean Gamache, manager of EPA's regional Tribal Program Office for the past year, is a member of the Central Council of the Tlingit and Haida Indian Tribes of Alaska. Jean holds a law degree and in the 1990s worked with a firm representing Alaska Natives seeking recompense for damages to subsistence food resources from the 1989 Exxon Valdez oil spill. Before 2005, when she came to EPA's regional office in San Francisco, Jean had lived nearly all her life in Alaska, working on environmental issues as well as fishing commercially for salmon in Bristol Bay each summer for more than 20 years.

From 1997 to 2005, Jean worked in EPA's Alaska Operations Office, leading the team that worked with the 229 federally-recognized tribes in Alaska. Since moving to the Pacific Southwest Regional Office in San Francisco, she has been adjusting to the extreme differences in population density. Alaska has four times the land area of California but only 1/50th as many people.

Most tribal communities in Alaska can be reached only by plane or boat, so transportation issues affect tribal environmental efforts. Abandoned vehicles have to be hauled out—by barge. Hazardous waste such as asbestos must be removed from abandoned buildings built decades ago for schools, hospitals, or military bases. Typically, removal is possible only during the summer, when barges can travel the waterways and take the waste to a landfill.

Another major difference between Alaska and the Pacific Southwest, Jean says, is temperature. She recalled one training course for tribal

environmental staff at a town on the Yukon River in central Alaska during the middle of winter. Travel to the community was by small plane, and the temperature when she arrived was 20 degrees below zero. Over the next few days, it got even colder. Once the temperature goes below -50 degrees, planes stop flying. Jean caught the last plane out before flights were cancelled for several days waiting for the weather to “warm up” to above -50 degrees.

Tribal goals, however, are much the same in both regions: close open dumps, improve drinking water and wastewater infrastructure, improve substandard living conditions, build tribal capacity through EPA Indian Environmental General Assistance Program (GAP) funding. Tribes use GAP funding for their environmental agencies, and build on it to achieve environmental goals. In 2007, for example, tribes in the Pacific Southwest closed 82 open dumps.

Jean is responsible for overseeing the region's tribal program, which provides more than \$15



Jean Gamache

million each year to support the tribes' own environmental programs, and maintains productive relationships between EPA and more than 140 tribal leaders. Jean's staff of 12 provides grants and hands-on assistance to tribal environmental directors.

David Taylor: Assuring Quality of Environmental Data

An ancient Greek philosopher asked the question, "How do we know what we know?" Answering that question is basic to the work of protecting human health and the environment. EPA and other environmental agencies need reliable, verifiable data about pollutant levels in air, water, land and living things to make sound environmental decisions. With 50 state governments and thousands of local and tribal governments overseeing a multitude of data collection efforts, ensuring data quality can be a daunting task. In EPA's Pacific Southwest Quality Assurance (QA) Office, a dozen people are dedicated to the task; senior among them is Dr. David Taylor.

A Ph.D. chemist by training, Dave reviews the plans that describe how environmental agencies and laboratories ensure the reliability of data from samples of air, water, soil or living tissue. All EPA grantees and contractors must prepare Quality Management Plans, Quality Assurance Program Plans, Quality Assurance Project Plans or Sampling and Analysis Plans before they may collect environmental data. Dave reviews the plans with the authors to make sure

"I feel very fortunate," Jean says, "that I've been able to work with so many different tribes in some of the most extreme environments in North America, to make a difference in protecting the environment in Indian Country."

they have adequately described the proposed data collection effort to meet their program or project objectives.

Over the years, Dave has worked his QA magic with all EPA programs as well as state and tribal environmental agencies. He has come up with novel ways to assist tribal governments that may have little prior knowledge of QA issues. Dave designed a two-day training and a template for tribal pesticide enforcement inspectors giving them a head-start in writing a QA plan. Collaborating with EPA's New England Region, he produced a QA reference tool for tribal water monitoring programs in a CD-ROM format. The CD has been distributed to more than 700 Indian tribes and communities nationwide. In recognition of this work, Dave was named San Francisco Bay Area Federal Employee of the Year in the Professional Category in 2005.

Dave reviews QA management and program plans that cover state-wide data collection activities. This year he worked with the California State Water Resources Control Board to describe an integrated quality system in a Quality Management Plan for the state and its nine Re-



gional Water Quality Control Boards. While EPA has published guidance for the highest level of QA (the Quality Management Plan), and for specific projects (the QA Project Plan), Dave saw the need for a QA document that describes the activities of state programs. The result was a Quality Assurance Program Plan guidance that Pacific Southwest states are now using. Other regions are also asking for this guidance.

Dave first worked with EPA on QA projects as a contractor in 1980, supporting Office of Research and Development laboratories in North Carolina, Cincinnati and Las Vegas. He audited laboratories and wrote national QA guidance. Eventually, he led 43 audits of EPA program offices and organizations that worked with environmental data, including seven of EPA's 10 regions.

When Dave joined EPA as a federal employee in 1994, his reputation as a valued QA resource preceded him. Since then he has become a master builder of QA bridges to all EPA and EPA-funded programs in the Pacific Southwest Region that collect and use environmental data.

Compliance and Stewardship



Compliance with environmental laws and regulations is the objective of EPA's enforcement program. Compliance is just a starting point toward the ultimate goal of voluntary engagement that goes beyond the requirements and toward a culture of sustainability and stewardship.

In 2007, EPA's Pacific Southwest Region and its many federal, state, local and tribal partners had notable successes in both respects. EPA enforcement actions in the region secured about \$1.5 billion for cleanups and pollution prevention. In this chapter, Hawaii provides examples of enforcement and incentives clearing the way for redevelopment of formerly contaminated properties.

Voluntary stewardship initiatives showcase the creativity and inventiveness of people tackling a broad range of environmental issues. The Lifecycle Building Challenge, orga-

nized by EPA's Pacific Southwest Regional Waste Division, engaged architects and students all across America in a competition to design buildings for adaptability to avoid landfilling valuable building materials.

California celebrated its success in an ongoing effort to divert more than 50% of its solid waste from landfills. The East Bay Municipal Utility District pioneered a new technique for turning food waste into usable energy. Even nail and hair salons are involved in collaborative efforts to reduce the toxicity of their products.

Trends

Environmental Enforcement Brings Record Results Across U.S.

"You can print all the laws you want, but it's just paper without enforcement," says Granta Nakayama, EPA's Assistant Administrator for Enforcement and Compliance Assurance. Nationally, EPA law enforcement efforts resulted in a record \$10.6 billion in environmental improvements in fiscal 2007—meaning alleged violators are now legally committed to spend that amount for specific cleanups and pollution prevention projects.

EPA's Pacific Southwest Region last year led the nation in contaminated soil cleanups, with commitments to remove or restore nearly 66 million cubic yards of soil. The region also had the highest total value of supplemental environmental projects, in which a responsible party agrees to go beyond paying penalties and undertakes a project to benefit public health or the environment.

Wastewater Infrastructure

After several years of work, EPA settled two major wastewater cases that commit the cities of San Diego and Honolulu to spend a total of \$1.3 billion on improvements to their sewage collection systems to prevent sewage spills. San Diego will spend about \$1 billion over the next several years to replace aging and inadequate sewer pipes. The city had experienced hundreds of sewage spills and overflows prior to EPA's enforcement efforts.

Last May, EPA reached an interim settlement with the city of Honolulu that commits the city to making \$300 million worth of improvements to its sewage system. In 2006, Waikiki Beach was closed for a week due to a 50 million-gallon

sewage spill into the nearby Ala Wai Canal. The settlement requires Honolulu to make a number of short-term fixes to its sewage collection system. Meanwhile, EPA continues to work with the city to ensure long-term solutions.

San Diego and Honolulu will invest in infrastructure to prevent sewage spills as a result of EPA enforcement efforts.

Airborne and Underground

In a major Clean Air Act case settlement, the Evergreen Pulp Inc. mill near Eureka, Calif., installed pollution controls on its lime kiln to reduce emissions of particulates and hazardous air pollutants by 340 tons per year. Meanwhile, Nevada Power will reduce emissions at two of its power plants near Las Vegas by about 2,900 tons per year (see story, p. 8).

Less visible is the work being done to prevent fuel leaks from 50,000 underground storage tanks from polluting soil and groundwater in the Pacific Southwest. More than 14,000 inspections were carried out by EPA and state, tribal and territorial agencies in fiscal 2007. These tanks, with an estimated combined capacity of more than 250 million gallons, present an "invisible risk" to the environment since releases would occur underground.



Spill and Dump Cleanups

Fuel spills were at issue in a settlement involving the pipeline company Kinder, Morgan, which had three pipeline breaks resulting in serious oil spills in California in 2004 and 2005. EPA estimated the volume of the spills at 124,000 gallons in April 2004 at Suisun Marsh in Solano County, 77,000 gallons in February 2005 at Oakland Inner Harbor in Alameda, and 300 gallons in April 2005 into a creek in the Donner Lake watershed in the Sierra Nevada. Kinder Morgan Energy Partners LP and SFPP LP agreed to pay nearly \$5.3 million to resolve their liability under the federal Clean Water Act, Oil Pollution Act, Endangered Species Act, and California laws regulating oil and water pollution.

Not all EPA enforcement cases, however, end in settlements. Operators of the illegal Torlaw dump on the Torres Martinez Desert Cahuilla Indian Reservation chose to ignore EPA and Bureau of Indian Affairs enforcement efforts, forcing the agencies to go to federal court. The court ordered the operators to shut down, vacate the property, and pay up to \$42.8 million in cleanup costs, plus more than \$2.3 million in penalties (see p. 28).

Above: Improvements to sewage collection systems mean fewer spills.

Primer

EPA Spurs Green Building with Lifecycle Building Challenge, Grants

EPA's involvement with green building—designing buildings to reduce waste and conserve energy—is nothing new, but now it's coinciding with an unprecedented wave of interest. “An architect today who designs a high-profile building has to take the environment into account,” says San Francisco Chronicle architecture critic John King. “Not just because it's the right thing to do, but also because other architects and clients are making the effort. If you don't, you're behind the times.”

In 2007, EPA's Pacific Southwest Regional Office spurred innovation in this growing sector by launching the Lifecycle Building Challenge, a nationwide competition for architects, builders and students that pushed the envelope of Green Building to include designing buildings for deconstruction and reuse.

The event generated interest all across the U.S., garnering coverage in 30 trade publications, including a top story in the prestigious

American Institute of Architects' (AIA) newsletter, more than 2.5 million hits on the competition's Web site, and lots of attention on other Web sites, online publications, and blogs. EPA collaborated with three strategic partners: The 80,000-member AIA, the Building Materials Reuse Association (BMRA), and West Coast Green, the nation's largest residential green building conference.

The competition asked participants to reduce a building's environmental impacts over its entire lifecycle, from the manufacture of building materials to the reuse or transportation of demolition waste. Potential savings of materials and energy are huge. Each year more than 100 million tons of construction and demolition debris are landfilled in the U.S.—equivalent to a ton of waste for every person in the U.S. every three years! Buildings account for 60% of the nation's raw materials consumption (not counting food and fuel), 40% of electricity use, and 25% of all energy consumption. And beyond that, manufacturing materials like steel and concrete is energy intensive. Reuse also cuts greenhouse gas emissions.

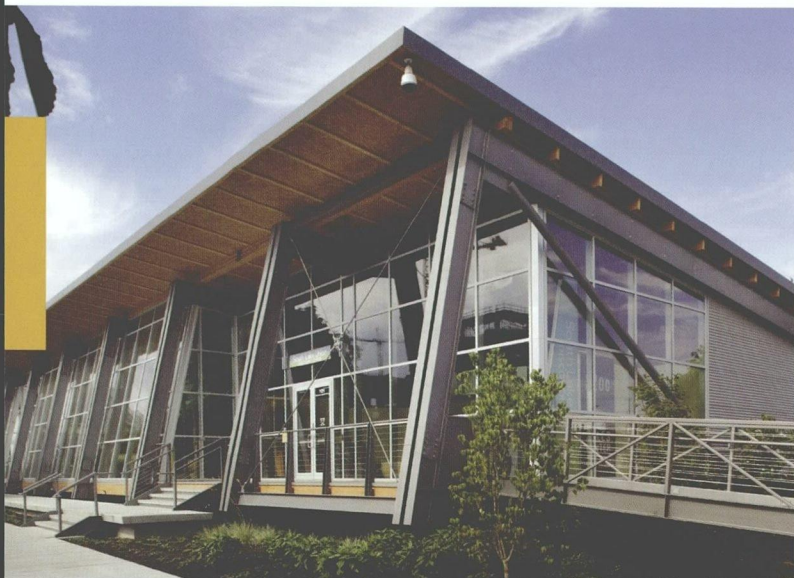
The best way to “green” a building over its entire lifecycle is to design it from the start to promote adaptability, local building materials reuse, and recycling. For example, entries in the contest included open source modular buildings that can be changed over time as family space needs change, and a multi-family project that can easily be converted from one-bedroom units to two-bedroom units to commercial office space.

Inspiration for the event came from a 2005 EPA grant to the Chartwell School in Seaside, Calif., to design the school's deconstruction strategies. There, EHDD Architects created techniques that allow building components to be easily disassembled and reused. Adaptations can be made easily. Exposed utility raceways facilitate updates to wiring and technology. Concrete blocks are bonded so each can be

The Lifecycle Building Challenge asked participants to design a building to reduce its environmental impacts over its entire lifecycle.

lifted out and reused. Nail-free paneling can be easily removed and reused. The design preserves the parts of the building with the most embodied energy, such as concrete and steel components.

If one architecture firm could come up with so many green innovations, imagine what a nationwide competition could do, reasoned EPA's Lifecycle Building Challenge Team leaders Timonie Hood and Eileen Sheehan. Together with team members Saskia van Gendt and Pamela Swingle, they devised the criteria and guidelines, recruited a distinguished judging panel, helped develop the Web site, and worked with



Pavilion in the Park, Seattle—one of the winning entries in the Lifecycle Building Challenge.
(David Miller, The Miller|Hull Partnership)

Lifecycle Building Challenge:
www.lifecyclebuilding.org

Watch the video:
www.epa.gov/region9/video/lifecycle

a wide range of organizations to promote the competition.

In all, 90 entries were submitted from across the nation. On September 20, 2007, EPA Assistant Administrator Susan Bodine joined Pacific Southwest Regional Administrator Wayne Natri, AIA President RK Stewart, and BMRA President Brad Guy to announce the nine winners, who hailed from nine of EPA's 10 regions.

The Lifecycle Building Challenge was such a success that EPA and its partners are sponsoring it again this year.

Energy-Saving New Homes, Healthier Hospitals

The watchword of the green building industry is LEED—the U.S. Green Building Council's Leadership in Energy and Environmental Design Rating System. EPA's Pacific Southwest Office has partnered with a local council affiliate to test the workability of its draft LEED-H standard for home building combined with EPA's new Indoor Air Package, a series of recommendations for indoor air quality. In 2007, an EPA grant provided technical assistance to large-scale builders who constructed 53 new homes meeting both standards. EPA is expanding the project with the goal of adding 500 new green homes by 2010.

Another 2007 EPA grant helped the city of Fresno, Calif., collaborate with the U.S. Department of Housing and Urban Development to incorporate Green Building in an affordable housing project of eight new homes. Green features include pervious concrete outdoors,

photovoltaic panels, cool roofs, passive solar, and high-efficiency windows. In just the first two homes, builders reduced construction waste by six tons.

Many California hospitals will soon be getting upgrades to meet new state seismic standards, so in 2007 EPA's Wendi Shafir led a collaborative effort among healthcare organizations, hospitals, and Green Building experts to create a series of fact sheets on the "Top 5 Green Building Strategies for Hospitals." The strategies reduce heating and cooling energy use by up to 50%, conserve water, and improve indoor environmental conditions for patients and hospital workers.



Above: EPA's Timonie Hood and Saskia van Gendt

Download 'Top 5 Green Building Strategies for Hospitals':
www.epa.gov/region9/waste/p2/greenbldg.html

U.S. Green Building Council:
www.usgbc.org



Right: Transformative Multi-Family Housing proposed for Oakland, Calif. (Saida + Sullivan Design Partners, San Francisco)

Places

Land Revitalization in Hawaii and the Pacific Islands

Cleaning up contaminated land for redevelopment is a priority for all of EPA's cleanup programs. In Hawaii and the Pacific Islands, where land is at a premium, land revitalization is even more crucial. Several projects in Hawaii and the Commonwealth of the Northern Mariana Islands (CNMI) illustrate how EPA works with state and local governments to clean up and reuse contaminated land.

In Hilo on the island of Hawaii, contaminated soil was found in a portion of the city's Bayfront Recreation Area that had earlier been an oil gasification plant. The U.S. Army Corps of Engineers excavated the soil and wrapped it in a huge plastic liner resembling a burrito. But this was only a temporary solution. In 2004, EPA worked with the Hawaii Department of Health (HDOH), the Corps, and the County of Hawaii to remove 7,900 tons of soil to a hazardous

waste landfill. The site is again part of the park, with two new soccer fields.

In Honolulu, the former site of a bakery was found to be contaminated by oil, diesel and gasoline from abandoned underground storage tanks (USTs). EPA and HDOH oversaw the removal of three USTs, on-site treatment of 2,500 cubic yards of contaminated soil and 1,200

From pesticide spills to abandoned artillery shells, health hazards are being cleaned up so that island lands can be returned to productive use.

cubic yards of coral (used as fill), and contaminated groundwater. Today, the site is being redeveloped as a Safeway Shopping Center with a grocery store and shops.

Elsewhere on Oahu, part of the 400-acre East Kapolei Redevelopment Area had been used to load, mix and store pesticides and chemical fertilizers, which contaminated the soil. EPA Brownfields grants funded environmental assessments which pinpointed the contaminated areas and allowed cleanup costs to be determined. State agencies and community groups are evaluating cleanup alternatives, and plan to redevelop the site with 2,500 units of affordable housing for native Hawaiians.

At the Del Monte Superfund site, a former pineapple farm in Kunia, West Oahu, soil and groundwater are polluted with the pesticides EDB and DBCP from spills. In 2005, EPA negotiated a consent decree requiring Del Monte to clean up the soil and groundwater, at a cost of about \$13 million. Deep groundwater is now being treated with air stripping (which evaporates pollutants) and carbon filtration. Contaminated soil will be treated with soil vapor extraction, then capped. Redevelopment plans are being analyzed by the local government.

In CNMI, World War II left piles of unused bombs, bullets and artillery shells abandoned throughout the islands, as well as randomly buried "duds" that failed to explode—all known as "UXO," for "unexploded ordnance." The trouble is, sometimes UXO does explode when disturbed, so areas with UXO are off-limits for redevelopment.

In 2007, EPA and the CNMI Department of Public Safety finalized a unique agreement that gives CNMI authority to safely store and dispose of this hazardous waste on a routine basis at the Marpi Point Open Detonation Area. EPA also awarded two Brownfields assessment grants to CNMI to speed the removal of UXO at sites such as the Marpi Village Homestead, where 500 new homes are planned for indigent families.



Groundwater treatment system at the Del Monte Superfund site, Kunia, Hawaii.

'From Bomb Fields to Brownfields':
www.epa.gov/region9/waste/features/ordnance

More info on Hawaii land revitalization:
www.epa.gov/region9/waste/features/land-revitalize-hi

Places

California Surpasses 50% Waste Diversion Goal

California's Integrated Waste Management Board received an award from EPA last year for an amazing achievement: The nation's most populous state surpassed its own goal of diverting 50% of the state's waste from landfills. Some local jurisdictions even surpassed 70%.

That's good news, because a high diversion rate does more than save trees and reduce the size and number of landfills. Most of the diversion comes from recycling, which replaces virgin material production and reduces energy use and greenhouse gas emissions.

"We at EPA want to thank the cities, counties, businesses, nonprofits, and all Californians," said Jeff Scott, director of EPA's regional Waste Division, upon presenting the award. "Their continuing efforts have made this notable achievement possible."

The latest numbers show that California is diverting more than a ton of waste per person each year. California diverts 46 million tons of municipal solid waste per year, and with 35 million people, the state is diverting 52% of the 88 million tons of waste generated.

This success was no accident. The effort started back in 1989, when then-State Senator Byron Sher of Palo Alto sponsored the Integrated Waste Management Act, requiring all local governments to divert 50% of their trash by 2000. The bill took effect in 1990. It set an ambitious goal. At that time, only 10% of the state's waste was being recycled.

Over the next decade, the law spurred most of the state's local governments to start curbside

recycling and other programs to recycle their garden and landscaping waste; construction and demolition waste; and food waste. EPA assisted with voluntary partnerships like Waste-Wise, which has more than 200 industry and government partners in California—more than double the number in the next leading state.

Municipalities that failed to make the 2000 deadline but were making a good-faith effort were given an extension until 2005. Nearly all succeeded. Those that didn't had to start paying fines, as required by the 1989 law.

Today, the state is working toward a goal of zero waste by promoting markets for recycled materials, supporting recycled product procurement and purchasing, continuing to look for new recycling opportunities, and reducing household

hazardous waste going to municipal landfills. For example, the state has banned discarded Compact Fluorescent Lights (CFLs) from landfills because they contain small amounts of mercury, which could be released into the environment. The state now treats CFLs from businesses and residents as hazardous waste.

Because California measures diversion rather than just recycling, it's not clear whether Californians are the nation's number one recyclers. However, California has clearly been an innovator in reducing the environmental impacts of trash.

More info on EPA's WasteWise Program:

www.epa.gov/wastewise

California recycling success stories:

www.bottlesandcans.com/local_success.php

Visit www.bottlesandcans.com or call 1-800-RECYCLE. ©2004 California Department of Conservation



printed on recycled paper

California's outreach campaign sends a strong message to reduce waste.

Recycle.

Innovation

East Bay MUD Hits “Environmental Home Run” With Food Waste

California’s East Bay Municipal Utility District (EBMUD) has won many environmental awards over the years for forward-thinking operation of its huge wastewater treatment plant in Oakland. So it’s not surprising that they’ve come up with an innovation that has quadruple environmental benefits: Reducing greenhouse gas emissions, generating renewable electric power, producing compost, and diverting and recycling the largest single component of urban trash: food waste.

How do they do it? By processing 40 tons of food waste per day in anaerobic digesters that were built to break down sewage sludge. Last year, EPA issued a \$50,000 grant to EBMUD for a small-scale controlled test of the system using different types of organic waste, varying time periods and other parameters. Results are now being used to encourage other cities to follow EBMUD’s lead.

EBMUD is planning to scale up its food waste inputs in the future using food waste from San Francisco restaurants and grocery stores. San Francisco’s Mayor Gavin Newsom has committed the city to an ultimate goal of reducing waste and recycling all remaining waste—a big step beyond the state standard of diverting 50% of its waste from landfills, which San Francisco reached eight years ago.

Here’s how the process has been working in Oakland: EBMUD’s wastewater treatment plant has several anaerobic digesters, more than needed to treat all the sludge, or “biosolids,” removed from wastewater. They’ve installed a food waste grinder and storage tank next to one of the digesters, to feed it food waste in addition to biosolids.

Anaerobic bacteria flourish in the digesters, generating methane gas which is captured and burned to generate electricity that runs

the wastewater treatment plant. This reduces greenhouse gases, because the food waste would otherwise have gone into a landfill, where its decomposition would have generated methane that would be emitted into the atmosphere.

Every day, 40 tons of food waste are being turned to energy.

Methane emitted into the air also adds to smog, so keeping it in the digesters and burning it to generate electricity also benefits air quality. After the food waste is processed in the digesters, the end product has less weight and volume. It’s sent to a composting facility to be mixed with other organic materials such as yard waste for further decomposition. The resulting compost is a high-quality fertilizer used to grow organic crops, such as wine grapes in Sonoma and Napa Counties’ famous wine country.

The system does all this at minimal cost, because its most expensive infrastructure—the digesters—are already paid for, and 32% of digester capacity at wastewater treatment plants, on average, is unused. Dave Jones and Cara Peck of the EPA Pacific Southwest Waste Division recently received the results of the EPA grant-funded project at EBMUD, and they’re spreading the good news: Food waste processing can be an environmental home run for any city.



A truck offloads food waste on its way to EBMUD’s dome-shaped anaerobic digester.

People

Jessica Counts: Protecting Health in Unlikely Places

Jessica Counts has worked in several federal agencies in the past 23 years. In 1997 she came to EPA's regional office in San Francisco looking for "a more challenging career." She got it. Since 2003, Jessica has been a pollution prevention specialist in the regional Waste Division, where she now works to reduce exposure to toxics in nail and hair salons, and helps tribal casinos adopt greener, healthier practices.

There are more than 80 tribal gambling casinos in the Pacific Southwest, and more on the way, since California voters in February 2008 approved statewide propositions allowing four tribes to open bigger, Las Vegas-style casinos. There are hundreds of nail and hair salons using chemicals that may endanger the health of thousands of workers, their children, and customers. Salon workers often report respiratory problems and headaches, and their risk of can-

cer, birth defects and asthma is similar to that of industrial workers.

Last year, Jessica helped organize the Greening Tribal Casinos Conference in Sacramento, where casino managers learned about conserving energy and water, composting and recycling, and even using biodiesel made from grease in their restaurants to fuel their vehicles. Jessica worked with a contractor to develop a pollution prevention checklist for casinos that includes best management practices like replacing slot machine lights with energy-saving LEDs. Jessica is currently working with tribal casinos to identify pollution prevention opportunities in their operations to reduce their environmental footprint.

Toxics in Nail and Hair Salons

Jessica also works with the California Healthy Nail Salon Collaborative, a coalition of nail salon businesses, workers, health activists, and non-profits working to address health issues in nail salons, which typically use nail polish and polish remover that contain volatile organic compounds, and toxic chemicals that bond artificial nails to real nails. In this capacity, Jessica oversaw the translation and publication of a revised EPA brochure on nail salon chemicals into Vietnamese and Korean.

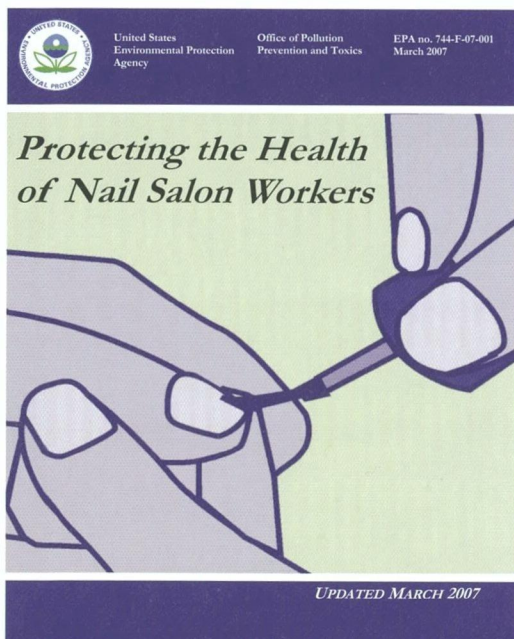
Also last year, Jessica convened an African American Hair Salon Roundtable in Oakland, Calif., where participants listened to speakers presenting studies on the health impacts of products used in African-American hair salons. Studies indicate that some hair products used

by African-Americans contain estrogenic chemicals that can cause premature puberty in girls and may also be linked to breast cancer. Even when products list ingredients, Jessica says, other toxic chemicals may be hidden under the term "fragrance."

So what can be done? In the long term, products should be reformulated without the problematic chemicals. Jessica says that more research is needed to address the full scope of environmental health issues related to the use of chemicals in personal-care products. Meanwhile, salon owners and workers can lower their risk by learning more about the content of the products they use.

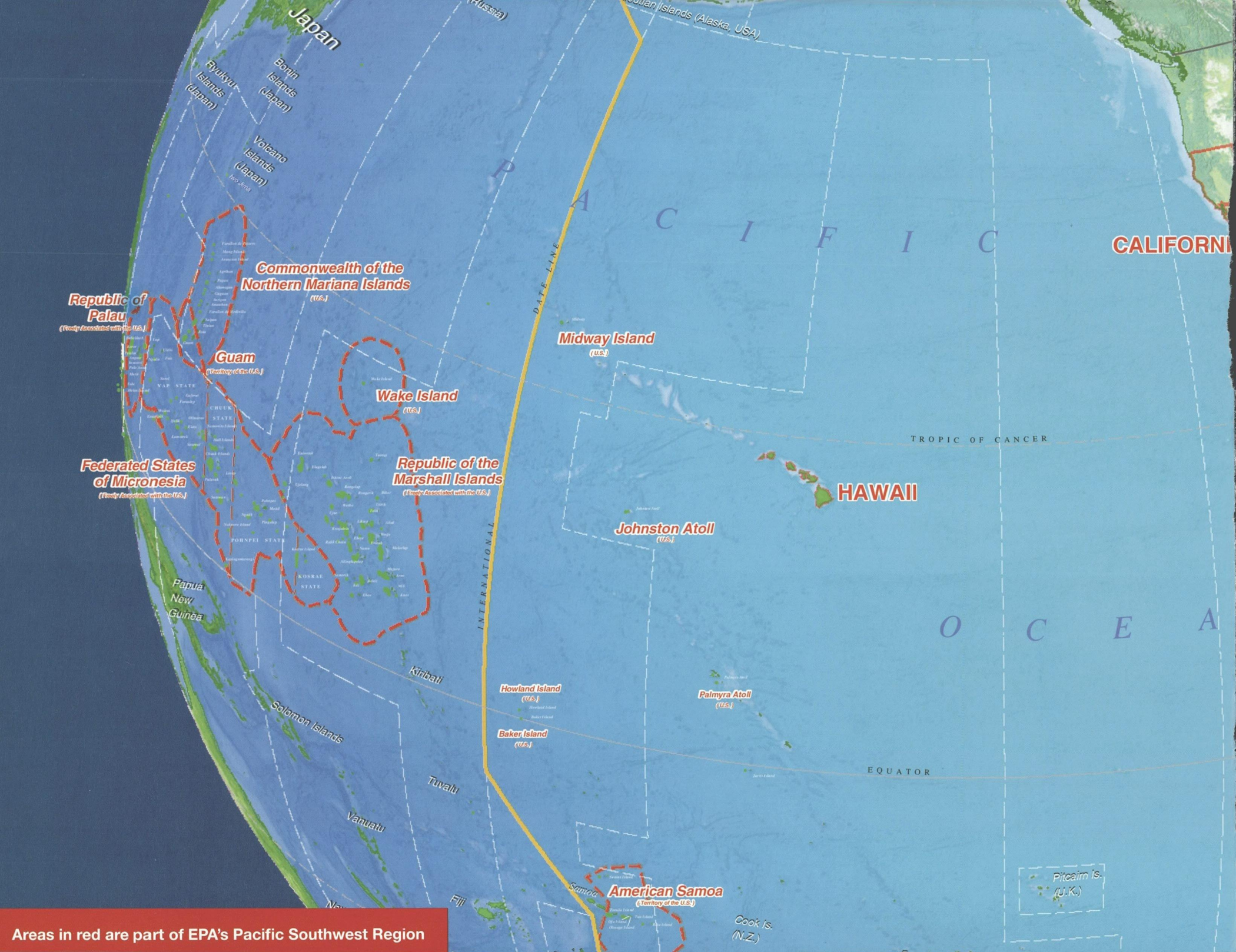
California Safe Cosmetics Program:
www.dhs.ca.gov/ohb/cosmetics

Download
'Protecting the Health of Nail Salon Workers':
www.epa.gov/dfe/pubs/projects/salon/nailsalonguide.pdf



Left: This EPA publication is now available in Korean and Vietnamese.





Areas in red are part of EPA's Pacific Southwest Region

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EPA's Pacific Southwest Regional Office is certified under ISO 14001, a strict international management standard that establishes requirements for environmental responsibility through an Environmental Management System (EMS). Through its EMS, the regional office is continuing to decrease its environmental impacts from air emissions, energy use, material use and waste.

EPA Pacific Southwest/Region 9

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HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE MEETING
NOVEMBER 20, 2008

Chair Carter Davis called the meeting to order at 9:03 A.M.

I. INTRODUCTIONS/REMARKS/ADOPTION OF MINUTES

Chair Carter Davis welcomed everyone and gave introductory remarks. Attendees (list attached) then introduced themselves. The minutes of the August 28, 2008 meeting were reviewed and approved.

II. OLD BUSINESS

LEPC BUDGET REPORT, 4th QUARTER, FY08

Balance - 6/30/08 \$44,961.60

Account Activity

Meeting Notice, Continuing Challenge, Hazmat Explo,
NASTTPO, Hot Zone, Waipahu Project, '09 Tier II Funds

Balance - 9/30/08 \$39,480.68

III. NEW BUSINESS

HAWAII STATE EMERGENCY RESPONSE COMMISSION (HSERC) MEETING,
9/4/08

L. Nakai briefed the members on the September 4th meeting of the HSERC. The following LEPC updates were given: The Big Island will reviewing their membership, Tier II facilities and future programs. Kauai reviewed membership and will be encouraging more active participation. Maui reported on their July 2nd meeting, and Oahu reviewed their meeting held on August 28.

Janet Yocum, EPA Region IX, gave a presentation on the Big Island volcanic emissions. They found that it was difficult to predict areas that would be affected by the sulfur dioxide, and that the DOH & HIOSH will be reviewing personal protective measures, such as in-place sheltering, safe rooms and filter systems.

HMEP Update: C. Chung reported that 2008-2009 HMEP Grant package was submitted. The Honolulu Community College will be conducting hazmat training sometime during Feb-July '09.

L. Nakai reported that the State of Hawaii does not oversee pipeline safety issues. C. Martin reported at the HSERC meeting that the 2004 One Call System legislation does provide for Public Utilities Commission (PUC) oversight, and recommended that counties contact their PUC representative.

L. Nakai mentioned that Act 87, the amendment to HRS 128-E, was signed on May 21, 2008. A. Rivera of Tetra Tech updated the HSERC on the progress on developing Hawaii Administrative Rules. The HSERC decided to make reporting of temporary storage locations of Hazardous Materials under active shipping papers required by the HAR. In response to a question by D. Poma, the LEPC was informed that this reporting requirement does not apply to hazardous waste shipments.

L. Nakai gave a presentation on E-Plan to the HSERC, and recommended that the State of Hawaii consider its adoption. There was general agreement on the potential value of E-Plan, but no definitive guidance was issued.

The next HSERC meeting will be on December 18, 2008.

HAZMAT EXPLO/NASTTPO MID-YEAR/EPA WESTERN REGION CONFERENCES

L. Nakai provided the following highlights from the Hazmat Explo Conference, NASTTPO Mid-Year Conference, and the EPA Western Region Conference held in Las Vegas, NV during November 3-6, 2008.

Terrorist Threat: Recent terrorist activity (London, Spain, etc) now indicate the following: decentralized control; many are "home grown"; and there are no stereotypes. Good, meaningful training is required, and training shortcuts often result in training "scars".

DOT HMEP Program: The increased HMEP program funding from \$12.8M to \$21.8M will mean additional scrutiny by Congress and the need to articulate the value of the program. There will also be an initiative to focus on rural communities. Following the recent increase in Federal hazmat shipping fees, DOT will be studying state hazmat shipping fees to identify the entire fee structure facing hazmat shippers. The DOT will also be collecting national commodity flow data, focusing on stronger enforcement, electronic shipping papers, and has jointly developed a multi-modal hazmat intelligence portal with several other federal agencies.

International Association of Fire Chiefs (IAFC) Hazmat Programs/Projects include: Ethanol Emergency Response Coalition; National Hazmat Capability Analysis; Bio-diesel emergency response; DOT Emergency Response Guidebook video; and the Hazmat Fusion Center.

Transportation Security Agency (TSA): Many initiatives to increase rail and highway security, to include a national tracking system of rail items, risk reduction and security for buses.

LEPC Issues: Limited public preparedness is linked to a lack of information on the program. SERC/LEPCs should not be constrained by EPCRA and are encouraged to get involved with the DHS Chemical Facility Anti-Terrorism Security

Program. The recent LEPC Survey showed that most of the responding LEPCs were rural, lacked funding, and need assistance with public outreach.

EPA Update: Final rules on several issues were presented, along with final guidance on EPCRA 311 & 312 reporting options.

Response to California Wildfires and Environmental Health: A presentation on recent San Diego wildfires and their effects on the environment was given by the Chair of California LEPC Region 6.

Chemical Safety Board: John Bresland, Chair discussed the board and recent investigations. Very informative videos of each formal investigation are posted on the Board's website.

DOT/Pipeline & Hazardous Materials Safety Agency (PHMSA): PHMSA will be focusing on the auto parts industry, due to many recent shipping violations.

National Response Center (NRC): A presentation on the National Response Center, its organization, functions, and workload was given.

EPA UPDATE

M. Ardito, EPA Region IX, provided an update on EPA activities and issues. He also announced that L. Nakai was presented with the 2008 Pacific Southwest Region Emergency Prevention and Preparedness Lifetime Achievement Award at the recent meeting in Las Vegas, NV.

C.L.E.A.N. UPDATE

L. Nakai provided an update on projected C.L.E.A.N. activities for 2009. C.L.E.A.N. will sponsor another emergency preparedness seminar for CIP businesses next spring, and will again be supporting attendance by HFD Hazmat personnel at the Continuing Challenge Hazmat Workshop.

CONTINUING CHALLENGE HAZMAT WORKSHOP

Captain Clint Nuuanu briefed the LEPC on the recent Continuing Challenge Hazmat Workshop. There were 105 classes, 130 instructors, 120 vendors and over 950 participants from around the world at this workshop. The Honolulu LEPC and C.L.E.A.N. sponsored 11 HFD personnel at this workshop, and Captain Sonny Maguire served on the workshop committee and as the Master of Ceremony. A team from HFD earned second place in the Hazmat Olympics event.

HOT ZONE CONFERENCE

C. Davis provided information of the Hot Zone Conference, which took place during October 16-19, 2008 in Houston, TX. Approximately 600 responders from around the country attended this conference. The Honolulu LEPC and C.L.E.A.N. sponsored four HFD personnel at this conference. An Intermodal Tour of Houston

Harbor highlighted the huge quantities and varieties of hazardous materials that transit through the Port of Houston.

HSERC INITIATIVES

L. Nakai informed members that HB 3150 HD2 SD1 was signed into law on May 21, 2008, and is now Act 87.

L. Nakai then reviewed the progress of the Hawaii Administrative Rules (HAR) development. The issue of reporting the temporary storage locations of hazardous materials under active shipping papers was discussed at the last HSERC meeting, and the decision was to include the requirement to report these materials in the HAR. The final draft of the HAR is expected to begin Departmental review shortly, to include a formal Public Meeting, with finalization expected in early 2009.

FUTURE TRAINING EVENTS

L. Nakai mentioned the LSU Cameo courses - a beginning WMD Cameo course during November 18-20, 2008 and an advanced Train-the-Trainer Cameo course during November 24-26, 2008. Attendees are from HFD, Federal Fire, Kauai Fire, Oakland Fire, DOH HEER Office, and GIS personnel from the C&C of Honolulu and Maui.

WAIPAHU PROJECT

Roz Selbach gave a presentation on the Waipahu Project. Six hundred surveys were mailed and 200 businesses responded. Thirty six of these reporting businesses were studied. Toxic materials, inert gases, and flammables were characterized utilizing EPA Risk Management methodology, modeled with Cameo, Aloha and Landview software, and potential threat zones were depicted on aerial photographs.

IV. OTHER BUSINESS/SCHEDULE NEXT MEETING

Mayor Hannemann's letter to the HSERC nominating the Gas Company as a voting member of the Honolulu LEPC will be considered at the December meeting of the HSERC. L. Nakai announced his planned retirement at the end of December 2008 and thanked LEPC members for their support.

C. Davis mentioned 3 focus areas for 2009: Pipeline Safety Oversight, Hot Asphalt Spills on Highways, and Ethanol Fuels.

The next LEPC meeting is tentatively scheduled sometime in March 2009. The meeting was adjourned at 10:35 A.M.

Respectfully Submitted,



Leland A. Nakai

LEPC Coordinator

Attachment

HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE MEETING
NOVEMBER 20, 2008



ATTENDANCE LIST

VOTING MEMBERS:

Carter Davis	HFD
Leland Nakai	DEM
Andy Keith	HECO
Alex Leong	BWS
Jason Lorenzo	ENV
Georgene Wakui	DPR
Dave Smith	SCD
Lope Salvatierra	ENT
Earl Nishikawa	Chevron
Freitas, Mike	CSD
Nakamatsu, Tricia	COR
Ogata, Steven	Agriculture
Ogawa, Garrett	DFM

NON-VOTING MEMBERS:

Beryl Ekimoto	HEER
Sharon Leonida	HEER
Paul Chong	HEER
Jeff Farris	HFD
Clint Nuuanu	HFD
Dan Fullenwider	Gas Company
Michele Chang	MCBH
Nathan Kapule	Young Bros.
Kitty Courtney	Tetra Tech
Roz Selbach	Tetra Tech
William Flynn	93d CST
Elisa Hammer	HAFB
Guy Cruz	HAFB
Robert Feeman	HAFB
Bethany Wernle	USAG HI
Scott Morse	USCG
Steven Craig	USCG
Crystal Vanbeelen	DFM
Ardito, Mike	EPA

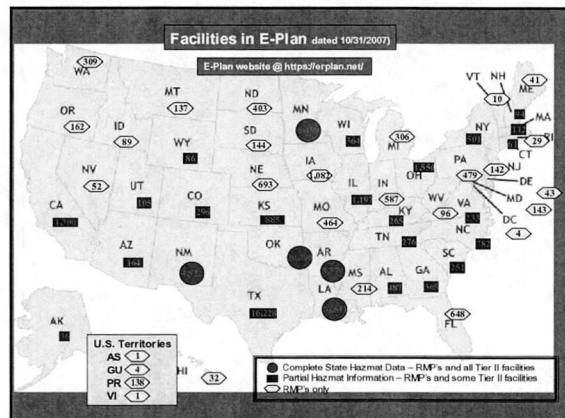
**An
Emergency Response
and
Tier II Reporting System**

**E-Plan: Web-based
Hazardous Materials Information System**

- Originally created for first responders
- Designed and developed through a cooperative agreement between EPA, TCEQ and UTD
 - Current funding from DHS and EPA
- Input from local, state, and Federal agencies of the Region 6 Response Team
- Presents critical facility information and chemical hazards data

E-Plan System

- Contains EPA RMP facility data
- Over 96,000 Tier 2 facility records
- 22,000 unique chemicals
- Data sources: NFPA, DOT-ERG, MSDS, NIOSH, CHRIS

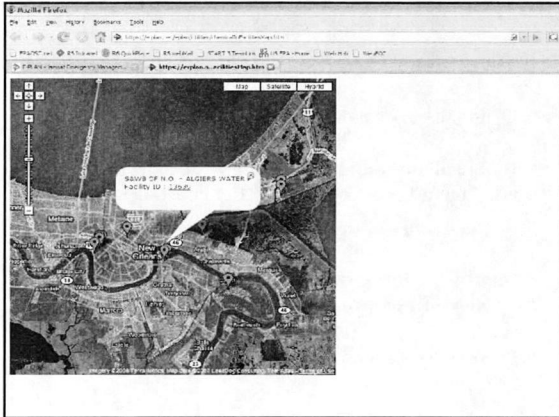


E-Plan Security Features

- Vetting for all users
- Role based permission levels
- Secure physical location
- 128 bit encryption with system access logs
- 6+ years operation with no breaches or data loss

E-Plan Search Features

- Ability to search geographically for:
 - Individual and grouped facilities
 - Specific chemicals and/or quantities
- Results display facilities, schools, and hospitals in Google Maps



Benefits to First Responders

- Facility information is available 24/7 for emergency response
- Available at NO COST to 2.4 Million Firefighters
- Better prepare responders to deal with HAZMAT situations

First Responder Surveys

- UTD survey found:
 - Most FD have 30% to 77% of required Tier II data
- EMI survey found:
 - 91% of metropolitan fire departments never use Tier II due to inaccessibility

Why care about Tier II Data on E-Plan?

Data Type	Internet Access?	Emergency Contacts?	#s of Facilities
FRP	No	Yes	8,000
RMP	No	Yes	15,000
TRI	Yes	No	30,000
<i>Tier II</i>	<i>No</i>	<i>Yes</i>	<i>550,000</i>

State and Local Summary of E-Plan Benefits

- Local, State and Federal Agencies can
 - *Reduced costs* –through automated data management
 - Better visualize threats and
 - Share a common operating picture
- E-Plan data can be downloaded to
 - Support risk analyses
 - Used in grants applications
 - GIS and mapping uses
 - Tier 2 Submit and CAMEO
- Flexible and scalable – New York and North Carolina

Key Steps for State Implementation

- Develop System utilization and access policies.
- Appoint authorizing officials for granting system access.
- Develop Tier 2 data entry strategy.
- Develop training strategy for potential system users.

E-Plan Implementation Best Practices

- New York SERC E-Plan implementation guidance.
- North Carolina First Responder and Hazardous Waste Reporting uses.
- Oklahoma Tier 2 Submit, E-Plan, and CAMEO Trifecta.

E-Plan Contact Info

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Greg Carnevale, DHS

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703-605-1205

erplan.net

***State-wide Chemical, Biological, and Radiological Table Top Exercise
(CBR TTX) Update for the HSERC Meeting. 12/18/2008.***

- The Hawaii Department of Health (BT, HEER Office and the State Lab) sponsored a CBR TTX on September 24, 2008.
- The tabletop was very successful, involving 114 representatives of 36 federal, state, local, and non-governmental agencies.
- Scenario:
 - On the day of the exercise, terrorists exploded devices on Kauai, Hawaii, Maui, and Oahu islands, simultaneously. The devices were set off at busy crowded shopping malls.
 - Module 1 focused on the ability of the 911 centers to recognize the need to make notification beyond the traditional police, fire, and EMS organizations. Specifically, discussion was desired regarding whether notifications to the state DOH, the FBI, hospitals, and other related organizations would occur.
 - Module 2 focused on scene size-up; establishment of hot, warm, and cold zones; sampling methods, identification of an unknown substance(s), and the decontamination process to be utilized.
 - Module 3 focused on the investigation of the incident, the involvement of federal resources, and chain of custody and transportation of collected samples.
- Results:
 - Communication protocols are well established for notifying first responders (Police, fire, and EMS) and the follow-on support emergency response personnel (HEER, FBI, etc) and inter-agency coordination between local and state responders was evident.
 - Challenges faced by all islands included sample transportation. A concerted effort is necessary to identify how samples will be brought to the HDOH Laboratories Division or the University of Hawaii at Manoa from each island. Additionally, each island would benefit from formal documentation of plans, SOGs, MOUs, and MAAs where none may exist or be current.
- An After-Action Conference (AAC) was held on Nov 7, at which time, a draft After-Action Report was discussed. The AAR will be finalized this month; an improvement plan is included in the After Action Review. It should be noted that without the proper program and financial support of all involved agencies any Corrective Actions will be difficult to implement. Copies of the AAR and the IP will be given out to each of the participating agencies.

Thank you.

HONOLULU LOCAL EMERGENCY PLANNING COMMITTEE
CITY AND COUNTY OF HONOLULU

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

RECEIVED
DEPARTMENT OF HEALTH

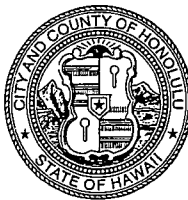
2008 OCT 15 P 2:19

HEER OFFICE

CARTER DAVIS
CHAIR

LELAND NAKAI
COORDINATOR

MUFI HANNEMANN
MAYOR



October 15, 2008

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

Dear Mr. Martin:

The following is the Honolulu Local Emergency Planning Committee (LEPC) budget report for the period July 1, 2008 – September 30, 2008.

Balance – 7/1/08	\$ 44,961.60
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Account Activity

Meeting Notice, Continuing Challenge
Hazmat Explo, NASTTPO, Hot Zone,
Waipahu Project, '09 Tier II funds

Balance – 9/30/08	\$ 39,480.68
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Please contact me or Mr. Leland Nakai, LEPC Coordinator, at 723-8958 if you have any questions or require further clarification.

Sincerely,

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

Carter Davis
Chair, Honolulu LEPC

LINDA LINGLE
GOVERNOR OF HAWAII



KATHERINE PUANA KEALOHA
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 S BERETANIA ST. SUITE 702
HONOLULU, HAWAII 96813
Tel. (808) 586-4185
Fax. (808) 586-4186
Email: oeqc@doh.hawaii.gov

December 18, 2008

MEMORANDUM

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

FROM: Katherine Puana Kealoha *KPK*
Director

SUBJECT: Hawaii State Emergency Response Commission (HSERC)

There may be times when I am unable to attend the HSERC meetings due to a conflicting schedule. I hereby appoint Rebecca Alakai from my staff to represent me at the December 18, 2008 meeting and all future meetings as a voting member.

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

From: Lau, Laurence K.

Sent: Monday, July 07, 2008 4:49 PM

To: Leonida, Sharon L

Subject: RE: Hawaii Revised Statues

OK. Still need to know if US EPCRA sets a required number of HSERC members.

Laurence K. Lau

Deputy Director for Environmental Health

State of Hawaii, Department of Health

Ph. (808) 586-4424, Fax (808) 586-4368

Laurence.Lau@doh.hawaii.gov <mailto:Laurence.Lau@doh.hawaii.gov>

From: Leonida, Sharon L

Sent: Monday, July 07, 2008 2:29 PM

To: Lau, Laurence K.

Subject: FW: Hawaii Revised Statues

Larry,

This is the person who I contacted, he has never been to the meetings. He has been sent a letter along with the rest of the HSERC voting members. I have not heard back from him.

Sharon

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

From: Jay Maddock [<mailto:jmaddock@hawaii.edu>]

Sent: Monday, September 10, 2007 2:21 PM

To: Leonida, Sharon L

Subject: RE: Hawaii Revised Statues

Hi Sharon,

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

Jay

Jay Maddock, Ph.D.

Director

Office of Public Health Studies

University of Hawaii at Manoa

1960 East-West Rd. D209

Honolulu, HI 96822

Phone: (808) 956-5779

www.hawaii.edu/publichealth

From: Leonida, Sharon L [<mailto:sharon.leonida@doh.hawaii.gov>]

Sent: Thursday, September 06, 2007 12:14 PM

To: skyi@hawaii.edu

Subject: Hawaii Revised Statues

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

Thanks Sharon <<20070906114705949.pdf>>

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Tuesday, August 19, 2008 9:31 AM
To: Leonida, Sharon L
Cc: Ekimoto, Beryl Y; Davis, Carter W
Subject: Mayor Nomination Letter

Sharon,

Attached is the signed Mayor's nomination letter for the Gas Company's LEPC membership.

Leland

11/17/2008

Leonida, Sharon L

From: Leonida, Sharon L
Sent: Wednesday, October 15, 2008 2:02 PM
To: Ho, Kathleen
Subject: FW: FW: New voting members for the Big Island

Afternoon Kathy,

1. The letter from the County of Hawaii with the five new hopeful members were not recommended by the Mayor, what is the next step? I know to have it on the agenda, would any of the following be the best way to complete this task?

A. Write a letter with the new names stating that the Hawaii Mayor did not recommend and ask the HSERC to vote on them to be members of the Big Island LEPC?

B. Submit the letter that was already sent to the HSERC and explain that the Mayor did not recommend and ask for a vote to have them be members of the Big Island LEPC?

C. Any suggestions on how to have it submitted?

128E-5(b) last part of the sentence.

" appoint persons who did not receive a recommendation from the mayor."

Thanks, I am trying to get things ready for the next HSERC. It's not for a while, Dec. 18, but it can't hurt to get things ready.

Sharon

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

From: aposilva@hawaiiantel.net [mailto:aposilva@hawaiiantel.net]
Sent: Wednesday, October 15, 2008 11:30 AM
To: Leonida, Sharon L
Subject: Re: FW: New voting members for the Big Island

Sharon,

We did not get these recommendation from the Mayor. In the past the Mayor did not respond to any request made by the LEPC.

I will call you by Phone.

Aloha Henry

On Oct 14, 2008, sharon.leonida@doh.hawaii.gov wrote:

| Morning Henry,

11/17/2008

Below is the answer that I received from our AG. Did you get a recommendation from the Mayor for the five people? I just need to clarify and make sure we follow through. Thanks.

Sharon

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

From: Kathleen.S.Ho@hawaii.gov [mailto:Kathleen.S.Ho@hawaii.gov]

Sent: Monday, October 13, 2008 2:16 PM

To: Leonida, Sharon L

Cc: Ekimoto, Beryl Y; Martin, Clarence (Curtis); Ho, Kathleen; Kawaoka, Keith E; Lau, Laurence K.

Subject: Re: New voting members for the Big Island

The letter does not address if the individuals were recommended by the mayor as required by 128E-5(b). You should clarify if the committee appointed/recommended them or was it the mayor. The committee cannot appoint them but, the Mayor can make a recommendation. If the Mayor made the recommendation, the commission shall appoint or reject the recommendations of the mayor at the next HSERC meeting. (128E-5 (b))

Kathleen Ho
Deputy Attorney General
Health and Human Services Division
Department of the Attorney General
Phone: (808) 587-3050
Fax: (808) 587-3077

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

"Leonida, Sharon L"
<sharon.leonida@doh.hawaii.gov>

10/13/2008 01:56 PM

To "Ho, Kathleen" <kathleen.ho@doh.hawaii.gov>
cc "Kawaoka, Keith E" <keith.kawaoka@doh.hawaii.gov>, "Lau, Laurence K." <laurence.lau@doh.hawaii.gov>, "Martin, Clarence (Curtis)" <clarence.martin@doh.hawaii.gov>, "Ekimoto, Beryl Y" <beryl.ekimoto@doh.hawaii.gov>

Subject New voting members for the Big Island

Afternoon Kathy,

The county of Hawaii would like to add five new voting members to their LEPC. I want to double check to see that everything is correct. I have attached the part of 128-E that covers the LEPCs and the letter from the Hawaii LEPC. When you confirm I will put this on the agenda for our next HSERC for a vote.

11/17/2008

<<128-E-5 Estab & function of LEPC .pdf>> <<Hawaii LEPC new voting members9-10-08.pdf>>

Thank You, Sharon

Leonida, Sharon L

From: Hammer Elisa A Capt 15 ADS/SGGB [Elisa.Amantiad@hickam.af.mil]
Sent: Wednesday, May 21, 2008 7:56 AM
To: Bailey, Lynn; Leonida, Sharon L
Cc: Rosado-Smith Sheila A1C 15 ADS/SGGB; Preuc Annalee S A1C 15 ADS/SGGB
Subject: RE: <<Forms attached>> RE: TIC/TIM Hazard Assessment for Hickam AFB, HI

Ma'ams,
Aloha! I'm just following up on this request and am wondering if it will be possible to receive the information.
Thanks!
Elisa

V/R

ELISA A. HAMMER, Capt, USAF, BSC
Chief, Bioenvironmental Engineering
15 ADS/SGGB (Bldg 2070)
Hickam AFB, HI 96853
DSN: 315-448-6769 COMM: 808-448-6769
elisa.hammer@hickam.af.mil

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

From: Hammer Elisa A Capt 15 ADS/SGGB
Sent: Thursday, May 08, 2008 2:41 PM
To: 'Bailey, Lynn'; Leonida, Sharon L
Cc: Rosado-Smith Sheila A1C 15 ADS/SGGB; Preuc Annalee S A1C 15 ADS/SGGB
Subject: <<Forms attached>> RE: TIC/TIM Hazard Assessment for Hickam AFB, HI

Ma'ams,

I've attached the request in this e-mail.

I am not requesting information for specific sites (I wouldn't know where to start). I am requesting info (if you have it) of toxic industrial chemicals/materials (TIC/TIMs) on-island.

The City and County of Honolulu, Dept of Emergency Management (Leland Nakai) provided me a Hazards Analysis Report which listed companies in the adjacent areas of Hickam AFB that has known chemicals, storage capacity and hazard distances (in the event of a leak/spill). Do you have anything similar or more details than that of the C&CH's report?

As Hickam AFB responders to TIC/TIMs, I am assessing various on and off base hazards and impacts to base populace and mission. I believe your office similarly responds to statewide incidents as well and would imagine that you too would have firsthand knowledge of what's on-island, where and in what quantities. We are just being proactive and trying to understand what is currently on-island, what's currently prohibited to be on-island (so in the event that it shows up in a mass casualty scenario - we can suspect terrorist activity) and what's in close proximity to Hickam AFB. We want to ensure we have appropriate detection equipment, protective equipment and medical treatment, if warranted.

If you do not have the information, kindly direct me to the State office who may be able to assist me. Mahalo in advance.

Have a great day!

~Elisa

V/R

ELISA A. HAMMER, Capt, USAF, BSC
Chief, Bioenvironmental Engineering
15 ADS/SGGB (Bldg 2070)
Hickam AFB, HI 96853
DSN: 315-448-6769 COMM: 808-448-6769
elisa.hammer@hickam.af.mil

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

From: Bailey, Lynn [mailto:Lynn.Bailey@doh.hawaii.gov]
Sent: Wednesday, May 07, 2008 3:19 PM
To: Hammer Elisa A Capt 15 ADS/SGGB
Cc: Leonida, Sharon L
Subject: RE: TIC/TIM Hazard Assessment for Hickam AFB, HI

Capt. Hammer,

I spoke to our HEP CRA expert and she suggested you fill out a public records request (found at the following link <http://hawaii.gov/health/environmental/hazard/records.html>). Please provide specific addresses for the information you need. I know this is difficult, but we need it to research the information.

Thanks,
Lynn Bailey
HDOH-HEER
586-4653

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

From: Hammer Elisa A Capt 15 ADS/SGGB
[mailto:Elisa.Amantiad@hickam.af.mil]
Sent: Wednesday, May 07, 2008 2:24 PM
To: Bailey, Lynn
Subject: TIC/TIM Hazard Assessment for Hickam AFB, HI

Ma'am,

Thank you for the telecom this afternoon.

I am the Medical NBC Defense Office here at Hickam AFB and am required to provide base agencies on the latest/greatest threat report to help support Hickam AFB emergency and clinical responses.

I received the 2006 Hazard Assessment Report for the Honolulu Harbor Area from the City and County of Honolulu Dept of Emergency Management and have analyzed Tier 2 reports from Hickam and Pearl Harbor bases. It is my responsibility to put my good faith effort into contacting all known agencies, including the HEER and Radiation branches; hence, my phone call to you this afternoon.

If your office has a similar Hazard Assessment to the CCH Dept of EM for areas within a 30-mi. radius from Hickam I would greatly appreciate the info.

In addition, I have inquired about the following items in hopes that I can attain the info from you:

1) Chemicals not allowed on-island

Leonida, Sharon L

From: Jackson, Susan C.
Sent: Monday, December 08, 2008 2:15 PM
To: Lau, Laurence K.; Hoopii-Hall, Rita A.
Cc: Kawaoka, Keith E; Leonida, Sharon L; Hasegawa, Jan K.
Subject: RE: ID for LEPC members

Follow Up Flag: Follow up
Flag Status: Flagged

The simple answer is no, we do not provide IDs to members of boards and commissions attached to DOH.

Susan Jackson
Deputy Director
Hawaii Department of Health
808-586-4412 (Tel)
808-586-4368 (Fax)
Susan.Jackson@doh.hawaii.gov <mailto:Susan.Jackson@doh.hawaii.gov>

or

Susan.J.Jackson@hawaii.gov <mailto:Susan.J.Jackson@hawaii.gov>

10/13 - 12/05 Kinau Hale hours
7:15 AM - 6:00 PM Mon - Thurs
Closed on Friday - 4 Day Work Week Pilot

From: Lau, Laurence K.
Sent: Monday, December 08, 2008 2:13 PM
To: Hoopii-Hall, Rita A.
Cc: Jackson, Susan C.; Kawaoka, Keith E; Leonida, Sharon L; Hasegawa, Jan K.
Subject: ID for LEPC members

Rita:

The AG has informed us that the Local Emergency Planning Committees are state entities, not county ones, under the State Emergency Response and Community Right to Know Act, HRS 128E. The committees are seeking administrative support from the state/dept (which will not be forthcoming in these economic times) and inquired about state identification cards.

Do we provide IDs to members of boards and commissions attached to DOH? I have a meeting on 12-18 to which I must report.

I see that we have an ID application card for volunteers. LEPC members are volunteers, paid only for transport and per diem when they travel to meetings.

Sharon Leonida at the HEER Office is my main staff on this.
(Sharon - if you care to provide more background, please do).

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

Old hours resume 12-8-08: Mon-Fri 7:45 a.m. - 4:30 p.m.
Please print e-mail sparingly & 2-sided when you do.



Hawai'i County Local Emergency Planning Committee

c/o Hawai'i District Health Office
1582 Kamehameha Avenue
Hilo, Hawai'i 96720

RECEIVED
DEPARTMENT OF HEALTH

2008 SEP 19 P 1:58

HEER OFFICE

September 10, 2008

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

file
del
en
Sharon

Aloha Mr. Larry Lau,

During the recent Hawaii County LEPC meeting, held on September 5th, 2008. The following were added as voting members.

- Gerald Kosaki Hawaii County Fire/EMS
- Clint Coloma Hawaii County Fire/ Special Operations
- Kaipō Parish Hawaii County Fire/ HAZMAT
- Larry Weber Hawaii County Police
- Benedict Fuata Hawaii National Guard

We also had one resignation, Jason Gushiken- Hawaii County Fire/HAZMAT.

Respectfully,

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

public participation activities, including public hearings and public informational meetings. [L 1993, c 300, pt of §1]

[§128E-4] Establishment of 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. [L 1993, c 300, pt of §1]

[§128E-5] Establishment and functions of local emergency planning committees. (a) A minimum of one local emergency planning committee shall be established in each county. The committee shall be subject to the requirements of this chapter and section 303 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11003.

(b) The members of a committee shall be appointed by the commission, based upon the recommendations of the respective mayor of a county. The list of recommended persons shall contain at least one person from each of the groups listed in subsection (c). The commission may reject any recommendation made by the mayor of a county and appoint persons who did not receive a recommendation from the mayor.

(c) A committee shall be composed of at least one person from each of the following groups:

- (1) Elected state and county officials;
- (2) Law enforcement, first aid, health, environmental, hospital, and transportation personnel;
- (3) Firefighting personnel;
- (4) Civil defense and emergency management personnel;
- (5) Broadcast and print media personnel;
- (6) Community groups not affiliated with emergency service groups;
- (7) Owners and operators of facilities subject to the requirements of the Emergency Planning and Community Right-to-Know Act of 1986; and
- (8) Other groups recommended by the mayor and appointed by the commission.

(d) Not more than sixty days after the occurrence of a vacancy, the commission, based upon the recommendations of the mayor, shall appoint a successor member to the committee, unless the requirements of subsection (c) have been fulfilled.

(e) Upon the failure of the mayor of a county to submit a list of nominees to the commission not more than forty-five days after notice of a vacancy, the commission shall make the appointment on its own initiative unless the requirements of subsection (c) have been fulfilled.

(f) Each committee shall:

- (1) Adopt bylaws and other administrative procedures to carry out the duties, requirements, and responsibilities set forth in this chapter, and as required by the commission and the Emergency Planning and Community Right-to-Know Act of 1986;
- (2) Take appropriate actions to ensure the preparation, implementation, and annual update and review of the local emergency response plan required by this chapter and the Emergency Planning and Community Right-to-Know Act of 1986. The local emergency response plans shall include, but not be limited to, the following:
 - (A) Identification of each facility subject to the requirements of section 303 of the Emergency Planning and Community Right-to-Know

From: Leonida, Sharon L
Sent: Friday, December 05, 2008 2:04 PM
To: Lau, Laurence K.
Cc: Hasegawa, Jan K.
Subject: Agenda Item for #73

Larry,

During the last HSERC we did not have time to go over the I. D. for the LEPCs. I have attached the papers that I received from Vicki at personnel.

Thank You, Sharon << File: I.D. Forms for LEPCs.pdf >>

Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Thursday, December 18, 2008 7:31 AM
To: Leonida, Sharon L; Ekimoto, Beryl Y
Subject: Clarice

Sharon,

Clarice left a voice message early this AM – neither she nor Dave Smith will make the HSERC meeting today – they are involved with storm recovery. She said that she hoped that the HSERC would approve the MOA at the meeting today. Recommend that you take the lead on this agenda item today.

Leland

Leonida, Sharon L

From: Clarice Chung [cchung@scd.hawaii.gov]
Sent: Thursday, December 11, 2008 8:05 AM
To: Leonida, Sharon L
Cc: David Smith; Leighton Ah Cook; Clarice Chung
Subject: Revise Agenda #73

Hi, Sharon.

Would you please revise the agenda and replace me with David Smith.

Thank you.
Clarice

From: Clarice Chung
Sent: Friday, December 05, 2008 2:46 PM
To: 'Leonida, Sharon L'
Cc: Leighton Ah Cook; David Smith; Clarice Chung
Subject: FW: Meeting minutes for #72 and Agenda for #73

Hi, Sharon.

The minutes for HMEP is correct.

Thanks for the agenda. We'll see you on 18 Dec 08.

Clarice

From: Leonida, Sharon L [mailto:sharon.leonida@doh.hawaii.gov]
Sent: Friday, December 05, 2008 1:55 PM
To: Carter Davis (E-mail); Chris Takeno; Clarice Chung; Clifford Ikeda; Edward Teixeira; gary.d.moniz@hawaii.gov; Henry Silva; Jan Hasegawa (E-mail); Jay Maddock Ph. D. (E-mail); Joe Blackburn (E-mail); Katherine P. Kealoha; Laurence K. Lau; Leland Nakai; Robert A. Boesch (E-mail); Scott Kekuewa (E-mail); TinShing Chao (E-mail)
Subject: Meeting minutes for #72 and Agenda for #73

Good afternoon everyone,

Please check meeting minutes and agenda. Last changes to agenda must be submitted by December 9, 2008.

Thank You, Sharon <<72 MIN.DOC>> <<73 AGENDA.DOC>>

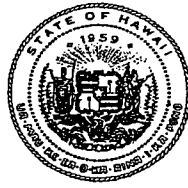
Leonida, Sharon L

From: Nakai, Leland A [LNakai@honolulu.gov]
Sent: Thursday, December 18, 2008 7:31 AM
To: Leonida, Sharon L; Ekimoto, Beryl Y
Subject: Clarice

Sharon,

Clarice left a voice message early this AM – neither she nor Dave Smith will make the HSERC meeting today – they are involved with storm recovery. She said that she hoped that the HSERC would approve the MOA at the meeting today. Recommend that you take the lead on this agenda item today.

Leland



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 bought 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 day, 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.

Leland Nakai:

- 1) LEPC meeting was June 20, 2008, thirty-five people attended, 13 voting members. Kim Beastly 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 than 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.

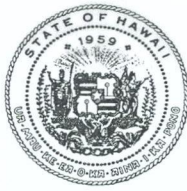
Scott: **Seconded.**

Respectively Submitted,

Sharon L. Leonida

Environmental Health Specialist II

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 DEC 12 P3:21

P.O. BOX 3378
HONOLULU, HAWAII 96801

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #73

Thursday, December 18, 2008 from 9:00 a.m. to 12:00 p.m.

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

AGENDA

- 1) 9:00 Call to Order
Approval of Minutes from Mtg #72
Replacement for Chair, Laurence Lau, to be announced at meeting
- 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 Vote to approve
New LEPC Membership
Honolulu LEPC
Hawaii LEPC
- 4) 10:00 EPA Update
Mike Ardito, USEPA Region 9
- 5) 10:15 HMEP Update
Vote on Project MOA Template
David Smith
- 6) 10:30 Break
- 7) 10:45 HEPCRA
Administrative Rules Update
And Decisions
HEER, Tetra Tech
- 8) 11:00 CBR Table Top Follow Up
HEER
- 9) 11:15 Other Business
I. D. for LEPC
Purpose Planning Grant Project
Vote on Planning Grant Project
HSERC, LEPC, HEER
Henry Silva, Hawaii LEPC
- 10) 11:30 Schedule next HSERC meeting

HSERC # 73

Agenda Item

3 Vote to approve New LEPC Membership.

Letter from Honolulu Mayor nominating Gas Co. as voting member. Larry asks for motion to designate Gas Co as a voting member of Honolulu LEPC. Carter moved, Tin seconded. Motion adopted.

Hawaii County LEPC, five people nominated for new members. Over 45 days vacancy for positions, Hawaii Mayor was aware of this. Commission can make appointment without specific designation by the Mayor. Motion to designate five individuals on September 10 letter as members of the Hawaii County LEPC. Henry moves, Carter seconded, Motion adopted, members confirmed.

#4 EPA Update: Mike Ardito

Handouts on table, Leland Nakai presented Lifetime Achievement Award at Hazmat Explore, Nov. 6, 2008. Next Hazmat Explo will be week of Oct. 19, 2008 in Las Vegas. Twenty powerpoint presentations from conference were submitted to NASTTPO website for posting. EPA Emergency Contact Calendar Cards for 2009 and Pacific Southwest Regional Annual Progress Report 2008 on table. EPA finalized several changes to the Emergency Planning and Community Right-to-Know Act (EPCRA) regulations, (40 CFR Parts 355 and 370), on Oct. 17, 2008, see handout. EPA's 2008 National Survey of Local Emergency Planning Committees, report can be accessed at: www.epa.gov/emergencies. Risk Management Plan Resubmissions for 2009. Facilities must update and resubmit every five years, website: <http://www.epa.gov/emergencies/rmp>. The 2009 RMP is web-based through EPA Central Data Exchange (CDX). Electronic System for Companies to Self-Disclose Environmental Violations. A pilot project, eDisclosure, will allow facilities to disclose violations concerning EPCRA, website:

<http://www.epa.gov/compliance/incentives/auditing/edisclosure.html>. EPA's Home Page Redesigned: See website: www.epa.gov. Other websites of interest: EPA's 2008 Report on The Environment (ROE), <http://www.epa.gov/roe>. Environmental Crimes Fugitive website: <http://www.epa.gov/fugitives>. EPA Orders Owner/Operator of Hakimo Road Property to cleanup site. In May 2008 EPA investigators found numerous hazardous substances on property. Until EPA concludes cleanup is complete, they must comply with all requirements of the order. Larry wanted the commission to acknowledge Leland Nakai for long years of public service, appreciation of quality of work. Hopes he has enjoyable retirement. Carter acknowledges all the help he has given to other counties and the work he has done for the LEPC. Larry invited a motion from the commission to honor Leland Nakai for his outstanding contributions and achievements in the field of emergency response. Carter moved, Tin seconded, Motion carried. He thanked Leland. Leland thanked everyone, hopes his position will be filled.

#5 HMEP Update – Vote on Project MOA Template.

Because of weather situation, State Civil Defense representative not here. No MOA copy available. David Smith replaced Ken Lesperance. Clarice is at Waianae, David is at another site. Larry addressed the HEER staff, if there is a timing issue that could affect funding, let commission know. Special meeting may need to be held, using video conferencing. Put this on agenda for next meeting.

#6 No Break

#7 HEPCRA Administrative Rules Update and Decisions.

Ariel from Tetra Tech briefed commission on changes in the Emergency Response Plan requirements, no definition for this. Keep requirement at minimum to what is now required, facility plan that was being submitted. Handouts of the draft given out. Discussion and explanation of different plans and suggestions on changes. Larry ask for motion to approve handout received today, December 18, 2008, with a change to section 28 to delete B (1) (D) and renumber the following two clauses and to add text to the end of subsection 25A to make it clear that A and B are both required. To amend subsection 26B if allowed by law and appropriate to all for automated data exchange so that submission of form to one agency satisfies all ends. Carter moved, Bob seconds, motion adopted. Second motion, draft rules be amended to incorporate the handout as amended and approved by the commission and proceed to public hearing. Carter moved, Tin seconded, motion adopted.

#8 CBR Table Top Follow Up. Keith

This was held on September 24, 2008, very successful. Over hundred representatives from thirty-six federal, state, local agencies, every county participated. Simultaneous exercise at all locations, video conferencing was not successful. Thanked participants, agencies and design team. It took over a year to setup. Situation was n unknown package at busy shopping mall on each island. Exercise done in three modules, explained events that happen. Letter to the Governor incident was explained by Carter. Keith covered what problems were encountered in exercise. “----- Action Conference Report” should be finalized and available soon. Persons who participated will get a copy. Contact HEER Office for copy.

#9 Other Business.

I.D. for LEPC. Larry checked and was told Health Dept does not give any I.C. for boards or commission members.

Proposed Planning Grant Project. Henry Silva, Hawaii LEPC, Project – Tracking Incoming Hazardous Material coming into Harbor and Tracking from pier to final destination . Also, Tracking Hazardous Waste from Facilities to the piers. Would use this project to identify training and protocols needed for their jurisdiction in developing emergency plans. It would be done in steps, running for three consecutive year of sooner if funds available. In conjunction with this project, they would like to do something like the Waipahu project. This would be with Hilo and Kawaihae port of entrance, harbor area. It would be a Hazardous Analysis for both sites. Wants to use money in HMEP grant. Ask Leland on how to write up project . He advised how to submit project . Scott mentioned about amount of money needed to do project before SCD reimburses. Discussion on 20% set aside, reminded commission of reasons why we had voted to do away with 20% set aside.

Larry commented that Health Dept has a problem with language barrier. State law passed last year, 2007, about language requirement for government agencies. Carter supplied information that emergency information is recorded in different foreign languages and can be played when necessary. Larry recalled this problem occurred 2006 with sewage spill. Signs were made in Japanese by hotels instead of the Health Department.

#10 Next meeting April 1, 2009, 9:00 am. Larry wished everyone Happy Holidays, Carter motion to adjourn, Leland seconded, motion adopted 11:05 am.

①

Meeting 73

12/18/08

Call to order 9:10

Larry - explained why he was not called away
Thank everyone for their work, wishes for
happy Holidays.

2 LEPC updates

2.1 HAWAII - Henry - meet twice since last HSEAC
Outstanding participation, had quorum at each meeting.

2 Sub Committees, 1 Committee for Tier II awareness.
for compliance. 2nd to develop a project that will be discussed
today. No major problems. Work on Big Island

Larry comments - Health dept involved in Sulfur dioxide +
health monitoring on Big Island. This could possibly have
greater benefits later, second governor promoting renewable
energy + more capital improvement project, announced from governor
& mayor looking at stream lining permitting + doing
electronic permitting, started this several years ago,

did not complete
hope to do this

for new Business questions relating to environmental
permits + add a reference to Tier II of A.S. Businesses
register on line, they can answer questions, can be
helpful to all counties.

2.2 Alfred
Kautai - Dec 11 - meeting, doing reorganization, names given to mayor
& supervisors for approval. List will be given to commission
for approval. Feb. 5, 2009, 9:00 AM KCD. Quite on Kauai.

time
6:34

2.3 LEPC meeting
Maui - Scott - Oct. 8, LEPC sponsored 2:1st A
Also sponsored 2 personnel to Continuing Challenge. Held
CAMEO advance class on Maui Dec 1-3. Full class,
looking to schedule more training in 2009. LEPC
awareness, Hazwoper training. 2 incidents, Ammonia
leak from ice cube processor in Kihui, Facility not reporting
working to get them to comply, 110 gal jet fuel air lifted
to Lanai. Cargo net broke after takeoff, 2-55 gal drums
fell on runway. Maui hosting Hazmat Technician
160 course with chemistry to start Jan 5-16, Tactics
to start Feb 2-13.

2.4 Carter
- NASITTO, Nov 3-6. High lights - terrorist threat, decontamination
or homegrown. No stereotypes, seem to be what is emerging.

Issue on Training Problems. Example of soldiers in training
with simulation. When hit, they would sit down. In actual
situation on combat field, they would do the same thing.
Behavior meant for training affecting the way things are done
during actual incidents. Training events are simulated,
causing construction: need to take this to our organizations to be
evaluated looked at. HMEP - increased in funding, ^{increase} standardize by
Congress. Rural communities getting more attention. DOT collecting
National Commodity Flow data - focusing on stronger enforcement
action, hope to start nation-wide electronic shipping format.

also Talk on developing multi-modal hazmat intelligence portal for
federal agencies. Emerging issue at several conferences
is exchange of the ability of local responses to handle
problems. LEP would like to bring the petroleum industry
+ 1st response together to do a workshop in 2009 to
discuss ethanol. Carter to notify other LEP's when he is
able to arrange workshop. When over LEP Survey.

Mentioned final rules on H. EPCRA 311+312. Other
topics: wild life fires, Chemical Safety Board - propose
incident, Auto parts industry, NRC presentation.
Leland got the Lifetime Achievement Award, retiring at end of Dec.
CLEAN will continue to sponsor Honolulu Fire personnel
Continuing Challenge. Four personnel from Honolulu Fire attended
Hot zone conference, gave presentation at meeting.

Future Training, was cancelled including CAMEO,
Tetra Tech report presented.
Chemical Safety Board mentioned Campbell Industry Park
explosion, will use as part of a study with other incidents on
the mainland. Dust explosions - set goal of 0 explosions

Leland - Power point, Continuing Challenges
Tetra Tech presentation - Waipahu

32:29 Larry comment on how to change behavior & training. Healthiest trying
to see what works - second ^{nationwide} tracking format beyond product.
He has heard of federal law creating hazardous waste manifest,
both should be linked somehow,
Exchange network used by EPA + states

States Washington + Oregon created hazardous waste tracking data exchange, used system

(3)

Both states could track where hazardous waste was going. If Congress sets up a national hazardous waste manifest system that would be at a high level. Larry will take ethanol information to state's Renewable Energy project facilitator, position filled this year 2008. Bring to his attention, safety issues. State support for LEPC will not be available this year or next year.

#3 vote to approve new LEPC membership

Letter from Mayor of Honolulu nominating Gas Co as voting member LEPC

Larry motion to designate Gas Co as a voting member LEPC

min 43:00

moved - Carter, Tim second. motion adopted. Hawaii County LEPC - 5 people for new members.

Over 45 day vacancy for positions, Mayor was aware of this. Commission can make appointment without specific designation from the mayor. Motion to designate five individuals on Sept 10 letter as members of the Hawaii County LEPC, Henry, movies, Carter second, motion adopted, members confirmed.

min 44

#4 EPA Mike Ardito - Delant Nakai presented Lifetime Achievement at Hazmat Expo Nov 6, 2008. Next Hazmat Expo will be week of Oct. 19, 2009 in Las Vegas. Twenty powerpoint presentations submitted to NASTTPO website for posting. EPA Emergency Contact Calendar Cards 2009 + Pacific Southwest Regional Annual Progress Report 2008 on table. EPA finalized several changes to the Emergency Planning + Community Right-to-Know Act (EPCRA) regulations (40 CFR parts 355 and 370) on Oct. 17, 2008. See hand out. EPA's 2008 National Survey of Local Emergency Planning Committees. Report can be accessed at www.epa.gov/emergen Risk management Plan Resubmissions for 2009. Facilities must update + resubmit every five years. Website: http://www.epa.gov/emergencies/rmp. The 2009 RMP is web-based through EPA's Central Data Exchange (CDX).

4

#4 EPA

Electronic System for Companies to Self-Disclose Environmental Violations. A pilot project, e Disclosure will allow facilities to disclose violations concerning EPCRA. website: <http://www.epa.gov/compliance/incentives/auditing/edisclosure.html>

EPA's Home Page Redesigned

Website: www.epa.gov

Other websites of interest: EPA's 2008 Report on the Environment (ROE), <http://www.epa.gov/roe>,

Environmental Crimes Fugitive web site, <http://www.epa.gov/fugitives>

EPA Orders Owner/Operator of Hakimo Road Property to Clean ^{up} Site. During May 2008 EPA investigators found numerous hazardous substances on the property. They must comply with all requirements of the Order until EPA concludes cleanup is complete.

Larry wanted to ^{commission} acknowledge Deland, thank him for long years of public service, appreciation of quantity of work. Hopes for enjoyable retirement. Carter acknowledge all the help he has given to other counties & the work he has done for LEPC

Larry Inverte a motion of the commission to honor Deland nokai for his outstanding contributions & achievements in the field of emergency response. Carter moved, Tim seconded. Motioned carried. Thanked Deland. Deland thanked everyone, hopes his position will be filled.

5

#5

HMEP:

Vote on Project MOA Template

put on agenda for next meeting

Because of weather situation State Civil Defense ^{representatives} not there.

No MOA ^{copies} available. David Smith replaced Ken Desperance. Clarisa at Waianae. David at another site.

HBR Furstall

Larry - if there is a timing issue that could affect funding. Let commission know, special meeting may need to be held, using video conference.

#6 No Break

#17 Approval of minutes. Tim 2nd pg item 3 3rd paragraph, change EPA with Hawaii Fire Dept State Civil Defense SCD. motion to approve minutes as amended, Scott moves, Henry seconded. minute adopted as amended.

#7 HEDCRA Administ Rules upa

Adrienne briefed Commission on changes in for it emergency response plan requirement - no definition. Keep requirement at minimum to what is now required, facility plan that was being submitted. Handouts were given of the draft. Discussion + explanation of different plans and suggestion on changes

Larry motion to approve handout received today with change to section 28 to delete B (1) (D) + renumber the following two clauses + to add text to the end of subsection 25A to make it clear that A+B are both required. To amend subsection 26 B if allowed by law and appropriate to allow for automated data exchange so that the submission of form to one agency satisfies all ends. 1st motion Carter moves, Bob second, motion adopted

Takase, Reid

From: Leonida, Sharon L [sharon.leonida@doh.hawaii.gov]
Sent: Friday, May 16, 2008 7:59 AM
To: Takase, Reid
Subject: Amount due for Tier II filing for Reporting Years 2006 and 2007

Good Morning Reid,

I am not sure how many facilities you are reporting for. The filing fee is \$100 per facility. As an example:

2006 = 10 facilities X \$100 = \$1,000.

2007 = 10 facilities X \$100 = \$1,000

Total = \$2,000

Please make check payable to: State of Hawaii, Department of Health.

The attached forms show the names and address that you need to sent the forms to. I get the originals and the money. The LEPC and Fire Department get the copies. Please make sure that they also receive the maps. It is important that they have this information.

Sharon

APPROVED FOR PAYMENT:

Jonathan Smith

<<NOTIFINV.DOC>>

Plr
541. R. Lee 5-20-08 #17

⑥ *Lmr*
2nd motion - draft rules be amended to incorporate the handout as amended & approved by the commission & proceed to public hearing. Carried moved, Ten second, motion adopted.

1:30:20 #8
CBR Table Top Follow up - Handout Keith - held on Sept. 24, 2008, very successful over hundred representation from 36 federal, State local agencies, Every county participated. Simultaneous exercise, video conferencing was not successful. It took a year to set up

① # 8
②

Situation was an unknown package @ busy Shopping mall on each island, Exercise done in 3 Moduals. Explained events that happen. Letter to the Governor incident was explained by Carter DAVIS.

Keith covered what problems were encountered. "Action Conference Report" should be finalized & available soon. Persons who participated will get a copy. Contact HEEK Office for copy.

9 ID for LEPC - Health Dept does not give any ID for Board or Commission member

Per pose Planning Grant Project - Henry Silva Harbor & Tracking Hazardous materials coming into the piers. Also Tracking Hazardous waste from facilities to training & protocols needed for their jurisdiction in developing emergency plans. It would be in steps, running for 3 consecutive years or sooner if funds available. In conjunction with this project, they would like to do something like the Waipahu project. This would be with Hilo part of entrance & Kaula part of entrance harbor areas. Hazardous Analysis for both. Wants to use money in HMEP grant. Ask Deland on how to write up project. Deland advised on how to submit project. Scott mentioned about amount of money needed. Discussion on 2090 set aside. Reminded Commission of reasons why we had voted to do away with 2090 set aside.

over

* * * Communication Result Report (Feb. 5. 2009 1:39PM) * * *

1) DOH-HEER OFFICE 808-586-7537
2)

Date/Time: Feb. 5. 2009 1:39PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1486	Memory TX	95945690	P. 2	OK	

Reason for error

M. 1) Hang up or line fail	E. 2) Busy
M. 3) No answer	E. 4) No facsimile connection
M. 5) Exceeded max. E-mail size	



STATE OF HAWAII
DEPARTMENT OF HEALTH

HAZARD EVALUATION AND EMERGENCY RESPONSE
OFFICE

DATE: February 5, 2009 NO. OF PAGES: 2

TO: Zoe Williams

COMPANY: Gas Company

TELEPHONE: FAX: 594-5690

FROM: Sharon HEER Office

TELEPHONE: (808) 586-4249 FAX: (808) 586-7537

COMMENTS:

List of Hotels with tanks. Thank You for the help. Sharon

Larry: Health dept. has a problem with language barrier. State law passed last year, 2007, about language requirements for govt agencies. Carter supplied information that emergency information is recorded in different foreign languages. Larry; this problem occurred 2006 w/ sewage spill. Signs were made in Jap by hotels instead of Health dept. #10 next meeting April 2 9:00 Carter motion holiday wishes. second second

Dec. 18, 2008

9:10

11. opening - introduction

Comment not replaced today. merry xmas happy new year, someyrs

2.1 Henry - update - 2 lepc meeting since last HSEPC meeting, 2 committees - 1 for Tier II

1. vog.

2. Clean energy - steam lining permitting

2.2 Dec 11 Kauai - reorganization - new names

submit to maya

next meeting Feb. 5, 2009 - quite

2.3 Maui Scott ^{last} Oct 8 meet

2 to Hazmat, 2 to Conitum Challenge

Dec 1-3 Cameo Advance

2 incidents - ammonia leak, 2 Jet fuel - air lifted to Lanai - 2 drums fell on run way

Jan

Feb 2-13

Feb. 18 next meeting

2.4 ^{LEPC} Nov 20 meeting - Hazmat-Explo ^{inv.}

items Terrorism threat - decentralized - homegrown

Training - scars from training come back

to affect them. gave examples.

12.8 ^{to} 2.6 DOT HMEP Increase - additional ^{screening} ~~screening~~

focus on rural communities ^{updates}

electron's shipping format - trying to start

Portal for Fed agencies.

Ethanol- response to this problem.

HFD 2009- Petro makes to get here to provide training.

DOT multiply improvement rail, air, roads

LEPC Survey ~~Fee~~ Our state in better shape because we collect fee.

sample of propane release - no proper procedure.

NRC - gave presentation.

Ieland - Lifetime award.

Clean - update - support HFD to continue ^{Challenge}

Hot zone - 4 from HFD

Training - do comes for 2009

did power point Continue Challenge

comment on training - Health program - campaign

1. to get people to exercise & change for health
what happens when program stops.

how effective is this

2. national electronic tracking - ^{material} Hazmat, Hazwaste, Waste.

Hazwaste Oregon + Washington - exchange network ^{information.}

by law ^{new} renewable energy facilitator - bring to his attention about Ethanol.

govt. support for LEPC - not in budget

3

Honolulu

Motion to voting member Honolulu
Carter move, Tin second adopted.

Hawaii - voting member
motion - Henry, Carter - seconded

Mike
EPA - Leland award.

Hr Mat E/Ed Oct 19 new orleans

20 presentations - posted on NASTTD websites

Handout on table. see pg. 2

LEPC Survey - 39.8 response

Risk Management plans - ^{due} 2009
every 5 yr.

EPA electronic system for facilities that want to
self disclose violations, won't be fined.

Leland position illegal dumping on Oahu. - may
not filled yet appreciate what he has done.

to Leland - Larry - motion - moved Carter, Tin ^{second}

#5 HMEP - SCD Template -

put on Agenda Larry - pass on (video conference to move)
check on Clance it along

* Tin - change in #3 EPA minutes - adopted a amended
SCOTT 1st second Henry.

#6 Break - none

Ariel - Tetra Tech

#7 Change - Facility response plan, minimum plan - bldg + where chemical is, discussion - Carter + Tin Shing, Chris Takano Larry suggested changes.

purpose strike D + 4

*25A + meets + threshold in subsection B motion to approve handout as

propose change to 26B -

Larry gave example to word change discussion Hel Chris Takano, Larry on 128-E who receives Tier II data.

1. moti approve handout today change Bid - add text to

sub^{section} 26B . Automataid

cutu more, Bob seconded adopted.

2. draft rules - handout amended + adopted go to public hearing 1st Carter Tin - second

#8 Keith - CBR Tabletop -

asked by Keith Carter - Letter to governor. examples what "who maybe doing this" happens.

Keith - problem sample transport, protocol, guideline,

9.1
#9 ID. per Susan Jackson - no

9.2 planning Grant Project -
incoming Hor-mat from pier to facility
+ outgoing waste from facility to pier.
Hib + Kawaihae -

HMEP - Funds from SCD

Leland advised how to make plans + submit by time table.

2090 Curtis - set aside they want to know if we can set aside 2090 for Henry project from next funding year.

Larry - discuss out of meeting.

Larry - lang in emergency
motion Carter ^{different} _{recorded} Henry

meeting - April 2 - 9:00

time 11:05