

**HSERC MEMBERS OR THE VOTING REPRESENTATIVES'
SIGN-IN SHEET FOR December 6, 2013**

Scott Enright
Dept. of Agriculture
Board of Agriculture

Lovelle Koike for
Tin Shing Chao
Occupational Safety and Health Division
Department of Labor and Industrial Relation

Henry Silva
Hawaii Representative/LEPC Chairperson
Hawaii County Fire Department

Samuel Hoila
Alexander J. Adams
Honolulu Representative/LEPC Chairperson
Honolulu Fire Department

Albert Kauai

Albert Kauai
Kauai Representative/LEPC Chairperson
Kauai Fire Department

Scott Kekuewa

Scott Kekuewa
Maui Representative/LEPC Chairperson
Maui Fire Department

Gary L. Gill

Gary L. Gill
Deputy Director, Environmental Health
Department of Health

Genevieve Salmonson
Genevieve Salmonson
Director
Office of Environmental Quality Control

Genevieve Salmonson

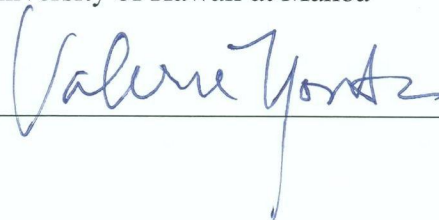
**HSERC MEMBERS OR THE VOTING REPRESENTATIVES' SIGN-IN
SHEET FOR December 6, 2013**

Audrey Hidano,
Deputy Director - Administration
Department of Transportation

William M. Tam
Deputy for Commission on Water
Resource Management
Department of Land and Natural Resources

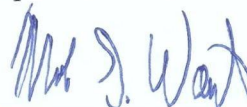
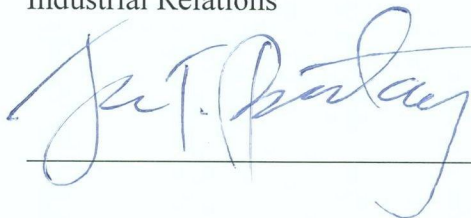
Doug Mayne
State Civil Defense
Department of Defense

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



Jade Butay,
Deputy Director
Department of Labor and
Industrial Relations

Mark Want,
Energy Analyst
Department of Business Economic
Development & Tourism



HSERC MEETING SIGN-IN SHEET FOR December 6, 2013

Name	Organization	Telephone #	Fax #	E-Mail
ROBERT A-H HARTER	C&C of H, DEM LEPC COORD.	723-8958		RNHARTER@HONOLULU.GOV
Lovelle Koike for Tin Chao	HIOSH	586-9090		lovelle.m.koike@hawaii.gov
Eternal Kosaki	HRD	936-8181		gkosaki@co.hawaii.hi.us
Kelli Kaukoaka	HEER			
HERMAN TUOLOSEGA Moravcik	OEOO	586 4185		HERMAN.TUOLOSEGA@DISH.HAWAII.GOV
Philip Moravcik	U.H.	956-3097		MORAVA@HAWAII.EDU
Bany				
Eric Jensen	Tetra Tech	441-4784		eric.jensen@tetratech.com



LIEUTENANT GOVERNOR'S
OFFICE

13 NOV 29 P2:37

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

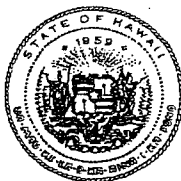
In reply, please refer to:
File:

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING #93

Friday, December 6, 2013 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 Gary Gill, Deputy Director for Environmental Health
Announcements, Remarks, Introduction
Approval of Minutes from Mtg #92
- 2) 9:15 LEPC Updates Henry Silva, Hawaii LEPC Representative
Albert Kaui, Kauai LEPC Representative
Scott Kekuewa, Maui LEPC Representative
Alex Adams, Oahu LEPC Representative
- 3) 9:30 Recent Incidents That Have Liz Galvez, OSC HEER Office
Been Reported
- 4) 9:40 Update On Improving Chemical Keith Kawaoka, HEER Office
Facility Safety and Security
- 5) 9:50 Draft For Policy and Procedures Kathy Ho, AG's Office, Curtis Martin,
On Releasing Tier II Information Sharon Leonida, Harold Lao, HEER Office
- 6) 10:00 HMEP Grant Update, Harold Lao
CAMEO Training
- 7) 10:15 HSERC Financial Report Curtis Martin, HEER Office
Tier II Division of Funds,
Decisions
- 8) 10:30 EPA Update Mike Ardito, USEPA Region 9 (Hand out)
- 9) 10:40 New Tier II Forms Sharon Leonida, HEER Office
And Changes
- 10) 11:00 Other Business
- 11) 11:20 Schedule next HSERC meeting HSERC, LEPC



In reply, please refer to:
File:

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

HAWAII STATE EMERGENCY RESPONSE COMMISSION
MEETING # 92

Friday, September 20, 2013, 9:00 a.m. to 12:00 p.m.

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

Attendees

Voting: Gary Gill, Chairperson, Deputy Director for Environmental Health, Dept. of Health; Albert Kauai, Kauai County LEPC; Henry Silva, Hawaii County LEPC; Jade T. Butay, Dept. of Transportation; Alex Adams, Honolulu LEPC; Doug Mayne, SCD, Dept. of Defense; Valerie Yontz, Public Health Studies, University of Hawaii; Mark Want, Dept. of Business Economic Development & Tourism; Tin Shing Chao, OSHA, Dept. of Labor and Industrial Relations; Audrey Hidano, Dept. of Labor and Industrial Relations; Scott Kekuewa, Maui County LEPC; Genevieve Salmonson, Director, Office of Environmental Quality Control

Non-Voting: Sharon Leonida, Beryl Ekimoto, Curtis Martin, Harold Lao, Liz Galvez, Dept. of Health, HEER Office; Gerald Kosaki, Hawaii County Fire Dept.; Cynthia Pang, U.S. Navy; Robert H.H. Harter, Department of Emergency Management, City and County of Honolulu; Philip Moravcik, University of Hawaii; Riki Ott, Ph.D.; Guest

1. Gary Gill called the meeting to order at 9:16 a.m.
 - 1.1 Introduction of Attendees
 - 1.2 Approval of minutes for meeting #91, **no changes, no objections, and minutes adopted.**
2. LEPC Updates:
 - 2.1 Hawaii County: Gerald Kosaki and Henry Silva
 - 2.1.1 The last LEPC meeting was held on August 22, 2013. The next meeting will be on November 21, 2013.
 - 2.1.2 Two EPA inspections were done on the Big Island, one at Hamakua Energy Plant and the second at Puna Geothermal Plant. Both Gerald and Henry attended the inspections. Jeremy Johnstone of the EPA, discussed the Tier II submittal with them. It was noted that Tier II was underreported in the whole state. They discussed this issue at the LEPC meeting and will continue to explore new ideas to increase awareness. One idea is to use social media to make the community more aware of Tier II. Currently, there are ads printed in the local newspapers.
 - 2.1.3 School Labs Update. After fire chief Darren Rosario received his letter from Travis Hiramoto, signed by Gary, Gerald received calls. There is concern about the burdens that

would be put on the fire department. Regular fire and Hazmat units would be doing the inspections. There are liability issues involved.

Mark Behrens, Director of Safety and Security for the Department of Education, attended the LEPC meeting. He discussed what plans the DOE has and what they are currently doing. Inspections looking for chemicals that are outdated or being stored in bulk are being done. There was a report on the number of schools that were inspected and chemical identification training is being conducted for district superintendents, principals and maintenance persons at the schools. A number of schools on the Big Island were storing outdated or bulk chemicals. Removal of small amounts was done locally, while others were packaged and sent to the mainland. The disposal cost at present has totaled seventy-two thousand dollars, \$72,000.

- 2.1.4 PGV had a small leak on August 18, the day before the inspection from EPA. Pumps had shutdown and a seal leaked. The release measured about thirty (30) parts per billion. After the incident, PGV called the fire department and explained what happened. There was an uproar from the community because fire did not respond. There is a new policy because of this incident where any call from the public will result in a response from the fire department. PGV will now call 911 instead of calling the non-emergency number. Gerald explained that the public called in. Even with a small leak, you can detect the "rotten egg" odor. At the time of the incident, there was a march from Puna to HELCO (Hawaiian Electric Light Company) to protest PGV. This resulted in a "BIG THING" that involved the Mayor and Civil Defense. Henry added PGV had visits from Federal Agencies three days in a row. On August 19, Federal OSHA did an inspection. EPA did a Risk Management Plan Review on the 20th. A complete investigation of the March 13th release was done on the 21st by EPA. Henry attended both visits on the 20th and 21st. A report is being released but he does not know if it will be available to us. EPA became involved because of a large amount of community outcry. There are different monitors in use, some from PGV, others placed in the community and Civil Defense has purchased some to distribute to the residents.
- 2.2 Kauai County: Albert Kauai
- 2.2.1 The last LEPC meeting was held on August 14, 2013 at Civil Defense, next meeting is scheduled for November 14, 2013
- 2.2.2 He discussed the training with the 93rd Civil Support Team (CST). September 3 – 11, Hazmat trained with the 93rd CST, Kauai Police Department, Department of Health – Noise and Radiation Branch, and Kauai District Health Office. It was good inter-agency training. They identified the strengths and weaknesses of each agency and saw how they could supplement each other.
- 2.2.3 On September 11, a Table Top Exercise was conducted at Civil Defense. A full scale exercise was held on September 12. An after action report was done on September 13. The scenario was modeled after the "Boston Marathon." Two explosive devices went off, EOD squad came in and found another device and disarmed it. The Kauai Fire Department found a disbursement device that contained blister agents. This was confined by the 93rd CST.
- 2.2.4 There will be an upcoming presentation from Robert Tambal, Director of Environmental Health and Safety for Xtreme Power. He will be doing presentations at two fire stations on Kauai on September 25, 26, 27. This will be followed by a tour of the Port Allan and Koloa Solar Farm Battery Storage.

2.2.5 Hazardous Materials Incidents:

- September 21, a bucket containing acid washed ashore.
- August 4, a cylinder releasing smoke and marked Flammable Phosphorus was found. The Coast Guard uses these cylinders for training.
- August 28, an Aluminum tank with Chinese lettering containing lamp fuel (Kerosene) was found.
- September 19, another cylinder washed ashore, Liz will have Penco take care of this.
- Pacific Missile Range Facility (RMPF) spilled seventy gallons of transformer fluid. A contractor backed into a transformer and ruptured it; clean up was done. Liz confirmed it was reported to the HEER Office.
- September 12, PMRF had an oil-water mixture spill of three hundred gallons from a separator on base. It was cleaned up.

2.3 Maui County: Scott Kekuewa:

2.3.1 No LEPC meeting this past quarter due to various problems. The next meeting is on October 24, 2013.

2.3.2 Maui Incidents:

- July 24, two barrels were dumped near Waihe'e. Liz arranged for PENCO to do the disposal.
- August 22, a container of acid, that a Coast Guard Reservist found at sea, was taken to Lahaina Harbor.
- August 27, there was a Hydrogen Peroxide incident in Kula. August 28, Maui Fire assisted State Department of Transportation with radiological and PCB testing of discarded X-ray machine found by the side of the road. Results of both test were negative.
- September 15, swimmers found a 55 gallon barrel at Shipwreck Beach on Lanai. It was brought to shore and DLNR was contacted and they contacted the fire department. DOH was contacted and samples were taken. Samples had to be repacked a second time. Maui District Health Office sent the samples to UH Lab for testing. It was a good learning experience for Firefighter IIs that have completed Hazmat training since they will be collecting the samples.

2.4 Honolulu City & County: Alex Adams

2.4.1 There was an LEPC meeting on September 12, 2013. The next meeting is on December 11, 2013.

2.4.2 He went over the items on the meeting agenda.

2.4.3 There was a Beginning CAMEO Training Class in July.

Homeland Security and EPA have a program, Counter Terrorism Operations Support (CTOS). Personnel came from Nevada to teach the two courses.

1. A one-day Personal Radiation Detector course that utilized Canberra PRD's.
2. Secondary Screener/Radiation Isotope Identifier Device (SS/RIID) course, utilizing a RIID called and IndentiFinder. The Department of Health Radiation Assessment Team (RAT) and members of the Civil Support Team (CST) sat in on the two-day course.

Equipment was also supplied by the course personnel. There was no cost to HFD. Alex gave a demonstration of the new Radiation Isotope Identifier Device at the meeting. Two devices were purchased for HAZMAT with LEPC funds.

- 2.4.4 There was a drill with Brewer Environmental Industries (BEI) at their Campbell facility. They practiced using different kits and doing small scale experiments.
- 2.4.5 Honolulu Airport conducts a major drill every three years. This year, the US Postal Service had a Mass Decontamination Drill. The drill consisted of two parts: one during the morning and another in the afternoon.
- 2.4.6 There were several incidents fire responded to:
 - One involved a chemical odor at a private school on the east side of Oahu. A maintenance room had a lawnmower that was leaking gas. Odor traveled through the door and into a vent that went to the computer room.
 - Several gas leaks at the University of Hawaii:
 - A three-inch gas line was punctured and fire monitored the area while Hawaii Gas did a bypass line until repairs were finished.
 - The next day, another leak occurred several hundred feet away. Both breaks were caused by backhoe equipment. A meeting was held to discuss where the gas lines were.
- 2.4.7 Individual Explosive Device (IED) awareness class with the Honolulu Police Department is coming up in September.
- 2.4.8 HFD will be attending a HAZCAT refresher with the Federal Fire Department, Cynthia Pang invited the Honolulu Fire Department.
- 2.4.9 Pre-plan of Iwilei BEI on Nimitz Highway. There are lots of chemicals stored in the area but no Ammonia Nitrate.

3. Update on Request for Information Bunkers at Waikele: Sharon Leonida

- 3.1 Cynthia Pang from the Navy supplied information for the presentation. Sharon did a Powerpoint presentation that included pictures of the different types of tunnels and the background and history of how the tunnels were built. Information came from articles and historic documentation that is available from the Library of Congress. Additional information came from an article that was done on a reunion of former military personnel that was assigned to guard the facility. US Army still has bunkers and some are still in use. Henry added that the neighbor islands had bunkers that were not guarded that could still have munitions also. There was a discussion on how it is leased and who is responsible. HSERC WOULD LIKE A YEARLY UPDATE OF WHAT IS STORED. Contact the Army to ask about bunkers.

4. Reassessing Dispersant Risk and Use Policies: Riki Ott, Ph.D

- 4.1 She has lived in Alaska for twenty-eight years and has done commercial fishing. She has a Ph.D in Oil – Marine Pollution and has had a home in Prince William Sound. The winter before the Exxon Valdez oil spill, she was part of the “Alaska Regional Response Team.” She was the representative from the United Fishermen of Alaska. They worked on dispersant use and policy. This group came up with a “Voluntary Use Plan,” six weeks before the Exxon Valdez incident. This plan designated where the ‘dispersant could be used and where they should not be used.’ The plan was ignored. The community of Cordova, that was affected by this spill, fought to get their basic claims paid. This case was in court for twenty years. Payment was for ten cents (\$.10), per dollar that they had asked for.

Ms. Ott has written two books on this subject. She has given HSERC one of the books. When the BP Gulf Incident occurred, she decided to go to advise the community. She stayed for a year. She has come to Hawaii because the state has decided to pre approve the same dispersant that was used

in the BP incident in the gulf. She is here to try and prevent what happened in the Gulf of Mexico from happening in Hawaii.

Ms. Ott explained how the EPA came up with their theory and how their experiments were conducted. Using a power point presentation, she showed how the dispersant interacted with the oil and what the results were. She worked with the citizens in the gulf area to document the spraying. They wanted to show that spraying continued even after it was announced that it was being stopped. This documentation is currently being used by the Department of Justice for a civil case. Samantha Joy of the University of Georgia, has done a study that shows a layer of oil and dispersant on the ocean floor. Ms. Ott explained how this process occurs. Further study is now taking place. There are concerns that this dispersant and oil has gotten into the water cycle. Citizens have submitted samples from swimming pools, rain that has gathered on their steps, and outdoor furniture for lab testing. It has also been found on sea grass, beach umbrellas, and other items left outdoors. This presentation also showed how the dispersant and oil had gotten into the lower layers of the beaches. Blood samples have been taken and tested from people between the ages of two years to eighty years old. The testing results are now starting to be released. In Science News, a report from the University of Cancer and Diagnostic Center in Houston has linked oil exposure to blood and liver problems. Ms. Ott spoke about chemical illness that could result from dispersants. She gave example of symptoms that people have been reporting.

Mutations in animals have also been reported. These include dolphins and shrimp with no eyes or eye sockets.

Some states like Alaska, Oregon, and Washington State are relying on mechanical technology to use instead of dispersants in case of spills. However, the Coast Guard and Industries have decided to continue the use of dispersants. A tribe in Washington State has an agreement with the Coast Guard and EPA. The tribe will decide on how to handle spills. In California, The Center for Biological Diversity filed an "Endangered Species Act lawsuit." It was settled in May 2013, the suit requires that the Coast Guard and EPA insures that Toxic Oil Dispersants Chemicals, used in Federal waters off of California will not harm sea turtles, whales, and other endangered species or their habitat before deciding to use this method.

Nineteen countries have banned or restricted the use of this chemical and other countries are considering this also.

She talked about Hawaii's Contingency Plan and pointed out what she thought should be corrected for better safety procedures. She is encouraging Hawaii to ban toxic products. She is also part of the Citizen Coalition that has filed a petition for rule making change. "They have established a process to remove products that don't perform in the field as they perform in the lab." Ms. Ott went over some changes that were done. She sent a list of the studies that are coming out about the BP Gulf Spill to Gary. She will put together a list of human health studies.

Curtis explained that there are alternatives and different options that are looked at before a decision is made to use dispersants. Ms. Ott answered questions from the attendees. HSERC members suggest we should look at our contingency plan and see if other methods are available.

5. Draft For Policy and Procedures on Releasing Tier II Information: Kathy Ho

- 5.1 Curtis spoke on behalf of Kathy. She had to leave and told Curtis our policy is good. He will ask Kathy to "put it in writing" and will follow up. Question if LEPC's had any request from public for Tier II information. Henry refers anyone who would like to request records to the HEER Office.

6. EPA Update: Mike Ardito – Handouts on table
 - 6.1. Presidential Executive Order on Improving Facility Safety and Security
The Chemical Safety Board had submitted a Request for Records for facilities that have Ammonium Nitrate. The name of the facilities and amount of Ammonium Nitrate has been sent to CSB.

7. HMEP Grant Update: Harold Lao
 - 7.1 Harold has received notification from USDOT about the fiscal year 2013 – 2014 grant. The amount will be \$105,000. Last year we received \$112,000. This lesser amount is due to Sequestration.

8. Other Business: Chemical Clean Up of School Labs: Grace Simmons
 - 8.1 Grace briefed the commission on what has occurred since the last meeting. Travis Hiramoto had come up with a checklist that could be used when the fire department does its annual school inspections. On August 30, Grace, Travis and Sharon met with Chief Socrates Bratakos to discuss the list. He agreed to take it to the State Fire Council. An email received on September 6, 2013 from Chief Bratakos stated the Council instructed him to decline participation in this program. They don't view this work as the responsibility of the fire department. Grace has talked to Gary, we have done as much as we can. Grace and her branch will continue to do school inspections. If anyone has concerns, they can contact Grace. Schools are generators of Hazardous Waste. Henry advised HSERC on what took place at his LEPC meeting. Mark Behrens attended the meeting. A list of schools that had chemicals removed and the cost for removal was shown. Henry checked with Grace and found that the schools had been inspected and they were told they needed to have chemicals removal done. He feels that Mark took action because of the inspections that Grace's office had done. Henry feels that this issue still needs to be worked on. Gary went over the events of how this subject started and how it has progressed. Now we need to have members keep us informed. Grace will continue to do inspections, let her know of any concerns.
 - 8.2 Molasses Spill: Gary Gill
This power point has been presented to each member of our Congressional Delegations and the Environmental Council in the state. Matson claims that a total of fourteen hundred tons or two hundred thirty-three thousands gallons (233,000) of molasses was spilled. Matson delivers molasses once a week to Honolulu from Maui. It is pumped from Pier 52 into two (2) tanks. A container ship comes in and molasses is pumped from the tanks to the ship. There was an old pipeline at a location further down the pier (the source of the leak). Matson does not use the old pipeline and claims they did not know it was there. This is an abandoned pipe, no riser could be seen and it could not be used. Gary explained how the weather and tides made the molasses migrate towards Keehi Lagoon and Kalihi Channel into the ocean. Images of the presentation included the riser used for the molasses transfer, the leaking pipe, and discolored water on different days as it traveled towards the ocean. He went over the timeline and what events took place.

9. Schedule next HSERC Meeting
The next scheduled meeting will be December 6, 2013. Meeting was adjourned.

Respectively Submitted,

Sharon L. Leonida
Environmental Health Specialist III



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION
830 PUNCHBOWL STREET, ROOM 423
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TO: Mr. Gary L. Gill, Chair
Hawaii State Emergency Response Commission

FROM Mr. Tin Shing Chao
Department of Labor
Occupational Health Branch Manager

SUBJECT HSERC Meeting

I am unable to attend the HSERC meeting due to a conflicting schedule.

I hereby appoint Ms. Lovelle Koike from My Office to represent me at the above meeting with all the rights as a voting member.

She will attend in my place this time.



Leonida, Sharon L

From: Scott Kekuewa [Scott.Kekuewa@co.maui.hi.us]
Sent: Monday, November 25, 2013 7:44 AM
To: Leonida, Sharon L
Subject: Re: HSERC Agenda for December 6, 2013

Sharon,

The week of Dec 2 - 6 my department is doing a prescribed burn as part of the certification process for Incident Management Teams and because I am heavily involved, I will not be attending this HSERC meeting (We are unable to send a replacement as J. Kihune is also involved in this process).

Please accept my apologies and relay this to the commission.

Mahalo,

Scott Kekuewa, Maui LEPC Chair

Leonida, Sharon L

From: Janice F Arakaki/ADMIN/HIDOT@HIDOT@STATEHIUS@DOHMAIL on behalf of Janice F Arakaki/ADMIN/HIDOT@DOHMAIL
Sent: Tuesday, December 03, 2013 3:24 PM
To: Leonida, Sharon L
Subject: Fw: HSERC Agenda for December 6, 2013

Sharon:

Audrey Hidano is the current Deputy Director-Administration for the Department of Transportation and will be attending these meetings that Jade Butay was attending. Jade is currently the Deputy Director of the Department of Labor and Industrial Relations. Also, Audrey will not be able to attend this Friday, December 6, 2013, meeting as she has a prior engagement.

Janice F. Arakaki
Executive Aide to Deputy
Director - Administration
Department of Transportation
869 Punchbowl Street
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Fax: (808) 587-2167



Arakaki_Janice.vcf

----- Forwarded by Janice F Arakaki/ADMIN/HIDOT on 12/03/2013 03:19 PM -----

From: Audrey Hidano/ADMIN/HIDOT
To: Janice F Arakaki/ADMIN/HIDOT@HIDOT,
Date: 11/22/2013 04:27 PM
Subject: Fw: HSERC Agenda for December 6, 2013

Janice

I used to attend these from DLIR, now I'll need to attend from DOT as Jade was part of this board.

Audrey

----- Forwarded by Audrey Hidano/ADMIN/HIDOT on 11/22/2013 04:26 PM -----

From: "Leonida, Sharon L" <sharon.leonida@doh.hawaii.gov>
To: <akauai@hotmail.com>, <akauai@kauai.gov>, "Alex Adams" <AAdams@honolulu.gov>, "Audrey Hidano" <audrey.hidano@hawaii.gov>, "Doug Mayne" <dwayne@scd.hawaii.gov>, "Gary L. Gill" <Gary.Gill@doh.hawaii.gov>, "Genevieve Salmonson" <Genevieve.Salmonson@doh.hawaii.gov>, "Henry G. Silva" <808apossilva@mail.com>, "Herman Tuiolosega" <herman.tuiolosega@doh.hawaii.gov>, "Jade Butay" <Jade.Butay@hawaii.gov>, <jmaddock@hawaii.edu>, "Leticia Acido-Mercado" <Leticia.Acido-Mercado@doh.hawaii.gov>, "Mark Want" <Mark.Want@doh.hawaii.gov>, <scott.kekuewa@co.maui.hi.us>, "Tin Shing Chao" <TinShing.Chao@hawaii.gov>, "Valerie Yontz" <vyontz@hawaii.edu>, "Vern Miyagi" <vmiyagi@scd.hawaii.gov>, "William Tam" <William.Tam@hawaii.gov>,
Date: 11/22/2013 01:02 PM
Subject: HSERC Agenda for December 6, 2013

Good Afternoon Everyone,

Hawaii State Emergency Response Commission (HSERC) Policy and Procedures for Public Access to Tier II Reports

Purpose: The primary purpose of this policy is to establish procedures for the HSERC, and LEPCs to receive and process requests for Tier II information to meet Hawaii statutory requirements (see below). The primary intent is to ensure that the release of Tier II data will not be applied to conduct illegal activities which could jeopardize the public safety and welfare of the citizens of Hawaii. None of the Homeland Security precautions identified in these procedures stop the processing of a valid request for information about hazardous materials by citizens. The State of Hawaii remains in full compliance of Hawaii Emergency Planning Community Right-to-Know (HEPCRA) law.

General: Tier II reports must be submitted annually by facilities that have the reportable quantities Threshold Planning Quantity (TPQ), of chemicals and hazardous substances in their inventory (fixed facilities only; transportation facilities are not required to report under Federal and State law). Reports must be submitted to the Local Emergency Planning Committee (LEPC), local fire department, and the Hawaii Department of Health Hazard Evaluation and Emergency Response (HEER) Office. Reports are due by March 1 of each year and represent inventories for the previous calendar year.

Under the Federal Emergency Planning and Community Right-to-Know Act (EPCRA), concerned citizens and the general public may request Tier II information on facilities in their community.

Following the September 11, 2001 terrorist attack on the United States, concerns regarding the use of extremely hazardous substances as chemical weapons needed to be considered. HEPCRA and Homeland Security concerns are not diametrically opposed and these procedures comply with the requirements of each concern.

Summary of Statutory Authorities:

Hawaii Revised Statutes Chapter 128E, Hawaii Emergency Planning and Community Right-To-Know Act, Section 128E-13 states:

“Relationship to other laws.

- (a) This chapter shall be read in conjunction with the federal statutes and regulations providing for the identification, labeling, and reporting of information concerning hazardous material releases, and any other health and safety provisions relating to hazardous materials, and is intended to supplement federal statutes and regulations in the interest of protecting the health and safety of the citizens of the State.”

Federal EPCRA Section 312 (e)(3), 42 U.S.C. § 11022(e)(3), states:

- (3) “Availability to public
- (A) In general
Any person may request a State Emergency Response Commission or local emergency planning committee for Tier II information relating to the preceding year with respect to a facility. Any such request shall be in writing and shall be with respect to a specific facility.”

Federal EPCRA Section 324, 42 U.S.C. § 11044 states:

(a) Availability to public

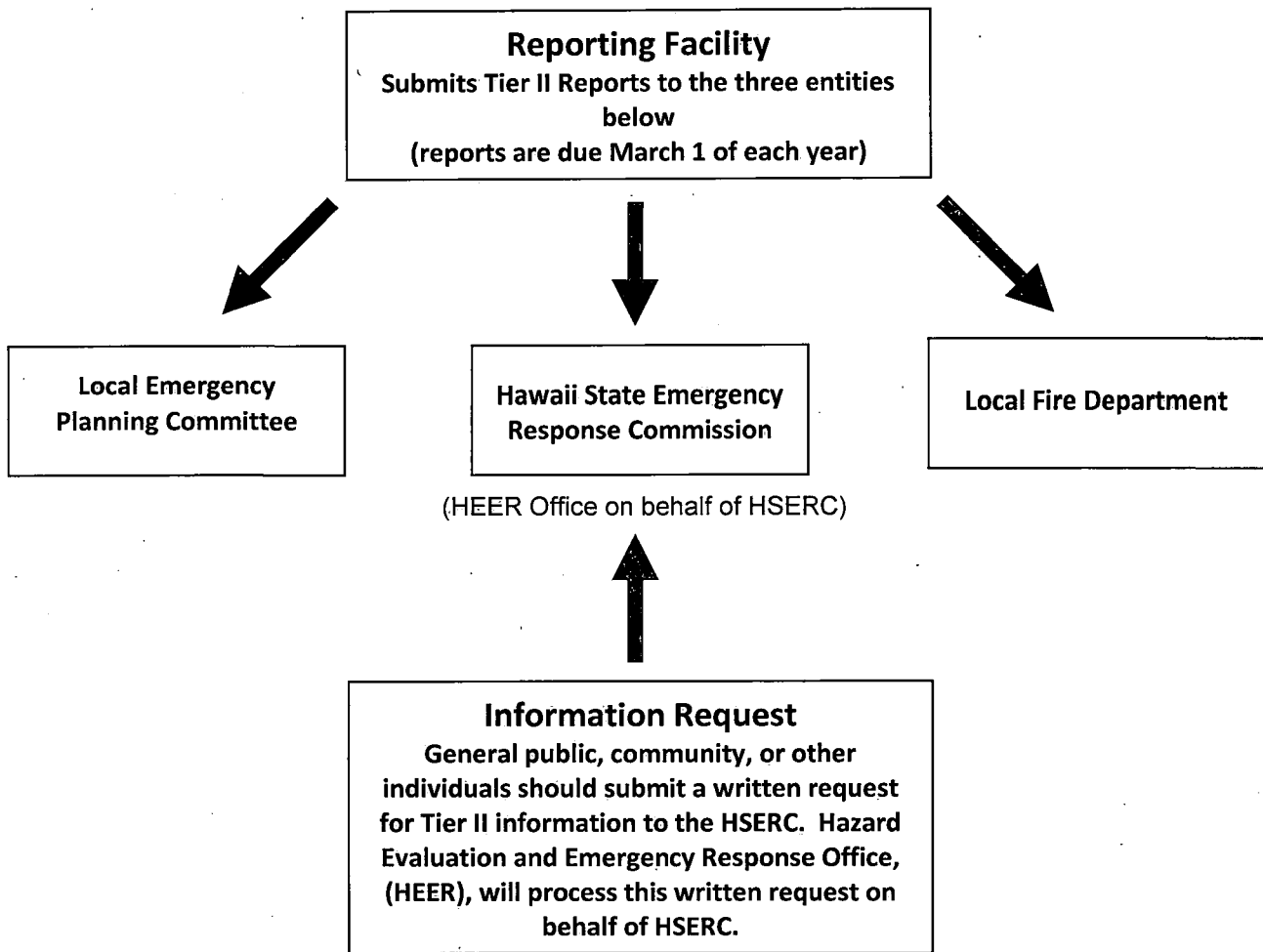
Each emergency response plan, material safety data sheet, list described in Section 11021(a)(1) of this title, inventory form, toxic chemical release form, and follow-up emergency notice shall be made available to the general public, consistent with section 11042 of this title, during normal working hours at the location or locations designated by the Administrator, Governor, State emergency response commission, or local emergency planning committee, as appropriate. Upon request by an owner or operator of a facility subject to the requirements of section 11022 of this title, the State emergency response commission and the appropriate local emergency planning committee shall withhold from disclosure under this section the location of any specific chemical required by section 11022(d)(2) of this title to be contained in an inventory form as tier II information."

Department of Health Chapter 11-453, Hawaii Administrative Rules:

11-453-34 Receiving and processing community right-to-know request.

- (a) To obtain information regarding a specific hazardous chemical or extremely hazardous substance 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) 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; or
 - (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.
- (c) The committee or commission shall charge the person making a request under this subchapter the cost of reproducing the information requested.
- (d) The committee or commission will provide all information to any person unless that information is protected from disclosure by federal or state law or the committee or commission makes a finding in accordance with section 11-453-34 (b) (4) (c).

General Process for Receiving and Disseminating Tier II Information:



Procedures for Releasing Tier II Data to the Requestor

The Hazard Evaluation and Emergency Response (HEER) Office will handle the Request for Public Records on behalf of the Hawaii State Emergency Response Commission (HSERC). A Request for Public Records form must be received by the HEER administration staff.

1. A *Request to Access a Government Record* form must be received by mail, fax, or personal delivery (the form is available at: <http://eha-web.doh.hawaii.gov/eha-cma/documents/1a039eeb-c798-4605-90b6-7c50b19ff411>).
2. The requestor's legal name, address (NO P.O. BOX), and a phone number where requestor can be reached must be provided.
3. Requests will be date stamped upon receipt and are processed in the order in which they are received. The HEER Office is allowed up to ten (10) business days to process a records request.
4. Name of specific facility (if the facility name has changed, supply the previous facility name as well), address of facility, TMK (if no address available), and any information that shows the facility location must be provided in the request.
5. If the facility has been moved, provide the old and new address.
6. If no records are found, the requestor will be notified.
7. If records are found, the administrative staff will notify the requestor to schedule an appointment. **The requestor must view the records during business hours (Monday through Friday 7:45 a.m. to 4:30 p.m.).**
8. If the requestor is late or unable to keep his/her appointment, the HEER Office must be notified.
9. Identification of requestor will be presented to administration staff or Tier II Database personnel before the records are viewed.
10. Requestor will be shown to viewing area and must sign in.
11. The requestor will be monitored during the review period.
12. ~~CAMERAS (INCLUDING PHONE CAMERAS) OR OTHER RECORDING DEVICES ARE NOT ALLOWED IN THE VIEWING AREA.~~
13. The requestor may record information on a piece of paper.
14. Copies of files may be requested. Administration staff or Tier II Database personnel will explain how to "mark" files to be copied. The requestor will be charged for each page copied.
15. Requestor will NOT BE ALLOWED to view Tier II database via a computer.
16. All files and data will be checked to insure no files or materials are missing.
17. Upon the request of the facility owner/manager, information such as specific locations of chemicals and or maps may be blocked out or omitted entirely from the record. **HEER Office personnel may also make this decision.**



**U.S. Environmental Protection Agency Pacific Southwest Region
Emergency Prevention and Preparedness Program Update
For the Hawai'i State Emergency Response Commission
Meeting in Honolulu, Hawai'i on Friday, December 6, 2013**

"Listening Sessions" Being Held To Receive Input on President's Executive Order

As part of the President's Executive Order 13650, *Improving Chemical Facility Safety and Security*, the Tri-Chair Working Group (Environmental Protection Agency, Department of Homeland Security, and Department of Labor) are holding several listening sessions and webinars. The first listening session was held in Texas City, TX on Nov. 5.

Each of the listening sessions provides an opportunity to obtain input to the Tri-Chair Working Group (EPA, DHS, and DOL) on specific areas of the EO. Stakeholders are encouraged to provide feedback on improving operational coordination with states, tribes, and local partners; enhancing information collection and sharing; modernizing regulations, guidance, and policies; and identifying best practices in chemical facility safety and security.

The EPA welcomes and encourages your participation. **To subscribe to the latest updates and information about the EO listening sessions and upcoming webinar, stakeholders may submit an email request to eo.chemical@hq.dhs.gov. Written comments about the Executive Order may also be sent to that email address.**

Tentative Schedule Remaining:

12/11/13 – Orlando, FL

12/16/13 – Webinar (11:30 a.m. to 1:30 p.m. Hawaiian Time)

Week of 1/6/14; exact date TBD in California (all day Pacific Time Zone)

Week of 1/20/14 – Houston, TX

TBD – Hamilton, NJ

As you see above, the exact date in the week of January 6, 2014 for the California (and only Pacific Time) location is still to be determined. When more details and registration information about the listening session becomes available, the EPA will forward to SERC and LEPC coordinators. Interested stakeholders may register to listen by telephone.

U.S. EPA Region 9 Recent Activities to Improve Coordination for Chemical Safety

The EPA's Pacific Southwest Region recently has been involved in several multi-agency (federal, state and local) activities with the goal of improving chemical facility safety. Those activities include:

- Participation in an informal discussion with the hazardous materials emergency response community to improve chemical facility and responder safety as well as worker, community and environmental protection. The session was moderated by

Paul Penn, member of Calif. LEPC Region IV and president of EnMagine, at the Continuing Challenge Workshop in Sacramento on the evening of Sept. 5, 2013. A summary document was produced called "What Should Be Done?" and it was provided to members of the national workgroup for implementing the President's Executive Order.

Presidential Executive Order on Improving Chemical Facility Safety and Security

President Obama signed an Executive Order on August 1, 2013 to improve the safety and security of chemical facilities and reduce the risks of hazardous chemicals to workers and communities. The order directs the federal government to:

- Improve operational coordination with state and local partners (including State Emergency Response Commissions, Local Emergency Planning Committees and Tribal Emergency Response Commissions)
- Enhance Federal agency coordination and information sharing
- Modernize policies, regulations and standards, and
- Work with stakeholders to identify best practices.

The fact sheet about the Executive Order can be found on the White House website at:
The White House Fact Sheet: Executive Order on Improving Chemical Facility Safety and Security

<http://www.whitehouse.gov/the-press-office/2013/08/01/fact-sheet-executive-order-improving-chemical-facility-safety-and-security>

The actual Executive Order can be found on the White House website at:

Presidential Executive Order: Improving Chemical Facility Safety and Security

<http://www.whitehouse.gov/the-press-office/2013/08/01/executive-order-improving-chemical-facility-safety-and-security>

One of the first products under the Executive Order is the recent, federal multi-agency chemical advisory on "Safe Storage, Handling, and Management of Ammonium Nitrate." The link is: www.epa.gov/emergencies/docs/chem/AN_advisory.pdf.

Here is the link to the news release from EPA Headquarters on August 30, 2013:

"EPA, OSHA and ATF Provide Information and Lessons Learned About the Safe Storage, Handling and Management of Ammonium Nitrate"

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/a15398fb5fc51da185257bd7006f1a64!OpenDocument>

New Versions of CAMEO*ofm* and Tier2 Submit Available

(CAMEO is Computer Aided Management of Emergency Operations – for emergency responders and planners. Tier 2 Submit is the annual EPCRA chemical facility inventory reporting form.)

- Download CAMEOfm 3.0 at <http://www2.epa.gov/cameo/downloading-installing-and-running-cameofm>
- Download Tier2 Submit 2013 at <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting/tier2-submit-software>

Note: If you're upgrading to CAMEOfm 3.0 from a previous version of CAMEOfm, follow the instructions in the guidance document (provided on the download page) to ensure that you don't lose your current data.

What's changed in CAMEOfm 3.0?

- Made several field changes to correspond to the revised [Tier II form](#), including:
 - Revised design of some screens (in response to field changes), particularly the "ID and Regs" and "Checklist" tabs in the Facilities module and the "Location" tab in the Chemicals in Inventory module
 - Added new 2013 range code values for Maximum and Average Daily Amounts of chemicals onsite (records with older reporting years will use the old range code values and records with a blank reporting year will not have range values in the drop-down lists)
 - Added Manned/Unmanned facility checkboxes
 - Removed "Number of Employees on Site" field and replaced it with new "Maximum No. of Occupants" field (when importing pre-2013 data, the "Number of Employees on Site" data will be lost)
 - Replaced old codes for chemical container type, pressure, and temperature with the full descriptive phrases (when importing pre-2013 data, the old code values will be converted to the phrases automatically)
 - Removed latitude/longitude method and description fields
- Enhanced search behavior so the you can use either the Search button (on the screen) or the Enter/Return key (on your keyboard) to start the search
- Updated to allow import of Tier2 Submit 2013 files
- Updated state-specific fields
- Made minor bugs fixes and changes

What's changed in Tier2 Submit 2013?

Note: The web pages for Tier2 Submit and EPCRA Tier I and II Reporting Forms and Instructions have moved. EPCRA information is now located at: <http://www2.epa.gov/epcra-tier-i-and-tier-ii-reporting>. Please update your bookmarks and links.

- Made many changes to the program to reflect the new [Tier II form](#), including:

- Added new Manned/Unmanned facility checkboxes
- Added "Dun and Bradstreet Number (Parent Company)" field (only available when Parent Company is chosen as a Contact Type)
- Added "Confidential" checkbox for chemical storage locations
- Added Maximum Code range field (for maximum daily amount of chemical onsite) for mixture components
- Added "Maximum No. of Occupants" field
- Removed "Number of Employees on Site" field
- Removed latitude/longitude method and description fields
- Switched to using new 2013 range code values for Maximum and Average Daily Amounts of chemicals onsite
- Switched to using full descriptive phrases (rather than codes) for container type, pressure, and temperature.

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 .

FY 14 LEPC BUDGET SPLIT

FINAL October 2, 2013

Straight Percentage Split:

Honolulu	\$ 59,873 x 47.04% = \$ 28,164.26
Hawaii	\$ 59,873 x 24.38% = \$ 14,597.04
Maui	\$ 59,873 x 17.37% = \$ 10,399.94
Kauai	\$ 59,873 x 11.21% = \$ 6,711.76

October 2, 2013
HAWAII STATE EMERGENCY RESPONSE COMMISSION

DRAFT FY 14 BUDGET

Collections from the TIER II Reports: \$72,750

HSERC Expenses:

To attend LEPC Meetings: \$6,300.00

NASTTPO Mid-Year Conference 2013,
Houston, Texas \$3,012.00

NASTTPO Conference 2014, New Orleans,
Louisiana \$3,565.00

Funds available for distribution to the LEPCs:

\$ 72,750

-6,300

-3,012

-3,565

\$59,873

TIER II Reporting Facilities by Counties (based on Tier2Submit 2011):

City & County of Honolulu	382	47.04%
County of Hawaii	198	24.38%
County of Maui	141	17.37%
County of Kauai	91	11.21%

HEPCRA REPORTING YEAR 2011

Number of Paying Facilities In Each County

	<u>Facilities</u>	<u>Military</u>	<u>Total</u>
Kauai	96	5	91
Maui	143	2	141
Hawaii	200	2	198
Oahu	410	28	<u>382</u>
			812

Tab G Project Narrative for Upcoming Activities

Planning Grant

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

1. Annual HazMat Exercises for each of the LEPCs.
2. Update of Emergency Operation Plans
3. LEPC Support
4. Mid-Year National Association of SARA III Program Officials (NASTTPO) Convention in Houston, Texas, October 2013.
5. National Association of SARA III Program Officials (NASTTPO) Convention in New Orleans, Louisiana, April 2014.

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

HSERC meetings are held quarterly. Each LEPC should follow a similar schedule. A representative from each of the LEPCs attends each HSERC meeting. The HEPCRA Coordinator, and a State On Scene Coordinator with primary responsibility for the county, attends each LEPC meeting. Each county encompasses different islands. The only way to reach another island, in a timely manner, is by air. In the Fiscal Year 13-14, a one-way coupon cost \$105.00; a car rental coupon cost \$50.00; meal allowance of \$20.00 and parking of \$15.00.

LEPC Meetings

Airfare: We are planning for four meetings annually. There are four counties. Two HEER representatives fly to twelve of the sixteen meetings. $2 \times 12 \times \$210 = \$5,040.00$
Rental Car: $12 \text{ meetings} \times \$50 = \$600.00$
Meal Allowance: $2 \times 12 \times \$20 = \480.00
Parking: $12 \times \$15 = \180.00
Total: \$6,300.00

NASTTPO 2013 Mid-Year Meeting in Houston, Texas, October, 2013

Airfare: \$800.00
Registration: \$250.00
Mid-Year Meeting Fee for NASTTPO: \$50
Luggage Charge=\$50.00 (R/T)
Per diem: $6 \times \$145.00 = \870.00
Fare from airport to hotel: $2 \times \$25.00 = \50.00
Estimated lodging is \$121.00 per day: $6 \times \$121.00 = \726.00
Excess expense for lodging: $6 \times \$36.00 = \216.00
Total: \$3,012.00

National Association of SARA III Program Officials (NASTTPO) Convention in New Orleans, Louisiana, April 2014.

Airfare: \$1000.00
Registration: \$385.00
Meeting Fee for NASTTPO: \$35.00
Per diem: $6 \times \$145.00 = \870.00
Luggage charge=\$50.00 (R/T)
Fare from airport to hotel: $2 \times \$25.00 = \50.00
Estimated lodging is \$160.00 per day: $5 \times \$160.00 = \800
Excess expense for lodging: $5 \times \$75.00 = \375.00
Total: \$3,565.00

The total cost for the HSERC and LEPC activities for the year is \$12,877.00.

CHANGES TO TIER2 SUBMIT 2013

On July 3, 2012, EPA amended the Emergency and Hazardous Chemical Inventory Forms under Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) to add new data elements and revise some existing data elements.

TIER2 SUBMIT 2013 CHANGES AND VALIDATION CHECKS

Facilities

- Lat/Long fields --Use Decimal Degrees with 6 digits to the right of the decimal *Required Change and Validated*
- Manned/Unmanned checkboxes *Change & Validated*
- Maximum Number of Occupants; must be "0" if "Unmanned"; If Manned, must have value of "1" or more *Change & Validated*
- Allow entry of a facility "phone number" on Address Screen *Change & Not Validated*

Yes/No Boxes for RMP; TRI and EPCRA 302:

Subject to Chemical Accident Prevention under Section 112(r) of CAA (Risk Management Program) *Change & Validated*

- RMP ID number box *Validated*
Risk Management Plan (RMP)

Subject to Toxic Release Inventory Reporting under Section 313 of EPCRA *Change & Validated*

- TRI ID number box *Validated*
<http://www2.epa.gov/toxics-release-inventory-tri-program>

Subject to Emergency Planning under Section 302 of EPCRA *Validated*

<http://www.epa.gov/oem/docs/er/355table01.pdf>

Contacts

- Require two (2) phone numbers for all Emergency Contacts *Change & Validated*
- At least one (1) phone number must be designated as "24-hour" *Validated*
- Require "email address" for all Emergency and "Owner/Operator" *Change & Validated*
- Add Tier II Information Contact" as a contact type *Change & Validated*
- Regulatory Contact Type Removed *Changed*

Chemical module

New "range code" tables for chemical records *Change & Validated*

- Range Codes will "auto-enter" if user enter a number for the "Max Daily Amount" and/or "Average Daily Amount" fields *Validated*
- Range Codes are "*Required and Validated*";
- Max and Avg Daily Amounts are "*Not Required and Not Validated*"
- Daily Amount and Range Code must be a "match" *Validated*

Require CAS# for all EHS substances reported that entries *Validated*

Require CAS# for all EHS Mixture Components entries *Validated*

Change "Pressure" to "Sudden Release of Pressure" *Change*

"Below Reporting Thresholds" checkbox to the individual Chemical Inventory record *Change*

For Type, Press, Temp fields, replace old Code values with full description text *Change & Validated*

Confidential Location - Change

There will be a "Confidential" checkbox in the Storage Locations tab for each reported substance. When checked, a message will appear stating "You must submit a Tier II Confidential Location Information Sheet"

If checked as "Confidential", the Storage Location fields may be blank and the record will pass validation; however, the validation message will state "You must submit a Tier II Confidential Location Information Sheet"

RMP Clean Air Act 112(r)

Facilities that produce, handle, process, distribute, or store certain chemicals must develop and report to EPA an accident prevention plan including a hazard assessment, a prevention history, and an emergency response program.

Toxic Release Inventory EPCRA 313

EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. The covered industries are manufacturing, metal mining, electric power generation, chemical manufacturing and hazardous waste treatment. This report, commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

Emergency Planning and Notification EPCRA 302

EPCRA Section 302 requires facilities to notify the SERC and LEPC of the presence of any "extremely hazardous substance" (the list of such substances is in 40 CFR Part 355, Appendices A and B) if it has such a substance in excess of the substance's threshold planning quantity, and directs the facility to appoint an emergency response coordinator.

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