H.B. NO. 3150

A BILL FOR AN ACT

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

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

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

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

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

(1) Each owner or operator of a facility in the State shall comply with the emergency planning and notification requirements of sections 302 and 303 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§11002 and 11003, if an extremely hazardous substance is present at the facility in an amount in excess of the threshold planning quantity established for the substance;

(2) Each owner or operator of a facility in this State that is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970, as amended, 15 U.S.C. §651 et seq., and regulations promulgated under that Act[, ~~for all hazardous substances present at the facility in amounts not less than 10,000 pounds, and extremely hazardous substances present at the facility in amounts not less than 500 pounds, or the threshold planning quantity for that substance, whichever is less, shall comply with the following reporting requirements~~]:

(A) for all hazardous substances present at the facility in amounts not less than 10,000 pounds; and

(B) for all extremely hazardous substances present at the facility in amounts not less than 500 pounds; or the threshold planning quantity for that substance, whichever is less;

shall comply with the following reporting requirements:

[~~(A)~~] (i) Complete a chemical list by March 1 of each year and submit material safety data sheets not more than thirty days after a request;

[~~(B)~~] (ii) Complete the state chemical inventory form by March 1 of each year; provided that a Tier II list shall be used until a state form is available;

[~~(C)~~] (iii) Submit facility diagrams and location area maps by March 1 of each year, and update the maps annually as needed; and

[~~(D)~~] (iv) [~~Upon request,~~] Submit emergency response plans required under state or federal law.

The [~~information described~~] documents required in subparagraphs [~~(A)~~] (i) through [~~(D)~~] (iv) shall be submitted by March 1 of each year to the commission, and to the respective committee, and to the respective fire department [~~upon request by the same;~~].

(3) Each owner or operator of a facility in this State that is subject to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11023, shall comply with the toxic chemical release form requirements of section 323 of the Emergency Planning

and Community Right-to-Know Act of 1986 by July 1 of each year; and

(4) Each owner or operator of a facility in this State covered under section 304 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §11004, shall comply with the notification requirements of section 304 of the Emergency Planning and Community Right-to-Know Act of 1986, and section 128E-7, if a release of an extremely hazardous substance occurs from the facility."

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

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

INTRODUCED BY: Calvin K.Y. Say

BY REQUEST

JAN 22 2008

H.B. NO. 3150

Report Title:
Hawaii Emergency Planning and Community Right-To-Know Act

Description:
Clarifies the different reporting requirements for hazardous substances and extremely hazardous substances.

HB 3150

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT.

PURPOSE: To clarify the Hawaii Emergency Planning and Community Right-To Know Act (HEPCRA) reporting requirements.

MEANS: Amend section 128E-6(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 128E-6(a)(2), HRS, is being clarified to emphasize the different reporting requirements for "hazardous substances" and "extremely hazardous substances" in order to minimize confusion. A critical safety aspect of differentiating between "hazardous substances" and "extremely hazardous substances" is to ensure that the substances are handled in the appropriate manner and thereby minimize potential risks to the public and the environment.

Impact on the public: No impact on the public is anticipated.

Impact on the department or other agencies: No impact on other agencies is anticipated.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.