

S.B. NO. 976

JAN 25 2017

A BILL FOR AN ACT

RELATING TO TIER II FILING FEES FOR REPORTING OF HAZARDOUS
SUBSTANCES.

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

1 SECTION 1. The purpose of this Act is to increase the
2 Hawaii Emergency Planning and Community Right-to-Know (HEPCRA)
3 Act, Tier II filing fee from \$100 to \$200. In fiscal year 2014-
4 2015, 889 total facilities (civilian and military) paid \$68,300
5 in filing fees. These moneys are collected pursuant to section
6 128E-9, Hawaii Revised Statutes, and are deposited into the
7 environmental response revolving fund.

8 The Tier II filings fees are used by the county local
9 emergency planning committees to conduct joint emergency
10 planning response training, to purchase specialized equipment,
11 and for hazardous materials emergency preparedness activities.
12 As HEPCRA operational and equipment costs have risen over the
13 years it is necessary to increase the fee to maintain the
14 emergency preparedness and response capabilities of the county
15 first responders that respond to hazardous materials incidents
16 statewide.

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1 SECTION 2. Section 128E-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§128E-9~~ **Filing fees.** Facilities that are required to
4 report according to section 128E-6(a)(2), shall remit [~~\$100~~
5 \$200 with each submission of chemical inventory forms or Tier II
6 forms to the commission by March 1 of each year. All moneys
7 collected by the department pursuant to this section shall be
8 deposited in the state treasury and accrue to the credit of the
9 environmental response revolving fund established in section
10 128D-2."

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 Statutory material to be repealed is bracketed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

13 SECTION 4. This Act, upon its approval, shall take effect
14 on July 1, 2017.

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INTRODUCED BY:

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BY REQUEST

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S.B. NO. 976

Report Title:

Hawaii Emergency Planning and Community Right-To-Know Act; Tier II Fee Increase

Description:

Changes the Hawaii Emergency Planning and Community Right-To-Know Act, Tier II filing fee from \$100 to \$200 to provide needed preparedness resources to Local Area Planning Committees.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO TIER II FILING FEES FOR REPORTING OF HAZARDOUS SUBSTANCES.

PURPOSE: To raise the Hawaii Emergency Planning and Community Right-To-Know Act (HEPCRA) annual Tier II filing fee from \$100 to \$200.

MEANS: Amend section 128E-9, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The HEPCRA law was enacted in 1993 and requires that covered facilities submit an annual Tier II chemical inventory form and pay a \$100 filing fee on March 1 of each year. In fiscal year 2014-2015, 889 total facilities (civilian and military) paid \$68,300 in filing fees. The moneys collected are pursuant to section 128E-9, HRS, and are deposited into the environmental response revolving fund.

The Tier II filings fees are used by the county local emergency planning committees (LEPC)s to conduct joint emergency planning response training, purchase specialized equipment, and for hazardous materials emergency preparedness activities. As HEPCRA operational and equipment costs have risen over the years it is necessary to raise the current fee from \$100 to \$200 in order to maintain the emergency preparedness and response capabilities of the county first responders that respond to hazardous materials incidents statewide.

Impact on the public: Hawaii has approximately 900 Tier II reporting businesses in local communities statewide who will be affected. The fee increase provides needed resources to LEPCs serving those communities, providing community

preparedness and safety during chemical emergencies associated with the Tier II business operations and other hazards.

Impact on the department and other agencies:
Adequate funding for LEPCs is a cornerstone of effective interagency emergency coordination and response at the local level. Successful LEPC engagement with the Hawaii State Emergency Response Commission (HSERC) ensures effective statewide emergency preparedness.

GENERAL FUND: None.

OTHER FUNDS: Projected increase of approximately \$75,000 per year into the Environmental response revolving fund.

PPBS PROGRAM DESIGNATION: HTH 849.

OTHER AFFECTED AGENCIES: Department of Budget and Finance; County governments.

EFFECTIVE DATE: July 1, 2017.