

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE GOVERNOR

May 21. 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 21, 2008, the following bill was signed into law:

HB3150 HD2 SD1

A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT. (ACT 87)

Sincerely,

LINDA LINGLE

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HOUSE OF REPRESENTATIVES TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII ACT 087 H.B. NO. H.D. 2 S.D. 1

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:

- 1 SECTION 1. The purpose of this Act is to clarify the
- 2 Emergency Planning and Community Right-to-Know Act reporting
- 3 requirements.
- 4 SECTION 2. Section 128E-6, Hawaii Revised Statutes, is
- 5 amended by amending subsection (a) to read as follows:
- 6 "(a) The owner or operator of a facility in the [State]
- 7 state that stores, uses, or manufactures any hazardous substance
- 8 shall comply with the following requirements:
- 9 (1) Each owner or operator of a facility in the [State]
- 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,] United States
- 14 Code sections 11002 and 11003, if an extremely
- hazardous substance is present at the facility in an
- amount in excess of the threshold planning quantity
- 17 established for the substance;

1	(2)	Each owner or operator of a facility in this [State]	
2		state that is required to prepare or have available a	ì
3		material safety data sheet for a hazardous chemical	
4		under the Occupational Safety and Health Act of 1970,	
5		as amended, 15 [U.S.C. §651] <u>United States Code</u>	
6		Section 651 et seq., and regulations promulgated unde	r
7		that Act, for [all hazardous substances present at th	ю
8		facility in amounts not less than 10,000 pounds, and	
9		extremely hazardous substances present at the facilit	¥
10		in amounts not less than 500 pounds, or the threshold	Ł
11		planning quantity for that substance, whichever is	
12		less, shall comply with the following reporting	
13		requirements]:	
14		(A) All hazardous substances, except for extremely	
15		hazardous substances, present at the facility in	:
16		amounts not less than ten thousand pounds; and	
17		(B) All extremely hazardous substances present at th	<u>e</u>
18		facility in amounts not less than five hundred	
19		pounds, or the threshold planning quantity for	
20		that substance, whichever is less,	
21		shall comply with the following reporting	
22		requirements:	

1	[(A)] <u>(i)</u> C	omplete a chemical list by March 1 of each
2	У	ear and submit material safety data sheets
3	n	ot more than thirty days after a request;
4	[(B)] <u>(ii)</u> Co	omplete the state chemical inventory form
5	b	y March 1 of each year; provided that a
6	T.	ier II list shall be used until a state
7	£	orm is available;
8	[(C)] <u>(iii)</u> St	ubmit facility diagrams and location area
9	ma	aps by March 1 of each year, and update the
10	ma	aps annually as needed; and
11	[(D) Upon req	uest, submit [(iv) Submit emergency
12	re	esponse plans required under state or
13	fe	ederal law.
14	The [information of the content of 	tion described] documents required in
15	[subparagra g	ohs (A)] clauses (i) through [(D)] (iv)
16	shall be sub	mitted by March 1 of each year to the
17	commission,	the respective committee, and the
18	<u>respective</u> f	ire department [upon request by the same];
19	(3) Each owner o	or operator of a facility in this [State]
20	state that i	s subject to [section] Section 313 of the
21	Emergency Pl	anning and Community Right-to-Know Act of
22	1986, 42 [U.	S.C. §11023, United States Code Section

1		11023, shall comply with the toxic chemical release
2		form requirements of [section] Section 323 of the
3		Emergency Planning and Community Right-to-Know Act of
4		1986 by July 1 of each year; and
5	(4)	Each owner or operator of a facility in this [State]
6		state covered under [section] Section 304 of the
7		Emergency Planning and Community Right-to-Know Act of
8		1986, 42 [U.S.C. §11004,] United States Code Section
9		11004, shall comply with the notification requirements
10		of [section] Section 304 of the Emergency Planning and
11		Community Right-to-Know Act of 1986, and section
12		128E-7, if a release of an extremely hazardous
13		substance occurs from the facility."
14	SECT	ON 3. Statutory material to be repealed is bracketed
15	and strick	en. New statutory material is underscored.
16	SECTI	ON 4. This Act shall take effect upon approval.

APPROVED this 21 day of

MAY

, 2008

GOVERNOR OF THE STATE OF HAWAII