
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 Hawaii Emergency Planning and Community Right-To-Know Act
3 reporting 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 that
7 stores, uses, or manufactures any hazardous substance shall
8 comply with the following requirements:

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



1 (2) Each owner or operator of a facility in this State
2 that is required to prepare or have available a
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 et seq., and regulations
6 promulgated under that Act[, ~~for all hazardous~~
7 ~~substances present at the facility in amounts not less~~
8 ~~than 10,000 pounds, and extremely hazardous substances~~
9 ~~present at the facility in amounts not less than 500~~
10 ~~pounds, or the threshold planning quantity for that~~
11 ~~substance, whichever is less, shall comply with the~~
12 ~~following reporting requirements]:~~

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

15 and

16 (B) for all extremely hazardous substances present at
17 the facility in amounts not less than 500 pounds;
18 or the threshold planning quantity for that

19 substance, whichever is less;

20 shall comply with the following reporting

21 requirements:



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

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

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

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

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

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



1 Emergency Planning and Community Right-to-Know Act of
2 1986 by July 1 of each year; and

3 (4) Each owner or operator of a facility in this State
4 covered under section 304 of the Emergency Planning
5 and Community Right-to-Know Act of 1986, 42 U.S.C.
6 §11004, shall comply with the notification
7 requirements of section 304 of the Emergency Planning
8 and Community Right-to-Know Act of 1986, and section
9 128E-7, if a release of an extremely hazardous
10 substance occurs from the facility."

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

13 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Hawaii Emergency Planning and Community Right-To-Know Act

Description:

Clarifies the different reporting requirements for hazardous substances and extremely hazardous substances. (HB3150 HD1)

