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# 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~~]  
10 state 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,~~] United States  
14 Code sections 11002 and 11003, if an extremely  
15 hazardous substance is present at the facility in an  
16 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  
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~~] United States Code  
6           Section 651 et seq., and regulations promulgated under  
7           that Act, for [~~all hazardous substances present at the~~  
8           ~~facility in amounts not less than 10,000 pounds, and~~  
9           ~~extremely hazardous substances present at the facility~~  
10           ~~in amounts not less than 500 pounds, or the threshold~~  
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 the  
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)]~~ (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) Upon request, submit]~~ (iv) Submit emergency  
12    response plans required under state or  
13    federal law.
- 14                   The ~~[information described]~~ documents required in  
15                   ~~[subparagraphs (A)]~~ clauses (i) through ~~[(D)]~~ (iv)  
16                   shall be submitted by March 1 of each year to the  
17                   commission, the respective committee, and the  
18                   respective fire department ~~[upon request by the same];~~
- 19       (3) Each owner or operator of a facility in this ~~[State]~~  
20                   state that is subject to ~~[section]~~ Section 313 of the  
21                   Emergency Planning 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           SECTION 3. Statutory material to be repealed is bracketed  
15           and stricken. New statutory material is underscored.

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



H.B. NO. 3150  
H.D. 2  
S.D. 1

**Report Title:**

Emergency Planning and Community Right-to-Know Act

**Description:**

Clarifies the different reporting requirements for hazardous substances and extremely hazardous substances. (SD1)

