



1.2 HEER OFFICE RESPONSIBILITIES UNDER HRS 128D AND HAR 11-451

The Hawai'i Environmental Response Law (HRS 128D) and related administrative rules (HAR 11-451) define specific responsibilities to ensure responsible parties, consultants, the public, and the legislature have access to regularly updated information regarding environmental cleanup and emergency response actions under the oversight of the HEER Office. These responsibilities are described below.

1.2.1 Listing of Sites

The HDOH maintains a "site list" identifying sites that are subject to HRS 128D and the Hawai'i SCP (HAR 11-451). The purpose of the site list is to identify sites that require or may require a response action to address a release or suspected release of a hazardous substance. Lists are maintained in a database by the HEER Office, periodically updated, and contain important site information, such as name, location, staff assigned, and status. The database listing is posted on the HEER Office website under the heading "Public Records".

The lists maintained by the HEER Office include release sites under the emergency response section, as well as sites of interest under the non-emergency environmental cleanup section (these are cumulative lists covering multiple years). In addition, a list of the past years completed sites activity, as well as a list of sites planned for action in the current year are provided separately, with detail on name, location, staff assigned, status, etc.

A summary of HEER Office activities, including lists of sites overseen by the emergency response section and the non-emergency environmental cleanup section, are also provided in an annual HEER Office report to the Legislature.

1.2.2 Provision of Access to Site Records

The HEER Office maintains detailed individual records/files on sites that are or have been under investigation/cleanup oversight for hazardous substances. These records are public information and subject to review and/or copying by the public upon request.



1.2.2.1 Public Records Access in General (HRS 92F)

Access to government records in Hawai`i is intended to be as open as possible under the Uniform Information Practices Act (UIPA), HRS Chapter 92F. UIPA encourages agencies to provide timely access to complete records on request by the public, allowing access unless disclosure would constitute a clearly unwarranted invasion of personal privacy, confidential business information, or a protected trade secret. Doubts regarding disclosure of a record are typically resolved in favor of access.

Requests are generally required in writing, and an appointment is made to review the records during regular business hours. Fees may be charged to cover copying of records, if requested. The HEER office, depending on workload, usually takes a minimum of 10 working days to produce records for public review.

1.2.2.2 Access to Site Administrative Records (HAR 11-451-19)

The Hawai`i SCP details requirements for the establishment and content of, and access to, HEER Office administrative records relating to individual facility/site hazardous substance response activities (HAR 11-451-19). Administrative records are established and maintained by facility identification numbers within the HEER Office, and typically contain documents such as consultant reports, correspondence between the site representative and the HEER Office, and decision documents relating to site assessment and/or site remediation actions. These records are available for inspection and/or copying. Submit a written request to the HEER Office to gain access to the records. The form, "Request to Access a Government Record" is available on the HEER Office website under the "Public Records" section. This form can be printed out, completed, and then faxed, e-mailed, or mailed to the HEER Office to request an appointment to review a site's Administrative Record. Since many of the records are lengthy, it may be expeditious to contact the assigned project manager to narrow the scope of the record review.

Requests to review site documents may be submitted at any time. Such reviews are often encouraged as part of the public participation process when a draft document proposes a specific removal or remedial response action for a given site. See Section 2.4.6 for additional discussion of the public participation process and access to records for environmental cleanups.



1.2.3 Documentation of HEER Office Decisions on Sites

Decision documents on the oversight of assessment and/or response actions for hazardous substance releases are provided in writing and included in the administrative records for individual facility/site locations. These documents are available upon request to the HEER Office. These decision documents may include letters of interest, VRP applications, VRP agreement approvals, report review letters, response action memorandums, removal action reports, no further action letters, and letters of completion.