

Program Overview

Program Name: State Cleanup Program Hazard Evaluation and Emergency Response (HEER) Office
Hawaii Department of Health

Summary: The State of Hawaii State Cleanup Program (SCP) provides two targeted cleanup programs for brownfields to encourage voluntary investigation and cleanup of properties that may be contaminated. The Voluntary Response Program (VRP) offers purchasers exemption from future liability related to contamination addressed under the VRP, providing technical guidance, timely oversight and regulatory assurance of completed cleanups. The VRP is used successfully by property owners, prospective purchasers, developers, and lenders. The State of Hawaii's Fast Track Clean-up Program (FTC) offers landowners or other private parties the alternative to conduct an expedited voluntary investigation or cleanup under a simple agreement with the HEER Office. While still adhering to the State Contingency Plan (SCP), FTC offers a fundamentally different approach from traditional SCP cleanups by placing a greater burden of technical justification on the participant, with less intermediate regulatory review and approval of multiple work plans and other interim report submittals.

Website: <https://health.hawaii.gov/heer/about-heer/organization/sdar-programs/brownfields/redevelopment/>

Funding Source(s) for the Program: Federal grants, State of Hawaii Brownfields Cleanup Revolving Loan Fund and State Environmental Response Revolving Fund

Cost to enter program or fees for service: None, except for State VRP liability protection program which has a \$1,000 application fee per request, \$100 per hour oversight charge (applied to a required \$5,000 deposit).

Sites Enrolled in VCP: 761 active sites currently enrolled in the SRP program. Today, there are a total of 4 active Hawaii VRP sites in the program.

Sites Completed under VCP: 823 sites have been completed including 25 Letters of Completion providing specified liability protections for VRP sites.

Contacts

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Assessment and Cleanup Funding

- ▶ Potential sources of leveraged state funds for the State of Hawaii Brownfields Cleanup Revolving Loan Fund include the Hawaii Capital Loan Program, Hawaii Innovation Development Program, Community Based Economic Development Loan Program, and the nonprofit Hawaii Community Loan Fund
- ▶ County-administered Community Development Block Grants may also be leveraged
- ▶ Coalition partners work through existing planning and redevelopment programs to identify additional funding sources for brownfields cleanup

Liability Relief Provisions

The Hawaii Environmental Response Law, HRS 128D states that a defendant may avoid liability where the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and either: 1) at the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed on, in, or at the facility; 2) the defendant is a government entity which acquired the facility through involuntary transfer or acquisition; or 3) the defendant acquired the facility by inheritance or bequest. The Hawaii Environmental Response Law was amended in 2009 to add a definition for "bona fide prospective purchasers" consistent with federal law and to limit liability for bona fide prospective purchasers who knowingly purchase contaminated property.

Contaminants Managed

Over 150 common contaminants are covered, including petroleum compounds, solvents, metals, pesticides, dioxins, polychlorinated biphenyls, polycyclic aromatic hydrocarbons, etc. Asbestos and lead-based paint are evaluated separately.

Asbestos: With Conditions - Evaluated separately

Lead: With Conditions - Evaluated separately

PCBs: Yes

Petroleum and Fuels: Yes

Other Contaminants: Yes - Solvents, metals, pesticides, dioxins, PFAS polychlorinated biphenyls, polycyclic aromatic hydrocarbons, etc

Institutional Controls

IC allowed, primarily after active remediation has been conducted with ongoing compliance with the DOH approved Environmental Hazard Management Plan or closure plan.

IC Tracking: Hawaii tracks ICs for both closed sites and those sites that are managing contamination while investigation, cleanup and construction activities may be underway. Tools used include conducting site visits to ensure compliance and compliance with land use restrictions, providing oversight through reviews of required IC reporting, compliance with closure documents and environmental covenants that reference ICs. Under the State Response Program Grant, Hawaii is expanding review and in person confirmation of effective implementation of approved controls, including EHMPs and expanded IC tracking. The following Web address is a direct link to the state's iHEER public on-line site database and downloadable public document repository. This includes an inventory of sites, maps of sites and polygons identifying areas with institutional controls that could pose hazards to site users or the environment. <https://eha-cloud.doh.hawaii.gov/iheer/#!/home>

IC Oversight: Hawaii has an IC tracking system, and provides oversight through closure documents and environmental covenants that reference ICs. Under the State Response Program Grant, Hawaii has begun to monitor existing ICs and expand the State IC tracking program. The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state. <http://eha-web.doh.hawaii.gov/eha-cma/Leaders/HEER/public-records>

IC Monitoring: Hawaii has an IC tracking system, and provides oversight through closure documents and environmental covenants that reference ICs. Under the State Response Program Grant, Hawaii has begun to monitor existing ICs and expand the State IC tracking program. The following Web address is a direct link to the state's public iHEER map-based on line database that maintains an inventory of sites, maps sites and/or tracks institutional controls. <https://eha-cloud.doh.hawaii.gov/iheer/#!/home> This link also provides additional information regarding contaminated sites in the state.

Related Programs

Underground Storage Tank (UST) Program

<http://health.hawaii.gov/shwb/ustlust-data/>