

**NOTICE OF MEETING OF THE  
ARIZONA STATE EMERGENCY RESPONSE COMMISSION (AZSERC)**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona State Emergency Response Commission (AZSERC), Local Emergency Planning Committees, and to the general public that the AZSERC will hold a meeting open to the public on Tuesday, April 16, 2024 from 1:30 p.m. – 3:30 p.m. via Zoom Meeting and in person at 1110 W. Washington Street Room 3175 3<sup>rd</sup> floor, Phoenix, AZ 85007.

Notice of the meeting and the agenda will be posted on the ADEQ website, [azdeq.gov](http://azdeq.gov). ADEQ is open to the public Monday through Friday from 8:00 A.M. to 5:00 P.M. except legal holidays. Copies of the Public Notice and Agenda may be requested by email at [azserc@azdeq.gov](mailto:azserc@azdeq.gov) or by calling 602-771-0397.

**AZSERC Meeting (Hybrid)**

April 16, 2024, 1:30 – 3:30 PM (America/Phoenix)

**In Person:**

1110 W. Washington Street, Room 3175 3<sup>rd</sup> Floor  
Phoenix, AZ 85007

Michele Martinez - AZDEQ/AZSERC is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84940764528?pwd=MDhITWdOd1ZkOUl6c3ZnS3BPSnd0QT09>

Meeting ID: 849 4076 4528

Passcode: 442425

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**One tap mobile**

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  - +1 564 217 2000 US
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  - +1 646 931 3860 US
  - +1 689 278 1000 US
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  - +1 305 224 1968 US
  - +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
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Meeting ID: 849 4076 4528  
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Find your local number: <https://us02web.zoom.us/j/84940764528>

## AGENDA

**ARIZONA STATE EMERGENCY RESPONSE COMMISSION (AZSERC)  
 Tuesday, April 16, 2024  
 1:30 PM – 3:30 PM**

- 1. Establish quorum (Roll Call)**
- 2. Call meeting to order**
- 3. Welcome and Introductions.....**Arcangel Barragan, AZSERC Coordinator
  - a. Virtual Housekeeping/In Person Housekeeping
  - b. Welcome Jason Jessamine, Division Chief and Brad Cohen, Deputy Chief - Alternates for Chief Mark Burdick with the Arizona Fire & Medical Authority.
  - c. Welcome David Egliskis - Alternate for the Arizona Department of Transportation.
  - d. Welcome Eric Villa - Alternate for the Arizona Corporation Commission.
  - e. Approval of AZSERC meeting minutes 10/25/2023 and 12/7/2023 – Action

- f. Approval of AZSERC Executive Session meeting minutes 10/25/2023 - Action

**4. Virtual Meeting Platform for AZSERC meetings Discussion**

- a. Zoom meeting is the new virtual meeting platform for AZSERC meetings

**5. America’s Water Infrastructure Act (AWIA) Discussion**

- a. AWIA Report Update

**6. Highly Hazardous Flammable Trains (HHFT) Discussion**

- a. HHFT Report Update

**7. Local Emergency Planning Committees (LEPCs) Discussion/Action**

- a. Voting Membership Application Ratification

**8. New Tier II Platform Update Discussion/Action**

- a. Tier II MyDEQ platform
  - i. Featured highlights
  - ii. Federal agencies immune from EPCRA related fees
  - iii. SERC MYDEQ/Tier II access

**9. Emergency Planning and Community Right to Know Act (EPCRA) Discussion/Action**

- a. United States Code (U.S.C.) Title 42 11046 (a)(2) - Civil Actions

**10. Compliance Local Emergency Planning Committee (LEPC) Discussion/Action**

- a. LEPC Compliance notification update
  - i. Coconino County LEPC
  - ii. Pima County LEPC
- b. Coconino County LEPC Presentation.....Sam Beckett, LEPC Chair

- i. *Commission discussion - may go into executive session to discuss these matters further and to receive legal advice.*

#### **11. Arizona State Emergency Response Commission Status Discussion/Action**

- a. (Tabled 10/25/2023) Arizona Department of Environmental Quality voting membership status
- b. (Tabled 10/25/2023) AZSERC Coordinator as a voting member -**Action Item 3:**  
Commission requests additional information regarding the implications of ADEQ being added as a voting member. (**Action Item not complete pending information from Jeff Cantrell**)
  - i. *Commission discussion - may go into executive session to discuss these matters further and to receive legal advice.*

#### **12. 10/25/2023 Meeting Action Item Results Discussion/Action**

- a. Action Item 1: AZSERC staff to proceed with developing guidance on what the roles and responsibilities of the **community emergency coordinator (Arizona Revised Statute (A.R.S.) §49-128)** are, and to encourage LEPCs to select who that individual is and define what the process will be. (*Not completed - further guidance is requested from the Commission.*)
- b. Action Item 2: AZSERC staff to draft letters of noncompliance to Coconino and Pima County LEPCs with legal counsel's review, with the deadline of 30 days to respond. (*Completed - refer to 10. a.i and a.ii*)

**13. 12/7/2023 Meeting Action Item Results Discussion/Action**

- a. Action Item 1: **Action Item for Jeff Cantrell**, AGO, to call Pima County Attorney's Office for follow-up on the matter of the "community emergency coordinator" (**A.R.S. §49-128**).
- b. Action Item 2: **Action Item for Jeff Cantrell**, AGO, to review the timeline for Emergency Response Plan review (**A.R.S. §49-125 B.**) and send a written legal opinion to the Commission. (**Refer to 14.c**)
- c. Action Item 3: **Action Item for Jeff Cantrell**, AGO, to review Commission's ability to delegate initial Emergency Response Plan review to AZSERC staff and provide a written legal opinion. (**Refer to 14.c**)
  - i. *Commission discussion - may go into executive session to discuss these matters further to receive legal advice.*

**14. AZSERC Roles/Responsibilities Discussion/Action**

- a. AZSERC Coordinator's roles and responsibilities (**A.R.S. §49-123 B.**) - expectations of Commission
- b. AZSERC Staff roles and responsibilities - expectations of Commission
- c. Review of Emergency Response Plans (**A.R.S. §49-125 B.**)
  - i. **Action Item for Jeff Cantrell**, AGO, to review Commission's legal authorization to delegate initial review of the LEPC Emergency Response Plan to AZSERC staff and provide a written legal opinion.
  - ii. **Action Item for Jeff Cantrell**, AGO, to review the timeline for Emergency Response Plan review and send a written legal opinion to the Commission.

- iii. Commission members review Emergency Response Plans (ERPs)
  - 1. Create ERP Committee
- iv. Current State of ERP review of LEPC Emergency Response Plans
- v. *Commission discussion - may go into executive session to discuss these matters further to receive legal advice.*

**15. EXECUTIVE SESSION** – The Commission Members may go into executive session for the purpose of obtaining legal advice from the Commission’s attorney on any of the agenda items pursuant to Arizona Revised Statute (A.R.S.) § 38- 431.03(A)(3).

**16. Resume Open Session (Roll call)-Establish Quorum**

**17. Executive Session Review - Discussion/Action**

**18. Action Item Review Discussion**

**19. Future Agenda Items Discussion**

**20. Call to the Public Discussion**

**21. Proposed Date and Time of Next Meeting:** Tuesday, October 15, 2024 1:30 p.m. - 3:30 p.m.

**22. Adjournment**

Note 1: A.R.S. 38-431.01G Meetings shall be open to the public. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. Members of the public are requested to limit their comments to no more than five minutes. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review the matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

Note 2: Agenda items may be taken out of order.

Note 3: A copy of any material (agenda or other materials) may be requested by the public requires a records request through the ADEQ Records Center. Please go to [www.azdeq.gov/records-center](http://www.azdeq.gov/records-center) for further information.

ADEQ will take reasonable measures to provide access to department services to individuals with limited ability to speak, write or understand English and/or to those with disabilities. Requests for language translation, ASL interpretation, CART captioning services or disability accommodations must be made at least 48 hours in advance by contacting the Title VI Nondiscrimination Coordinator, Leonard Drago, at 602-771-2288 or [Drago.Leonard@azdeq.gov](mailto:Drago.Leonard@azdeq.gov). For a TTY or other device, Telecommunications Relay Services are available by calling 711.

ADEQ tomará las medidas razonables para proveer acceso a los servicios del departamento a personas con capacidad limitada para hablar, escribir o entender inglés y/o para personas con discapacidades. Las solicitudes de servicios de traducción de idiomas, interpretación ASL (lengua de signos americano), subtítulo de CART, o adaptaciones por discapacidad deben realizarse con al menos 48 horas de anticipación comunicándose con el Coordinador de Anti-Discriminación del Título VI al 602-771-2288 o [Drago.Leonard@azdeq.gov](mailto:Drago.Leonard@azdeq.gov). Para un TTY u otro dispositivo, los servicios de retransmisión de telecomunicaciones están disponible llamando al 711.