



ARIZONA EMERGENCY RESPONSE COMMISSION MEETING SUMMARY
MINUTES – JULY 30, 2019

The Arizona State Emergency Response Commission convened at the Arizona Department of Environmental Quality Kaizen Room in Phoenix, Arizona. A quorum being present, Ms. Laura Malone, Executive Director of the Commission, called the meeting to order at 2:00 p.m.

VOTING MEMBERS/DESIGNEES PRESENT

Laura Malone	AZDEQ (AZ Department of Environmental Quality)
Matt Heckard,	DEMA (AZ Department of Emergency and Military Affairs)
Cheryl Kennedy	AZDOHS (AZ Department of Homeland Security)
Tom Neve	AZDPS (AZ Department of Public Safety)
Brent Cain	ADOT (AZ Department of Transportation)
Dr. Van Brass	AZDA (AZ Department of Agriculture)
Geoffrey McCormick	AZCC (AZ Corporation Commission)
Bryce Rucker	ADOSH (AZ Department of Occupational Safety and Health)
Tom White	ASMI (Arizona State Mine Inspector)
James Johnson	AFCA (AZ Fire Chiefs Association)
Rob Biscoe	AFDA (AZ Fire Chiefs Association)
Teresa Ehnert	ADHS (AZ Department of Health Services)

OTHERS PRESENT

Jeff Cantrell	AG (Attorney General’s Office)
Greg Bozley	EPA (Environmental Protection Agency) *Presenter/speaker
Peter Mundschenk	AZDA (AZ Department of Agriculture)
Monica Rabb	City of Glendale
Tracy Livingston	ADEQ (AZ Department of Environmental Quality)
Chris Nutter	ADEQ (AZ Department of Environmental Quality)

OTHERS PRESENT (CONT.)

Arcangel Barragan ADEQ (AZ Department of Environmental Quality)
Scot Havir ADEQ (AZ Department of Environmental Quality)
Michele Martinez ADEQ (AZ Department of Environmental Quality)

INTRODUCTIONS/REVIEW OF MINUTE

Ms. Laura Malone welcomed members and attendees.

No prior minutes were presented for review.

ADEQ GRANT/FUND UPDATES

Chris Nutter, ERU Lead presented information regarding the Hazardous Materials Emergency Preparedness Grant. (See handout #1)

Arcangel Barragan, ERU Specialist presented information regarding the Emergency Response Fund. Letters were emailed to the LEPCs on July 2. Responses are due on September 2. Gave a brief review of ARS 49-132. (See handout #2)

Laura Malone discussed the Emergency Response Funds are generated from hazardous waste management fees and about 10% from the Emergency Response Unit fund. The state appropriation is \$132,000. Laura is working on increasing the state appropriation amount to provide additional funding to local fire departments. The indirect contribution was removed therefore the amount of the funding was reduced. USTs have general funding that was used to increase/make up the \$132,000 amount last fiscal year.

ACTION ITEM: The Commission would like better communication to AZSERC members regarding the Emergency Response Fund and the HMEP grant. Many were unaware of the funds or the grant.

A member of the Commission asked about the way the funding is distributed based on the requests.

Arcangel Barragan responded that each LEPC receives notice that there is a certain dollar amount available in the fund. This year the LEPCs were given notice that they could each request up to \$10,000.

A member of the Commission asked if the ERF covered Tribes.

Laura Malone responded yes the tribes are covered.

A member of the Commission asked what fiscal year the ERF followed.

Arcangel Barragan responded the ERF follows the state's fiscal year.

EPCRA CHANGES

Chris Nutter provided information regarding Tier II Reporting updates and improvements. (See handout #3)

Chris Nutter provided the website address for Tier II reporting: Tier2.azserc.org

ACTION ITEM: Continue to follow statutory requirements; find out limitations; determine roles and responsibilities; communicate what can be presented to the Commission.

CALL TO SERC MEMBERS

Laura Malone asked for input from the Commission regarding what the Roles and Responsibilities are of the Commission as well as suggestions regarding the path forward.

Laura Malone asked the Commission how they can further the mission of AZSWERC and assist the counties with their needs.

A member of the Commission asked if the LEPC meeting notices can be shared with the AZSERC Commission.

Laura Malone and Chris Nutter affirmed that the notices can be shared with the LEPCs.

A member of the Commission asked who reviews the emergency response plans for the LEPCs.

Chris Nutter responded that the Emergency Response Team reviewed the plans to ensure that they are compliant but they are not told how or what to put into the plans. They only oversee them.

A member of the Commission asked what the goals that the AZSERC Committee are trying to fulfill.

Laura Malone responded the goal is to rebuild AZSERC. Statute does not establish a specific mission for AZSERC. The direct role is to provide appropriations under ARS 49-132/


A member of the Commission asked if the Emergency Response Fund should be managed by AZSERC.

A member requested that an information pipeline to the AZSERC Commission be developed when there is a need for their decision making authority.

Laura Malone stated that PHMSA manages the HMEP Grant.

A member of the Commission commented that previously information was provided to the AZSERC Commission was when there was an increase in HazMat materials or chemicals that are being transported on Arizona highways. Reports when there was a substantial increase in chemicals and materials that are on the I-40 corridor. Tier II reporting information when there are increases in chemicals and materials and other information that would cause first responder

CALL TO SERC MEMBERS CONT.



increased activity. AZSERC changes to legislation. This type of information should be reported to the Commission.

A member of the Commission commented that they are hearing about situations of serious dumping of Hazardous Waste. Any information that would keep the Departments updated on their emergency response plans would help. Any data that is gathered on these types of situations could be presented to the Commission.

A member of the Commission commented that federal regulations for the railroad company require they report any Hazmat Training to AZSERC.

A member of the Commission commented that any hazmat trainings that they are running are being reported under new federal requirements. They are also required to prepare crude oil response plans.

Laura Malone responded that extremely hazardous waste are listed under Title III.

A member of the Commission asked what the state mandate is regarding the LEPCs and local emergency response plans.

Chris Nutter responded that AZSERC has the obligation and responsibility to approve the LEPC members; but not the enforcement of the LEPC's who are not complying with participation requirements. The state does have certain authority under EPCRA.

A member of the Commission asked what the member's obligations are and what the liabilities might be. Should they be managing Tier II, providing information from AZSERC from the LEPCs and managing the ERF and HMEP grant.

Laura Malone responded the AZSERC is there to help the LEPCs and to appoint new LEPC members that are newly established. They are self-maintained thereafter.

Laura Malone commented that under ARS 49-124 ¶B AZSERC only assists with the initial LEPC members or when the LEPCs fall apart.


Laura will provide the legal roles and responsibilities per the statute and send the information to the members.

A member of the Commission commented at prior meetings the LEPCs were at the AZSERC meetings and presented their reports to the Commission. The Commission in turn helped prioritize the funding based on necessity. LEPCs were in attendance in prior years; without standardized reporting and without the information and date they can't take action.

A member of the Commission commented the Commission should refocus on the roles and responsibilities and help define the LEPCs roles and responsibilities.

A Member of the Commission asked if another meeting could be held where they could have the ability to call in.

CALL TO SERC MEMBERS CONT.



Jeff Cantrell responded they may have another public meeting with 24 hour notice to the public. Some information may be sent via email but the Commission cannot discuss with other members. All deliberation must be done in an open meeting and there must have a quorum in an open meeting. All open meeting laws must be adhered to.

ACTION ITEM: Review agenda structure from past AZSERC meeting agendas/minutes.

A member of the Commission advised that staff will send Laura Malone information regarding the requirements on the railroad.

ACTION ITEM: ADEQ vs AZSERC – Specify what each does. Have conversations with the LEPCs; find opportunities to get information about the Commission out. Ensure that the communication is effective and necessary.

Michele Martinez presented the results of the LEPC survey. (See attachment #4)

EPA UPDATES

Greg Bozley with the Environmental Protection Agency gave a power point presentation to the Commission on EPA updates.

CALL TO THE PUBLIC

Monica Rabb with the City of Glendale addressed the Commission.

PROPOSED DATE AND TIME OF NEXT MEETING

A member of the Commission requested a doodle poll be sent out for the next date and time of the meeting in early October. They requested that the meeting have the ability to appear via video and telephonically.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:54 PM by a unanimous vote. Information on the next meeting will be provided in advance to Commissioners.