



**ARIZONA EMERGENCY RESPONSE COMMISSION MEETING**  
**SUMMARY MINUTES – October 22, 2019**

The Arizona State Emergency Response Commission convened at the Arizona Department of Environmental Quality Kaizen Lobby in Phoenix, Arizona. A quorum being present, Ms. Laura Malone, Executive Director of the Commission, called the meeting to order at 1:33 p.m.

**VOTING MEMBERS/DESIGNEES PRESENT/WEBEX**

Laura Malone	AZSERC Executive Director AZDEQ (AZ Department of Environmental Quality)
Matt Heckard,	DEMA (AZ Department of Emergency and Military Affairs)
Cheryl Kennedy Bowen	AZDOHS (AZ Department of Homeland Security)
Tom Neve	AZDPS (AZ Department of Public Safety)
Frank Milstead (WEBEX)	AZDPS (AZ Department of Public Safety)
Jack Peterson (WEBEX)	AZDA (AZ Department of Agriculture)
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	AFCA (AZ Fire Chiefs Association)
Jessica Rigler	ADHS (AZ Department of Health Services)

**COMMISSION MEMBERS ABSENT:**

Arizona Department of Transportation  
Arizona Corporation Commission  
Department of Forestry & Fire Management

**LOCAL EMERGENCY PLANNING COMMITTEE:**

Mark Christian (WEBEX) Coconino County  
Mike Winters (WEBEX) Maricopa County

## **GUESTS PRESENT**

Jeff Cantrell AG (Attorney General's Office)  
Bill Jones EPA (Environmental Protection Agency) Presenter/Speaker  
Peter Guria EPA (Environmental Protection Agency) Presenter/Speaker

## **GUESTS PRESENT (CONT.)**

Mary Cottrell ADEQ (AZ Department of Environmental Quality) Presenter

## **STAFF PRESENT**

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

## **PUBLIC PRESENT**

None

## **INTRODUCTIONS/REVIEW OF MINUTES**

Ms. Laura Malone welcomed members and attendees. Ms. Malone noted a quorum of voting members present or participating via WEBEX.

Ms. Malone requested that the Commissioners review the July 30, 2019 minutes and then called for a motion to accept the minutes.

Rob Biscoe offered the motion that was seconded by Bryce Rucker.

The motion carried 9/0/3 absent.

## **CALL TO SERC MEMBERS (ACTION ITEM RESULTS)**

**A. Action Item Result:** Ms. Malone presented an outline of the roles, responsibilities, path forward and statutory requirements of SERC. After a regulatory meeting held with the Attorney General's Office; specifically in reference to *ARS 49-124 Emergency planning districts; local emergency planning committees* and *ARS 49-125 Comprehensive emergency response plans*. It was determined that the Commission will move forward and follow statutory requirements. Discussion was held regarding the information received at the regulatory review.

**B. Action Item Result:** Scot Havir presented a draft of the ERU newsletter. The information in the newsletter will be used to effectively communicate important and relevant information about upcoming trainings, special events, conferences and other

## CALL TO SERC MEMBERS (ACTION ITEM RESULTS) CONT.

pertinent information that is happening around the state with LEPCs, SERC, EPA, ERU, ADEQ and any other outside agencies. A subscription to the newsletter is required. An invitation email to subscribe will be sent out to the LEPC and SERC members.

- C. Action Item Result:** A copy of the AZSERC meeting agenda and minutes for 2015 was presented for review. At the July 30, 2019 AZSERC meeting, a request was made to review the format as well as content presented at previous SERC meetings. Ms. Malone asked the Commission to review the document and advise if they would like anything presented in previous agendas to be included in the current SERC agendas.

## ADEQ GRANT/FUND UPDATES

- A. Action Item Result:** Chris Nutter reviewed the procedures and criteria for the HMEP Grant. Presented criteria utilized for awarding the grant amounts to each county. He reviewed a list of the counties that applied and the amounts awarded for the FFY 2020.
- B. Action Item Result:** Arcangel Barragan discussed ARS 49-132 Emergency Response Fund. The fund is provided by legislative appropriation for HazMat equipment only. He discussed the process used to review requests from counties, the award process and notification. Arcangel Barragan stated that each LEPC receives notice that there is a specific dollar amount available in the fund. This year the LEPCs were given notice that they could each request up to \$10,000. The equipment is purchased by ADEQ, and the ERU team delivers the equipment to the counties.

## EPCRA CHANGES

- A.** Chris Nutter provided information regarding Tier II Reporting updates and improvements. Chris explained how Tier II is utilized and how it benefits first responders before going into a facility which may result in a HazMat situation. He explained that first responders have access to Tier II.

Updates and improvements include adding new administrative tools to help better serve the customer. The account holder will have the ability to add more users or change users. Facilities will have the ability to migrate their emergency response plans from one year to the next.

Two stakeholder meetings were held in addition to a WebEx for first responders. The meetings were geared to get input about what is needed to better serve the customer. A phone App was requested that may benefit smaller Fire Departments who do not have funding for laptops. The phone App is being currently being developed.

ADEQ's goal is to encourage first responders to utilize Tier II, recognize the benefits and increase the number of users. Chris Nutter provided the website address for Tier II reporting: [Tier2.azserc.org](http://Tier2.azserc.org).

## **EPCRA CHANGES CONT.**

- B. Mary Cottrell, ADEQ Environmental Engineering Specialist presented information regarding the EPA Toxics Release Inventory Program. The TRI Program tracks the management of certain toxic chemicals that may pose a threat to human health or the environment. She provided an EPA resource [https://enviro.epa.gov/triexplorer/tri\\_release.chemical](https://enviro.epa.gov/triexplorer/tri_release.chemical).

## **LEPC MEMBERS**

- A. Members of the LEPCs in attendance were asked if they had any questions for the Commission. The LEPC members were concerned about the time frame they could expect once the Commission began reviewing LEPC members and response plans. There was also concern as to the validity of any votes that occurred by members that were not affirmed by the Commission in prior years.

Laura Malone assured the LEPC members the Commission will work on developing a timeline that would be efficient for the LEPCs to avoid any interruption or delays in LEPCs conducting business.

- B. Arcangel Barragan presented an update to the Commission regarding the LEPC workshop held on 10/21/19.

Questions received from LEPC members who attended the 10/21/19 LEPC Workshop were presented to the Commission for review.

- C. An email was sent to the Commissioners with information about future LEPC meetings.

The Commission was given notice that they may attend the LEPC meetings but could not discuss any items on the agenda with other members of the Commission. If a quorum is established (seven Commission members) attending an LEPC meeting, then a public notice must be posted.

## **ERU UPDATES**

- A. LEPC Meetings attended this year – Not presented
- B. Equipment delivered from ERF funds 2018-2019 – Not presented
- C. Chris Nutter presented the number of spill calls received on the ADEQ spill line year-to-date. He explained what its intended use is and how the information is tracked and distributed. The information will be included in the quarterly newsletter.
- D. Chris Nutter presented the number of NRC reports received by ADEQ year-to-date. He explained what the NRC report consists of, what its intended use is, and how the information is used. The information will be included in the quarterly newsletter.

## **EPA UPDATES**

- A. Bill Jones and Peter Guria with EPA Region IV presented the EPA's Emergency Response Program.

## **ACTION ITEMS**

**ACTION ITEM 1:** Request bylaws from each LEPC. ASERC members and/or staff to review the bylaws for commonalities regarding membership criteria to assist with determining what AZSERC's review criteria may be for their review and affirmation of the proposed new members.

**ACTION ITEM 2:** Draft a preliminary process for approving LEPC members that is efficient, expedited and timely for LEPCs to submit all updated membership information to the Commission. The Commission shall review and provide the affirmation or declination expeditiously to the LEPCs to avoid a disruption for LEPCs to meet public meeting requirements.

**ACTION ITEM 3:** Commission to affirm current and past LEPC members and validate votes due to LEPC memberships not previously affirmed by the Commission (years to be determined).

**ACTION ITEM 4:** Send notice to the LEPCs by November 5 to inform them of changes regarding roles and responsibilities of SERC specifically LEPC membership affirmation, prior votes, and the review/approval of response plans.

**ACTION ITEM 5:** Request copies of LEPC emergency response plans for the Commission's review. ERU staff to provide the criteria that they currently use to approve plans. AZSERC members and/or staff to conduct a gap analysis, consider current state first. Verify emergency response plans are following NIMS baseline, honing in on key elements.

**ACTION ITEM 6:** Draft a preliminary process for Commission members to receive, review, and approve emergency response plans that is efficient, expedited and timely to avoid a disruption in the LEPCs legislative deadlines.

**ACTION ITEM 7:** Commission to review LEPC questions and prepare responses to be presented at the next AZSERC meeting.

**ACTION ITEM 8:** Review other state's LEPC bylaws and the roles and responsibilities of SERC commissions in other states and send to the Commissioners for review.

## **CALL TO THE PUBLIC**

None

## **PROPOSED DATE AND TIME OF NEXT MEETING**

A doodle poll will be sent to the Commission for a proposed meeting in three months.

## **ADJOURNMENT**



There being no further business, Ms. Malone called for a motion to adjourn.

Cheryl Bowen offered the motion that was seconded by Tom Neve. The motion carried 9/0/3 absent.

Meeting adjourned at 3:32 p.m.