



ARIZONA EMERGENCY RESPONSE COMMISSION
MEETING MINUTES – May 30, 2023

The Arizona State Emergency Response Commission convened via GoToMeeting (virtually) and in person at 1110 W. Washington St., Phoenix, AZ 85007.

VOTING MEMBERS/DESIGNEES PRESENT

Laura Malone (In person)	AZSERC Executive Director
Karen Peters (In Person)	ADEQ (AZ Department of Environmental Quality)
Kathy Hassett (Virtual)	AZDEMA (AZ Department of Emergency and Military Affairs)
Chris Pittmann (Virtual)	AZDEMA (AZ Department of Emergency and Military Affairs)
Cheryl Bowen Kennedy (Virtual)	AZDOHS (AZ Department of Homeland Security)
Cpt. Tom Neve (Virtual)	AZDPS (AZ Department of Public Safety)
Sgt. Joshua Henson (Virtual)	AZDPS (AZ Department of Public Safety)
Brent Cain (Virtual)	AZDOT (AZ Department of Transportation)
Dwayne Uhlig (In person)	AZDA (AZ Department of Agriculture)
Joseph Pinkerman (In person)	AZCC (AZ Corporation Commission)
Bryce Rucker (Virtual)	AZICA (AZ Industrial Commission of Arizona)
Paul Marsh (In person)	ASMI (AZ State Mine Inspector)
Chief Mark Burdick (In person, late)	AFCA (AZ Fire Chiefs Association)
Teresa Ehnert (Virtual)	AZDHS (AZ Department of Health Services)

COMMISSION MEMBERS ABSENT:

AZDFFM (AZ Department of Forestry & Fire Management)

GUESTS

Jeff Cantrell (In person)	AGO (Attorney General's Office)
Tim Gablehouse, Presenter (In person)	Colorado State Emergency Response Commission (COSERC)
Kay Lawrence, Presenter (In person)	USEPA (U.S. Environmental Protection Agency)

MEMBERS OF THE PUBLIC (IN PERSON)

None

MEMBERS OF THE PUBLIC (Virtual)

Carl Satterwaite

Unknown guest
 Isabel Aguirre
 Jennifer Barre
 Jessica Krempasky-Gonzalez, DEMA
 Karika Bridgers
 Lisa Andersen
 Paul David
 Lyndsey Crance, DEMA
 Brian Henderson
 Bill Jones, USEPA

STAFF PRESENT

Arcangel Barragan (In person)	ADEQ-ERU (AZ Department of Environmental Quality ERU) – Presenter
Michele Martinez (In person)	ADEQ-ERU (AZ Department of Environmental Quality ERU) – Presenter
Dave Varela (In person)	ADEQ-ERU (AZ Department of Environmental Quality ERU) – Presenter
Camille Nehls (In person)	ADEQ-ERU (AZ Department of Environmental Quality ERU)
Rikki Sechrist (In person)	ADEQ-ERU (AZ Department of Environmental Quality ERU)
Alicia Chacon (Virtual)	ADEQ (AZ Department of Environmental Quality)
Janice Toliver (Virtual)	ADEQ (AZ Department of Environmental Quality)

1. Establish quorum (Roll Call)

A quorum is established. Laura Malone, Executive Director of the Commission notes a quorum of voting members participating virtually and in person. Ten members present and two absent. The commission notes there were two members present from the AZ Department of Military Affairs (AZDEMA) and two from the AZ Department of Public Safety (AZDPS). Only one member will vote on behalf of each agency.

2. Call meeting to order

Ms. Malone called the meeting to order at 1:38 p.m.

- a. Chief Mark Burdick arrives at 1:40 p.m. eleven members present, one absent.

3. Welcome and introductions

Ms. Malone welcomed members and attendees and reviewed in person and virtual housekeeping for attendees.

Ms. Malone requested the Commissioners review the minutes for the October 4, 2022 meeting and then called for a motion to accept the minutes. Michele Martinez advised that there was a minor correction on the time the commission exited Executive Session from the draft minutes.

Paul Marsh offered the motion to accept the minutes with the necessary corrections, seconded by Chief Mark Burdick. The motion carried 11/0/1 absent.

Ms. Malone requested the Commissioners review the Executive Session minutes for the October 4, 2022 meeting and then called for a motion to accept the minutes.

Paul Marsh offered the motion to accept the minutes, seconded by Laura Malone. The motion carried 11/0/1 absent.

4. Arizona State Emergency Response Commission Status

Ms. Malone announced that Director Allen Clark with the Department of Emergency and Military Affairs gave notice as of June he is stepping down from the Commission. Kathy Hassett will remain as representative.

Ms. Malone announced that Director John Halikowski with the Department of Transportation has retired. Director Jennifer Toth with the ADOT is our new member of the Commission.

Ms. Malone announced that Assistant State Veterinarian/Emergency Coordinator, Suzette dePersio, DVM is no longer with the Department of Agriculture and has stepped down as alternate.

Ms. Malone announced that Fire Chief Rob Bisco has retired. Chief Mark Burdick with the Arizona Fire & Medical Authority is our new member of the Commission.

Ms. Malone announced that Mine Inspector, Tom White has retired from the Office of the State Mine Inspector. Paul Marsh will remain as representative.

5. Conflict of Interest Annual Renewal

Ms. Malone announced that the Commission will receive conflict of interest forms to be signed and returned. Per the Arizona Department of Environmental Quality's audit finding, it is required that conflict of interest forms be renewed annually. AZSERC staff will send the forms to the commission. No action taken.

6. A.R.S. § 49-123 B. Coordinator

Dwayne Uhlig asked for updates regarding the AZSERC coordinator position and whether or not anyone had been appointed to the position. Ms. Malone advised that the entire ADEQ-ERU staff team is designated

as the AZSERC coordinator as there are AZSERC responsibilities that each team member handles. Discussion held. No action taken.

7. Reaffirming AZSERC Staff

Arcangel Barragan discussed that the ADEQ-ERU staff was designated as AZSERC staff a few years ago and each team member introduced themselves to the commission. Discussion held. No action taken.

8. EXECUTIVE SESSION

Ms. Malone called for a motion to enter into Executive Session pursuant to A.R.S. §38-431.03(A) (2) to receive and discuss legal advice concerning any of the agenda items.

Dwayne Uhlig offered the motion that was seconded by Chief Mark Burdick. The motion carried 11/0/1 absent.

The Commission adjourned to Executive session at 1:54 p.m.

9. RESUME OPEN SESSION

The Commission reconvened into open session at 2:29 p.m. No action was taken during Executive Session. Ms. Malone noted a quorum of voting members participating in person and virtually in open session.

Ms. Malone provided a brief summary of what was discussed in Executive Session, including: Tier II facilities that do not meet the threshold requirements for reporting, updating the Tier II reporting system, reviewing of Facility Emergency Response Plans (FERPs) and facilities who had not filed Tier II reports for prior years. No action was taken during executive session.

Ms. Malone advised the Commission that Item 13 Part C (40 CFR 370.10 (b)(2)) would be moved to Item 8 in light of Executive Session discussion.

Discussion held on the importance of Tier II reporting and the feasibility of asking facilities under the reporting threshold to voluntarily report.

Timothy Gablehouse with the Colorado SERC advised that different states are currently asking for this information and that the EPA has taken facilities to federal court to fulfill requests. LEPCs and fire agencies are encouraged to pursue information that they need in order to plan for emergencies.

Ms. Malone expressed an interest in examining how other states are approaching this and that she will discuss further with EPA Region IX representatives.

Kay Lawrence with EPA advised that Region IX states have not taken cases to the federal level, but conducting outreach and discussing first responder safety is extremely effective in encouraging participation.

Ms. Malone called for a motion for AZSERC staff draft a letter from the AZSERC Executive Director to Tier II filers to encourage facilities to voluntarily report the chemicals they have that are under the reporting threshold, and to conduct outreach with fire agencies and LEPCs to inform them that they are allowed to ask for this information.

Chief Mark Burdick offered the motion, that was seconded by Paul Marsh. The motion carried 11/0/1 absent.

Discussion was held in Executive Session with regards to fire agencies and LEPCs reviewing Facility Emergency Response Plans (FERPs). Ms. Malone called for a motion to require a check/acknowledgement that fire agencies and LEPCs have reviewed FERPs when submitted by a facility.

Paul Marsh offered the motion, that was seconded by Chief Mark Burdick. The motion carried 11/0/1 absent.

Discussion was held in Executive Session with regards to non-compliant facilities who have not submitted prior year reports.

Ms. Malone offered a motion that SERC draft a letter to facilities that have not filed prior year reports that was seconded by Chief Mark Burdick. The motion carried 11/0/1 absent.

10. Developing Issues for LEPCs

Timothy Gablehouse with the Colorado SERC gave a presentation on Developing Issues for LEPCs. Discussion held.

11. Local Emergency Planning Committees (LEPCs)

- a. In the interest of time, Ms. Malone moved Item 14 to Item 10. Twenty-nine (29) LEPC voting membership applications were presented to the Commission for ratification. Discussion held.

Ms. Malone called for a motion to ratify the LEPC membership applications as presented.

Chief Mark Burdick offered the motion that was seconded by Dwayne Uhlig. The motion carried 11/0/1 absent.

- b. Dave Varela presented an overview of LEPC biennial training exercises and Emergency Response Plans. He advised that the Pima County LEPC and Pinal County LEPC are not in compliance with the requirements.

Dwayne Uhlig inquired if there were any known hindrances that may be impacting LEPC's abilities to comply, citing the significant turnover and county restructuring occurring in Pinal County. Discussion held.

Laura Malone offered the motion to draft a letter from the AZSERC Executive Director to Pima and Pinal county LEPCs, explaining the requirements they are out of compliance with and providing an expected due date to reach compliance. Letter to include that they have not asked for an extension. Letter to be sent to county Emergency Manager first, then escalated to the City Council or Board of Supervisors if no response is received. The motion was seconded by Bryce Rucker. The motion carried 11/0/1 absent.

Dave Varela advised the Commission that the nine Emergency Response Plans (ERPs) that received interim approval need to be ratified.

Paul Marsh offered the motion to ratify the nine ERPs which was seconded by Laura Malone. The motion carried 11/0/1 absent.

In the interest of time, Ms. Malone advised that the remainder of the items on the agenda are standing updates provided every six months, and that the information that AZSERC staff prepared for the meeting should be shared with Commissioners to review.

12. Action Item Review

Action Item 1 - AZSERC Staff to send Conflict of Interest renewal forms to the Commission Members (annually).

Action Item 2 – AZSERC staff to draft a letter from the AZSERC Executive Director to Tier II filers to encourage facilities to voluntarily report the chemicals they have that are under the reporting threshold.

Action Item 3 – AZSERC staff to conduct outreach with fire agencies and LEPCs to inform them that they are allowed to ask for facilities to voluntarily report chemicals they have that are under the reporting threshold.

Action Item 4 – AZSERC staff to implement a check/acknowledgement that fire agencies and LEPCs have reviewed FERPs when submitted by a facility in the new Tier II reporting system.

Action Item 5 – AZSERC staff to draft a letter on behalf of the SERC to facilities that have not filed prior year reports to notify them that they are out of compliance.

Action Item 6 – AZSERC staff to draft a letter from the AZSERC Executive Director to Pima and Pinal County LEPCs to notify them of their lack of compliance, including that they have not asked for an extension and to provide them a due date for their return to compliance, to be sent to county Emergency Manager first, then escalated to the City Council and/or Board of Supervisors if no response.

Action Item 7 – AZSERC staff to send any updates prepared for the meeting to Commissioners for review.

Action Item 8 – Cpt. Tom Neve will share the After Action Report/summary of the nitric acid chemical exposure outside of Tucson with the Commission.

13. Future Agenda items:

Teresa Ehnert requested an After Action Report or summary of the nitric acid chemical exposure outside of Tucson on the I-10.

14. Call to the public

Bill Jones with the USEPA informed the commission about the July 19th and 20th Regional Response Team meeting to be held at the ADEQ Office located at 1110 W. Washington St., Phoenix, AZ 85007.

15. Proposed date and time of next meeting: Tuesday, October 24, 2023 1:00 p.m. - 3:00 p.m.

16. Adjournment

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

Chief Mark Burdick offered the motion that was seconded by Paul Marsh. The motion carried 11/0/1 absent.

Meeting adjourned at 3:26 p.m.

Minutes approved on 10/25/2023.

Agenda Items/Updates to be sent to Commissioners in accordance with Action Item 1:

**USEPA Region IX/RRT Presentation - Kay Lawrence
Highly Hazardous Flammable Trains (HHFT) Update
America's Water Infrastructure Act (AWIA) Update
Tier II**

Tier II Software/Website

Lithium Ion Batteries

Tier II Chemical Reports/Plans Annual Review ARS 49-127(d)

Tier II Chemical Reporting

Outreach for LEPCs

Outreach FDs

Facility compliance

Local Emergency Planning Committees (LEPCs)

LEPC meeting requirements (update)

Training opportunities (update)

Hazardous Materials Emergency Preparedness Grant (HMEP)

Status FY2021/FY2022 (update)

FY 2022-2024 (10/1/22-9/30/23) (update)

Emergency Response Fund (ERF)