

PUBLIC ACCESS TO INFORMATION

Iron County LEPC Guide for Requests and Release of Information

Iron County LEPC will make the fullest possible disclosure of records to the public consistent with the provisions of 42 U.S.C., Section 324, the Emergency Planning and Community Right-to-Know Act, also known as EPCRA, the Superfund Amendments and Reauthorization Act (SARA) of 1986 as well as U.C. A. Title 63 G, Chapter 2, the Government Records Access and Management Act (GRAMA).

For public safety reasons, any blanket public records request for Tier II information may be denied. Public records do not include records set forth to determine vulnerability and risk assessments, potential targets, specific targets or specific or emergency procedures, the disclosure of which would jeopardize the safety of government or facility personnel or the general public or the security of any governmental facility, building, structure, or information storage system. Other information may be withheld and is delineated in this document.

1. All information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Safety Data Sheet (Formerly referred to as the Material Safety Data Sheet or MSDS) otherwise in possession of the LEPC shall be made available to the person submitting the request under this guide, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II Report form.
2. A summary of Tier II information is publicly available on Iron County's official government web site at: <https://www.ironcounty.net/department/emergency-management/lepc/> . All information to be photocopied by any member of the public shall be provided at the sole expense of such persons. The cost of such photocopying will be set from time to time by the LEPC Information Coordinator, with approval of the LEPC Executive Committee, at a level, which will enable to the LEPC to recover all reasonable expenses associated with processing the request.
3. LEPC By-Laws are available at the above web site and may be printed by the end user.

Requests for SDS and Other Non-Confidential Information

1. Any person may obtain an SDS with respect to a specific facility by submitting a written request to the LEPC Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the LEPC by submitting a written request to the LEPC Information Coordinator
3. If the LEPC does not have the above requested information in its possession, the LEPC Information Coordinator shall request a submission of the SDS from the owner or operator of the facility that is the subject of the request. The LEPC will

only make requests to specific facilities for information, which is required to maintain or collect pursuant to applicable law.

Requests for Tier II Information

1. Any person may request Tier II information with respect to a specific facility that is not listed at the above web site by submitting a written request to the LEPC in accordance with the requirements of this document.
2. If the LEPC does not have it its possession the Tier II information requested, it shall request a submission of the Tier II Report form from the owner or operator of the facility that is the subject of the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of threshold planning quantities.
3. If the request for Tier II information does not meet the above requirements, the LEPC may request submission of the Tier II Report form from the owner or operator of the facility that is the subject of the request if the request under paragraph one of this section includes a general statement of need.

Trade Secrets

1. Except as provided in this document, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims.
2. Pursuant to Section 312 and Section 214(a) of EPCRA, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC or until such time as:
 - a. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information is not subject to a valid claim of business confidentiality or trade secret; and
 - b. The LEPC receives a written notice of such determination.

Timely Provision of Requested Information

1. The LEPC will act with due diligence in providing the requested information in a timely fashion.
2. Responses to requests for information should be addressed within ten (10) days of the request and no longer than thirty (30) days. If it appears that a response will take longer than 10 days, the inquirer should be contacted at or near the 10 day mark and notified of the delay, the reason(s) for the delay and the approximate date of response.

Information Available to the Public

Section 302, EPCRA

1. Names of facilities reporting to the LEPC and SERC;
2. Addresses of the facilities; and
3. Name of a contact person and telephone number.

Section 303, EPCRA

1. The emergency plan;
2. Any document, record, or list referred to in the emergency plan, including, for example, the multi-hazard plan and standard operating procedures of emergency response organizations; and
3. Point-of-Contact information provided by the reporting facility

Section 304, EPCRA

1. Names of persons, facilities and transporters who filed Tier II reports;
2. Dates of reports;
3. Copies of incident report forms
4. Written follow-up report(s) which include everything listed below and updates to that information:
 - a. Chemical name or identity of substance released;
 - b. An indication of the level of hazard of the substance;
 - c. Estimated quantity of release;
 - d. Time and duration of the release;
 - e. Medium into which the release occurred;
 - f. Any known or anticipated acute or chronic health risks associated with the release and, where appropriate, advice on medical attention necessary for exposed individuals;
 - g. Proper precautions to take as a result of the release;
 - h. Name and phone number to contact for more information; and
 - i. Actions taken to respond to, and contain the release.

Section 311, EPCRA

1. Chemical names and identification meeting reporting requirements for extremely hazardous substances (generally, 500 pounds or the threshold planning quantity);
2. Chemical names and identification meeting reporting requirements for substances stored about 10,000 pounds, grouped by hazard class.

Section 213, EPCRA

1. Inspection of the Tier II forms for a specific facility

Section 313, EPCRA

1. "Form R" or Form "A" for each facility

Making a Public Records Request

1. Inquirers should first check local web sites and the Utah State Department of Environmental Quality's web site located at <http://www.deq.utah.gov/ProgramsServices/services/grama/GRAMA.htm#deq>
2. The inquirer should fill out and submit a request to the LEPC (form located on the county web site).
3. The inquirer will work with the LEPC Information Coordinator to determine if enough information is on the form to respond to the request. The inquirer may need to provide more information or specificity to process the request.
4. The information request will be processed and the inquirer given the information or given a denial to the request and the reasons for the denial. Denials may be made if:
 - a. The record requested is not known to exist and the LEPC is not required to create it.
 - b. Neither the LEPC nor SERC are custodians of the requested information;
or
 - c. The record is exempted from disclosure by law/
 - d. The information is withheld by the reporting facility under Section 324(a) of EPCRA (42 U.S.C. §11044(a)).
5. A log of all inquirers of records will be maintained and will, itself, be a public record.
6. Records provided during inspection may be redacted to protect confidential and privileged information in accordance with Utah's Public Records Laws and EPCRA.
7. The inquirer is expected to pay reasonable fees for all requested copies of documents.
 - a. An invoice for the total amount of the fees will be sent to or given to the inquirer.
 - b. Payments shall be made by check payable to Iron County; payments may also be in the form of cash or by credit card.
 - c. Total payment is required prior to release of requested copies.
 - d. Any inquirer who cannot afford to pay the fee(s) associated with the request may file an affidavit with Iron County Clerk's Office or Iron County's Division of Emergency Management.
 - i. Upon filing of any such affidavit, the Division of Emergency Management may process the request in accordance with this guide as if the fee(s) had been paid.
 - e. Certification of copies, indicating the copies are true and accurate representations of the original documents, and not verifying the data on the originals, is available on request. An additional fee for certification may be required, as prescribed by law.