

Greater Baytown-Chambers County LEPC

Public Information Policy

I. Public Access to Information

A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, 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 form.

B. All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Request for MSDS and Other Non-Confidential Information

1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
3. If the Committee does not have in its possession the MSDS or other information requested in subsections C1 or C2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

D. Requests for Tier II Information

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in subsection D1 of this section, it shall request a submission of the Tier II 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 threshold planning quantities.

3. If the request under subsection D1 of this section does not meet the requirements of subsection D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection D1 of this section includes a general statement of need.

E. Response in 45 Days

According to EPCRA §11022 (e)(3)(D), “A State emergency response commission or local emergency planning committee shall respond to a request for tier II information under this paragraph no later than 45 days after the date of receipt of the request.”

II. Trade Secrets

Except as provided in this section, 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 confidentially or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, 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 permanently or until such time as:

1. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret, and
2. The LEPC receives a written notice of such determination.

III. Process to Submit Requests for Information to the LEPC

1. Requestors must fill out the LEPC Documentation Request form.
2. Forms must be emailed to baytownlepc@gmail.com, or mailed to PO Box 957, Anahuac, TX 77514.
3. Fees may apply (see Fee Schedule).

Note:

1. According to EPCRA, the LEPC is only required to provide and/or request information from facilities which are required to report that information to the LEPC.
2. Requests for Tier II information must be for a specific facility §11022 (e)(3)(A).
3. Requests for MSDS must be for a specific facility §11021 (c).

Fee Schedule

1. Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.
2. Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:
 - a. Rewritable CD (CD-RW)--\$1.00;
 - b. Non-rewritable CD (CD-R)--\$1.00;
 - c. Digital video disc (DVD)--\$3.00;
 - d. Other electronic media (e.g.: thumb-drive) --actual cost;
 - e. Oversize paper copy (e.g.: 11 inches by 17 inches, not including maps and photographs using specialty paper)--\$.50;
 - f. Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic)--actual cost.
3. Any items or situations not covered in this fee schedule will be determined by referencing "Texas Administrative Code, Title 1, Part 3, Chapter 70, RULE §70.3 Charges for Providing Copies of Public Information."

GREATER BAYTOWN-CHAMBERS COUNTY LEPC
DOCUMENTATION REQUEST FORM

Return form to:

- Greater Baytown-Chambers County LEPC
PO Box 957
Anahuac, TX 77514; or
- Email: baytownlepc@gmail.com

PLEASE PRINT ALL INFORMATION

NAME: _____ COMPANY: _____

PHONE (Daytime): _____ FAX: _____

EMAIL: _____

ADDRESS: _____

NAME AND DESCRIPTION OF REQUESTED DOCUMENTATION (*Include # of copies requested*):

PREFERRED METHOD TO RECEIVE DOCUMENTATION: Mail Fax Email

Date of Request

Signature

The LEPC shall withhold from disclosure the following information:

- Subject to the requirements of Section 312 of EPCRA; the specific on-site location of any specific chemical required in the inventory form as Tier II information if the owner or operator of a facility has requested that it be withheld from disclosure; and
- Trade secrets as asserted and processed under the provisions of Section 322 of EPCRA

(DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY)

Reference # _____
Date Received: _____
Received By: _____
Date Approved: _____
Approved By: _____
FEES: \$ _____

RELEASED BY: _____
RELEASE DATE: _____

COMMENTS:

