



## Local Emergency Planning Committee

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### ST. CROIX COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

#### POLICY SECTION 324

#### A POLICY ON RELEASE OF INFORMATION FROM LEPC FILES PURSUANT TO SARA/TITLE III PROVISIONS

##### Introduction

Pursuant to Section 324 of P.L. 99-499, 42 U.S.C. 11001 et seq., also known as the Emergency Planning and Community Right-to-Know Act of 1986, the St. Croix County Local Emergency Planning Committee was created and hereby has promulgated a policy regarding the release of information in its possession to the public.

##### 1. Definitions

- a) "P.L. 99-499, 42 U.S.C. 11001 et seq." means Public Law 99-499 Chapter 42 of the United States Code Section 11001 the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986; is also referred to as Superfund Amendments and Reauthorization Act of 1986. Hereafter referred to as SARA\Title III (SARA).
- b) "LEPC" means Local Emergency Planning Committee, which is comprised of members appointed by the County Board and approved by the WI State Emergency Response Board (SERB). The LEPC is responsible for planning in a district defined as within the borders of St. Croix County, WI.
- c) "Information and/or Information Record" means material which is written, drawn, printed, spoken, visual, or electromagnetic information; which is recorded or preserved, regardless of physical form or characteristics; which has been created or is being kept by the LEPC. "Information and Information/Record" includes but is not limited to handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, (including computer tapes), and computer printouts. "Information and Information/Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials which are purely the personal property of the custodian and have no relation to his or her office; materials in which access is limited by copyright, patent or bequest;

and published materials in the possession of a person or organization other than a public library which are available for sale, or which are available for inspection at a public library.

- d) "SDS" means Safety Data Sheets, which are furnished to receivers of materials. The SDS sheets are supplied for materials that are classified on the Extremely Hazardous Substance List as listed in the Federal Register. They are also supplied for materials that are known to be hazardous, toxic, carcinogenic, or otherwise indicated by federal/state/local mandates.
- e) "Tier II" means Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements as published in the Federal Register, Thursday, October 15, 1987, Part IV Environmental Protection Agency, 40 CFR Part 370.
- f) "Reasonable" means within the ability and is feasible to accomplish without disrupting the normal operating procedure of the legal Custodian; this includes the operating procedure in time of emergency situations.

## 2. Legal Custodian(s)

- a) The Coordinator of Information for the St. Croix County LEPC, Emergency Management Manager, or their designate is the legal custodian of the information contained in the St. Croix County LEPC files.

## 3. Procedural Information

- a) Pursuant to SARA\Title III, Section 324, the LEPC shall publish annually a notice to the public concerning the availability of information and where the information may be obtained.
- b) Request(s) for information shall be made in writing to legal custodian and/or the LEPC. Such requests shall contain information stating what facility is in question; who is making request (includes name, address, phone, and who request is intended for); and such other information as requested by legal custodian and/or LEPC at time of request(s) or subsequent point(s) in time.

## 4. Access to Records; Fees

- a) The rights of any person who requests inspection or copies of a record or information from a record are governed by provision and guidelines of Section 324, SARA\Title III; WI Stats. 19.35; and local Ordinances.
- b) The legal custodian shall provide any person who is authorized to inspect or copy a record\information which appears in written form pursuant to Section 19.35(1)(b), WI Stats.; or any person who is authorized to and requests permission to photograph a record the form of which does not permit copying pursuant to Section 19.35(1)(f), WI

Stats., and with facilities comparable to those used by its employees; to inspect, copy and abstract the record during the established office hours. Provided the request is in written form and conforms to other provisions of Section 324 SARA\Title III, not specifically mentioned here. The legal custodian is not required by this subsection to purchase, rent, or lease photocopying, duplicating photographic, or other equipment or to provide a separate room for inspection, copying, or abstracting or records.

- c) The LEPC sets the costs of copying records\information, which is permitted to be copies in the amount of .25 per page. The minimum charge for such copying shall be \$1.00. Payment shall be made prior to requestor receiving the record\information. Photographic copying shall be done only at address of legal custodian.
- d) The LEPC shall attempt to honor all requests considered reasonable. In the event the legal custodian(s) can not be found during normal business hours, the request shall be honored upon return of legal custodian(s).
- e) Response of requests for information concerning MSDS information shall be given without delay at the earliest time during normal business hours established by annual Public Notice published, pursuant to Section 324, SARA\Title III.
- f) Response for requests for information concerning Tier II information records shall be made in accordance with Section 312 SARA\Title III. Response shall be made within 45 days of receipt of written request.

## 5. Separation of Information

- a) If a record\information contains information that may be made public and information that cannot be made public, the legal custodian and/or LEPC shall provide only the information that may be made public and delete the information that may not be made public from the record/information before it is released. The LEPC reserves the right to consult with legal counsel before releasing any information.

## 6. Revision of Policy

- a) Any or all of the aforementioned Sections and subsections may be revised at any future date, should the basic Laws (SARA\Title III, WI Stats. 19.35) be changed or revised, to provide strict compliance and conform with the basic Law. Likewise, should administrative procedures develop to necessitate change in policy; revision shall follow.