

Citizen's Right-to-Know

Richmond County, NC

Local Emergency Planning Committee



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SARA Title III Emergency Planning and Right-to-Know Act of 1986

1. PURPOSE

The Emergency Planning and Right-to Know Act of 1986 (EPCRA) requires public access to various types of information about hazardous substances. The Richmond County LEPC is mandated to provide for public access to the required documents. Therefore, these procedures are established for providing timely and complete public access to requested information, within the prescribed limitations of the EPCRA.

2. GENERAL POLICY

All material safety data sheets (MSDS), chemical lists, inventory forms, the Emergency Operations Plan, and all other written information in the committee's possession shall be available for public inspection and review. However, no information which has been legally claimed as confidential and/or a trade secret will be given public access. In matters of uncertainty, guidance will be obtained from proper authorities prior to any release of requested information.

Requests for information not in the possession of the committee shall be reviewed and acted upon in accordance with these procedures and applicable laws in effect at that time.

3. INFORMATION COORDINATOR DESIGNATION

The Emergency Management Director shall have possession of all official reports of the committee whether submitted by persons outside the committee or generated by the committee itself. Therefore, the EM Director shall serve as the coordinator for information as defined in Section 301(c) of the EPCRA. As Information Coordinator, copies of all documents and reports shall be provided for public access as herein defined within ten (10) workdays of final adoption.

4. PUBLIC ACCESS LOCATION DESIGNATION

The Richmond County Emergency Services Building, located at 319 South Lawrence Street in Rockingham, is the designated location for which copies of documents of the Committee will be maintained for public access. Members of the public who wish to review any of these documents may do so, in accordance with the herein-defined procedures, during normal business hours. Business hours for Richmond County Emergency Services are 8 AM until 5 PM, Monday through Friday. Information stored at Richmond County Emergency Services shall be maintained by the Information Coordinator in notebooks. Any questions regarding information contained in the notebooks should be addressed to the Information Coordinator. Requests for public access to those documents not on file at Richmond County Emergency Services should be directed to the LEPC Information Coordinator.

5. COMMITTEE INFORMATION

Rosters. A current and historical listing of Committee member names and dates of service will be maintained by the Committee Secretary and a copy on file at Richmond County Emergency Services. This listing shall also denote Officers of the Committee and dates of such holding.

Bylaws and Procedures. A copy of the current Bylaws and any procedures established by the Richmond County LEPC will be on file at Richmond County Emergency Services. The Committee Secretary shall maintain a copy of the original Bylaws and any Procedures, any amendments, as well as those currently in force.

Minutes. The approved minutes of all Committee and sub-committee meetings will be available for public review. In addition to the original being on file with the Committee Secretary, a copy will be filed in the appropriate place of Richmond County Emergency Services.

Reports. Any and all reports issued in the name of the Committee, in accordance with established Bylaws, shall be made available for public review at Richmond County Emergency Services.

Resolutions. Copies of all duly adopted resolutions, if any, shall be provided at Richmond County Emergency Services.

Emergency Operations Plan. A copy of the emergency operations plan shall be maintained for public inspection and review at Richmond County Emergency Services. Persons wishing to obtain a copy of the plan may do so in accordance with the herein-defined procedures.

6. FACILITY INFORMATION

EHS Facility Notification. Notifications from facilities that designates it as a "Extremely Hazardous Substance Facility" subject to Section 302 of the EPCRA shall be maintained by the Information Coordinator.

Facility Emergency Coordinator. Notifications which designate Facility Emergency Coordinators from facilities shall be kept by the Information Coordinator.

EHS Facility Listing. A listing of all facilities that have reported as being an EHS facility will be maintained. This list will consist of facility name, EHS chemicals present, facility emergency coordinator name, and date of facility report. A copy of this list will be available at Richmond County Emergency Services for public review and inspection.

MSDS. Each material safety data sheet (MSDS) submitted by a required facility shall be maintained and filed alphabetically for each facility. It is the opinion and decision of the committee that a MSDS provides for greater knowledge about the chemicals and a better response capability. Therefore, should a facility submit a chemical list in lieu of an actual MSDS for each substance, the Information Coordinator will request a MSDS for each substance on the list that requires submission. These MSDS will be copied and provided at Richmond County Emergency Services for public inspection and review.

Tier I. The Tier I inventory form has limited information regarding specific chemicals. Should a facility submit only a Tier I inventory form, the Information Coordinator will request a Tier II form from the specific facility. All Tier I inventory forms will be available at Richmond County Emergency Services for public review and inspection.

Tier II. All Tier II inventory forms submitted by facilities shall be maintained by the Information Coordinator. Any person may request Tier II information from the Committee in accordance with the

following guidelines. Any such request shall be in writing and shall be with respect to a specific facility. All requests for Tier II information shall be submitted on a "Tier II Request Form" as attached to these procedures. Copies of this form will be available from the Information Coordinator and at Richmond County Emergency Services.

Any State or Local official acting in his or her official capacity may have access to Tier II information by submitting a request to the Committee. If the Committee does not have the requested information, it shall request, in writing, the facility to provide required information in accordance with Section 312(d)(2) of the EPCRA. Such information will be provided by the facility within **30 days** of the receipt of the Committee request. Once received, the information will be provided to the State or local official. Said official will not disclose any components of the information designated to be confidential.

Any member of the general public may make a written request for Tier II information relating to the preceding calendar year with respect to a specific facility. Such request should be addressed to the Information Coordinator of the Committee. A Committee response to any request made by the public for Tier II information shall be made within **45 days** of the receipt of the request. Any Tier II information which the Committee has in its possession shall be made available to the requesting person at a time and location mutually agreed upon by both the requestor and the Information Coordinator; EXCEPT, that no disclosure of the location of any specific chemical will occur when requested to be confidential by the facility. If the Committee does not have the Tier II information and the request is with respect to a hazardous chemical which the facility has stored in reportable amounts during the preceding calendar year, the Committee shall request from the facility, required Tier II information with respect to the specific hazardous chemical stored. The facility should respond to a Committee request, pursuant to this paragraph, within **30 days** of receipt of the request. Upon receipt of any requested information, pursuant to this paragraph, the Information Coordinator shall make the information available to the person making the request as any other Tier II information in the Committee's possession. Any request, from the general public, for Tier II information not in the possession of the Committee and in respect to a hazardous chemical which the facility has stored in non-reportable amounts during the preceding calendar year, must include a "**General need to know**" statement for the information. After reviewing the request, the Committee may request Tier II information from the facility on behalf of the requestor. The facility should respond to a Committee request within **30 days** of receipt of the Committee request. Upon receipt of any requested information, pursuant to this paragraph, the Information Coordinator shall make the information available to the person making the request as any other Tier II information in the Committee's possession.

Follow-up Emergency Notice. The Committee will receive written Follow-up Emergency Notice(s) from facilities which release specified substances in excess of predetermined quantities. These notices, when received, will be maintained by the Information Coordinator, copied, and made available for review and inspection at Richmond County Emergency Services by the public.

Form "R". Generally, the Committee does not receive the Toxic Chemical Release forms (form "R") from reporting facilities. However, should the Committee have any such forms in its possession; copies will be maintained at Richmond County Emergency Services for public review and inspection. Persons wishing information from the form "R" are encouraged to contact the North Carolina Emergency Response Commission, as they are the recipients of all form "R" reports for facilities within the State of North Carolina.

7. OTHER INFORMATION

From time to time various information will be provided and/or generated for the Committee's use in fulfilling the duties and responsibilities of the Committee. Generally, this information may be reviewed by any person making a request to the Information Coordinator. Again, no information legally claimed as confidential and/or as a trade secret will be disclosed under these procedures.

8. COPYING AND COSTS

Persons wishing to obtain copies of specific information on file at Richmond County Emergency Services may request the staff to make copies by utilizing the copy machine at Richmond County Emergency Services if one is available. The cost for copies shall be the standard charge set by Richmond County Emergency Services for making other copies. Large amounts of copies may have to be commercially done, in which case the requestor will be expected to pay for the cost in advance. During times when Richmond County Emergency Services' copy machine may be inoperable or when desired information is not on file at Richmond County Emergency Services, the requestor should contact the Information Coordinator for obtaining desired copies. At no time shall any original document be removed from Richmond County Emergency Services, except by the Information Coordinator.

9. AMENDMENTS AND RATIFICATION

These procedures may be amended upon the affirmative vote of a majority of the members present at any regular meeting of the Richmond County Local Emergency Planning Committee. This information Access Procedures are hereby duly adopted by the Committee, the _____ day of _____, in the year _____.

LEPC Chairperson, Richmond County LEPC

RICHMOND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

TIER II REQUEST FORM

Requestor's Name:

Date of request:

Requestor's Address:

Requestor's Phone Numbers:
(H) _____
(W) _____

Copies are to be:

- Mailed Picked-up

I wish to (check one) see be provided copies of the Tier II information for the below listed facility. I understand there will be a charge for making copies. Please contact me before making copies if the total cost (including postage) will exceed \$ _____.

Name of Facility:

Signature of Requestor

Reason for Request:

FOR COMMITTEE USE ONLY

Date request received by committee: _____

Information was: On file Requested Denied

Date requested from facility: _____

Date received from facility: _____

Reason request was denied:: _____

Date requestor notified: _____

Date request mailed: _____