

# PLACER COUNTY AIR POLLUTION CONTROL DISTRICT

110 Maple Street, Auburn, California, 95603  
Phone: (530) 745-2330 Fax: (530) 745-2373  
Email: [pcapcd-records@placer.ca.gov](mailto:pcapcd-records@placer.ca.gov)

## Requests for Public Information under the Public Records Act

The Placer County Air Pollution Control District (District) often receives requests to view public records held by us and/or to make copies of those records. Pursuant to the California Public Records Act (PRA), Government Code Sec. 6250 *et seq.*, it is the District's policy to provide access to such public records and to make copies upon request. Below is a summary of the steps to be followed by the public to view and make copies of public information held by the District.

As used in this policy, the phrase *public records* is as defined in Government Code section 6252(e) and includes any writing containing information relating to the conduct of the public's business, which has been prepared, owned, used, or retained by the District, regardless of physical form or characteristics.

The "Summary of the California Public Records Act 2004", prepared by the Office of the Attorney General, California Department of Justice, provides details on the PRA. It is the District's intention and desire to conform to the provisions of the PRA. Please bring to the District's attention any identified deviation from the provisions of the PRA.

A copy of this guide, "Requests for Public Information under the Public Records Act", is downloadable and is also available free of charge upon request to any person requesting copies of District's records.

### **How to Request Access to Review Public Records**

**The Request:** The public can request to view public information in writing, verbally, by fax or by e-mail. Written requests should be identified as a request for public information under the Public Records Act and directed to the Air Quality Permit Technician. Written requests should be mailed to Placer County Air Pollution Control District, 110 Maple Street, Auburn, CA 95603. The written request need not be in any particular form, but should describe the requested records with sufficient detail to enable District Staff to identify and locate the information sought. To the greatest possible extent, please include permit numbers, company and/or individual names, street addresses, names, descriptions and dates of correspondence, reports, submittals, and similar information so that the District may respond to your request. The request must also contain an address, phone number, and/or e-mail address so the District can reach you. To help assure that your request contains information enabling a prompt response, you may use the online form for Air Pollution Public Record & Information Requests.

E-mail requests should be directed to [pcapcd-records@placer.ca.gov](mailto:pcapcd-records@placer.ca.gov). You may also make a request verbally, in person or by phone at (530) 745-2330. These requests will be noted by District Staff and responded to in the proper manner. The District fax number is (530) 745-2373, if you choose to use this method for your request.

Requested records that can be disclosed will be made available for review and duplication.

**Inspection of Records:** Public records are open to inspection during District office hours, 8:00 AM - 5:00 PM, Monday through Friday, except for state and District holidays or mandatory furlough days. However, for the most efficient processing, the District requests that you make an appointment so District Staff can have the records available and provide space for you to review them.

**Copies:** When viewing public records, if you want copies, you will be asked to mark each page to be copied with a colored post-it note and return the file or files intact to the Air Quality Permit Technician. Copies are to be provided at the charges for copying set forth by Placer County Code Section 2.116.030, Fees for Copies, which includes a charge of \$0.50 for the first page and \$0.25 per page after that. Additional copies/pages of the same document will be billed at \$0.10 per page. Pursuant to the PRA, payment shall be collected before the copies are released. Charges are waived for documents that are to be provided in an electronic format and already exist in that format. The copy charges may be applied to records that do not already exist in an electronic format, such that they will need to be scanned if an electronic copy is to be provided. If electronic copies cannot be provided via email or on-line, and are to be transferred to CDs, DVDs, or other data storage media, the District may charge to recover the cost of the media provided. You will be advised of the duplication costs, or that duplication costs have been waived, before copies are made. If there is a large volume of material requested and to be produced such that it is unduly burdensome for the District to provide copies, you will be notified that you may make other arrangements to review and have the documents copied at your expense. (*California First Amendment Coalition v. Sup Ct.* (3<sup>rd</sup> Dist.1998) 67 Cal.App.4<sup>th</sup> 159, 166.)

**Response Time:** The Public Records Act requires the District to respond to requests for public information within 10 days. The response will tell you whether the information you request is available, how you can view it or get copies, the cost of providing the copies, which (if any) of the records are not subject to disclosure (see below, **Public Records Exempt from Disclosure**), and how to make an appointment, if needed.

Occasionally, unusual circumstances will require more than 10 days, but not more than 14 additional days, to respond to a request. In this case, you will be notified before the 10 day time limit. *Unusual circumstances* are defined in the PRA as the following, but only to the extent reasonably necessary for the proper processing of the particular request:

- The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request, or among two or more components of the agency having substantial subject matter interest therein.

### **Definitions**

- A. "District" means the Placer County Air Pollution Control District or any employee authorized to act on its behalf.
- B. "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.
- C. "Public Record" includes any writing containing information relating to the conduct of the public's business, which has been prepared, owned, used, or retained by the District, regardless of physical form or characteristics.
- D. "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, form of communication or representation, including

letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and any record thereby created, regardless of the manner in which the record has been stored.

- E. "Production Data" means information disclosing the actual quantity of material used to produce an article having commercial value, as well as information disclosing the actual quantity produced.
- F. "Emission Data" means measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

### **Examples of Records Available to the Public**

- All air or other pollution monitoring data, including data compiled from stationary sources. [Gov. Code Sec. 6254.7(b)].
- All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution, which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before the applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, unless the information is exempt from disclosure by express provision of law. [Gov. Code Secs. 6254.7(a) and (d)].
- All air pollution emission data, including those emission data which constitute trade secrets as defined in Gov. Code Sec. 6254.7(d). Data used to calculate emission data are not emission data for the purposes of these guidelines, and data which constitute trade secrets and that are used to calculate emission data are not public records and are not available to the public. [Gov. Code Sec. 6254.7(e)].
- Permits to operate, permits to construct, permit application forms, supplemental applications to forms, potential to emit reports, health risk assessments, site inspection reports, source test reports, asbestos records, emission reduction credit certificates, new source review balances, and notices of violation. (The inspector's report and other investigatory material may be withheld until a settlement agreement is reached or the case is concluded).
- Data used to calculate the costs of obtaining emission offsets are not public records. If the District issues a permit to construct to an applicant who is required to obtain offsets pursuant to District rules and regulations, the following data are public records: the year the offset transaction occurred; the amount of offsets purchased by pollutant, and the cost of the offsets purchased by pollutant. If the application is denied, the data shall not be a public record. [Gov. Code Sec. 6254.7(f)].
- District employment contracts. [Gov. Code Sec. 6254.8].

### **Records Exempt From Disclosure**

- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the District in the ordinary course of business, provided that the public interest in withholding those records clearly outweighs the public interest in disclosure. [Gov. Code Sec. 6254(a)].
- Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government

Code, until the pending litigation or claim have been finally adjudicated or otherwise settled. [Gov. Code Sec. 6254(b)].

- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. [Gov. Code Sec. 6254(c)].
- Geological and geophysical data, plant production data, and similar information relating to utility systems development, or market or crop reports, which are obtained in confidence from any person. [Gov. Code Sec. 6254(e)].
- Records of complaints to, or investigations conducted by or for the District for law enforcement or permit purposes, or any analysis or conclusions of an investigating officer. Notwithstanding the above, the time, substance, and location of all complaints or requests for assistance received by the District, and the time and nature of the response thereto, including, to the extent the information regarding the incident is recorded, the time, date, and location of occurrence, the time and date of the report, the factual circumstances surrounding the incident, and the name, age, and current address of the victim of the incident, are public records unless the disclosure of such information:
  - 1) would endanger the safety of a person involved in an investigation;
  - 2) would endanger the successful completion of the investigation or a related investigation [Gov. Code Sec. 6254(f)];
  - 3) would be an unwarranted invasion of privacy;
  - 4) might identify confidential sources; or
  - 5) would reveal information supplied in confidence. This exemption is inapplicable to requests made by a district attorney. [Gov. Code Sec. 6262].
- Test questions, scoring keys, and other examination data related to examination for employment or academic examination. [Gov. Code Sec. 6254(g)].
- The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all of the contract agreements obtained. However, the law of eminent domain shall not be affected by this provision. [Gov. Code Sec. 6254(h)].
- Library circulation records kept for the purpose of identifying the borrower of items available in the library, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. [Gov. Code Sec. 6254(j)].
- Records for which disclosure is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. [Gov. Code Sec. 6254(k)].
- Confidential communications between the District and its attorneys. [Ev. Code Sec. 954].
- Records of documents covered by the attorney work product privilege, or any other judicially recognized privilege, including but not limited to, the deliberative process privilege. [Gov. Code Sec. 6254(k), C.C.P. Sec. 2018, Ev. Code Sec. 952].
- Records which relate to Grand Jury testimony.
- Documents which are privileged under Section 1040 of the Evidence Code, which provides:
  - As used in this section, 'official information' means information acquired in confidence by a public employee in the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made;

- A public entity has a privilege to refuse to disclose information and to prevent another from disclosing such information, if the privilege is claimed by a person authorized by the public entity to do so; and:
    - Disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or
    - Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.
- Trade secrets, with the exception of emission data, which may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. [Gov. Code Sec. 6254.7(d)].
- Computer software, which includes computer mapping systems, computer programs, and computer graphics systems, developed by a state or local agency including the District. [Gov. Code Sec. 6254.9(a) and (b)].
- Records that relate to volatile organic compounds and chemical substances information received or compiled by an air pollution control officer pursuant to Health and Safety Code Section 42303.2. [Gov. Code Sec. 6254.11].
- Records for which the District determines that, on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. [Gov. Code Sec. 6255, “deliberative process privilege”]. The cost and burden to the District may be relevant factors in determining the public interest in not making the record public.
- A memorandum submitted to a state body or the District’s Governing Board by its legal counsel, pursuant to subdivision (q) of Government Code Section 11126 or 54956.9, until the pending litigation has been fully adjudicated or otherwise settled. The memorandum shall be protected by the attorney work-product privilege until the pending litigation has been finally adjudicated or otherwise settled. [Gov. Code Sec. 6254.25].

**Information Requests That Are Not Public Records Act Requests**

The Placer County Air Pollution Control District will provide or make available for review all public records. Only copying cost, unless waived, are charged. However, requests that are not for existing documents, but are a request for either a summary of the information contained in the records, or a finding by the District in regard to the records, are not public records requests. Such a request for the creation of a summary, or the making of a finding in regard to the documents, is subject to charges for the recovery of District staff time at the District’s General Labor rate. If a charge may be required, the requestor will be advised of the charge, and an estimate of the amount of time required and resulting charge, before proceeding with the approval of the requesting party. Payment of the accrued charges may be requested in advance of providing the information requested. The charges may be waived at the discretion of the Air Pollution Control Officer.