

District 9 Local Emergency Planning Committee



Guidelines for Receiving and Processing "Emergency Planning and Community Right to Know Act" (EPCRA) Data Requests

General Principles:

Any person is entitled to examine or be provided with a copy of any public record upon request, compliance with reasonable conditions, and payments of authorized fee, if applicable.

Applicable fees must be paid in advance if the amount is known. Where the amount is not known, a reasonable deposit may be required.

If copies are to be mailed, postage must be paid by the requestor.

Copies cannot be made of any copyrighted materials, but inspection will be allowed.

The requestor is entitled to a receipt of any copying or record transaction.

A request for records may be filed with the Southwest Florida Regional Planning Council (SWFRPC) or the Southwest Florida Local Emergency Planning Committee (LEPC) for the EPCRA data pertaining to a specific facility in the region. The Southwest Florida Local Emergency Planning Committee includes the following jurisdictions: Charlotte, Collier, Glades, Hendry, Lee, and Sarasota Counties.

A request must be in writing and must reasonably describe the records sought. Oral or phone requests may be honored at the discretion of the SWFRPC or LEPC if followed by a written request. When a request is vague, staff will not attempt to guess its meaning. A request is not effective under public records disclosure unless it specifies one or more particular records in such a manner that each record can be located easily. General requests, if not vague will be honored.

EPCRA information is available during normal business hours, Monday through Friday, excluding holidays.

Reasonable Conditions:

Some delay in responding to requests and interference with other agency functions are inevitable. To reasonably accommodate the request is what is required.

Reasonable conditions may be imposed to protect a record and its place in a filing system.

Complying with a request may be delayed at a reasonable time until staff and equipment are available. However, lack of staff is not ground for denying a request.

A reasonable method of assigning priorities to requests or parts of requests may be used. Persons making requests may be asked to divide and prioritize large volume requests. Staff reserves the right to forward any request to the Florida State Emergency Response Commission or its staff (Florida Division of Emergency Management) for review, interpretation, or compliance with the request.

Contact Person:

A primary contact person will be designated to answer daily inquiries about the Emergency Planning & Community Right to Know public access.

The primary contact or a SWFRPC representative will advise the requestor of the time and place at which he or she may inspect and copy information.

Denial of Requests (denial may occur for any of the following reasons):

Requested data are not known to exist.

Disclosure of the record is permitted for a given facility.

The record is not in the SWFRPC's nor the LEPC's possession, and the aforementioned agencies are not required to obtain the record from a covered facility.

The primary contact or LEPC can reserve the right to deny any unreasonable request. However, the denial must be noted in writing.