



Arizona Emergency Response Commission

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Janice K. Brewer, Governor

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AZSERC Release of Information Guidelines for Tier II Data

Scope and Purpose:

Effective Date: 6/27/2013

Scope:

This policy shall apply to all personnel involved in the release of Emergency Planning and Community Right to Know Act (EPCRA) Tier II Data.

Purpose:

The purpose of this policy is to establish guidelines for the release of public information (Tier II Data). The procedures will guide AZSERC employees in determining what information to release, and how and when to release that information.

General:

Tier Two reports must be submitted annually by facilities with reportable quantities of chemicals and hazardous substances in their inventory (fixed facilities only; transportation facilities are not required to report under Federal and State law). Reports must be submitted via the Arizona Online Tier II Inventory Software which has granted view access to the Local Emergency Planning Committees (LEPC) and Fire Departments with jurisdiction over the facilities.

Reports are due by March 1 of each year and represent inventories for the previous calendar year. Under the Federal Emergency Planning and Community Right-to-Know Act (EPCRA), concerned citizens and the general public may request Tier Two information for facilities in their community (**40 CFR 370.61 and PL 99-499**). These requests are classified as two categories: 1) Public Information Request from a Concerned Citizen (no cost). 2) Commercial Request for Information (cost applies).

Following the September 11, 2001, terrorist attack on the United States, concerns regarding the use of extremely hazardous substances as chemical weapons needed to be considered. Emergency Planning and Community Right-To-Know Requests and Homeland Security concerns are not diametrically opposed and public safety is a concern when releasing any information on chemical inventories of specific facilities.

A. It shall be the policy of the Arizona Emergency Response Commission to seek a professional and courteous relationship with the press and the public at all times.

B. All State employees shall exhibit an attitude of helpfulness and concern towards persons requesting information regarding Tier II, TRI and RMP Data.

C. All State employees who receive inquiries for Tier II, TRI and RMP data from the press or the public shall direct those inquiries to the Executive Director of AZSERC.

D. Requests for information on Tier II chemical inventories, TRI and RMP are specified by Federal and State Law and The Arizona State Emergency Response Commission will adhere to these laws.

Request for information made to an LEPC

General: Any request for Tier II data made to an LEPC shall be forwarded to the Arizona State Emergency Response Commission (AZSERC) for processing.

Checklist for Releasing Tier Two Data:

General: Tier Two data will not be released telephonically or via email through an EPCRA request.

A written request must be submitted to AZSERC. By law, AZSERC has up to 45 days from receiving the request to process the requests and provide the information to the requestor.

All inquiries under EPCRA will have the appropriate written requests filed with AZSERC. This can be done via the Tier II Data Request Form (attached).

When AZSERC receives a written request, staff will determine if the requestor can visit the AZSERC Office in Phoenix, Arizona to view information (No hard copies or electronic copies will be allowed to leave the premises and an escort will be present at all times during this visit). If the requestor is unable to visit the Phoenix Office they will be referred to the AZSERC Administrative Assistant for a copy of the AZSERC Tier II Data Request Form. This form will need to be filled out and returned to the Administrative Assistant before any action can be started.

- When AZSERC receives a written or verbal request, the Administrative Assistant will send the Tier II Data Request Form" (see attached) to the individual and request that the form be completed and returned with all fields completely filled out.

- The Administrative Assistant will include the Tier II Data Coordinator in all email traffic. The Tier II Data Coordinator will immediately notify the owner/operator or designated contact for the specific facility to inform them of this request and provide them with the Upon receipt of a written specifics of the requestor.
- If the person requesting the information refuses to provide the appropriate information, the reason for requesting data, or otherwise refuses to comply with these procedures, a notification will be sent to the requestor and the facility or facilities stating that the information was incomplete and no further action will be taken until a completed Tier II Data Request Form has been completed and submitted.
- Upon request of the facility owner/manager, AZSERC will block out or otherwise withhold the location of specific chemicals
- After appropriate information has been received on Tier II Data Request Form, a hard copy or electronic copy of the requested information shall be collected and sent off to the requestor within the 45 days period. **Do Not** provide facility maps or specific locations of the hazardous substance inventory in the request, this information should be excluded or blacked out before release of Tier II records.
- For any Fire Department of Local Emergency Planning Committee (LEPC) looking to acquire CAMEO Downloads for Tier II Data, you must contact the Tier II Data Coordinator and request them send the most current .zip file with this information.
- All email requests and written requests forms will be kept on file by the Administrative Assistant.

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To Whom It May Concern:

Under the provisions of the Community Right-to-Know Act of 1986, I am requesting copies of/or information from the following reports submitted by:

Facility Name: _____

Address: _____

Form R's for: _____ Tier two for: _____
(Year) (Year)

Other - (specify): _____

This request is being made for the following reason(s):

I understand that facility representatives will be informed of this request.

I (do) ____ (do not) ____ desire to be contacted by a facility representative concerning my inquiry.

Name: _____

Signature: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: () _____ () _____ () _____
(Home) (Work)
(Cell)

Email Address: _____