

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 200 - PUBLIC RECORDS

(Adopted 1/29/74, Renumbered 3/9/76, Revised 3/9/93)

- A. 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 the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment or other contrivance, are public records. (Reference Government Code Section 6254.7 (a)).
- B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records. (Reference Government Code Section 6254.7 (b)).
- C. Except as otherwise provided in Section D of this rule, trade secrets are not public records under this rule. Trade secrets, as used in this rule 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. (Reference Government Code Section 6254.7 (d)).
- D. Notwithstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C, are public records. Data used to calculate emission data are not emission data for the purposes of this section and data which constitute trade secrets and which are used to calculate emission data are not public records. (Reference Government Code Section 6254.7 (e)).
- E. Data used to calculate the costs of obtaining emissions offsets are not public records. At the time the District issues an Authority to Construct to an applicant who is required to obtain offsets pursuant to District rules and regulations, data obtained from the applicant consisting of the year the offset transaction occurred, the amount of offsets purchased, by pollutant, and the total cost, by pollutant, of the offsets purchased is a public record. If an application is denied, the data shall not be a public record. (Reference Government Code Section 6254.7 (f)).