

REGULATION IX. PUBLIC RECORDS (Effective 5/22/74)

RULE 175. GENERAL

(a) Pursuant to Section 6254.7 of the Government Code of the State of California:

(1) 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 Air Pollution Control 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.

(2) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(3) Except as otherwise provided in Subdivision (a)(4), trade secrets are not public records under this rule. "Trade secrets", as used in this rule and the Government Code, 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.

(4) Notwithstanding any other provision of law, all air pollution emission data, including these emission data which constitute trade secrets as defined in Subdivision (a)(3) of this rule, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision, and data which constitute trade secrets and which are used to calculate emission data are not public records.

(b) Pursuant to 40 Code of Federal Regulations, Part 51, Section 51.10(e), emission data reported by any source owner or operator or otherwise obtained by the Air Pollution Control District when made available as public records shall be correlated with applicable emission limitations and presented to show the relationship between amounts of emissions discharged and amounts of emissions allowable under such applicable emission limitations.

(c) Pursuant to Section 6252(c) of the Government Code of the State of California, "record" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any 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 other documents.

(d) "**Emission data**" are measured or calculated concentrations or weights of air contaminants emitted into the atmosphere. Data used to calculate emission data are not emission data.