

**Environmental Protection Division
Procedures for Submitting Information Pursuant to a Claim that
Information in the Submittal is Protected Under Georgia Law from Disclosure to the Public**

If a person believes that information contained in a Submittal¹ to the Environmental Protection Division (“EPD”) is protected under Georgia law from disclosure to the public (Non-disclosure Claim), the person must comply with **ALL** of the following procedures and, if applicable, form-specific instructions for online Submittals through the Georgia EPD Online System (GEOS):

1. A **hard-copy** affidavit supporting the claim that information in the Submittal is protected under Georgia law from disclosure to the public must be executed and submitted to the EPD. The affidavit must be submitted with and attached to **BOTH** the redacted and protected versions (as defined below) of the Submittal when they are submitted to EPD. For online Submittals through GEOS, the affidavit must also be uploaded in accordance with form-specific instructions. The affidavit must cite the specific Code Section(s), including paragraph(s) and sub-paragraph(s), if applicable, of the **Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq.**, and other Georgia laws, if applicable, upon which the claim(s) are based. The affidavit should follow the **outline** provided by EPD.
2. A **hard copy** “redacted” version of the Submittal must be submitted to EPD for disclosure to the public.² The redacted version must be a **hard copy** of the Submittal except for the redaction of information that is claimed to be protected under Georgia law from disclosure to the public; the information must be redacted, not replaced. The words **“Redacted Copy”** must be prominently displayed on the cover page and every page of the redacted version of the Submittal where information has been redacted. In addition, the following notation must be prominently displayed on the cover page of the redacted version of the Submittal:

“Information in this Submittal has been redacted by [person] pursuant to the claim or claims declared in the attached affidavit that such information is protected under Georgia law from disclosure to the public.”

3. A **hard-copy** “protected” version of the Submittal must be submitted to EPD.² The hard-copy protected version of the Submittal must include the information claimed to be protected under Georgia law from disclosure to the public. The words **“Protected Copy”** must be prominently displayed on the cover page and every page of the protected version of the Submittal that contains information claimed to be protected. In addition, the following notation must be prominently displayed on the cover page of the protected version of the Submittal:

“Information contained in this Submittal is subject to the claim or claims by [person] declared in the attached affidavit that such information is protected under Georgia law from disclosure to the public.”

¹ A submittal to EPD may include, but is not limited to, a report, plan, permit application, correspondence, photo, drawing, etc., and is collectively referred to herein as “Submittal.” Submittals include hard copy documents and online submittals through GEOS.

² Online Submittals. Form-specific instructions are provided on the GEOS portal for submittal of the redacted and protected versions.

Media Specific Information Pertaining to Disclosure

Air

(a) Online Submittals. Online submittals through GEOS from which information has been redacted pursuant to Non-disclosure Claim(s) must comply with form-specific instructions provided on the GEOS portal.

(b) Code Section § 12-9-19 and Georgia Rule for Air Quality Control 391-3-1-.08 to provide that "reports on the nature and amounts of stationary source emissions obtained by the division shall be available for public inspection." The APB has determined that the following information constitutes "nature and amounts" and cannot be claimed or treated as protected:

1. To the extent related to air quality, information necessary to determine the identity, amount, frequency, concentration, stack parameters, or other characteristics of any emission that has been emitted by the source, any pollutant resulting from any emission by the source, or any combination of the foregoing.
2. To the extent related to air quality, information necessary to determine the identity, amount, frequency, concentration, or other characteristics of the emissions that, under an applicable standard or limitation, the source is, was, or will be authorized to emit, including, to the extent necessary for such purposes, a description of the manner or the operation of the source.
3. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources, including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source.