

IX. FEDERAL FREEDOM OF INFORMATION ACT

Also known as "FOIA" (pronounced "foya").

The Department has been authorized by U.S. EPA to implement many components of the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq. The RCRA program is subject to federal Freedom of Information Act (FOIA) requirements. The Department has incorporated FOIA requirements in its regulations as part of the RCRA program. Hence, all records which contain

information provided to the Department pursuant to Division 4.5 of Title 22, CCR ("Division 4.5 records") are subject to the requirements of the California Public Records Act and are also subject to the FOIA requirements as set forth in §3007(b) of RCRA and regulations set forth in 40 CFR Part 2, as applicable. (22 CCR §66260.2.)

Because Division 4.5 records are subject to requirements which are in addition to those contained in the California Public Records Act, this document discusses the differences where appropriate. In addition, Appendix B explains those categories of records which are also exempt from disclosure pursuant to 40 CFR Part 2.