John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

Procedure for Processing Public Record Requests
September 2, 2014

The purpose of this document is to inform Ohio EPA staff of how to process Public Records requests. If there are any questions, please feel free to contact John Crist (Office of Legal Services) or Rich Bouder (Director's Office). The procedures are as follows:

1. Ohio EPA employees should understand the difference between a <u>request for information</u> and a <u>public records request</u>. A public records request is a request for a specific document held by Ohio EPA, while a request for information is often not tied to any particular document.
    a. For example, "Please tell me which way the Ohio River drains" is a request for information, while "I would like to see the Voluntary Action Plan for X company from 2013" is a public records request. The former does not ask for a document; the latter does.
    b. Requests for information should be directed to the Public Interest Center in the Central Office. The Public Interest Center's phone number is 614-644-2160.
2. All public records requests **<u>must</u>** be processed through a District Office Records Coordinator or through Rich Bouder (interchangeably referred to in this document as "the Coordinator"). Accordingly, if any Ohio EPA employee receives a public records request, s/he should refer the request to the Coordinator.
    a. If the requester wants more information about which files are physically kept at which location, the Coordinator may refer to the "Contact List", included as Exhibit 1.
3. Upon receipt of a public records request, the Coordinator will enter the request into the Sharepoint tracking system. The Coordinator will send out a standard acknowledgement to the requester that Ohio EPA has received the request and is reviewing it.
4. The Coordinator will then forward the request to the Office of Legal Services. John Crist will review the request and determine whether it is a proper request (and not, for example, overly broad or ambiguous). John will approve or deny each request.
    a. If **<u>approved</u>**, the Coordinator will proceed to process the request.
    b. If **<u>denied for any reason</u>**, Rich or John will transmit a denial letter, signed by an attorney, to the Coordinator, indicating the reason for the denial.
        i. The Coordinator will forward the denial letter, along with the File Review Checklist to the requester asking that s/he narrow their request. The checklist should be filled out by the requester and not by the office. The Checklist is attached as Exhibit 2.

ii. The requester does not have to use the Checklist, but it may help them understand how Ohio EPA keeps its records (enabling Ohio EPA to identify the records) and help narrow their requests to ensure they are legally proper.

5. The Coordinator will next determine if files exist for the request.
   a. **If no records exist**, the Coordinator will inform the requester and close the request in the Sharepoint tracking system. An example of a "No Files Letter" is attached as Exhibit 3.
   b. **If records exist**, the Coordinator will begin to collect the records. If helpful, the Coordinator may choose to use the "File Review Request and Response Tracking Form", attached as Exhibit 4.
      i. The following guidelines are helpful for staff in the collection of files:
         1. **E-mails**: Staff should provide only the e-mails they have sent and the e-mails that have been sent to them from outside the office.
         2. **Physical Documents**: All remaining documents should be promptly collected and delivered to the Records Coordinator.
      ii. Once the records are collected, the Coordinator will notify John Crist to arrange a legal review. John and the Coordinator will determine on a case-by-case basis the best way to get the files to the Office of Legal Services or vice versa. The Coordinator will include a copy of the request with the file and will segregate any potentially identified confidential files from the main body of files. The Coordinator will also verify that the files have not been previously reviewed by an attorney (as indicated by a Legal Review Log in the files).
6. The Offices of Legal Services will review the files and remove confidential information and/or exempt files as needed.
   a. The attorneys will use a memorandum to indicate which files they have reviewed and whether any documents were removed. A template of the legal memorandum used is attached as Exhibit 5. Any confidential files will be kept in a red confidential folder.
7. The Office of Legal Services will notify the Coordinator when the legal review has been completed and if there were any redacted or confidential files. The Coordinator will not allow the public to review any documents in the red folder.
8. The Coordinator will then arrange to transmit files or arrange a time for the records to be reviewed. If the files are transmitted, the Coordinator should include a transmittal letter, an example of which is attached as Exhibit 6.
9. The Coordinator will close the request in the Sharepoint tracking system.

Flowchart for Public Records Reviews

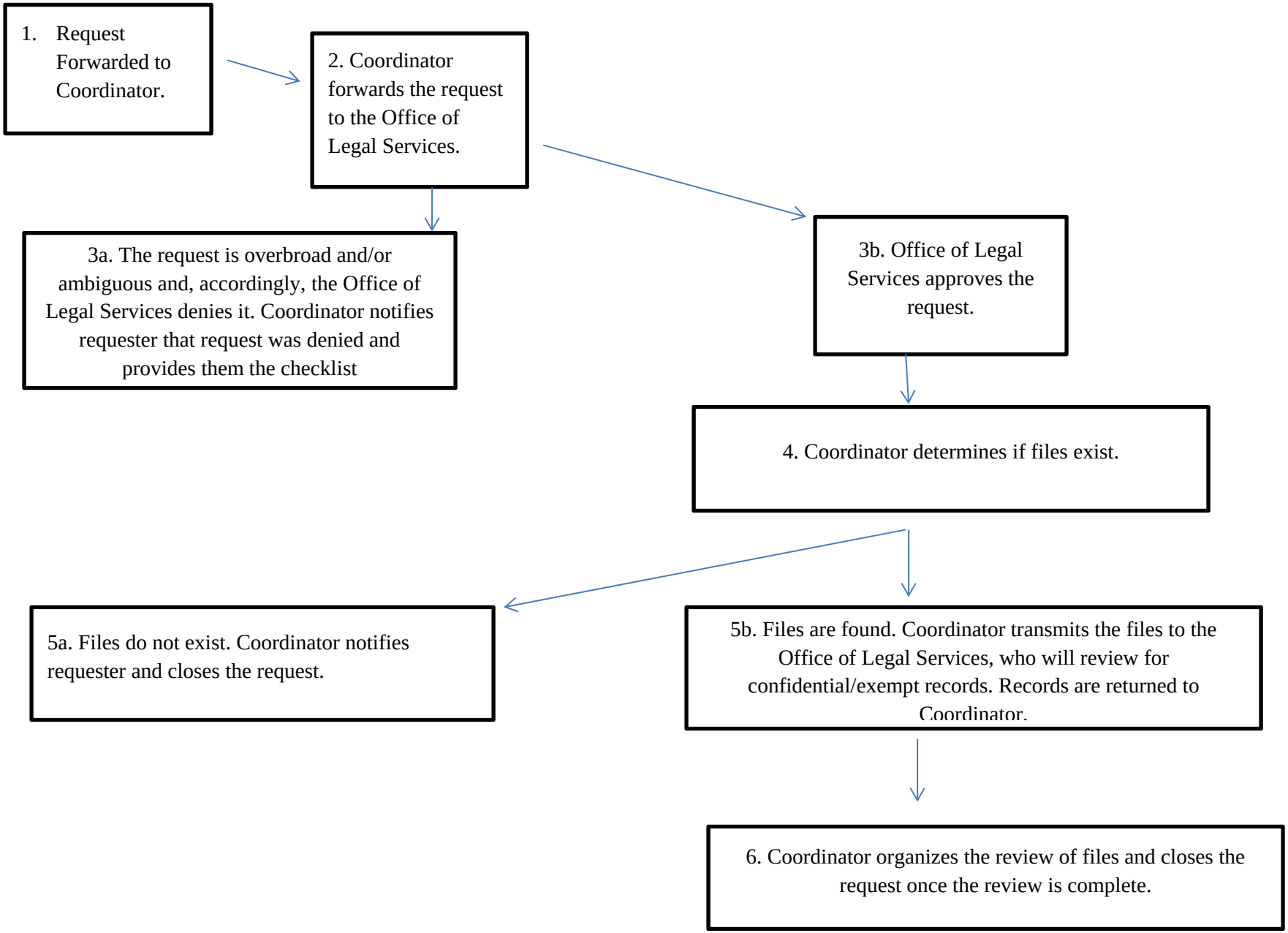

Exhibit List.

Exhibit 1. Contact Information.

Exhibit 2 Checklist.

Exhibit 3. Template of “No Files Letter.”

Exhibit 4. File Review Request and Response Tracking Form.

Exhibit 5. Memorandum from Office of Legal Services.

Exhibit 6. Transmittal Letter.

Exhibit 1. Contact Information.

Other offices/agencies that the requestor should contact if they want more information than what is physically kept at this location:

Ohio EPA Offices:

Ohio EPA Central Office, Attn. Rich Bouder, 50 W Front St., Ste 700, Columbus, Ohio 43215
(614) 644-2782 (614) 644-3184 fax
Central District Office, Attn. Lisa Oltman, 50 W Front St., Ste 700, Columbus, Ohio 43215
(614) 728-0793 (614) 728-3898 fax
Northeast District Office, Attn. Nicole Patella, 2110 E Aurora Road, Twinsburg, Ohio 44087
(330) 963-1200 (330) 487-0769 fax
Southeast District Office, Attn. Angie Hardesty, 2195 Front Street, Logan, Ohio 43138
(740) 385-8501 (740) 385-6490 fax
Northwest District Office, Attn. Glenn Harding, 347 N Dunbridge Rd, Bowling Green, Ohio 43402
(419) 352-8461 (419) 352-8468 fax
Southwest District Office, Attn. Penny Hataway, 401 E Fifth St., Dayton, Ohio 45402-2911
(937) 285-6025 (937) 285-6249 fax

Local Air Agencies:

City of Toledo, Division of Environmental Services, 348 South Erie St., Toledo, Ohio 43604
(419) 936-3015 (419) 936-3959 fax
Portsmouth Local Air Agency, 605 Washington St., 3rd Floor, Portsmouth, Ohio 45662
(740) 353-5156 (740) 353-3638 fax
Regional Air Pollution Control Agency, 117 S. Main Street, Dayton, Ohio 45422-1280
(937) 225-4435 (937) 225-3486 fax
Cleveland Division of Air Quality, 75 Erieview Plaza, 2nd Floor, Cleveland, OH 44114
(216) 664-2297 (216) 420-8047 fax
Southwest Ohio Air Quality Agency, 250 William Howard Taft Road,Cincinnati, Ohio 45219-2660
(513) 946-7777 (513) 946-7778 fax
Canton Division of Air Pollution Control, 420 N. Market Ave., Canton, Ohio 44702-1544
(330) 489-3231 (330) 489-3335 fax
Akron Regional Air Quality Management District, 146 S High St, Room 904, Akron, Ohio 44308
(330) 375-2480 (330) 375-2402 fax
Lake County General Heath District, 33 Mill Street, Painesville, Ohio 44077
(440) 350-2543 (440) 350-2548 fax
Mahoning-Trumbull Air Pollution Control Agency, 345 Oak Hill Ave., Ste 200, Youngstown, Ohio 44502
(330) 743-3333 (330) 744-1928 fax

BUSTR:

Bureau of Underground Storage Tank Regulations, Division of State Fire Marshal,
8895 East Main Street, Reynoldsburg, Ohio 43068
(614) 752-7938 (614) 752-7942 fax web.bustr@com.state.oh.us

Exhibit 2. Checklist.

File Review Request Checklist

Please Note: Pursuant to Ohio Revised Code 149.43(B)(5), you are not required to fill out this checklist or otherwise provide any public records request in writing. This checklist is intended to help facilitate your public records search by listing the manner in which records are generally maintained by Ohio EPA and accessed in the ordinary course of Ohio EPA's duties.

YOUR CONTACT INFORMATION:

Requester Name: Click here to enter text. **Affiliation:** Click here to enter text.

Requester Address: Click here to enter text.

City: Click here to enter text. **State:** Click here to enter text. **Zip:** Click here to enter text.

Requester Phone #: Click here to enter text.

Requester Email: Click here to enter text.

1. RECORDS REQUESTED:

Please list all names the facility may have operated under during the period of interest.

Facility or Site Names and Address:

Name	Address	City	County
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Facility ID No. or other identifying information: Click here to enter text.

2. DATE RANGE **From:** Click here to enter a date. **To:** Click here to enter a date.

3. DIVISIONS AND MAJOR PROGRAM AREAS:

Division of Air Pollution Control (DAPC):

- ☐ Stack Tests
- ☐ Asbestos Emission Controls
- ☐ Air Permits
- ☐ Open Burning Regulation
- ☐ Ambient Air Monitoring
- ☐ Mobile Sources/Asphalt Plants
- ☐ Toxic Release Inventory
- ☐ Air Nuisance

Division of Surface Water (DSW):

- ☐ Nonpoint Source
- ☐ NPDES/Pretreatment
- ☐ Storm Water
- ☐ Surface Water Permits to Install
- ☐ Sludge Management
- ☐ Water Quality Reports/Watershed
- ☐ Wetland and Stream Permitting (401)

Division of Environmental Response and Revitalization (DERR):

- ☐ Emergency Response Incident Reports
- ☐ RCRA Corrective Action Files
- ☐ RCRA Groundwater Files
- ☐ RCRA Closure Files
- ☐ Voluntary Action Program (VAP) Files
- ☐ Site Assessments

Division of Drinking and Ground Waters (DDAGW):

- ☐ Monthly Operating Reports (MORs)
- ☐ Lead and Copper Files
- ☐ Plan approvals, well logs, etc.
- ☐ Ground Water Quality Characterization
- ☐ Underground Injection Control files

Division of Materials and Waste Management (DMWM):

Solid Waste Section:

- ☐ Construction and Demolition Debris (C&DD)
- ☐ Scrap Tires
- ☐ Composting
- ☐ Open Dumping
- ☐ Infectious Waste
- ☐ Municipal Solid Waste Landfills/Incinerators
- ☐ Municipal Solid Waste Transfer Stations
- ☐ Residual/Industrial Solid Waste Landfills
- ☐ Solid Waste Management Planning
- ☐ Beneficial Use

Hazardous Waste Section:

- ☐ Cessation of Regulated Operations
- ☐ RCRA C-Hazardous Waste

☐ **Division of Environmental and Financial Assistance**

4. COMMON PUBLIC DOCUMENT TYPES

- ☐ Final Permits/Licenses/Authorizations
- ☐ Inspection Reports/Checklists
- ☐ Director's Final Findings and Orders
- ☐ District Office Investigation Reports
- ☐ Financial Assurance Documents
- ☐ Water Plant Operator Certifications
- ☐ Settlement Correspondence
- ☐ Attorney General Office Referral Letters
- ☐ Total Maximum Daily Load Reports
- ☐ Notices of Violation
- ☐ Emergency Response Incident Reports
- ☐ Discharge Monitoring Reports (DMRs)
- ☐ Public Notice/Public Hearing Transcript
- ☐ Wastewater Operator Certifications
- ☐ Return to Compliance Letters
- ☐ Bilateral Compliance Agreements
- ☐ Environmental Covenants
- ☐ Email Communications (if checked, please complete Section 5 below)

5. EMAILS (Please list the following information)

Sender(s): Click here to enter text. Date Range: Click here to enter text.

Recipient(s): Click here to enter text.

Program/Subject Matter: Click here to enter text.

Exhibit 3. Template of “No Files Letter”

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

NO FILES LETTER

Today's Date

Requestor Name

Address

Re: Public Records Request - _____[details of request]

Dear _____:

I wish to inform you that Ohio EPA, [Division / District] has received your above-referenced request and has no records responsive to the request. Records housed in our office have been searched under the name of the facility that you have provided. If you believe there are records relating to this facility under a different name, please contact us and we will conduct a new search.

Should you have any questions, please feel free to contact this office.

Sincerely,

name

50 West Town Street • Suite 700 • P.O. Box 1049 • Columbus, OH 43216-1049
www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184 (fax)

Exhibit 4. File Review Request and Response Tracking Form.

File Review Request and Response Tracking Form

Coordinator:

Agency Tracking Number:				
Date Agency Received Request (date stamped):				
File Review Appointment:	Date:		Time:	

Requester Name & Address:					
Affiliation					
Phone		Fax		E-mail:	
Site File Information:					

Name / a.k.a. / f.k.a. / ID number?	
Address:	
County:	
Time Frame:	
Types of Records Requested (from checklist)	
Coordinator Comments:	

Date Sent to POC:			Due Date:	
Measure or Size of Documents Available (*example: 3" or 2 maps or 3 file drawers)*				
Copy Documents		**OR**	Gather for review	

POC Response:

☐DSW	Yes	No	Date:
☐DAPC	Yes	No	Date:
☐DSIWM	Yes	No	Date:
☐ GW	Yes	No	Date:
☐ DW	Yes	No	Date:
☐ DHWM	Yes	No	Date:
☐ DERR	Yes	No	Date:
☐ OCAPP	Yes	No	Date:

Notes:

_____
_____
_____
_____
_____
_____
_____
_____

Legal:

Legal Review needed? Y☐ N☐	Date Sent to Legal:	Date Legal returned:
Confidential Records Log: Y☐ N☐	Date Confidential Records Log or files provided to requester:	
Notes:		

In-house Copies Made:	Date Copied:	Number of Copies:	Date Mailed:
Invoice Sent to Requester:		Date:	
Date Records Request is Completed:			

Exhibit 5. Memorandum from Office of Legal Services.

M E M O R A N D U M

To:

From: _____ (Reviewer); Ohio EPA Legal Office.

Date:

These files were reviewed to determine whether records contained herein are confidential or otherwise exempt from the disclosure obligations of Ohio Revised Code (ORC) 149.43.

___ **All files are public**

No records were removed based on this review.

___ **Some files are not public**

Records were removed or redacted for the reasons given below:

___ **Attorney- Client Privilege**, State ex rel. Leslie v. Ohio Hous. Fin. Agency, 105 Ohio St.3d 261, 265 (2005).

___ **Attorney Work Product**, Squire, Sanders & Dempsey, L.L.P. v. Givaudan Flavors Corp., 127 Ohio St.3d 161 (2010).

___ **Confidential Law Enforcement Investigatory Records**, ORC 149.43(A)(1)(h).

___ **Social Security Numbers**, State ex rel. Office of Montgomery County Pub. Defender v. Siroki, 108 Ohio St.3d 207 (2006).

___ **Release Otherwise Prohibited by Law**, (i.e. trade secret, infrastructure and security records, etc.), ORC 149.43(A)(1)(v).

___ **Other Specified Reason**: _____

___ **All files are confidential**

Should you have any questions regarding this issue, please contact Ohio EPA's Office of Legal Services.

(This memorandum is to remain visibly attached to this file.)

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www.epa.ohio.gov • (614) 644-3020 • (614) 644-3184 (fax)

Exhibit 6. Transmittal Letter.

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

TRANSMITTAL LETTER

Today's Date

Requestor Name

Address

Dear _____:

Enclosed are copies of Ohio EPA's _____[district/division/office] files which respond to your _____[date] public records request for _____[details of request and any comments such as time frame of records, etc.]

[If invoicing for copies – explain here that the billing is for # pages copied at five cents per page, or at the document's predetermined charge, or at the actual cost of the outsider copier service (such as Kinko's) and if postage is included.]

If you have any questions, please contact me at _____[telephone]. Thank you.

Sincerely,

Name

Enclosures

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