

Procedures for Public Records Requests and File Reviews

Under Ohio's public records law, citizens have the right to view upon request the public records of offices such as Ohio EPA. Ohio's public records law should not be confused with the Federal Freedom of Information Act, which applies to records held by federal agencies.

Ohio EPA does not have a central repository for all its records. Each division within Ohio EPA and each of the five district offices houses its own files. Therefore, more than one office may need to be contacted to obtain all applicable files on a particular issue or site. This fact sheet explains Ohio EPA's file review process.

Ohio's Public Records Law

Ohio EPA maintains all files and records in order to respond to public records requests. Under Ohio law, a public record is a record held by a public office that is:

- stored on a fixed medium (such as paper, computer, film, etc.);
- created, received or sent under the jurisdiction of a public office; and
- documents the organization, functions, policies, decisions, procedures, operations or other activities of the office.

Ohio's public records law requires state agencies to provide public records for inspection promptly. The person seeking the records can request that copies be sent through U.S. mail or provided for onsite review at reasonable times during regular business hours.

Copies can be made on paper, on the same medium on which the record is kept or through any other medium specified as long as it is available in Ohio EPA's normal business operations.

What Is Not Considered a Public Record?

Certain records are exempt from public disclosure. Documents that are not considered public records and therefore are not available include:

- trial preparation records;
- confidential law enforcement investigatory records;
- records whose release is prohibited by state or federal law; and
- homeland security records.

Trial preparation records include information compiled in anticipation of, or in defense of, a civil or criminal action or proceeding.

Confidential law enforcement investigatory records are certain records that pertain to criminal, quasi-criminal, civil or administrative law enforcement matters.

Certain records are prohibited from release by state or federal law. One example would be attorney-client communications.

Another example would be trade-secret information. Trade-secret information, essentially, is material that is confidential with a company, has commercial value and gives its owner an advantage over its competitors.

Trade-secret protection is requested by the company, although it is the Agency's responsibility to determine whether the information identified by the company is, in fact, a trade secret.

For example, the Agency may consider a unique process developed by a company that is not known throughout the industry as trade secret information.

Infrastructure and security records are prohibited from release. An infrastructure record is any record that discloses the configuration of a public office's critical systems including, but not limited to: computer systems; electrical systems; mechanical systems; ventilation systems; plumbing systems; security codes; and the infrastructure or configuration of the building in which a public office is located.

A security record is any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference or sabotage or any record assembled, prepared or maintained by a public office or public body to prevent, lessen or respond to acts of terrorism.

If Ohio EPA withholds a record or portion of a record due to confidentiality issues, it will provide an explanation of the legal basis for withholding the record.

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Maintenance of Records

The most complete files on a site are maintained within the appropriate district office. The public can view records for a site in the district where the site is located. Additional files may be available at the Central Office, located in downtown Columbus.

The following divisions keep records in each district office:

- Division of Air Pollution Control;
- Division of Drinking and Ground Waters;
- Division of Environmental Response and Revitalization;
- Division of Materials and Waste Management; and
- Division of Surface Water.

Items you may find in the district files include: permit applications, plan review correspondence, violation letters, facility inspection letters, general correspondence, complaint investigations and sampling results.

These divisions also maintain files or copies of original paperwork in Central Office. The majority of these relate to permitting or enforcement issues.

Files for the following programs are available at Ohio EPA's Central Office:

- Division of Environmental and Financial Assistance;
- Office of Legal Services;
- Office of Compliance Assistance and Pollution Prevention;
- Division of Environmental Services;
- Office of Employee Services;
- Office of Information Technology Services;
- Director's Office;
- Office of Fiscal Administration;
- Public Interest Center; and
- Office of Environmental Education.

How to Make a Public Records Request

Although Ohio's public records law does not require a written request for file reviews, Ohio EPA strongly encourages the public to make requests in writing. This enables the Agency to track the request and to ensure an efficient and comprehensive response.

What to Include in Your Request

- The nature of the request. For example, specific Agency files regarding a site, or those concerning a specific issue.
- A brief description of the site, including the site or facility name, owner, and/or operator name and address (include county).
- Reference the time frame for your request. For instance, all records pertaining to a specific site for the past two years.

Scheduling Time for File Reviews

Ohio EPA receives thousands of public records requests each year. The time frame in which records can be provided will vary depending on the scope of the request.

For large file requests, involving all the Agency's records, it is not uncommon to require two weeks notice to compile the records for review.

Ohio EPA's Copying Charge

The charge for copies is five cents per page. As a courtesy, Ohio EPA may waive the charges if fewer than 250 copies are made.

Ohio EPA reserves the right to deny this courtesy if a requester asks for fewer than 250 pages of a single document that exceeds 250 pages or where a requester repeatedly requests copies under the 250-page limit in an effort to avoid copying charges.

The charge for copying more than 250 pages is five cents a page, which includes pages 1 through 250. A two-sided copy counts as two pages.

There is no charge to copy proposed rules. The charge for copying final rules is five cents per page.

All documents, reports or regulations that have a predetermined charge (usually less than the regular copying charge) will take precedence over the five cents per page charge.

Persons who would like to bring a copy machine to Ohio EPA and make copies of the files may do so at their own expense.

At the Agency's discretion, large or time-crucial records may be sent to an outside copy service at the requestor's expense. The requestor will be notified when this is the case.

Copies made on Ohio EPA equipment will be invoiced directly to the person or organization requesting or making the copies. Those with unpaid copier bills may not use Ohio EPA copiers again until the bill is paid.

If requesting copies of files through U.S. mail, postage charges may also apply.

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Who to Contact

The best initial contact for your file review request is the district office where the facility or site is located. If you wish to review Agency files on a matter involving more than one division or district office, or are uncertain as to where the facility is located, please send your request to Rich Boudier, Ohio EPA's public records manager. For more information about Ohio's public records law, you may review Ohio Revised Code 149.43 at <http://codes.ohio.gov/orc/149.43>.

Ohio EPA -

Central Office

Attn: Rich Boudier
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2782
(614) 644-3184 FAX

Ohio EPA -

Central District Office

Attn: Lisa Oltman
50 W. Front Street, Suite 700
Columbus, Ohio 43215
(614) 728-0793
(614) 728-3898 FAX

Ohio EPA -

Northeast District Office

Attn: Nicole Patella
2110 E. Aurora Road
Twinsburg, Ohio 44087
(330) 963-1200
(330) 487-0769 FAX

Ohio EPA -

Southeast District Office

Attn: Angie Hardesty
2195 Front Street
Logan, Ohio 43138
(740) 385-8501
(740) 385-6490 FAX

Ohio EPA -

Northwest District Office

Attn: Cathy Sherer
347 North Dunbridge Road
Bowling Green, Ohio 43402
(419) 373-3084
(419) 352-8468 FAX

Ohio EPA -

Southwest District Office

Attn: Penny Horstman
401 East Fifth Street
Dayton, Ohio 45402-2911
(937) 285-6357
(937) 285-6249 FAX

