

3745-50-29

Inspection of public records.

- (A) All requests to inspect and/or copy public records as defined under division (A) of section 149.43 of the Revised Code obtained by Ohio EPA under Chapters 3745-50 to 3745-69, 3745-205, 3745-256, 3745-266, 3745-270, 3745-273, and 3745-279 of the Administrative Code must be directed to "Ohio EPA, Lazarus Government Center, 50 West Town Street, Suite 700, Division of Hazardous Waste Management (DHWM), P.O. Box 1049, Columbus, Ohio 43216-1049".
- (B) Within twenty working days ~~of~~after receipt by the DHWM of a request to inspect and/or copy such public records, Ohio EPA must respond in writing to the requestor. The response must advise the requestor as appropriate:
- (1) As to the location of the public records sought and as to a reasonable time during regular business hours of Ohio EPA at which the requested public records may be inspected; or
 - (2) That Ohio EPA does not have in its possession any public records as identified in the request; or
 - (3) That the request is not sufficiently descriptive to enable Ohio EPA to determine whether Ohio EPA has in its possession the public records sought; or
 - (4) To the extent the request seeks copies of public records, the date such copies will be available and the cost to the requestor of such copies. If the total cost of the copies requested is twenty-five dollars or more, Ohio EPA may require prepayment of the copying charge before the copies are provided to the requestor.
- (C) If a request encompasses records in the possession of Ohio EPA which are subject to a pending unresolved claim that such records constitute "trade secrets" as defined in rule 3745-50-10 of the Administrative Code and that the release of such records is thus prohibited by law, in addition to any appropriate response otherwise required by paragraph (B) of this rule, within ten working days of receipt ~~of~~after the request the requestor must be advised that:
- (1) Certain records encompassed by ~~his or her~~the request which are in the possession of Ohio EPA are subject to a pending claim that such records constitute "trade secrets";
 - (2) A determination whether such records constitute "trade secrets" will be made within forty-five days ~~of~~after the date the request to inspect public records was received by Ohio EPA;

- (3) The requestor will receive written notification of such determination; and
 - (4) Until such determination is made, the requested records are not subject to disclosure by Ohio EPA.
- (D) ~~"Trade secrets" are 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, trade or 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.~~

Effective: 09/05/2010

R.C. 119.032 review dates: 04/14/2010 and 08/25/2014

CERTIFIED ELECTRONICALLY

Certification

07/23/2010

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 149.43, 3734.12
Prior Effective Dates: 11/17/1988 (Emer.), 02/23/1989, 12/07/2000,
12/07/2004