



Public Records Request and File Reviews

Generally, all Ohio EPA records are public unless they are exempt from disclosure under Ohio law. As a result, we organize and maintain our public records in such a way that they can be made available for inspection and copying.

Defining Public Records

A record is defined as follows:

- a document in any format;
- that is created, received by, or comes under the jurisdiction of Ohio EPA;
- that documents the organization, functions, policies, decisions, procedures, operations or other activities of Ohio EPA.

Some documents do not fall within the definition of a public record, and thus, are not available to the public. Other documents may fall within the definition of a public record but are exempt from release. These include: trial preparation records; confidential law enforcement investigatory records; records whose release is prohibited by state or federal law; and homeland security records.¹

As stated above, certain records are prohibited from release by state or federal law. The largest example of this is attorney-client communications. Another example is information protected by trade-secret protection.²

Records in the form of email, text messages and instant messaging are treated in the same fashion as records in other formats. All employees or representatives of Ohio EPA are required to retain their email records and other electronic records in accordance with applicable retention schedules.

Response Timeframe

Ohio EPA receives thousands of public records requests each year. The response time in which records can be provided will vary depending upon the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review and redaction of the records requested.

We make public records available for inspection during regular business hours, with the exception of published holidays. We will make every attempt to make public records available for prompt inspection and to make copies of public records available within a reasonable period of time.

Tip

A request for information is not the same as a public records request. A public record is a specific document. For example, "Please tell me which way the Ohio River drains" is a request for information (as it does not ask for any document). In contrast, "I would like a copy of the wastewater discharge permit for X company that was issued in 2012" is a public records request, as it asks for a specific document that Ohio EPA holds.

Tip

Ohio EPA will not typically create documents for you. If you want information that is spread throughout several documents, you will have to request the various documents and compile the information.

¹ 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.

² Trade-secret information 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.

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Making a Public Records Request

You do not need to use any specific language to make a public records request. A request need only be sufficiently clear and made with enough specificity so that we will be able to identify, retrieve and review the records. If it is not clear what records you are seeking, we will contact you for clarification, and will assist you in revising their request.

Tip

Although not required, we encourage you to use the public records checklist to easily describe what you are looking for and help Ohio EPA locate the documents.

To this end, we have created a checklist which may aid in making a request. We strongly recommend that you use the checklist, as it enables you to easily describe what documents you are looking for, and it helps us know exactly where to look. The checklist is available online at epa.ohio.gov/Portals/44/pp/PublicRecordsChecklist.docx or by request at all district offices.

You do not have to use the checklist, or even to make your request in writing. Further, you do not even need to provide your identity or identify why you want the records.

The single most important factor is often the date range. We typically find date ranges to be very helpful, as they enable us to quickly process requests and often ensure that your request will not be considered ambiguous or overbroad. For more information on ambiguous or overbroad requests, see “Denial and Redaction of Records” below.

Tip

When submitting your request, please provide a limited date range if possible. This will often enable Ohio EPA to process, review and get the records to you more quickly.

Denial or Redaction of Records

If you make an ambiguous or overly broad request, it may be denied. If we deny your request, we will provide you with an opportunity to revise the request by informing you of the manner in which we maintain and access our records. Typically these responses include the checklist. For more information on the checklist, please see “Making a Public Records Request,” above.

Any denial of public records will include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest released.

When making public records available for public inspection or copying, we will notify you of any redaction or make the redaction plainly visible. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Maintenance of Records

Ohio EPA does not have a central repository for all its records. Each division and district office stores its own files. Therefore, you may need to contact more than one office in order to obtain all applicable files on a particular issue or site.

The following divisions keep records in each district office and the central 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.

Generally, you may find the following items in the district offices: permit applications, plan review correspondence, violation letters, facility inspection letters, general correspondence, complaint investigations and sampling results.

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

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

Copying and Mailing Costs

Those seeking public records may be charged only the actual cost of making copies and not labor. The charge for paper 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 there is a predetermined charge to copy any document, report or regulation, that charge will take precedence. 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. Ohio EPA will notify you 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 you ask that documents be mailed, Ohio EPA may also charge you for the actual cost of the postage and mailing supplies. There is no charge for documents sent by email.

Contact Information

The initial contact for your file review request is the district office where the facility or site is located. If you wish to review Ohio EPA 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>.

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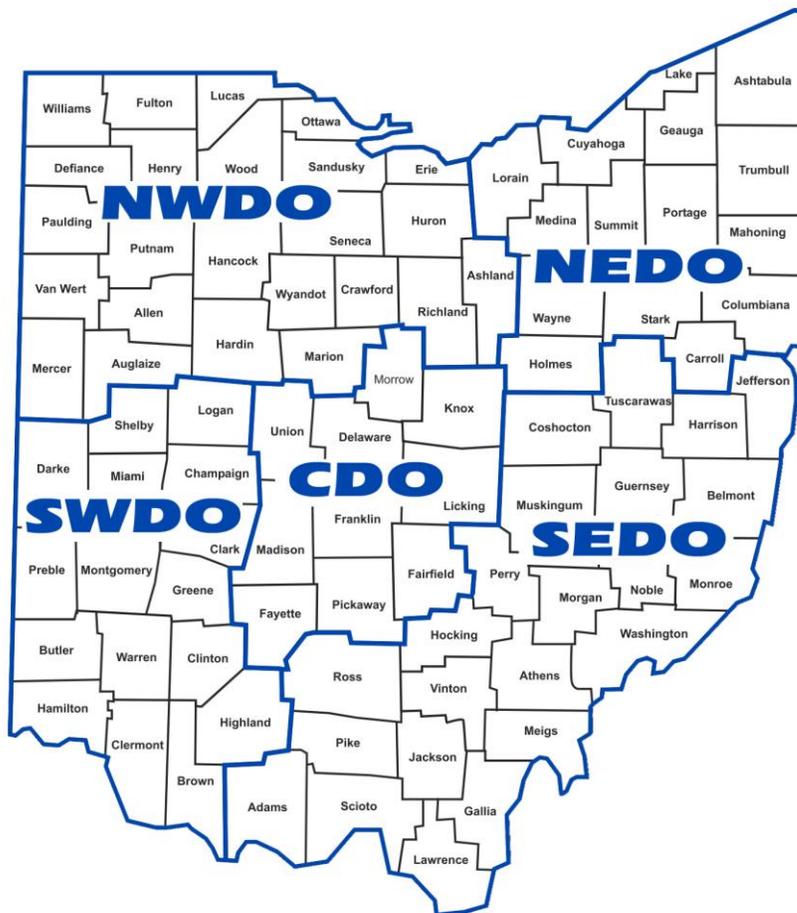
Ohio EPA Central Office
Attn: Rich Boudier
P.O. Box 1049
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(614) 644-2782
(614) 644-3184 FAX
richard.boudier@epa.ohio.gov

Ohio EPA - Central District Office
Attn: Lisa Oltman
50 W. Town Street, Suite 700
Columbus, Ohio 43215
(614) 728-0793
(614) 728-3898 FAX
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Ohio EPA - Northeast District Office
Attn: Nicole Patella
2110 E. Aurora Road
Twinsburg, Ohio 44087
(330) 963-1200
(330) 487-0769 FAX
nicole.patella@epa.ohio.gov

Ohio EPA - Southeast District Office
Attn: Angie Hardesty
2195 Front Street
Logan, Ohio 43138
(740) 385-8501
(740) 385-6490 FAX
angie.hardesty@epa.ohio.gov

Ohio EPA - Northwest District Office
Attn: Cheryl Gulley
347 N. Dunbridge Road
Bowling Green, Ohio 43402
(419) 373-3086
(419) 352-8468 FAX
cheryl.gulley@epa.ohio.gov



Ohio EPA - Southwest District Office
Attn: Penny Hataway
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