

19-156

9-25-19

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pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 09/25/19

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Luzerne County District Attorney's Office
200 North River Street, Wilkes Barre, PA 18711

NAME OF REQUESTER: Nicole Hain

STREET ADDRESS: 47 Runway Road, Suite I

CITY/STATE/COUNTY/ZIP(Required): Levittown, PA 19057

TELEPHONE (Optional): 215-310-7011 EMAIL (optional): nicole.hain@terracon.com

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*

I am looking for environmental records for a site located at 9 Ackerman Lane in Sugarloaf, PA (Tax ID: S6-00A-04C). Specific records requested include records of tanks (USTs or ASTs), storage or releases of hazardous materials, emergency responses to the site (hazmat or fire), environmental sampling or remediation reports, environmental permits or complaints for the site, septic and well records (if applicable), and current property ownership of the site. Please let me know if you need any further information in order to process this request. If available, records may be emailed to nicole.hain@terracon.com . Thank you.

DO YOU WANT COPIES? YES NO

DO YOU WANT TO INSPECT THE RECORDS? YES NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



Right-To-Know Response Form

September 26, 2019

**Nicole C. Hain
Field Scientist
Philadelphia Metro
Terracon**

47 Runway Road, Suite 11 Levittown, PA 19057

VIA EMAIL ONLY TO : nicole.hain@terracon.com | terracon.com

RTK REQUEST #19-156

Dear Ms. Hain:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right- To-Know law ("RTKL").

Recently, the Luzerne County Office of Law received a request for documents from you described in the attached Right To Know request. Your request is denied because Luzerne County does not maintain these documents. §705 of the RTKL states that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record".

For your convenience, I would direct you to the Borough of Sugarloaf. They are most likely to be the entity that will possess the documents you are requesting.

You have a right to appeal this denial of information in writing to Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact Laura C. Dennis. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Laura C. Dennis, Esq.
Luzerne County
Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711