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pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 2/11/2020

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

REQUEST SUBMITTED TO (Agency name & address): LUZERNE COUNTY DISTRICT
ATTORNEY'S OFFICE

NAME OF REQUESTER: JOSEPH C. NEGRO

STREET ADDRESS: 1012 INDUSTRIAL DRIVE

CITY/STATE/COUNTY/ZIP(Required): WEST BERLIN, NJ, CAMDEN COUNTY 08091

TELEPHONE (Optional): 856 809 1202 EMAIL (optional): _____

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

SEE ATTACHED LETTER

DO YOU WANT COPIES? YES NO → ONLY IF ELECTRONIC

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 → ANY COST

**** 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.)*



ACER ASSOCIATES, LLC

February 11, 2020

Drew McLaughlin, Assistant District Attorney
District Attorney Open Records Officer
Luzerne County District Attorney's Office
200 North River Street
Wilkes Barre, PA 18711

RE: Request for Information

Property 1 Location: 131 W. Butler Dr., Drums, Butler Twp Luzerne Co., PA 18222

Owner: Michael & Nancy Washinsky

Parcel #: 06Q8S4 001002000

Property 2 Location: Butler Township, Luzerne County, PA 18222

Owner: Jason & Jodi Lenko

Parcel #: 06Q8S4 00102A000

ACER Project #: 20200047

To Whom It May Concern:

ACER Associates, LLC (ACER) is conducting an environmental assessment of the above-referenced properties.

ACER is requesting information you may have regarding underground storage tank releases, hazardous materials management or spills, groundwater contamination, or chemical fires. ACER would also like information on current or former permits/permit applications that you may have on record for the subject sites. In particular, ACER would be interested in reviewing permits regarding soil or groundwater contamination management, underground and aboveground storage tanks, and hazardous materials management.

Should you have any questions or require additional information, please feel free to contact me.

Thank You,

Joseph C. Negro
Environmental Scientist
joenegro@acerassociates.com

1012 Industrial Drive, West Berlin, New Jersey 08091
Telephone: (856) 809-1202 Fax: (856) 809-1203



Right-To-Know Response Form

February 21, 2020

Joseph C. Negro
Via email only to joenegro@acerassociates.com

RTK REQUEST #2020-021

Dear Atty. Negro:

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.

At this time your request is denied. §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".

To further assist you, You should direct your request to Buter Township. They would be the entity that may possess the documents you desire.

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