



REQUEST FOR PUBLIC RECORD

State Form 55542 (R / 2-17)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Date (month, day, year)		IDEM Program Area (Check all that apply, if known.) <input type="checkbox"/> Air <input type="checkbox"/> Land <input type="checkbox"/> Program services <input type="checkbox"/> Water	
Requester Name			
Requester Firm/Organization (if applicable)			
Requester Address (number and street)		City	State ZIP Code
Requester Telephone Number (e.g. business, home, cell)		Requester E-mail Address	
<i>Please indicate the name and e-mail address or mailing address where the record(s) should be sent, if different from the requester above.</i>			
Identify in detail the record(s)/document(s) that you are requesting: (Use additional pages if necessary.)			

Mail/Fax/E-mail/Drop off your public record request to:

IDEM Office of Records Management (ORM)
Indiana Government Center North, Room 1207
100 North Senate Avenue, MC 60-01
Indianapolis, Indiana 46204

Telephone Number: (317) 232-8667
Fax Number: (317) 233-6647
E-mail Address: IDEMFILEROOM@idem.IN.gov

Please Note:

The ORM will not charge any requester for copying and printing the first 100 black and white 8.5" x 11" paper pages or less produced within one (1) calendar year per requester, for e-mailing electronic records or for retrieving records from the Virtual File Cabinet (VFC). IDEM maintains the VFC, which is a searchable online repository for the vast majority of the Agency's public records. It is a free service and can be accessed at <http://vfc.idem.in.gov/>.

Fees:

There is no fee for inspection and viewing of records within the VFC. Records obtained through the ORM could be subject to fees. Please see the back of this form for more information.

Requests for Disclosure of Public Records Guidelines:

General Rule: All records of a public agency are public records and must be disclosed upon request, unless the request falls under an exception provided by the Access to Public Records Act (APRA) of Indiana (codified in Indiana Code § 5-14-3). A public agency must state that a record falls under an identified APRA exception in order to withhold a specific record.

All Requests: The APRA requires that all requests for inspection or copying of public records must identify those records with “reasonable particularity.” This means a request must include a description of a record with enough detail to allow agency staff to locate and produce the requested record.

Response by Agency: The APRA requires a public agency to respond to requests within a specified time.

Important Note: This response does not mean that the requested record must be produced at that time. First, the agency must, at a minimum, acknowledge receipt of a request. Second, the record(s), if disclosable, must be produced within a “reasonable time” after the request is received.

Request for E-mails: The requester must provide enough information to allow IDEM to search for, locate, and retrieve the records requested. The requester should list the sender(s) and recipient(s), keywords or subject matter, and limit the request to a reasonable timeframe. Listing a specific entity and/or IDEM branch as sender and/or recipient may be sufficient for IDEM to locate and retrieve the records. Please be advised that the general retention period for IDEM e-mails is three (3) years, unless otherwise required under another retention schedule or pursuant to statute. If your request for e-mails is not sufficiently specific, IDEM reserves the right to deny it or seek further clarification.

Records That Do Not Exist: Under the APRA, an agency is not required to create any record(s) in response to a public record request. An agency is only required to disclose existing records.

Fees: Public agencies may charge fees for copies. No fees may be charged for inspection.

The fee schedule for copying or printing records, including scanning records to produce an electronic version, is as follows:

- \$.10 per one-sided page for standard sized 8.5" x 11" paper records after the first 100 pages;
- \$5.00 per compact disc, digital video disc or diskette for copying of records onto an electronic storage medium; and
- \$.70 per one-sided black and white copy page for non-standard sized paper records (larger than 8.5" x 11").

Important Note: The fees set forth above are pursuant to Indiana Code § 5-14-3-8. The ORM requires payment for fees in advance. Acceptable forms of payment are: check, money order, Visa and MasterCard. The processing service charge fee for all credit card payments is \$1 plus 2%. You will be notified in advance if there is a fee to fulfill your public record request.

ORM Office Hours: ORM office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding State holidays.

To Whom It May Concern:

Pursuant to the Indiana Access to Public Records Act, I hereby request the following records:

1. All draft submissions and final submissions of demonstrations of exceptional events related to criteria pollutants, as submitted by state, local, or federal authorities.
2. Any acknowledgement or response from EPA to regarding demonstration submissions or initial notification packages, as described in 40 C.F.R. 50.14 (Table 2).
3. All subsequent responses, decisions and correspondence communicated by the EPA, including approvals, denials or requests for more information, as described in 40 C.F.R. 50.14.

Limitation of Fees

We are entitled to a limitation of fees because we are a member of the news media. 45 C.F.R. § 5.53(b); 5 U.S.C. § 552(a)(4)(A)(ii)(II). Accordingly, even if our application for a waiver of all fees is denied, we are entitled to a limitation of fees. As a news media requester, we are "entitled to search time, review time, and up to 100 pages of duplication" and can be charged only duplication fees after the first 100 pages or its cost equivalent. 45 C.F.R. § 5.53(b). We request that the information be provided in its native electronic format, and thus there should be no duplication fees.

Request for Explanation of Withholdings and Redactions

If this request is denied in whole or in part, please provide a reasonable description of any withheld materials and a justification for all such withholdings that includes reference to the specific FOIA exemptions authorizing withholding and specific reasons why such exemptions apply. 45 C.F.R. § 5.31. An agency shall withhold information only if "the agency reasonably foresees that disclosure would harm an interest protected by an exemption" or "disclosure is prohibited by law." 5 U.S.C. § 552(a)(8)(A)(i). We therefore request that if the EPA determines that an exemption applies that it also provide specific reasons why disclosure would harm any interest protected by such exemption. An agency shall also "consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible" and "take reasonable steps necessary to segregate and release nonexempt information." Id. 552(a)(8)(A)(ii). We therefore request that the EPA release all segregable portions of otherwise exempt material.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 7 business days, as the statute requires.

Sincerely,

Dillon Bergin