

# PT AirWatchers

To whom it may concern:

Following are PT AirWatchers comments on  
CR-102 (August 2017) (Implements RCW 34.05.320)

- If it simplifies responsiveness and costs, the proposed language should allow for informal provision of written records requests through the Ecology Staff member who handles those records, but still subject to rules requiring complete and timely provision of those records, and with allowance for clarifications between the given staff person and the requestor.

PTAW and the community members that we represent like being able to work directly with the given department within Ecology and make informal requests for information that they handle on a daily basis. Putting that request in writing (email or on paper) is fine with us, as it creates a paper trail.

- WAC 173-03-010-- ok.  
to provide the fullest assistance to requestors and full access to the department's public records while protecting those records from damage or disorganization; preventing excessive interference with essential agency functions, including the agency's core environmental missions; and not unreasonably disrupting agency operations

- WAC 173-03-020

(1) references RCW 42.56.010 for public record, writing; deletes "person". So where is "person" defined. Person should refer to natural persons, not fiat entities

-odd capitalization which seems to demote Ecology: doesn't capitalize Department of Ecology. I would expect "WA Department of Ecology".

- use of lower case "ecology" (here and ff.) is a step toward demoting the agency to something less.

WAC 173-03-030

- Deletes reference to location of office, Hanford Management, and all regional offices, and duties of those offices. Where are these specified? If not specified, please reinstate. Their existence and general duties need to be specified in statute.

WAC 173-03-050

- ecology's records including those described in RCW 42.56.070(5)

Must include all records previously defined in earlier WACs/RCW

WAC 173-03-060

Must be a provision for allowing in-person inspection. Must have a reasonable, enforceable deadline for department to provide the records, and allowance for department and person to work out inspection date.

(2) out. OK.

Must keep: 3(a), date of request, description, phone number where person can be reached a la (e).

Keep (4) deadline for Department response.

WAC 173-03-065

Appreciate this new section.

In PTAW's work with our community and with Ecology, we appreciate the present flexibility of making records requests to the staff person who oversees collection of particular data, as it can be simpler for them to help our requestors refine their and our requests, and to locate information that they work with on a regular basis. We would appreciate allowance for that flexibility whether it is formally codified or understood operationally.

WAC 173-03-070. Costs

173-03-070(1) Fees for inspection.

PTAW: Similarly to no charge for inspection of record, likewise provision of records pursuant to reasonably targeted requests, electronically via email or on an FTP site should not incur a charge.

173-03-070(2) Calculation of actual costs.

PTAW: Agree that conditions called out create a waste of taxpayer dollars and scarce staff resources.

Appreciate that 42.56.120 is invoked, because it specifies no charge for physical inspection of records. Appreciate the fee schedule being easily available on Ecology's website.

173-03-070(3) "Ecology will charge..."

PTAW: would go along with this and subsequent charge characterizations if it were clearer that Ecology would default to not charging most of the time. (See following.)

173-03-070 (7) Ecology may waive any charges....

PTAW: PTAW appreciates that 42.56.120(1) calls out produce records at little or no charge for when reasonable and that 173-03-030 (7) gives Ecology flexibility to waive charges. While acknowledging that some record requests are large enough to incur significant staff time or resources, most requests are relatively targeted (or can be made so with guidance from department staff) and PTAW feels that the public is better served to the degree that Ecology makes "no charge" more the default. Especially if

(a) the requestor has made reasonable efforts to rein in the volume of (i.e., target) the information requested;

(b) Ecology provides flexibility for (written) requests to be handled by the staff who work with the given data or information on a day-to-day basis. This ability may provide a cost savings because that staff would likely be able to help the requestor narrow their request and then locate the data or information more quickly.

PTAW makes this recommendation that the default be not to charge, for the following reasons:

- Taxpayers have paid for collecting the records and thus should have reasonable access;
- It is quite likely that a majority of records requests are fairly routine or easily satisfied;
- If it is easier for staff who work with the information on a regular basis to respond to requests, they should be able to do so relatively expediently, especially if responsive records are provided electronically.

WAC 173-03-075. Notifying requestor that records are ready.

PTAW: Appreciate timeline for Ecology to provide records.

WAC 173-03-080. On denial of records.

PTAW: Ok, slight change, better wording.

WAC 173-03-090.

Welcome clarification. (Department explanation to requestor of any denial of records.)

(1) and (2) PTAW appreciates clarity on Ecology review of records request denials, that the review is bumped up to Ecology Director's office, and that the requestor will be provided with a response quickly.

WAC 173-03-100 Protection of public records.

PTAW: These measures are reasonable.

"Requestor" instead of "You". Yes, reasonable.

---End of comments.----