



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**CHRISTOPHER PLUNKETT,
Requester**

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:

:

v.

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Docket No.: AP 2026-1855

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**BLAIR COUNTY SANITARY
ADMINISTRATIVE COMMITTEE,
Respondent**

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FACTUAL BACKGROUND

On March 23, 2026, Christopher Plunkett (“Requester”) mailed a request (“Request”) to the Blair County Sanitary Administrative Committee (“Committee”)¹ pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. **Complaints and Reports** All complaints, reports, incident reports, submissions, or referrals received relating to Cumberland Valley Township, including but not limited to sewage systems, campground operations, environmental compliance, land use, or enforcement matters. Timeframe: January 1, 2015 to present
2. **Communications** All communications, including emails, letters, text messages, or other correspondence, between the Blair County Sanitary Administrative Committee and Cumberland Valley Township, its officials, employees, agents, contractors, or Sewage Enforcement Officers.

¹ The Blair County Sanitary Administration Committee is a multi-municipal local agency created in 1967 and consists of thirteen Blair County Townships with each Township appointing a representative to serve on the committee. See <https://www.antistownship.org/government/commissions-committees-authorities/blair-county-sanitation-committee/> (last visited June 26, 2026).

3. Investigations, Inspections, and Reviews All documents relating to any investigation, inspection, review, site visit, or inquiry conducted involving Cumberland Valley Township or any property located within the Township.
4. Enforcement Actions All notices of violation, enforcement actions, compliance orders, determinations, findings, or enforcement-related correspondence issued by or received by the Blair County Sanitary Administrative Committee relating to Cumberland Valley Township or any property located within the Township.
5. Permits and Sewage Planning Documents All permit applications, sewage planning modules, submissions, filings, approvals, denials, revisions, and related documents submitted by, reviewed by, or involving Cumberland Valley Township or any property within the Township.
6. Sewage Enforcement Officer (SEO) Records All documents relating to the appointment, authority, certifications, training, qualifications, duties, scope of work, and actions of any Sewage Enforcement Officer (SEO) operating within Cumberland Valley Township, including, without limitation, Luke Helsel or any other individual acting in such capacity.
7. Internal Communications All internal communications, including emails, notes, memoranda, or other correspondence, relating to Cumberland Valley Township.
8. Third-Party Communications All communications between the Blair County Sanitary Administrative Committee and any third party, including but not limited to state agencies, contractors, consultants, engineers, or private individuals, relating to Cumberland Valley Township.
9. Discrepancies, Concerns, or Complaints All documents reflecting any discrepancies, concerns, complaints, violations, irregularities, or issues identified regarding Cumberland Valley Township, including internal discussions, notes, or reports.
10. Comparable Enforcement Actions All documents identifying enforcement actions, inspections, violations, or compliance determinations involving other properties, businesses, or landowners under the jurisdiction of the Blair County Sanitary Administrative Committee from January 1, 2015 to present.
11. Policies, Procedures, and Guidelines All policies, procedures, guidelines, manuals, or standards governing sewage enforcement, inspections, permitting, and compliance determinations.
12. Training and Certification Records All training records, certifications, qualifications, and continuing education records for any individual performing sewage enforcement or inspection services under the authority of the Blair County Sanitary Administrative Committee.
13. Communications with the Pennsylvania Department of Environmental Protection All communications between the Blair County Sanitary

Administrative Committee and the Pennsylvania Department of Environmental Protection relating to Cumberland Valley Township.

14. Record Retention and Destruction Policies All document retention, destruction, and electronic data policies maintained or used by the Blair County Sanitary Administrative Committee.

On March 25, 2026, the Committee invoked a thirty-day extension to respond and in the extension notice provided a generalized statement of expected fees and stated that the Requester “may want to narrow the scope of [the Request].” The Committee did not provide the Requester with a Final Response to the Request within the extension period, and the Request was deemed denied on April 29, 2026.² *See* 65 P.S. § 67.902(b)(2). On May 11, 2026, the Requester appealed the Committee’s deemed denial of the Request to the OOR. The OOR invited both parties to supplement the record and directed the Committee to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On May 13, 2026, the Committee submitted the unsworn position statement of counsel which argued that the Request was not deemed denied, provided information relating to litigation between the Committee and the Requester which is unrelated to the instant RTKL Request, and argued that the Requester has not been provided any records because he failed to pay the fees associated with the records responsive to the Request. On May 17, 2026, the Requester submitted argument that the Committee never provided him with a final response to the Request, nor did the Committee provide him with an actual statement of fees required to be paid in order to receive the records responsive to the Request.

² The Committee argues that the Request was not deemed denied, however, the only correspondence that the Committee provided to the Requester was a document entitled “Right-To-Know Law Extension Notice” which states within the notice that the Committee would provide a final response to the Request on or before April 30, 2026. The Committee’s date calculation as stated in the extension notice is incorrect as five business days plus thirty calendar days from March 23, 2026 is April 29, 2026. The Committee did not provide a final response to the Requester by April 29, 2026 and the Request was therefore deemed denied by the Committee.

On May 27, 2026, the OOR sought clarification from the parties seeking a copy of the Committee’s final response to the Requester or any communications between the Committee and the Requester where the Committee provided a final fee estimate to the Requester.³ On May 28, 2026, the Committee again submitted an unsworn position statement of counsel arguing that the Request was not deemed denied, the Requester had a duty to respond to the Committee’s extension notice, and that the Requester was notified of the estimated cost per page⁴ in the extension notice. The Committee further argues that the Request is extremely burdensome to the Committee and argues that the Request is insufficiently specific.

On June 2, 2026, the OOR again sought clarification from the Committee as to its basis to claim that it will provide the responsive records upon the payment of the still unspecified fees by the Requester, but also that the Request is insufficiently specific and overly burdensome. The OOR specifically sought that that the Committee submit competent evidence as to (1) which portions of the Request it believes are insufficiently specific, (2) the good faith search conducted for responsive records, and (3) the basis for both the fees assessed and the redactions Committee stated would need to be made to the responsive records.

On June 11, 2026, the Committee submitted a position statement that all portions of the Request are insufficiently specific. The Committee claims that all portions of the Request are overly burdensome and insufficiently specific. In support of its position, the Committee submitted the attestation of Luke Heisel, Sewage Enforcement Officer (“SEO”) within the Committee (“Heisel

³ The OOR informed the parties that in order for statements of fact to be considered competent evidence before the OOR, it would need to be submitted as an affidavit or statement made under the penalty of perjury by an individual with actual knowledge. *See Off. of the Governor v. Davis*, 122 A.3d 1185, 1193-94 (Pa. Commw. 2015) (*en banc*) (holding that an unsworn position statement does not constitute competent evidence as they are akin to briefs or proposed findings of fact, which are distinguishable from the evidentiary record); *Housing Auth. of the City of Pittsburgh v. Van Osdol*, 40 A.3d 209, 216 (Pa. Commw. Ct. 2012) (holding that unsworn statements of counsel are not competent evidence); *Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011).

⁴ The Committee notified the Requester that the cost per page was \$0.25 per page, but the extension notice does not state with any specificity how many pages would need to be reproduced.

Attestation”) and pictures depicting the volume of certain of the responsive property, land use, and other files relating to the subject matter of the Request.

LEGAL ANALYSIS

The Committee is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Committee is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. A portion of the Request is insufficiently specific

On appeal, the Committee argues that the Request is burdensome and insufficiently specific under 65 P.S. § 67.703 because of the lengthy timeframe and overbroad scope, and because the Request does not adequately define or limit the specific transaction or activity of the Borough to which the requested records may possibly relate. The Requester contends that the Request is sufficiently specific and that the Committee was able to conduct a search for and identify certain records responsive to the Request.

Section 703 of the RTKL, provides that “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested” 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the nonexclusive, multifactor test employed by the Commonwealth Court

in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015). See *Pa. Off. of the Governor v. Brelje*, 312 A.3d 928 (Pa. Commw. Ct. 2024).

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought[,]” and “should provide a context to narrow the search.” *Pittsburgh Post-Gazette*, 119 A.3d at 1125 (quoting 65 P.S. § 67.102; *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012)). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type ... or by recipient.’” *Id.* (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126 (citing *Carey*, 61 A.3d at 372). “The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow enough is generally dependent upon the specificity of the request’s subject matter and scope.” *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested The subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep't of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207, *6-7 (Pa. Commw. Ct. May 13, 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022) (citations omitted). Furthermore, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. See *Pa. State Police v. Off. of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting “the valid part of the request was included in a laundry list of requested materials ...”).

a. Parts 1 through 5, 7 through 10, and 13 of the Request

The Committee argues that the entire Request is significantly burdensome. The Heisel Attestation states in relevant part:

- I . . . verify that I am the Sewage Enforcement Officer for [the Committee] . . .
8. Attached are pictures showing some of the files that will have to be copied to respond to Requester's RTKL Request, which contain thousands of pages.
 9. Because the documents in these records contain personal identification information related to the owners of the properties that they pertain to, the documents will need to be redacted.
 10. [The Committee] only has two employees, myself and a part-time secretary, who are busy with the daily operations of the Committee and, therefore, it will take a significant amount of time to respond to this Request. . . .
 12. [The Committee] cannot calculate a final cost of responding to the Request until the documents are copied and redacted and, because of Requester's prior conduct, there is concern that once he is provided with the final cost he will refuse to pay and just file another appeal, rendering the Committee unable to recoup its expenses.
 13. Requester should be required to narrow the scope of the Request to limit the burden imposed on [the Committee] in responding and should be required to remit a deposit prior to the start of any work to copy and redact documents responsive to this request.
 14. It is estimated that it will take over 400 hours to copy the requested records.

See Heisel Attestation ¶¶ 8-14.

While the fact that a request is burdensome is not sufficient, in and of itself, to deem a request overbroad, “[a]n open-ended request that gives an agency little guidance regarding what to look for may be so burdensome that it will be considered overly broad.” *Iverson*, 50 A.3d at 283. In certain situations, the ability to identify responsive records demonstrates that a request is sufficiently specific. See *Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1265 (Pa. Commw. Ct. 2012) (noting that “the request was obviously sufficiently specific because the School District has already identified potential records included within the request”). However, the mere “identification of potentially responsive records . . . is not sufficient to satisfy Section 703 of the RTKL on its own.” See *Pa. Dep’t of Educ.*, 119 A.3d at 1126 n.8.

Based on the evidence submitted in this appeal, the OOR finds that Parts 1 through 5, 7 through 10, and 13 of the Request are insufficiently specific. Parts 1 and 10 of the Request have a timeframe of over eleven years, from January 2015 until March 2026. Parts 2, 3, 4, 5, 7, 8, 9, and 13 of the Request have no timeframe. A lengthy timeframe, or even the lack of one, will not, in and of itself, render a request insufficiently specific. *See Pittsburgh Post-Gazette*, 119 A.3d at 1126; *see also Pa. Dep't of Env'tl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012) (upholding a request spanning over four years but seeking “a clearly defined universe of documents”); *Pa. State Police, supra* (upholding a request for manuals relating to vehicle stops, searches, and seizures that did not specify a timeframe). However, a request with a long timeframe must provide the requisite specificity in its scope or subject matter. *See Pittsburgh Post-Gazette*, 119 A.3d at 1126.

The scope of Part 1 is “[a]ll complaints, reports, incident reports, submissions, or referrals received”, the scope of Part 4 is “[a]ll notices of violation, enforcement actions, compliance orders, determinations, findings, or enforcement-related correspondence”, and the scope of Part 5 is “[a]ll permit applications, sewage planning modules, submissions, filings, approvals, denials, revisions, and related documents.” Part 7 seeks all internal communications. Parts 2, 3, 8, 9, 10, and 13 of the Request are broad, seeking all communications or documents. No portion of the Request limits the category of records sought to particular Committee employees. *See Pittsburgh Post-Gazette*, 119 A.3d at 1125-26 (A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients). The subject-matter of Parts 1 through 5, 7 through 10, and 13 of the Request essentially encompasses the entire function of the sanitary administrative committee as these portions of the Request relates to sewage enforcement, inspections, communications with DEP and other government agencies.

A request for records under the RTKL may not amount to a ‘fishing expedition’ by a requester. *See, e.g., Pa. Dep’t of Educ.*, 119 A.3d at 1126; *Commonwealth v. Engelkemier*, 148 A.3d 522 (Pa. Commw. Ct. 2016); *Pa. Office of Inspector Gen. v. Brown*, 152 A.3d 369 (Pa. Commw. Ct. 2016) (request for ‘rules, regulations, policies or related authority that governs [OIG’s] duties and functions’ was a ‘fishing expedition’). Here, while it may be possible for the Committee to conduct a search for certain types of records, the Request is fishing expedition because it requires the Committee to search for vast amounts of records relating to the lion’s share of the Committee’s workload for a timeframe of either over 11 years or alternatively for no specified timeframe. Therefore, based on the *Pittsburgh Post-Gazette* multifactor test, without additional limiting factors as to timeframe, subject matter, or scope, the OOR finds that the Request is insufficiently specific as it relates to Parts 1 through 5, 7 through 10, and 13 of the Request.⁵ *See* 65 P.S. § 67.703.

b. Parts 6, 11, 12, and 14 of the Request

As it relates to Parts 6, 11, 12, and 14, the Committee argues in relevant part:

Request #6 requests “all documents relating to the appointment, authority, certifications, training qualifications, duties, scope of work, and actions of any Sewage Enforcement Officer (SEO) operating within Cumberland Valley Township, including, without limitation, Luke Helsel or any other individual acting in such capacity”. As with all the other requests, there is no timeframe stated and could result in a significant number of documents having to be produced.

Request #11 seeks “all policies, procedures, guidelines, manuals, or standards governing sewage enforcement, inspections, permitting, and compliance determinations”. As these matters are governed by state statutes and DEP regulations, this response would most certainly be voluminous. They are also documents not created by [the Committee] that the Requester can easily obtain over the internet. As a result, this request should be narrowed in its scope to avoid having to produce a significant volume of documents at great expense.

⁵ Nothing in this Final Determination prevents the Requester from submitting a more specific RTKL request to the Committee for the same information, and if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

Request #12 seeks “all training records, certifications, qualifications, and continuing education records for any individual performing sewage enforcement or inspection services under the authority of the BCSAC”. This request is duplicative of Request # 6 and excessively broad. As a result, it should be denied.

Request #14 seeks all document retention, destruction, and electronic data policies maintained by the [the Committee]. All documents are retained in accordance with Pennsylvania Department of Environmental Protection regulations. As a general rule, [the Committee] retains copies of all documents related to permits issued or generated as part of inspections it performs.

See Committee June 11, 2026 Position Statement, pp. 2-3. Notwithstanding the Committee’s arguments, the OOR finds that these portions of the Request are sufficiently specific.

Part 6 of the Request seeks all documents relating to the appointment, authority, certifications, training, qualifications, duties, scope of work, and actions of any Sewage Enforcement Officer operating within Cumberland Valley Township. Part 12 of the Request seeks all training records, certifications, qualifications, and continuing education records for any individual performing sewage enforcement or inspection services under the authority of Committee. The scope of Parts 6 and 12 of the Request is broad, seeking all records and all documents. While Parts 6 and 12 of the Request do not contain an explicit timeframe, these portions of the Request clearly seek records relating to SEOs currently operating within Cumberland Valley Township and current employees or officials within the Committee who are currently performing sewage enforcement or inspection services under the authority of Committee.

The subject-matter of Part 6 of the Request relates to the appointment, authority, certifications, training, qualifications, duties, scope of work, and actions of any SEO operating within Cumberland Valley Township. Records relating to the appointment of the SEO as well as records of the certifications, training, qualifications, duties, and scope of work of the SEO are a finite universe of documents. There is nothing in the record which supports the contention that there are scores of SEOs operating within Cumberland Valley Township and as such, the

Committee should be able to discern what records are being sought.⁶ Notwithstanding, as it relates to the portion of Part 6 of the Request seeking all documents relating to the “authority” of and the “actions of” the SEO, this implicates conceivably any document relating to the SEO in the Committee’s possession. Accordingly, these portions of Part 6 are insufficiently specific for the Authority to conduct a good faith search for responsive records.

The subject-matter of Part 12 is training records, certifications, qualifications, and continuing education records for any individual performing sewage enforcement or inspection services under the authority of Committee. Because Part 12 seek records of “individual performing sewage enforcement”, this implies those who are currently performing those duties for the Committee. Thus, Part 12 of the Request is limited insofar that it does not seek all historic training records or certifications. Again, there is nothing in the record to support a finding that the Committee is unable to discern what training records are being sought in Part 12 of the Request or that the Committee is unable to identify who are the relevant custodians of responsive records.

Part 11 of Request seeks all policies, procedures, guidelines, manuals, or standards governing sewage enforcement, inspections, permitting, and compliance determinations. Part 14 of the Request seeks all document retention, destruction, and electronic data policies maintained or used by the Committee. Again, the context of both Parts 11 and 14 of the Request implies that the Request is seeking the policies, procedures, guidelines or standards that are currently in effect. Both Parts 11 and 14 seek specific types of documents—namely policies, procedures, guidelines, manuals, or standards. Further, these portions of the Request have clearly defined subject-matters relating to either sewage enforcement, inspections, permitting, and compliance determinations or document retention, document destruction, and electronic data. As such, the OOR finds that Parts

⁶ The Committee argues on appeal that it only has two employees, the Sewage Enforcement Officer and a part-time secretary. As such, it should not be difficult to conduct a search for records of the Sewage Enforcement Officer.

6, 11, 12, and 14 are sufficiently specific for the Committee to understand what records are being sought and for the Committee to conduct a search for and provide responsive records.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the Committee is required to provide all records responsive to Parts 6, 11, 12, and 14 in accordance with this Final Determination within thirty days upon the payment of the \$19.00 fee quoted to the Requester by the Committee.⁷ This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Blair County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁸ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: July 6, 2026

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent via portal to: Christopher Plunkett
Luke Heisel
Daniel Stants, Esq.

⁷ The March 25, 2026 extension notice that the Committee provided to the Requester states that Parts 6 and 12 of the Request are duplicative and that there is a \$4.00 fee for the records responsive to Parts 6 and 12. The extension notice further states that Parts 11 and 14 of the Request are duplicative and that there is a \$15.00 fee for the records responsive to Parts 11 and 14.

⁸ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).