



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 11, 2026

IN RE: *Kendall v. Pennsylvania Department of Environmental Protection*,
OOR Dkt. AP 2026-3755

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The appeal is untimely. The Request was denied by the Pennsylvania Department of Environmental Protection (“Department”) on August 17, 2026. Appeals of denied Right-to-Know requests must be filed within 15 business days of the date of the denial, or by September 8, 2026 in this instance.¹ 65 P.S. § 67.1101(a)(1). The appeal was submitted to the OOR on September 9, 2026. The Requester is not prohibited from refiling the Request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(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.² 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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Joshua T. Young

Joshua T. Young, Esq.
Senior Deputy Chief Counsel

Sent to: Requester, Agency Open Records Officer, Pennsylvania Department of Environmental Protection

¹ The OOR’s offices were closed on September 7, 2026, in observance of the Labor Day holiday; as a result, this day was not included in the calculation of the RTKL appeal period.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).