

**7045.0080 DATA AVAILABILITY.**

Subpart 1. **Applicability.** The following apply to requests to the Minnesota Pollution Control Agency for information relating to facilities and sites for treatment, storage, and disposal of hazardous waste.

Subp. 2. **Response to requests.** Except as provided in subpart 3, the commissioner shall issue a written response to a requester of information within ten working days of receiving the request for information. The written response shall state what information will and will not be provided and shall state the reason for denying any portion of the request.

Subp. 3. **Extensions.** The following provisions apply to extensions of time to respond to requests for information:

A. If the request for information does not reasonably identify the information sought, the commissioner shall so notify the requester. There shall be excluded from the ten day response period established under subpart 2, or any extension to that response period provided under item B, any time that elapses between the date that a requester is notified by the commissioner that the request does not reasonably identify the records sought, and the date that the requester furnishes a reasonable identification.

B. In circumstances in which an extension is necessary due to one or more of the following reasons, the ten day response period established in subpart 2 shall be extended by the commissioner for a period of days commensurate with the additional response time required, not to exceed ten additional working days:

(1) there is a need to search for and collect the requested records from field regional offices or other establishments that are separate from the agency's central office;

(2) there is a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) there is a need for consultation with another agency having a substantial interest in the determination of the request.

The commissioner must notify the requester within the initial ten day period that the ten day extension is required and must state the reasons for the extension and the date by which the agency expects to be able to issue its response to the request for information.

Subp. 4. **Failure to act.** If the commissioner fails to issue a response within the response time provided in subpart 2, or an extension provided under subpart 3, a requester may commence an action under Minnesota Statutes, section 13.08 to obtain the requested information.

**Statutory Authority:** *MS s 116.07*

**History:** *11 SR 1832; L 1987 c 186 s 15*

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