

Mr. Michael Hughes  
mike@ecid.org  
Chairman of the Board of Trustees  
Emigration Improvement District (EID)  
P.O. Box 58945  
Salt Lake City, UT 84158

April 15, 2020

Mr. Hughes:

Subject: Utah Government Records Access and Management Act (GRAMA) § 63G-2-401, Appeal to Chief Administrative Officer -- Notice of the Decision of the Appeal, for **GRAMA Request** to EID by Steven Onysko, Dated March 13, 2020 [Copy Attached] "**Drinking Water Lead Information**," and de Facto April 2, 2020, Denial by EID [Copy Attached]

On March 12, 2020, I sent EID a GRAMA request for access to view copies of an assortment of described records [see attached copy] relating to lead presence and/or contamination in drinking water in the EID Utah public water system (PWS).

I received EID April 2, 2020, response [copy attached] to two different GRAMA requests by me, but I did not receive a GRAMA request response to the subject GRAMA request.

GRAMA 63G-2-204, Record Request -- Response -- Time for Responding, at § 63G-2-204(9) states, "If the governmental entity fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the record." Therefore, I now regard EID as having denied my March 13, 2020, GRAMA request for access to view the requested records.

Accordingly, I now make GRAMA § 63G-2-401, Appeal to Chief Administrative Officer -- Notice of the Decision of the Appeal, § 63G-2-401(1)(a) appeal to you, the EID designated Chief Administrative Officer. I appeal the EID nonresponsive, de facto, denial of my March 13, 2020, GRAMA request ["**Drinking Water Lead Information**"].

In fulfillment of my obligation at § 63G-2-401(2)(b), I state that the relief that I seek is still viewing access to the requested records, described in my March 13, 2020, GRAMA request [copy attached].

Michael Hughes  
April 15, 2020  
Page 2 of 2 ("Drinking Water Lead Information")

In fulfillment of my obligation at § 63G-2-401(2)(a), I provide the following about myself, the Appellant:

Steven J. Onysko  
2286 Doc Holiday Dr.  
Park City, UT 84060  
435-214-9251 (Daytime)

Respectfully yours,

A handwritten signature in cursive script that reads "Steven J. Onysko". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Steven J. Onysko

**UTAH GOVERNMENT RECORDS REQUEST FORM**

**TO:** Eric Hawkes, Emigration Improvement District (EID),  
 (Name of government office holding the records and/or name of agency contact person.)

**Address of government office:** P.O. Box 58945, Salt Lake City, UT 84158

**Description of records sought (records must be described with reasonable specificity):**

Requester requests viewing access to all records and documents relating to lead in, including but not limited to, lead contamination of, public drinking water in Emigration Improvement District, ~~UTAH18141~~ UTAH18143 Public Water System. This request includes, but is not limited to, (1) correspondence between DDW and EID, and to/from third parties to DDW and/or EID, including EPA, about lead presence in the drinking water provided by EID through final use locations of EID water users (e.g., information on detected lead both upstream and downstream of the EID drinking water service connections in the EID service area); (2) drinking water quality sample results for any detected lead presence in the EID source water and distribution system, as well as within residential or business property plumbing receiving EID drinking water; (3) DDW communications to EID, including, but not limited to, vis-a-vis water quality violations, vis-a-vis advice or directives or orders or action plans by DDW with respect to EID needed or required action for lead in the EID drinking water, etc., or vis-a-vis potential or actual health impacts of lead in the EID drinking water on EID drinking water users; and (4) any DDW documentation of EID responsibilities under the Safe Drinking Water Act, the Utah Safe Drinking Water Act, or any other public water system regulations, to inform EID public drinking water users of any lead in the drinking water served by EID.

- ☒ I would like to inspect (view) the records.
- ☐ I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63G-2-203. I authorize costs of up to \$ \_\_\_\_\_.
- ☒ UCA 63G-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63G-2-203 (4), I am requesting a waiver of copy costs because:
- ☒ releasing the record primarily benefits the public rather than a person. Please explain:  
 Utah citizens have right to know if Utah public water systems comply with the federal Safe Drinking Water Act.  
 \_\_\_\_\_
- ☐ I am the subject of the record.
- ☐ I am the authorized representative of the subject of the record.
- ☐ My legal rights are directly affected by the record and I am impoverished.  
 (Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

- ☐ I am the subject of the record.
- ☐ I am the person who provided the information.
- ☐ I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63G-2-202, is attached.
- ☐ Other. Please explain:  
 \_\_\_\_\_

☐ I am requesting expedited response as permitted by UCA 63G-2-204 (3)(b). (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication, or other information that demonstrates that you are entitled to expedited response.)

**Requester's Name:** Steven J. Onysko

**Mailing Address:** 2286 Doc Holiday Dr., Park City, UT 84060

**Daytime telephone number:** 435-214-9251 **Date:** March 13, 2020

**Signature:** Steven J. Onysko

*Larger font size copy of the GRAMA request:*

**Requester requests viewing access to all records and documents relating to lead in, including but not limited to, lead contamination of, public drinking water in Emigration Improvement District, ~~UTAH18141~~ UTAH18143 Public Water System. This request includes, but is not limited to, (1) correspondence between DDW and EID, and to/from third parties to DDW and/or EID, including EPA, about lead presence in the drinking water provided by EID through final use locations of EID water users (e.g., information on detected lead both upstream and downstream of the EID drinking water service connections in the EID service area); (2) drinking water quality sample results for any detected lead presence in the EID source water and distribution system, as well as within residential or business property plumbing receiving EID drinking water; (3) DDW communications to EID, including, but not limited to, vis-a-vis water quality violations, vis-a-vis advice or directives or orders or action plans by DDW with respect to EID needed or required action for lead in the EID drinking water, etc., or vis-à-vis potential or actual health impacts of lead in the EID drinking water on EID drinking water users; and (4) any DDW documentation of EID responsibilities under the Safe Drinking Water Act, the Utah Safe Drinking Water Act, or any other public water system regulations, to inform EID public drinking water users of any lead in the drinking water served by EID.**



JEREMY R. COOK  
E-Mail: [jcook@cohnekinghorn.com](mailto:jcook@cohnekinghorn.com)  
Main Phone: 801.363.4300

111 EAST BROADWAY, 11th FLOOR  
SALT LAKE CITY, UTAH 84111  
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April 2, 2020

**VIA Email Only**

Steven J. Onysko  
[onysko5@burgoyne.com](mailto:onysko5@burgoyne.com)  
2286 Doc Holiday Dr.  
Park City, UT 84060

**Re: GRAMA Request**

Dear Mr. Onysko:

This letter is in response to your Government Records Access and Management Act ("GRAMA") requests to the Emigration Improvement District (the "District") dated March 10, 2020 and March 12, 2020.

As an initial matter, the District denies your request to have the District fulfill the records request without charge. The records requested are clearly in relationship to the ongoing litigation filed by Mark Christopher Tracy against the District. Accordingly, the records are not primarily for the benefit of the public, but for the benefit of an individual.

With respect to your request dated March 10, 2020, the District anticipates that it will require 4 hours to obtain the documents and make them available. The District's rate to provide records is \$58 per hour. Accordingly, you will need to pay the amount of \$217.50 (the District will not charge for the first 15 minutes) before the District begins the search. Please be aware that the District will charge you regardless of whether the District is able to find the document.

With respect to your request dated March 12, 2020. The request does not include any limitations on the dates of the documents requested and the request is extremely broad in its scope, potentially requiring review of thousands of pages of documents. Accordingly, the District anticipates that an initial search would take the District 40 hours. Accordingly, you will need to pay the amount of \$2,305.50 (the District will not charge for the first 15 minutes) before the District begins the search. If you would like to narrow the search, the District will consider a narrowed search criteria and the anticipated time to search for those documents.

In accordance with Utah Code § 63G-2-203(8), any charges for copying service will need to be prepaid before the District will copy the documents.

{00483169.DOCX /}



Steven J. Onysko  
2286 Doc Holiday Dr.  
Park City, UT 84060

In accordance with Utah Code §§ 63G-2-205 and 63G-2-401, you have the right to appeal any portion of this response to the Chairman of the Board of Trustees by filing a notice of appeal with the District within 30 days. The notice of appeal must state: (1) your name, mailing address, and daytime telephone number; and (2) the relief sought. The notice of appeal may also include a short statement of facts, reasons, and legal authority in support of the appeal.

Based on the ongoing pandemic, please provide an appeal via email to Michael Hughes at [mike@ecid.org](mailto:mike@ecid.org).

Very truly yours,

**COHNE KINGHORN, P.C.**

A handwritten signature in blue ink, appearing to be 'Jeremy R. Cook', written over the printed name.

Jeremy R. Cook