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January 8, 2015

VIA EMAIL & U.S. MAIL

Ms. Susan Murphy
U.S. Environmental Protection Agency – Region 1
5 Post Office Square
Suite 100 (OEP06-a)
Boston, MA 022109-3912

**RE: NPDES Permit No.: MA0100897
Public Notice Number: MA-010-13
Taunton, MA
Supplemental Comments on Draft Permit**

Dear Ms. Murphy:

The purpose of this letter is to provide supplemental comments on the draft permit for the City of Taunton (“City”), which is still pending before EPA (“Agency”) Region I. These comments further address whether the Region’s use of the Sentinel Method is a reasonable and defensible basis for interpreting the existing state narrative criteria (based on new information from EPA Headquarters) and whether changes at the Brayton Point facility significantly affect dissolved oxygen (D.O.) regime and, therefore, significantly affect the degree of total nitrogen (TN) reduction asserted by EPA to be necessary to achieve the D.O. standards applicable to the Taunton Estuary. Based upon these comments, which further support issues raised by the City, the proposed permit should be withdrawn and the need for the proposed TN limitations reconsidered.

EPA FOIA Response on Sentinel Method Confirms Method Has No Indicia of Reliability and Is Not an Accepted Methodology for Setting Nutrient Criteria or Nutrient Limitations

NPDES permit limitation derivation, like all agency regulatory decisions, may only be based on reliable, scientifically defensible methods. In this case, the permit derivation required EPA to identify the applicable numeric nutrient criteria needed to ensure compliance with the state’s narrative criteria. As stated in 40 CFR 131.11, only scientifically defensible methods may be employed for deriving water quality criteria. As stated by 40 CFR 122.44(d)(1)(vi) EPA is required to use published state and federal guidance and criteria derivation methodologies and must “demonstrate [the approach] will attain and maintain applicable narrative criteria”. As confirmed by the Freedom of Information Act (FOIA) response from EPA HQ, the so called “Sentinel Method” utilized by the Region has never been found to be an accepted, peer-reviewed methodology for identifying appropriate nutrient criteria in estuarine waters and has never been

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determined by EPA to be a “scientifically defensible” methodology for translating narrative criteria into numeric values or for deriving nutrient limitations under Section 122.44(d). (Attached, Exhibit 1 – FOIA Request; Exhibit 2 – FOIA Response; Exhibit 3 – EPA’s Supplemental FOIA Response). Moreover, contrary to EPA guidance and policy, the Science Advisory Board (“SAB”) has never reviewed such a methodology, unlike all of the other nutrient criteria derivation guidance published by EPA under Section 304(a) and relied upon by EPA to render scientifically defensible decisions. Therefore, (1) the methodology is not an approved Section 304(a) approach for generating nutrient criteria; (2) the technical basis for this approach has never undergone the required public/SAB scrutiny required of all criteria derivation approaches; and, (3) the approach, as utilized by EPA, has never been identified in either state guidance or any published EPA methodology as appropriate for identifying nutrient criteria in estuarine waters and/or setting nutrient limitations.¹

Absent confirmation that the method is capable of producing reliable results (e.g., accurately predicting the effect of TN on algal growth and the D.O. regime) and/or is an accepted approach by the scientific community (or EPA for that matter), and confirmation that the chosen numeric TN criteria will ensure narrative standards compliance, the utilization of this unprecedented and undocumented approach under 40 CFR 12.44(d) is unauthorized.

In summary, there is no objective basis to conclude that the methodology employed by EPA Region I is in any way defensible or appropriate for demonstrating that nitrogen is causing a violation of the state’s narrative criteria in the Taunton Estuary (or elsewhere) or that the limitations derived from the TN target selected by using the Sentinel Method are necessary to ensure compliance with applicable standards. Therefore, the Region’s application of this method to identify the nitrogen limitations claimed necessary to ensure compliance with narrative criteria is not supported by substantial evidence, is contrary to applicable rules and arbitrary and capricious.

Failure to Properly Account for Current and Predicted Changes at Brayton Point Facility Renders EPA’s Simplified Evaluation Fatally Flawed

The original draft permit action proposed effluent limitations on TN to mitigate exceedances of the D.O. water quality standard in the Taunton River Estuary and, possibly, Mount Hope Bay. This draft permit was issued in 2013 but was based on an evaluation of water quality data collected over a three year period from 2004 – 2006. The City’s initial comments noted that, since the 2004-2006 timeframe, the Brayton Point Power Station has undergone significant changes that have a direct and substantial bearing on the D.O. regime in the Estuary and Bay. Consequently, this action has materially affected the degree of nutrient reduction that is

¹ MassDEP had once employed an approach that used a “sentinel station” to identify the nutrient concentration protective of eelgrass beds. That method, which was confirmed by MassDEP to accurately predict system responses and fully accounted for site-specific hydrodynamic and physical conditions influencing eelgrass dynamics conditions is not the same approach employed herein by the Region. (See, West Falmouth Harbor Embayment System TMDL dated Nov. 19, 2007.) The West Falmouth TMDL approach required the use of a linked watershed, hydrodynamic model to properly account for nutrient load transport and impacts and how such impacts differed in each sub-embayment system. As noted by Dr. Chapra’s expert report and the City’s earlier comments, no such analyses accompanied the Region’s Sentinel Method. Moreover, MassDEP has never sought to confirm that this method is appropriate for predicting specific D.O. responses in estuarine systems, which are impacted by dozens of non-nutrient factors.

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necessary to address D.O. conditions (assuming that nutrients are a root cause of periodic low D.O.). The City noted that applicable federal permitting rules (40 CFR 122.44(d)) mandated that permit decisions be based on current information regarding point and non-point sources affecting the pollutant of concern. In response, EPA has recently asserted that none of the changes at Brayton Point would affect EPA's conclusion regarding the degree of nitrogen reduction necessary to ensure D.O. criteria in the Estuary are met. (See, EPA Correspondence dated December 29, 2014 from Curt Spalding to Mayor Hoye).

As discussed below, EPA's position is at odds with its prior published conclusions regarding the broad effects of the Brayton Point facility on the system, the accepted temperature model for the system and long accepted methodologies for assessing D.O. conditions in natural waters. Therefore, EPA's current position is contrary to the available information regarding the impact of Brayton Point on the system, as well as the Region's own well documented conclusions on permitting that facility. As the Region's analysis failed to properly consider this information, the proposed TN limitations are fundamentally flawed and need to be revised.

1. Prior EPA Conclusions Regarding the Significance of the Brayton Point Facility on the D. O. Regime

Based on EPA's own records regarding the impacts of the Brayton Point facility, it is apparent that EPA's assessment for Taunton was based on outdated information, contrary to the provisions of 40 CFR 122.44(d)(1)(ii) – which require that all assessments be based on current and reasonably anticipated discharge levels and related conditions affecting criteria compliance. EPA and MassDEP issued Brayton Point a final permit in 2002. Dominion appealed the permit and EPA and Dominion fought over the permit for five years. On Dec 17, 2007, Dominion agreed to implement heat and flow limits in its new permit. Dominion agreed to a 95% reduction in heat from 42 trillion BTU discharged annually into Mount Hope Bay to 1.7 trillion BTU by the new upgrades via the NPDES permit. Over 1.3 billion gallons per day at 95°F (a 22°F temperature rise) were allowed prior to construction of the cooling towers. Put in perspective, this discharge located near the mouth of the Taunton Estuary is six (6) times the rate of flow of the Taunton River in the summer. Subsequently, Brayton Point constructed two 500 foot cooling towers at \$600 million completed in 2013, including additional control equipment for a total expenditure of \$1.1 billion. The present operating conditions are now down to 15% of capacity and the facility is scheduled to close in 2017. The information presented below addresses those changes and how they directly influence EPA's evaluation of effluent limitations necessary for the Taunton Wastewater Treatment Plant (hereafter, the "WWTP").

When EPA permitted Brayton Point, the Agency reached the following conclusions with respect to the water quality impact of the facility as discussed in the Fact Sheet, its supporting documents and Response to Comments²:

² Available at <http://www.epa.gov/region1/braytonpoint/>

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Chapter 6 Water Quality

P 6-22 “Due to the proximity of this [algal]bloom to the plant and blue green algae’s affinity for higher temperatures, it is likely that the thermal plume from Brayton Point Station contributed to this bloom.”

P 6-23 “They found that Mount Hope Bay surface waters are ... warmer during the summer and fall... and that 100% of the Bay are impacted by the plume from BPS.”

P6-26 “At temperatures above 30 degrees C, the respiration rate [of eelgrass] exceeds the rate of photosynthesis, which would lead to negative plant growth... It is quite likely therefore, that the combination of poor water quality and high water temperatures in Mount Hope Bay represent an exclusion zone for eelgrass growth. The BPS discharge, which elevates the temperature over significant portions of the Bay, contributes to this exclusion zone.”

P6-46 “Brayton Point Station’s current thermal discharge exerts a massive impact on the thermal conditions of the bay.”

P6-53 “Recent data collected in June and July 2001 in Mount Hope Bay by Mass CZM show periodic excursions of D.O. ... Temperature affects D.O. through several mechanisms detailed below:

Solubility of oxygen decreases as water temperature increases.

Photosynthetic rates of phytoplankton increased with temp, thus potentially increasing the mass flux of organic material to the benthos

Respiration rates of organic material is increased with temperature. Respiration is a degradative process of organic material that utilizes oxygen.

Response to comments VII Miscellaneous Comments²

Comment 13 pg-VII-7, 5th sentence:

.... Furthermore, EPA has concluded that the thermal discharges and water withdrawals by BPS have significantly contributed to the balanced indigenous population of organisms in Mount Hope Bay, degraded the habitat quality and contributed to the violation of designated uses of the water body (*as well as contributions to the violations of the applicable dissolved oxygen standards*) these conclusions are based on analysis and findings discussed in chapters 2,5,6 and 7 of EPA’s July 22, 2002 permit determination document. (Emphasis supplied).

Thus, it is apparent that EPA itself had rather affirmatively and emphatically concluded that the Brayton Point facility thermal load was adversely impacting algal growth and the D.O. regime due to the pervasive elevated temperature caused by the discharge. EPA concluded that D.O. would improve, algal growth would decline and other factors contributing to low D.O. in the system would improve (respiration and decay rates). Given these regulatory conclusions, EPA’s

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failure to assess these same factors and effects on the Taunton River and Mount Hope Bay D.O. regime when it came to determining the appropriate nutrient criteria and total nitrogen reduction targets for the City of Taunton a decade later, that were also based on D.O. compliance, is inexplicable, violates the requirements of 40 CFR 122.44(d) and is plainly arbitrary and capricious.

2. Estimate of Potential Effect of Brayton Point Closure on the D.O. Regime

As confirmed by EPA, the Brayton Point Power Station has a very significant point source discharge of heated effluent to Mount Hope Bay during the monitoring period used by EPA to set the City's effluent limits (2004-2006). This discharge was the focus of detailed modeling by Swanson et al. (2006)³ in support of an NPDES permit renewal for the power station that established thermal effluent limits on the facility. EPA relied on this thermal modeling in rendering its permit determinations and related water quality impact assessments in issuing the Brayton Point permit (See, Fact Sheet "Literature Cited"; see also papers by Keller et al. and Sullivan et al. that discussed temperature's impact on algal growth and D.O.). As EPA is aware, the Brayton Point Power Station is reduced by 95% and is now scheduled to close in 2017. Based on the accepted hydrothermal model developed in support of the thermal effluent limits for the facility and the concomitant temperature reduction in the Estuary, we expect that the D.O. criteria excursion, upon which the Taunton NPDES permit was based, will be either eliminated or greatly reduced and, consequently, render the need for TN limits at the WWTP moot or greatly reduced. Evaluations in support of this assessment are presented below.⁴

Swanson et al. (2006) developed a hydrothermal model of Mount Hope Bay to determine the local water quality effects of the Brayton Point Power Station discharge. The model results predict Mount Hope Bay water temperatures in scenarios representative of conditions that existed during the 2004 – 2006 monitoring period (e.g., no treatment to reduce the thermal discharge from the facility) and with the Brayton Point Power Station discharge removed. (Attachment) The assessment presented in the report shows that removing the Brayton Point discharge will decrease ambient water temperatures throughout the Bay and Estuary. Based on the hydrothermal model results, it was estimated that summertime water temperatures will decrease by 2°C. For a representative summer day this corresponds to a daily average temperature of about 27°C with the facility operating and about 25°C without the thermal load.

Accordingly, temperature-dependent processes influencing D.O. will likewise be affected. Based on the well-accepted conceptual model, these factors include D.O. saturation, oxidation rates for carbonaceous biochemical oxygen demand (CBOD) and sediment oxygen demand (SOD), algal growth, algal respiration, and re-aeration. Decreasing the water temperature will necessarily result in an increase in the D.O. saturation concentration throughout the system. The increase in oxygen solubility due to a temperature decrease of 2°C can be estimated with

³ Swanson, Craig, Hyun-Sook Kim & Subbayya Sankaranarayanan. (2006). Modeling of Temperature Distributions in Mount Hope Bay Due to Thermal Discharges from the Brayton Point Station. *Northeastern Naturalist* 13(sp4): 145-172.

⁴ As noted in prior comments EPA has yet to establish the degree to which algal growth is causing D.O. reduction in the Taunton River. Until that relationship is established, any assertion by EPA that a specific level of TN reduction is required to ensure WQS compliance is pure speculation.

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significant precision.⁵ Depending upon the initial temperature and salinity, this increase in saturation concentration will range from a minimum of 0.23 mg/L to 0.50 mg/L. For the representative summer day evaluated by the hydrothermal model, with a salinity of 32 ‰ and an atmospheric pressure of 760 mm Hg, the increase would be 0.25 mg/L. In the less saline waters of the Upper Taunton estuary, the saturation increase is even greater. Therefore, given the marginal Taunton Estuary D.O. deficit EPA was using from the 2004-2006 database as the basis for setting TN limits, Brayton Point's closure will clearly improve D.O. compliance as a result of temperature changes in the system. As the identified D.O. "violation" occurring in the Taunton Estuary was only 4.6 mg/l D.O. (a D.O. deficit of ~0.4 mg/l below the applicable standard), somewhere between half and all the deficit may be eliminated simply due to the temperature change.

3. Other Oxygen Demanding Components Influenced by Temperature Will Be Improved Further Raising the Minimum D.O.

The various oxidation, respiration and algal growth rates are also influenced by temperature in accordance with the following equation:

$$K_T = K_{20^{\circ}\text{C}} \theta^{(T-20^{\circ}\text{C})}$$

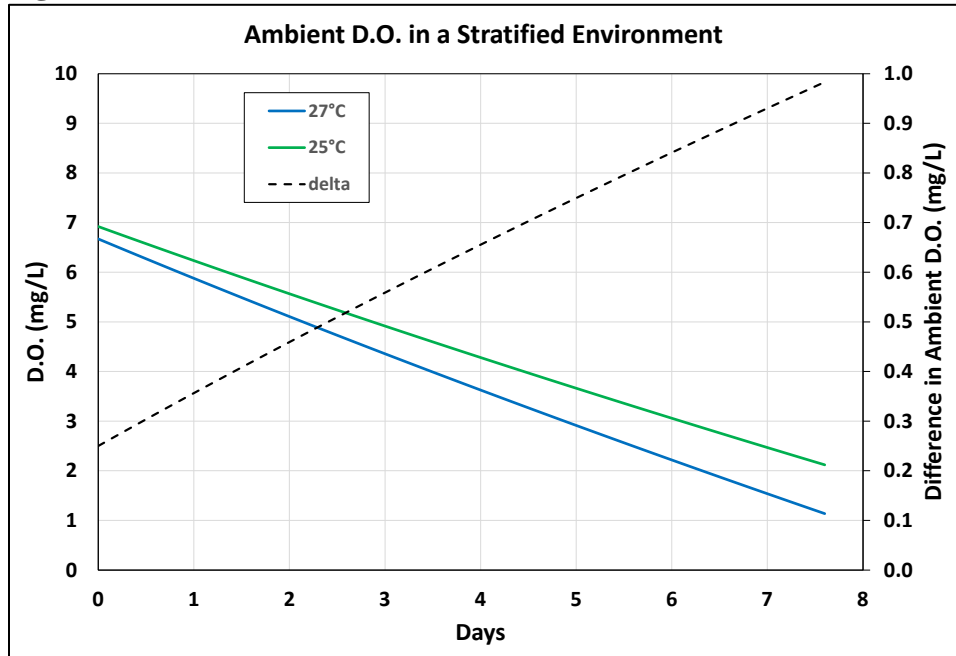
where the standard rate at 20°C is adjusted to the rate at the specific temperature in accordance with the term, $\theta^{(T-20^{\circ}\text{C})}$. (USEPA "Rates, Constants and Kinetics" also cited by EPA in the Brayton Point Fact Sheet support documents). A typical value for θ is 1.047. A change in temperature of 2°C corresponds to a decrease in the rate by 9%. Consequently, with the Brayton Point Power Station off line, the buildup of oxygen deficit in the bottom waters of Mount Hope Bay will further decrease by 9% simply due to the reduction in oxidation rates and algal respiration caused by a lower temperature regime. In addition, with the rate of algal growth also decreases by 9%, the amount of oxygen demand in the sediment and the mass of respiring algae will decrease, further reducing the overall oxygen deficit.

The influence of these changes on ambient D.O. concentration can be illustrated using a simple model that EPA commonly employs to estimate D.O impacts on natural waters. For example, suppose the receiving water is saturated and then becomes stratified so that re-aeration does not replenish the dissolved oxygen lost to oxidation (i.e., the situation in Mount Hope Bay that leads to oxygen depletion in the water column). Under this circumstance, the D.O. concentration in the bottom waters gets reduced over time as CBOD decay and SOD are exerted. Figure 1 illustrates the difference in ambient dissolved oxygen as the stratification condition persists, for the case with the water column at 27°C and the water column 2°C cooler. In this case, the ultimate CBOD of the receiving water is estimated at 5 mg/L, the decay rate is 0.05/day at 20°C, carbonaceous oxidation follows first order decay, and the SOD is 1.0 g/m²/d at 20°C for the initial condition (T = 27°C). Under the alternate condition (T = 25°C), the baseline SOD is reduced from 1.38 g/m²/d to 1.26 g/m²/d (a decrease of 9 %) based on the change in temperature. The actual decrease in SOD would likely be greater considering the reduction in algal growth and settling.

⁵ USGS. Oxygen Solubility Table. Available at <http://water.usgs.gov/cgi-bin/dotables>.

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Figure 1



This analysis shows the gradual buildup of deficit as the time of stratification is prolonged. In this case, a difference of only 2°C can exert an excess deficit exceeding 0.5 mg/L in less than three days. This example is presented not to predict the precise effect in Mount Hope Bay but to illustrate that the estimated change in temperature is expected to significantly influence the D.O. regime in several, well documented ways. This influence will change the level of impairment in the Estuary and thereby alter the degree of TN reduction necessary to restore the designated use, assuming that the Sentinel Method was appropriate for making such an assessment. The water transported into the Taunton Estuary from Mount Hope Bay will, to a certainty, have significantly improved D.O. levels due to the improved temperature regime and the Region's analyses need to account for this changed condition.

Consequently, water quality-based effluent limits for the Taunton WWTP must be revisited to account for this fundamental change in conditions influencing the D.O. regime in the Estuary. Given this information, it would be improper to conclude that stringent TN reduction is required to ensure D.O. criteria compliance in the Taunton Estuary, based on data and analyses that failed to account for the effect of eliminating the Brayton Point discharge.

Thank you for your consideration of this information.

Sincerely,

Attachments

cc: Mayor Thomas Hoye
Joseph Federico, BETA
William T. Hall, H&A

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October 14, 2014

Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
Facsimile: (202) 566-2147

Re: Freedom of Information Act Request for Records Associated with the Sentinel Site Method for Setting Nutrient Criteria

To Whom This May Concern:

This is a request for a public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Background

EPA Region 1 ("EPA R1") has recently begun using the so-called "Sentinel Site Method" for establishing nutrient criteria to achieve dissolved oxygen criteria for estuarine waters under its jurisdiction (*see, e.g.*, Fact Sheets issued by EPA R1 for Taunton and Mansfield, Massachusetts NPDES permits). As described by EPA R1, this "sentinel site method" involves "identifying a target nitrogen concentration threshold based on a location within the estuary where water quality standards [*e.g.*, dissolved oxygen] are not violated, in order to identify a nitrogen concentration consistent with unimpaired conditions." EPA R1 then utilizes this "sentinel site" data point as the applicable nutrient criteria for all locations in the entire estuary without conducting any additional analysis to confirm that nutrients are the parameter controlling dissolved oxygen levels or accounting for differences in physical setting that affect nutrient dynamics and the dissolved oxygen regime. EPA R1 claims that this is an approved "reference condition" methodology.

Under Section 304(a) of the Clean Water Act (33 U.S.C. § 1314(a)), when EPA establishes or revises a criteria development method, it must publish notice thereof in the Federal Register and solicit public comment. It is not apparent that EPA ever disclosed to the public that it considered the “sentinel site method” to be scientifically defensible for the development of nutrient criteria for estuaries or that it sought public input on such a methodology for developing Section 304(a) criteria.

Request

This request seeks any and all records addressing the following issues:

1. The public notice in the federal register regarding the agency’s intended use of the Sentinel Site Method for the purposes of selecting nutrient criteria and/or meeting dissolved oxygen criteria in estuarine waters.
2. Any Science Advisory Board review of this method (as applied by EPA Region 1) finding it to be scientifically defensible.
3. Any documentation confirming that EPA has previously peer-reviewed the “sentinel approach” as proposed for use in Region 1.
4. Any correspondence sent from EPA HQ to the agency’s Regional offices stating that the “sentinel approach” was scientifically defensible and an acceptable means for generating numeric nutrient criteria and/or establishing numeric nutrient limits under 40 CFR 122.44(d).

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary document is duplicated.

Respectfully,



Alexander J. E. English
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 24, 2014

Alexander J.E. English
Hall & Associates
1620 I St., NW
Washington, DC 20006-4033

OFFICE OF
WATER

RE: Freedom of Information Act Request EPA-HQ-2015-000462

Dear Mr. English:

This letter responds to your October 14, 2014, request under the Freedom of Information Act (FOIA) for documents pertaining to use of the "sentinel site method" in EPA Region 1. As explained below, the Agency does not have records that are responsive to your request.

1. ***"The public notice in the federal register regarding the agency's intended use of the Sentinel Site Method for the purposes of selecting nutrient criteria and/or meeting dissolved oxygen criteria in estuarine waters."***

Records in support of individual permitting decisions (e.g., the draft NPDES permit and fact sheets for the Taunton, Massachusetts wastewater treatment facility), are not published in the Federal Register; thus, there are no records responsive to this request.

2. ***"Any Science Advisory Board review of this method (as applied by EPA Region 1) finding it scientifically defensible."***

The Science Advisory Board (SAB) has not reviewed the permit administrative records for NPDES permits developed for facilities discharging to the Taunton River Estuary; thus, there are no records responsive to this request.

3. ***"Any documentation confirming that EPA has previously peer-reviewed the "sentinel approach" as proposed for use in Region 1."***

There are no records responsive to this request.

4. ***Any correspondence sent from EPA HQ to the agency's Regional offices stating that the "sentinel approach" was scientifically defensible and an acceptable means for generating numeric nutrient criteria and/or establishing numeric nutrient limits under 40 CFR 122.44(d).***

There are no records responsive to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah G. Nagle".

Deborah G. Nagle, Director
Water Permits Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 6, 2015

Alexander J.E. English
Hall & Associates
1620 I St., NW
Washington, DC 20006-4033

OFFICE OF
WATER

RE: Freedom of Information Act Request EPA-HQ-2015-000462

Dear Mr. English:

This letter responds to the clarification you sent by email on January 5, 2014, in reply to our December 23, 2014, response to the above-named Freedom of Information Act (FOIA) request. Your FOIA request sought documents pertaining to use of the "sentinel site method" in EPA Region 1. You clarified that items 1 and 2 in that request were intended to address the "sentinel" method itself, rather than any individual permitting decisions.

Our response to your clarified request on items 1 and 2 is as follows:

1. ***"The public notice in the federal register regarding the agency's intended use of the Sentinel Site Method for the purposes of selecting nutrient criteria and/or meeting dissolved oxygen criteria in estuarine waters."***

There are no records that are responsive to your request.

2. ***"Any Science Advisory Board review of this method (as applied by EPA Region 1) finding it scientifically defensible."***

There are no records that are responsive to your request.

The cost of providing this information is \$24.25. An itemized invoice covering the charges for processing your request is enclosed. Please forward your check or money order, made payable to the U. S. Environmental Protection Agency, within 30 days of the date of this response. Your check should refer to the FOIA Tracking number above and should be accompanied by the top portion of the enclosed Bill for Collection. Your prompt payment of the amount indicated will be appreciated. In a continued effort to streamline the FOIA process, EPA is now offering you the option of paying your FOIA bill on-line. There is no requirement for you to use the on-line system to pay your bill, but if you choose to do so please go to www.pay.gov and follow the simple instructions. Please be sure to have your FOIA tracking number available so that the payment can be applied to the correct charge.

You may appeal this no records response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,



Deborah G. Nagle, Director
Water Permits Division