



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

**VIA FOIA ONLINE**

November 3, 2014

Mr. Alexander English  
Hall & Associates  
1620 I Street, NW, Suite 701  
Washington, DC 20006-4033

**RE: Freedom of Information Act Request No. EPA-R1-2015-000252**

Dear Mr. English:

This is in response to your Freedom of Information Act request of October 7, 2014, in which you seek records associated with the development of EPA Region 1's National Pollutant Discharge Elimination System Permit for Taunton, Massachusetts (Permit No. MA0100897).

Your FOIA requests any records added to the permit's administrative record since the publication of the Draft Permit Fact Sheet that relate to a series of factual assertions or technical positions that you have formulated regarding the permit and that you appear to have attributed to Region 1. You seek records "addressing" what you variously term "analysis," "documentation" or "information" that 'show,' 'demonstrate' or 'confirm' the statements to be true.

The Region has concluded these requests do not reasonably describe the records being sought as required by 40 C.F.R. § 2.103(c) and are accordingly improper. The FOIA request as currently formulated does not permit the Region to identify and locate the requested records in a manner consistent with its obligations under the statute. Region 1 is not obligated to make interpretative judgments to determine whether administrative record materials amount to a "demonstration" or "confirmation" that a particular statement is true. The Region further notes that many of the requests contain additional subjective terms ("valid," "still causing problems," "little water quality improvement," "scientifically defensible") that require interpretation. A FOIA request that necessitates the agency to formulate opinions and analyses or to effectively conduct research in order to respond to a request is not appropriate under FOIA. *Lamb v. IRS*, 871 F. Supp. 301, 304 (E.D. Mich. 1994) (finding requests outside scope of FOIA when they require legal research, are unspecific, or seek answers to interrogatories).

In accordance with our regulations, we offer you the opportunity to discuss and modify your requests to meet the requirements of the regulations. Please contact Samir Bukhari at (617) 918-1095 if you would like to discuss modifications. If we have not heard from you within 30 calendar days of the date of this letter, we will assume you are no longer interested in pursuing your request, and your file will be closed.

If you consider any portion of this response to be a denial, you may appeal it by addressing your written appeal 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](mailto: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 20001. 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 RIN listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,



Ken Moraff  
Director  
Office of Ecosystem Protection  
EPA-Region 1