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February 26, 2015

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 EPA Headquarters' Discussion with EPA Region I Regarding Region I's Methodology 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 (whether from official or private email accounts), policy statements, data, technical evaluations or analysis, and studies.

Background

On October 14, 2014, Hall & Associates submitted FOIA request EPA-HQ-2015-000462, seeking any records located at EPA Headquarters ("EPA HQ") associated with EPA Region I's ("EPA R1") so-called "Sentinel Site Method" for setting nutrient criteria under the Clean Water Act. *See* Attachment 1, "FOIA Request." EPA responded on December 24, 2014, stating that there were no responsive records, in part because neither EPA HQ nor the EPA Science Advisory Board reviews individual permitting decisions. *See* Attachment 2, "FOIA Response." Following discussions with Mr. Ross Brennan – clarifying that (a) FOIA request EPA-HQ-2015-000462 sought records dealing with the methodology as-applied by EPA R1, and (b) did not seek records concerning any individual permitting decision – EPA HQ provided confirmation that there were no responsive records on January 6, 2015. *See* Attachment 3, "FOIA Follow-Up."

Subsequently, on January 7, 2015, Mr. John Hall requested a meeting with EPA HQ to discuss EPA R1's approach to nutrient criteria and permitting. On January 8, 2015, EPA HQ responded, stating that they did not see value in a meeting "at this time," because EPA HQ had "had several discussions with Region 1 about their approach for interpreting narrative WQ criteria and developing limits to achieve narrative criteria." See Attachment 4, "Email Message." Moreover, in the Email Message, EPA HQ stated that, on the basis of these discussions, they "understand and support the Region's efforts." *Id.*

Request

In light of the FOIA Response, and subsequent Follow-Up, this request seeks any and all records associated with the discussions referenced in the Email Message, and in particular those records which give the basis or background for concluding that EPA R1's approach to narrative criteria interpretation is scientifically defensible.

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,



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Attachments