

## **HALL & ASSOCIATES**

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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).

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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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