

## HALL & ASSOCIATES

Suite 701  
1620 I Street, NW  
Washington, DC 20006-4033  
Telephone: (202) 463-1166      Web: <http://www.hall-associates.com>      Fax: (202) 463-4207

Reply to E-mail:  
[aenglish@hall-associates.com](mailto:aenglish@hall-associates.com)

October 7, 2014

### **Via FOIA Online**

Regional Freedom of Information Officer  
U.S. EPA, Region 1 (OARM01-6)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Facsimile: (617) 918-1102  
Email: [r1.foia@epa.gov](mailto:r1.foia@epa.gov)

### **Re: Freedom of Information Act Request for Records Added to the Permit Administrative Record for NPDES Draft Permit #MA0100897 by EPA Region I since March 20, 2013**

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**

On March 20, 2013, EPA Region 1 (EPA R1) published NPDES Draft Permit #MA0100897 (Draft Permit) for the City of Taunton (City) and an accompanying Fact Sheet for public comment. The public comment period on the Draft Permit was initially March 20, 2013, to April 18, 2013; EPA R1 extended the comment period to June 17, 2013. On September 10, 2014, EPA R1 met with the City to discuss the Draft Permit. At that meeting, EPA R1 indicated that, since the development of the Fact Sheet for the Draft Permit, it had received new information, and had conducted additional analyses in preparation for issuing the Final Permit. Neither information nor analyses were included as part of the Fact Sheet which accompanied the public comment notification for the Draft Permit, and have not been published for public comment and/or review.

## Request

This request seeks any and all records added to the permit administrative record by EPA Region I since the March 20, 2013 publication of the Fact Sheet specifically addressing the following issues:

1. Any analysis showing that the money spent by municipal entities on various wastewater improvement projects in the Taunton estuary system and waters influenced by that system since 2004/2005 (*i.e.*, Mount Hope Bay and Rhode Island nitrogen reductions) did not change oxygen demanding pollutant loading to the system, only bacteria levels.
2. Any analysis showing that the Brayton Point temperature reductions occurring since 2004/05 and recently proposed discharge elimination did not/will not improve dissolved oxygen (DO) in the Taunton Estuary.
3. Any documentation showing that EPA's published guidance and technical methods for nutrient criteria development and estuary DO assessments specify that a "sentinel approach" is a valid method for setting applicable nutrient criteria and nutrient reduction targets in estuarine systems.
4. Any documentation confirming that EPA has previously peer-reviewed the "sentinel approach" as proposed for use in this system.
5. The data sonde information, and any analysis thereof, that EPA referred to as demonstrating Taunton nutrients are still causing problems and that little water quality improvement has occurred since 2004.
6. Any confirmation received from EPA HQ stating that the Regional office's "sentinel approach" was scientifically defensible.
7. Any information confirming EPA's claim that other entities may sue the agency if a 3 mg/l TN permit is not imposed and the data supplied by these entities in support of their position that a 3 mg/l TN limitation is necessary for this system.

\*\*\*

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,

A handwritten signature in blue ink, appearing to read "Alexander J. E. English". The signature is fluid and cursive, with the first name "Alexander" being the most prominent.

Alexander J. E. English  
Hall & Associates  
1620 I St., NW  
Washington, DC 20006-4033  
(202) 463-1166  
aenglish@hall-associates.com