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

May 16, 2013

John C. Hall
Hall & Associates
1620 I Street, NW - Suite 701
Washington, DC 20006-4033

Re: Freedom of Information Act Requests: EPA-HQ-2013-005950,
EPA-HQ-2013-005951

Dear Mr. Hall:

I am writing to seek clarification regarding your Freedom of Information Act (FOIA) requests, referenced above, dated April 29, 2013.

You were placed in the commercial fee category, which means you will be charged for search and review time and duplication costs in accordance with the Agency's regulations. As you requested, we are writing to inform you that we have estimated that the search and duplication costs associated with these requests will exceed $250.00 per request. The total cost will depend on your clarification of the scope of the requests in two respects:

1. Your request EPA-HQ-2013-005950 provides two statements for which you request responsive EPA records. The first statement broadly references any "narrative criteria," while the second statement is specific to narrative criteria that lead to a "nutrient limitation." We interpret both statements in your request as limited to narrative criteria associated with nutrients, and not EPA statements for other types of narrative criteria (e.g., "no toxics in toxic amounts," "free from visible sheen," "free from objectionable odor or color"). A broader interpretation would necessitate a significantly broader search, at higher cost.

2. Also, both requests seek ". . . records where EPA informed the public of EPA policies regarding the following statements. . . ." Our understanding of these requests is that we should provide records that include EPA expression of "policy" rather than all records where EPA is making case-specific decisions (e.g., in a permit fact sheet or permit administrative record). As before, a broader interpretation would necessitate a significantly broader search, at higher cost.

Please be advised no further action will be taken on your request until we receive your written clarification. Be sure to refer to the FOIA numbers (listed above) in your response.

Finally, the EPA anticipates that responding to your requests will involve the need for consultation among multiple offices across the EPA. Due to these unusual circumstances, pursuant to 5 U.S.C. § 552(a)(6)(B) and 40 C.F.R. § 2.104(d), the EPA is extending the response time to your requests by an additional ten working days. In addition, the Agency may need

additional time to process your requests, particularly if you broaden them beyond the Agency's current interpretation, as discussed above. In such an event, we would be interested in further discussions about ways to prioritize your requests and provide a rolling release of responsive information.

Please notify me at brennan.ross@epa.gov regarding the clarification sought above.

Sincerely,

Ross Brennan, Associate Chief
State and Regional Branch