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

OFFICE OF WATER

Mr. Thomas Cmar
Earthjustice
1101 Lake Street Suite 405B
Oak Park, Il 60301

Re: Freedom of Information Act Request No. EPA-HQ-2017-005671, Initial Response

Dear Mr. Cmar:

Thank you for your Freedom of Information Act (FOIA) request. Your request referenced above was received by the U.S. Environmental Protection Agency (EPA) on April 03, 2017 and in it you requested:

> ...all records created, stored, or received since November 8, 2016 concerning the "Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" rule (the "Steam Electric ELGs rule") that was signed by the Administrator on September 30, 2015 and published in the Federal Register on November 3, 2015. Including but not limited to:
>
> 1. All records reflecting communications between EPA (or the Department of Justice) and the Utility Water Act Group, the law firm Hunton & Williams LLP, and/or any other entity or individual representing an electric generating utility or the utility industry, concerning the Steam Electric ELGs rule;
>
> 2. All records reflecting communications between EPA (or the Department of Justice) and the White House concerning the Steam Electric ELGs rule;
>
> 3. All records reflecting communications between EPA (or the Department of Justice) and the presidential transition team concerning the Steam Electric ELGs rule;
>
> 4. All records created, stored, or received by the EPA Administrator, or any of the Administrator's staff, concerning the Steam Electric ELGs rule;
>
> 5. All records created, stored, or received by the EPA "beachhead" team,[2] or any staff supporting the "beachhead" team, concerning the Steam Electric ELGs rule; and
>
> 6. All records created, stored, or received by the EPA Office of Water concerning the Steam Electric ELGs rule.

I. Opportunity to Discuss and Modify

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. Therefore, we would like to discuss the types of records you are interested in, and the possible locations of these records. We would like to further understand the specific subject matter of the records so that we are able to craft a search and provide you with the records you seek.

For excample, requests phrased as legal discovery, e.g., for all records "including but not limited to" and "pertaining to" a subject with no further limitation, do not provide adequate information to allow a professional employee to determine which records you wish EPA to provide.

EPA's FOIA regulations state:

> "Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request." 40 C.F.R. § 2.102(c).

We would like to provide you the opportunity to discuss the request with us and clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include or be prepared to discuss any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter.

II. Unusual Circumstances and Extension of Time

Pursuant to 40 C.F.R. § 2.104(d), an extension of time to respond to your request is necessary. Given the request as written, EPA anticipates that the response will require:

- significant amount of EPA's resources and time to search for, and appropriately examine the voluminous amount of records to complete this request
- collection of the requested records from multiple EPA offices that are separate from the office processing the request" and/or
- consultation with another agency having a substantial interest in the determination of the request.

III. Processing Fees

On 04/03/2017 the EPA's National Freedom of Information Office granted the fee waiver request that accompanied the FOIA request. Therefore, you will not be assessed fees.

IV. Publicly Available Information

The following link provides publicly available information that you can access immediately:

Steam Electric Power Generating Effluent Guidelines - 2015 Final Rule
https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-2015-final-rule

V. Next Steps

The processing clock is stopped for your FOIA request until we receive your clarification or modification.

Please respond within ten calendar days from the date of this letter to arrange a time to discuss your request.

You may email Michael Scozzafava at Scozzafava.MichaelE@epa.gov or Denise Walker at walker.denise@epa.gov with your response or contact Denise Walker at 202-564-6520 if you have any further questions. If we do not receive a response from you by April 28, 2017, we will consider your request to be voluntarily withdrawn. Once the request is clarified we will continue processing your FOIA request and provide you with an estimated timeframe for completion. If you wish to request information connected to this request in the future, please reference the FOIA request number.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769

If you wish to request information connected to this request in the future, please reference the FOIA request number.

Sincerely,

Robert Wood, Director
Engineering and Analysis Division

cc: Diane Jones Coleman, Office of Water FOIA Officer