

EPA FOIA ANNUAL REPORT

FOR
10/01/2011
THROUGH
09/30/2012

The following **Annual Freedom of Information Act** report covers the Period 10/01/2011, through 09/30/2012, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address, and Telephone Number
Larry F. Gottesman
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FOIA and Privacy Branch
Office of Environmental Information
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Mail Code 2822 T
Washington, DC 20460
(202) 566-1667
2. Electronic address for Report on the agency Web site.
<http://www.epa.gov/foia>
3. How to obtain a copy of the Report in paper form.
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Washington, DC 20460
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II. MAKING A FOIA REQUEST

1. For basic information on how to make a FOIA request, visit our website at <http://www.epa.gov/foia>.
2. Brief description of why some requests are not granted and an overview of certain general categories of the EPA records to which the FOIA exemptions apply.

Documents requested were protected by an exemption and release would have caused harm to the interest protected by the exemption. Information withheld may include personally identifiable information (PII), medical records, proprietary business records, investigatory records, that if released may interfere with open investigations.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

1.

<u>Acronyms used</u>	<u>Served</u>
HQ EPA	Headquarters
Region 1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Region 2	New Jersey, New York, Puerto Rico, U.S. Virgin Islands and 7 Tribal Nations
Region 3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Region 4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina
Region 5	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Region 6	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Region 7	Iowa, Kansas, Missouri, Nebraska
Region 8	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Region 9	Arizona, California, Hawaii, Nevada, American Samoa, Guam
Region 10	Alaska, Idaho, Oregon, Washington
2. Include the following definitions of terms used in this Report:
 - a. **Administrative Appeal** - a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
 - b. **Average Number** - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
 - c. **Backlog** - the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.

- d. **Component** - for agencies that process requests on a decentralized basis, a "component" is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** - the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
- f. **Exemption 3 Statute** - a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** - a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a "third-party" request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., "first-party" requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act "systems of records" or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** - an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-Track Processing** - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

- i. **Expedited Processing** - an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - ii. **Simple Request** - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - iii. **Complex Request** - a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
 - l. **Partial Grant/Partial Denial** - in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
 - m. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
 - n. **Perfected Request** - a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
 - o. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
 - p. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
 - q. **Time Limits** - the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request).
3. Include the following concise descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
 - b. **Exemption 2:** internal agency rules and practices
 - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
 - d. **Exemption 4:** trade secrets and other confidential business information
 - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
 - f. **Exemption 6:** information involving matters of personal privacy
 - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the

production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

IV. Exemption 3 Statutes

A. For Initial Requests				
Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 5-	Certain records pertaining to grand jury proceedings	Sussman v. USMS, 494 F.3d 1106, 1113 (D.C. Cir. 2007); Fund for Constitutional Gov't v. Nat'l Archives & Records Serv., 656 F.2d 856, 867-68 (D.C. Cir. 1981); Durham v. U.S. Atty. Gen., No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); Cozen O'Connor v. U.S. Dep't of Treasury, 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	05 : 1 HQ : 2	3
7 U.S.C. § 136h(g)	Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None.	HQ : 14	14
41 U.S.C. § 4702(b)	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	Sinkfield v. HUD, No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); Hornbostel v. U.S. Dep't of the Interior, 305 F. Supp. 2d 21, 30 (D.D.C. 2003), summary affirmance granted, No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	02 : 1 07 : 10	11

B. For Appeals				
Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
Section 107	Ethics In Government Act	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Concepcion v. FBI, 606 F. Supp. 2d 14, 33 (D.D.C. 2009), renewed motion for summary judgment granted in part on other grounds, 699 F. Supp. 2d 106 (D.D.C. 2010).	HQ : 1	1

V. FOIA REQUESTS

A. Received, Processed and Pending FOIA Requests				
	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
01	29	271	263	37
02	262	1551	1200	613
03	104	1130	1129	105
04	84	822	824	82
05	112	1394	1392	114
06	114	584	609	89
07	38	572	578	32
08	31	341	339	33
09	28	534	526	36
10	62	431	397	96
HQ	659	2059	2002	716
AGENCY OVERALL	1523	9689	9259	1953

B.(1) Disposition of FOIA Requests All Processed Requests

	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions			Number of Full Denials Based on Reasons Other than Exemptions							TOTAL	
						Fee-related reason	Duplicate Request	No records	Records not reasonably described	Request withdrawn	Improper FOIA request for Other Reason	Not Agency Record		All Records Referred to another Component or Agency
01	151	14	-	3	-	67	-	17	-			11	0	274
02	357	16	5	-	7	732	1	55	1	1		24	1	1226
03	693	23	6	2	7	331	-	51	-			16	0	1145
04	449	82	-	-	3	199	1	72	3			15	0	842
05	592	90	3	12	8	634	7	46	-			0	-	1392
06	219	41	2	1	8	232	-	53	1	1		51	0	662
07	392	32	8	1	4	109	-	21	1			10	0	589
08	213	12	1	-	7	61	-	41	3			1	0	343
09	261	20	2	6	8	182	8	17	2			19	1	547
10	241	37	3	1	1	82	6	25	1				0	398
HQ	1151	242	66	21	43	167	10	225	11	2		62	2	2077
AGENCY OVERALL	4719	609	96	47	96	2796	33	623	23	4		209	4	9259

B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions

Component	Description of Other Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon	TOTAL
02	FILE REVIEW 1	1
09	GLOMAR 1	1
HQ	GLOMAR 1 FILE REVIEW 1	2

B.(3) Disposition of FOIA Requests Number of Times Exemptions Applied

	(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7) (A)	(b) (7) (B)	(b) (7) (C)	(b) (7) (D)	(b) (7) (E)	(b) (7) (F)	(b) (8)	(b) (9)
01	-	-	-	1	12	1	5	-	1	-	-	-	-	-
02	-	1	1	7	9	7	3	-	1	-	1	-	-	-
03	-	-	-	7	17	7	5	-	1	3	-	-	-	-
04	-	-	-	27	53	45	18	-	9	-	-	-	-	-
05	-	1	2	15	55	23	33	-	7	-	2	-	-	2
06	-	-	-	10	33	15	14	12	2	2	2	2	-	-
07	-	-	10	16	14	11	12	1	2	2	-	-	-	-
08	-	1	-	2	12	3	5	-	-	-	3	-	-	-
09	-	1	-	9	12	4	2	-	1	-	1	-	-	-
10	-	-	-	7	31	5	7	-	2	-	3	-	-	-
HQ	-	4	16	89	86	81	22	1	38	4	33	-	-	2
AGENCY OVERALL	-	8	29	190	334	202	126	14	64	11	45	2	-	4

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
01	-	-	-	-
02	-	-	-	-
03	-	-	-	-
04	-	-	-	-
05	-	-	-	-
06	-	-	-	-
07	-	-	-	-
08	-	-	-	-
09	-	-	-	-
10	-	-	-	-
HQ	106	215	246	75
AGENCY OVERALL	106	215	246	75

B. Disposition of Administrative Appeals All Processed Appeals

	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
01	-	-	-	-	-
02	-	-	-	-	-
03	-	-	-	-	-
04	-	-	-	-	-
05	-	-	-	-	-
06	-	-	-	-	-
07	-	-	-	-	-
08	-	-	-	-	-
09	-	-	-	-	-
10	-	-	-	-	-
HQ	97	45	36	68	246
AGENCY OVERALL	97	45	36	68	246

C.(1) Reasons for Denial on Appeal Number of Times Exemptions Applied

	(b) (1)	(b) (2)	(b) (3)	(b) (4)	(b) (5)	(b) (6)	(b) (7) (A)	(b) (7) (B)	(b) (7) (C)	(b) (7) (D)	(b) (7) (E)	(b) (7) (F)	(b) (8)	(b) (9)
01	-	-	-	-	-	-	-	-	-	-	-	-	-	-
02	-	-	-	-	-	-	-	-	-	-	-	-	-	-
03	-	-	-	-	-	-	-	-	-	-	-	-	-	-
04	-	-	-	-	-	-	-	-	-	-	-	-	-	-
05	-	-	-	-	-	-	-	-	-	-	-	-	-	-
06	-	-	-	-	-	-	-	-	-	-	-	-	-	-
07	-	-	-	-	-	-	-	-	-	-	-	-	-	-
08	-	-	-	-	-	-	-	-	-	-	-	-	-	-
09	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HQ	-	-	2	12	35	15	12	-	5	-	2	-	-	-
AGENCY OVERALL	-	-	2	12	35	15	12	-	5	-	2	-	-	-

C.(2) Reasons for Denial on Appeal Reasons Other than Exemptions

	Fee-related reason	Duplicate Request	No records	Records not reasonably described	Request withdrawn	Improper FOIA request for some other Reason	Referrals	Request in Litigation	Other *Explain in chart below	TOTAL
01	-	-	-	-	-	-	-	-	-	-
02	-	-	-	-	-	-	-	-	-	-
03	-	-	-	-	-	-	-	-	-	-
04	-	-	-	-	-	-	-	-	-	-
05	-	-	-	-	-	-	-	-	-	-
06	-	-	-	-	-	-	-	-	-	-
07	-	-	-	-	-	-	-	-	-	-
08	-	-	-	-	-	-	-	-	-	-
09	-	-	-	-	-	-	-	-	-	-
10	-	-	-	-	-	-	-	-	-	-
HQ	6	4	-	-	51	3	2	2	0	68
AGENCY OVERALL	6	4	-	-	51	3	2	2	0	68

C.(3) Reasons for Denial on Appeal Other Reasons

Component	Description of Other Reasons for Denials from Chart C (2) & Number of Times Those Reasons Were Relied upon	TOTAL
N/A		N/A

C.(4) Response Time for Administrative Appeals

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
01	-	-	-	-	-	-	-	-	-	-	-	-
02	-	-	-	-	-	-	-	-	-	-	-	-
03	-	-	-	-	-	-	-	-	-	-	-	-
04	-	-	-	-	-	-	-	-	-	-	-	-
05	-	-	-	-	-	-	-	-	-	-	-	-
06	-	-	-	-	-	-	-	-	-	-	-	-
07	-	-	-	-	-	-	-	-	-	-	-	-
08	-	-	-	-	-	-	-	-	-	-	-	-
09	-	-	-	-	-	-	-	-	-	-	-	-
10	-	-	-	-	-	-	-	-	-	-	-	-
HQ	21	230.78	1	2445	29	45.23	20	1134	-	-	-	-
AGENCY OVERALL	21	230.78	1	2445	29	45.23	20	1134	-	-	-	-

C.(5) Ten Oldest Pending Administrative Appeals

	10th Oldest Appeal and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal and Number of Days Pending
01										
02										
03										
04										
05										
06										
07										
08										
09										
10										
HQ	04/02/2008 1127	05/17/2007 1345	08/01/2006 1544	06/27/2006 1568	06/07/2006 1582	05/22/2006 1593	05/22/2006 1593	02/22/2006 1656	05/10/2005 1852	01/23/2003 2429
AGENCY OVERALL	04/02/2008 1127	05/17/2007 1345	08/01/2006 1544	06/27/2006 1568	06/07/2006 1582	05/22/2006 1593	05/22/2006 1593	02/22/2006 1656	05/10/2005 1852	01/23/2003 2429

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests Response Time for All Processed Perfected Requests

	SIMPLE				COMPLEX				EXPEDITED PROCESSING			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
01	8.5	13.64	<1	16	34	38.8	1	851	-	-	-	-
02	16	18.88	<1	19	77	70.34	4	217	71	71	71	71
03	16	18.06	<1	19	35	33.56	5	525	32	32	32	32
04	14	18.83	<1	19	37	39.33	7	503	-	-	-	-
05	14	14.55	<1	17	33	35.01	<1	567	24	24	24	24
06	19	18.61	<1	19	41	44.49	<1	1186	-	-	-	-
07	15	14.2	<1	17	36	37.91	2	327	-	-	-	-
08	9	10.94	<1	14	34	33.02	<1	339	-	-	-	-
09	8.5	10.56	<1	11	34	28.87	<1	99	29	29	29	29
10	11	14.93	<1	17	42	47.43	9	337	-	-	-	-
HQ	15	14.23	<1	19	40	44.28	<1	236	120	152.43	31	346
AGENCY OVERALL	15	16.93	<1	19	30*	45.91	<1	1186	71	111.18	24	346

*EPA's FOIA Annual Report for FY12 was generated by FOIAXpress. While the median days in the complex track may appear to be inaccurate, the accuracy was confirmed by the vendor.

09	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HQ	-	-	2	-	-	-	2	-	-	-	1	1	1	-	7
AGENCY OVERALL	-	-	5	-	1	-	2	-	-	-	1	1	1	-	11

D. Pending Requests All Pending Perfected Requests

	SIMPLE			COMPLEX			EXPEDITED PROCESSING		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
01	28	2	2	9	111	192.22	-	-	-
02	200	16.5	17	390	71	76.67	-	-	-
03	77	13	14	28	135	154.07	-	-	-
04	71	13	14	11	129	152.45	-	-	-
05	89	11	10	23	48	118.83	1	12	12
06	60	12	12	28	104	148.32	1	50	50
07	26	8.5	13	6	67.5	67.83	-	-	-
08	15	10	11	18	77	104.06	-	-	-
09	22	9.5	10	14	63.5	98.5	-	-	-
10	48	19	19	40	80.5	107.15	-	-	-
HQ	205	19	19	497	93	105.45	14	556.5	534.79
AGENCY OVERALL	841	18	18	1064	79.5	99.61	16	506	471.81

E. Pending Requests Ten Oldest Pending Perfected Requests

	10th Oldest Request and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Request and Number of Days Pending
01	05/22/2012 90	05/21/2012 91	04/23/2012 111	01/26/2012 172	10/11/2011 244	04/27/2011 359	01/19/2011 428	11/17/2010 469	10/05/2010 498	06/15/2010 576
02	07/19/2011 302	07/19/2011 302	07/15/2011 304	07/13/2011 306	05/02/2011 356	04/05/2011 375	03/28/2011 381	02/16/2011 408	01/27/2011 422	08/11/2010 536
03	02/03/2012 166	02/02/2012 167	01/31/2012 169	12/14/2011 200	10/26/2011 233	10/06/2011 246	06/02/2011 334	05/13/2011 347	12/06/2010 457	04/28/2010 609
04	03/22/2012 133	03/21/2012 134	02/13/2012 160	11/10/2011 222	10/26/2011 233	09/09/2011 265	08/10/2011 286	08/03/2011 291	11/16/2010 470	11/01/2010 480
05	02/24/2012 152	01/24/2012 174	12/16/2011 198	10/13/2011 242	09/28/2011 252	09/26/2011 254	05/20/2011 342	05/17/2011 345	03/15/2011 390	04/16/2010 617
06	01/06/2011 436	01/06/2011 436	12/30/2010 440	12/16/2010 449	10/06/2010 497	09/28/2010 503	07/01/2010 564	04/21/2010 614	11/06/2009 726	01/05/2008 1188
07	09/13/2012 11	09/11/2012 13	08/24/2012 24	08/21/2012 27	07/31/2012 42	07/12/2012 55	07/09/2012 58	06/11/2012 77	06/01/2012 83	05/18/2012 92
08	06/06/2012 80	06/05/2012 81	05/29/2012 86	05/23/2012 89	03/06/2012 145	02/01/2012 168	12/05/2011 207	09/08/2011 266	08/22/2011 278	05/24/2011 340
09	08/08/2012 36	07/31/2012 42	07/23/2012 48	06/07/2012 79	05/07/2012 101	03/12/2012 141	02/23/2012 153	12/09/2011 203	11/14/2011 221	10/04/2011 248
10	06/15/2011 325	02/16/2011 408	10/20/2010 488	09/28/2010 503	07/30/2010 544	07/20/2010 552	03/31/2010 629	01/20/2010 678	11/02/2009 730	05/29/2009 838
HQ	12/20/2006 1447	12/14/2006 1451	07/31/2006 1545	07/24/2006 1550	04/24/2006 1613	03/16/2006 1640	08/01/2005 1795	07/29/2005 1796	06/14/2005 1828	01/05/2005 1939
AGENCY OVERALL	12/20/2006 1447	12/14/2006 1451	07/31/2006 1545	07/24/2006 1550	04/24/2006 1613	03/16/2006 1640	08/01/2005 1795	07/29/2005 1796	06/14/2005 1828	01/05/2005 1939

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
01	-	8	6.5	4.5	8
02	1	13	8	8.79	9
03	1	16	5	4.82	16
04	-	10	4.5	5.3	8
05	1	20	5	5.29	20
06	1	7	1.5	5.5	6
07	-	12	5.5	6.67	10
08	-	7	0	1.57	7
09	1	12	7	7.08	9
10	-	17	5	7.94	13
HQ	7	87	5	5.15	85
AGENCY OVERALL	12	209	5	5.66	191

B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
01	5	13	0	1.28
02	10	15	2	4.4
03	16	21	0	1.89
04	22	18	0	1.18
05	17	36	3	6.75
06	21	21	0	1.57
07	11	12	1	1.74

08	21	12	1	2.15
09	6	20	1	3.62
10	13	19	1.5	2.66
HQ	91	81	3	4.3
AGENCY OVERALL	233	268	1	3.4

IX. FOIA PERSONNEL AND COSTS

	PERSONNEL			COSTS		
	Number of Full-Time FOIA Employees	Number of Equivalent Full-Time FOIA Employees	Total Number of Full-Time FOIA Staff	Processing Costs	Litigation-Related Costs	Total Costs
01	0	3.00	3.00	416,100.00	0	416,100.00
02	5	3.77	8.77	1,216,399.00	0	1,216,399.00
03	6	0.00	6.00	832,200.00	0	832,200.00
04	12	0.67	12.67	1,757,329.00	0	1,757,329.00
05	7	9.30	16.30	2,260,810.00	0	2,260,810.00
06	2	0.00	2.00	277,400.00	0	277,400.00
07	2	0.00	2.00	277,400.00	0	277,400.00
08	5	0.67	5.67	786,429.00	0	786,429.00
09	1	9.00	10.00	1,387,000.00	0	1,387,000.00
10	0	2.00	2.00	277,400.00	0	277,400.00
HQ	11	48.50	59.50	8,113,950.00	416,100.00	8,530,050.00
AGENCY OVERALL	51	76.91	127.91	17,602,417.00	416,100.00	18,018,517.00

(*) – FTE = \$138,700.

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
01	\$16,360.64	3.93
02	\$9,175.14	0.75
03	\$12,515.36	1.50
04	\$15,452.41	0.88
05	\$63,458.14	2.81
06	\$14,821.52	5.34
07	\$40,621.45	14.64
08	\$122,481.85	15.57
09	\$6,393.83	0.46
10	\$15,877.91	5.72
HQ	\$68,563.77	0.85
AGENCY OVERALL	\$385,722.02	2.19

XI. FOIA Regulations (Including Fee Schedule)

EPA's Regulations can be found at the following website – <http://www.epa.gov/foia/foiaregs.htm>

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS**A. Backlogs of FOIA Requests and Administrative Appeals**

	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
01	2	-
02	33	-
03	1	-
04	21	-
05	8	-
06	9	-
07	1	-
08	0	-
09	0	-
10	21	-
HQ	372	57
AGENCY OVERALL	468	57

B. Consultations on FOIA Requests Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at EPA as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Processed</u> by EPA During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at EPA as of <u>End</u> of the Fiscal Year
01	-	-	-	-
02	-	-	-	-
03	-	4	4	-
04	-	9	9	-
05	-	5	5	-
06	-	1	1	-
07	-	-	-	-
08	-	-	-	-
09	-	-	-	-
10	-	-	-	-
HQ	15	61	44	32
AGENCY OVERALL	15	80	63	32

C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at EPA

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
HQ	5/6/2012 94	3/2/2012 145	12/28/2011 190	10/20/2011 237	10/21/2010 488	9/29/2010 503	9/28/2010 504	4/5/2010 624	12/02/2009 709	12/20/2006 1450
AGENCY OVERALL	5/6/2012 94	3/2/2012 145	12/28/2011 190	10/20/2011 237	10/21/2010 488	9/29/2010 503	9/28/2010 504	4/5/2010 624	12/02/2009 709	12/20/2006 1450

D. Comparison of Numbers of Requests from Previous and Current Annual Report Requests Received, Processed, and Backlogged

	NUMBER OF REQUESTS <u>RECEIVED</u>		NUMBER OF REQUESTS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Years Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Years Annual Report	Number Processed During Fiscal Year from Current Annual Report
01	221	271	220	263
02	1483	1551	1724	1200
03	1234	1130	1267	1129
04	807	822	813	824
05	1415	1394	1405	1392
06	614	584	578	609
07	636	572	642	578
08	339	341	334	339
09	619	534	642	526
10	444	431	450	397
HQ	2311	2059	2360	2002
AGENCY OVERALL	10123	9689	10435	9259

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
01	0	2
02	37	33
03	1	1
04	13	21
05	0	8
06	52	9
07	0	1
08	0	0
09	0	0
10	0	21
HQ	223	372
AGENCY OVERALL	326	468

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report Appeals

Received, Processed, and Backlogged

	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Years Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Years Annual Report	Number Processed During Fiscal Year from Current Annual Report
01	-	-	-	-
02	-	-	-	-
03	-	-	-	-
04	-	-	-	-
05	-	-	-	-
06	-	-	-	-
07	-	-	-	-
08	-	-	-	-
09	-	-	-	-
10	-	-	-	-
HQ	215	215	208	246
AGENCY OVERALL	215	215	208	246

	Number of Backlogged Appeals as of End of	Number of Backlogged Appeals as of End of
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	the Fiscal Year from Previous Annual Report	the Fiscal Year from Current Annual Report
01	-	-
02	-	-
03	-	-
04	-	-
05	-	-
06	-	-
07	-	-
08	-	-
09	-	-
10	-	-
HQ	64	57
AGENCY OVERALL	64	57
