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**U.S. Environmental Protection Agency**  
**2016 Chief FOIA Officer Report**  
**(March 2015 – March 2016)**

**Section I: Steps Taken to Apply the Presumption of Openness**

***Freedom of Information (FOIA) Training:***

1. Did your agency conduct FOIA training during the reporting period for FOIA professionals?

Yes.

2. If yes, please provide a brief description of the type of training conducted and the topics covered.

The Agency FOIA Officer, along with the Office of General Counsel's Information Law Practice Group and the FOIA Expert Assistance Team (FEAT), held monthly meetings with the Agency's FOIA Coordinators, regional FOIA Officers and regional attorneys who provide guidance and updates on FOIA related matters. These monthly meetings provided key FOIA personnel with ongoing training relevant to the performance of their duties, including but not limited to information on Agency FOIA processes and procedures; explanations of how to apply FOIA exemptions, estimate fees, and make discretionary disclosures; as well as guidance on other administrative processing matters and FOIA related topics.

3. If no, please explain why your agency did not hold training during the reporting period, such as if training offered by other agencies was sufficient for your agency's training needs.

N/A

4. Did your FOIA professionals attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice (DOJ)?

Yes. In addition to the Agency's mandatory training, FOIA professionals were required to take a mandatory on-line training module developed by DOJ. Additionally, all of the four training modules developed by DOJ, as part of the National Action Plan 2.0, are available to all EPA staff.

5. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

100%.

## ***Outreach***

6. Did your FOIA professionals engage in any outreach or dialogue with the requester Community or open government groups regarding your administration of the FOIA?

EPA staff served on a number of the President's National Action Plan 2.0 initiatives, including the FOIA Federal Advisory Committee. As part of these activities, EPA staff members maintain a dialog with the FOIA requester community and open government groups in an effort to improve EPA's FOIA administration. Furthermore, EPA's FOIA professionals engaged with the requester community and participated in the Department of Justice (DOJ) Office of Information Policy's (OIP) Best Practices workshops.

EPA's FOIA professionals consistently engage in outreach with the requester community in an effort to successfully process and respond to all FOIA requests. For example, the FEAT has taken on an active role in assisting to improve the Agency's processing of FOIAs. A new service initiated by the FEAT is to provide notification of incoming FOIA requests that may be of particular interest to offices, increasing their level of awareness of pending requests and giving them the opportunity to make decisions on media and/or congressional engagement/outreach regarding those requests. Similarly, as part of its regular review of all incoming FOIA requests, the team looks for the same or similar requests submitted to multiple offices and takes action to streamline the processing of those requests.

7. If you did not conduct any outreach during the reporting period, please explain why.

N/A.

## ***Discretionary Releases:***

8. Does your agency have a distinct process or system in place to review records for discretionary release?

Yes, EPA has a distinct process for reviewing records for discretionary release. All components of the Agency work to make discretionary releases, whenever possible. EPA's FOIA procedures require two levels of review, one by the FOIA processor and the other by a supervisor or manager, when determining whether to release or withhold documents under a FOIA exemption. In keeping with Administration policies, EPA policy requires the release of records that are found to be responsive to a request unless a mandatory exemption applies or unless, for discretionary exemptions, the Agency determines that a foreseeable harm would result from disclosure.

9. During the reporting period, did your agency make any discretionary releases of information?

Yes.

10. What exemption(s) would have covered the material released as a matter of discretion?

Exemption 5 (Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.)

11. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

EPA receives a significant number of requests for information that is both internal to the Agency and pre-decisional, thereby qualifying it as exempt from mandatory disclosure under a FOIA exemption.

Specific examples include requests for documents related to rulemakings or other significant actions. When responding to these requests, the Agency works to make the discretionary release of many of these internal, pre-decisional documents, unless the Agency identifies a harm that would result from their disclosure.

12. If your agency was not able to make any discretionary releases of information, please explain why.

N/A.

### ***Other Initiatives***

13. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA?

All EPA employees were required to take a mandatory FOIA Awareness Training. The training consisted of three modules:

Module 1: The Government's Obligation to the Public Under the FOIA

- What is FOIA?
- Guidance for Implementing the FOIA
- FOIA Libraries and FOIAonline

Module 2: FOIA Requests

- Who Can Make a FOIA Request?
- What Records are Subject to the FOIA?

Module 3: EPA's FOIA Process

- Workflow for Responding to FOIA requests
- Headquarters FOIA Coordinators, Regional FOIA Officers and FOIA Resources

Furthermore, EPA offered FOIAonline training to all EPA employees. The training consisted of a complete overview of the functionality of FOIAonline.

EPA has a network of FOIA Coordinators and regional FOIA Officers who help ensure that non-FOIA professionals are aware of their FOIA obligations and updated on a regular basis on best FOIA practices.

14. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

EPA is steadfastly committed to making all records available to the public unless they are precluded from disclosure. In Fiscal Year 2015, EPA only fully denied 49 FOIA requests based on exemptions, out of the 11,278 determinations issued. FOIA-related meetings and training sessions consistently include discussions on “openness” to ensure that all records are reviewed with a presumption of disclosure. Training is provided to all those who must make these decisions.

FOIAonline provides the public with easier access to FOIA requests and releases. Since the launch of FOIAonline on October 1, 2012, EPA has processed more than 40,000 FOIA requests and publically posted more than 500,000 records. Accordingly, responses to most FOIA requests, including those containing frequently requested information, are available to the public through FOIAonline.

Additionally, the presumption of openness guidance is set forth in an Agency-wide Memorandum of Transparency in EPA Operations, which clearly states that “all Agency personnel should ensure that the principle of openness is applied to the extent possible when responding to FOIA requests,” <http://www2.epa.gov/foia/learn-about-foia>. Accordingly, records reviewed by EPA in processing FOIA requests and appeals are reviewed with this presumption of disclosure. Finally, the presumption of openness was addressed in the mandatory FOIA Awareness Training that all EPA employees were required to complete.

## **Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests**

### ***Processing Procedures:***

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing?

The average number of days to adjudicate a request for expedited processing at EPA was 5.32 days.

2. If your agency’s average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

N/A.

3. If your agency has a decentralized FOIA process, has your agency taken steps to make the routing or misdirected requests within your agency more efficient? If so, please describe those steps.

EPA has a decentralized FOIA process. EPA utilizes FOIAonline as the Agency FOIA management system to receive, process and respond to FOIA requests. When a request is received by the National FOIA Program at EPA headquarters or one of EPA's regional offices, the request is reviewed by a FOIA professional who then assigns the FOIA request to the organization that has the responsive records. FOIAonline allows rerouting of FOIAs between regions and headquarters program offices with a click of a button.

4. If your agency is already handling the routing of misdirected requests in an efficient manner, please note that here and describe your process for these requests.

Please see response to Section II, question 3 above.

5. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters 30 working days to respond.

Yes. EPA follows the letter and spirit of OIP's "still interested" guidance.

***Requester Services:***

6. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes.

In October 2012, EPA deployed FOIAonline, a new FOIA management system. All FOIA requests received at the EPA are managed throughout their lifecycle in this system. FOIAonline gives requesters the capability to create individual accounts which then allows them to view the specific processing details of their individual requests. Requesters who have created such accounts are able to view all status information (e.g., when the request was received, where the request has been assigned) regarding the processing and managing of their individual requests.

The Agency's FOIA Service Center is open from 6:00 a.m. to 6:00 p.m., Monday thru Friday to provide assistance to all requesters and to resolve any FOIA disputes that may arise. The Agency has also included in FOIA.gov and EPA's FOIA site information about how to contact EPA's FOIA Public Liaison. EPA's FOIA Liaison has worked with requesters and program offices to

resolve disputes. The FOIA Public Liaison has also worked with the Office of Government Information Services (OGIS) in resolving concerns raised by the public.

7. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that here.

N/A.

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

EPA has been conducting a FOIA Program Review. EPA has worked continuously to strengthen its FOIA program; the Program Review is a continuation of these improvement efforts. This Review was initiated to examine EPA's current implementation of FOIA and identify opportunities to improve the program. This study assesses the program's current effectiveness and efficiency, and provides recommendations to inform strategic planning decisions. EPA anticipates the results of the Review and any recommendation in early CY 2016.

### **Section III: Steps Taken to Increase Proactive Disclosures**

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a) (2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

Since October 1, 2012, EPA has posted all records released through FOIA on FOIAonline. Accordingly, responses to most FOIA requests, including those containing frequently requested information, are available to the public through FOIAonline.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

EPA programs and regions strive to identify records of public interest. For example, EPA developed a website to disclose information concerning Volkswagen's emissions issues (<http://www.epa.gov/vw>). EPA also developed a public website for the Gold King Mine release in Colorado that contains extensive information on all aspects of the release and emergency response including site files, sampling results, internal review documentation, access agreements, press releases, contracting documents, photos and videos (<http://www.epa.gov/goldkingmine>).

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your professionals and your agency overall.

EPA strives to meet Section 508 requirements when posting records. All records released through FOIAonline in native format (Word, Excel, etc.) or PDF are provided in a 508-compliant format. In fact all records released through FOIAonline are rendered, through an electronic process, in a 508-compliant format.

4. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

No.

5. If so, please briefly explain those challenges.

N/A.

6. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

- Enforcement and Compliance History Online | US EPA <http://echo.epa.gov/?redirect=echo>
- Cleanups at Federal Facilities | US EPA <http://www.epa.gov/fedfac>
- Volkswagen emission data <http://www.epa.gov/vw>
- August 2015 Gold King Mine release in Colorado that contains extensive information on all aspects of the release and emergency response including site files, sampling results, internal review documentation, access agreements, press releases, contracting documents, photos and videos. Some information is provided in Spanish. <http://www.epa.gov/goldkingmine>
- MyProperty <http://www.epa.gov/myproperty>

Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Yes. EPA has a robust FOIA website that is available to the public that highlights our proactive disclosures. The website contains the public disclosure sites listed under response 6 above as well as pesticide FOIA information resources in the EPA Chemical Search databases and a link to existing and past FOIA requests from both EPA and numerous other agencies. The Agency's One EPA Web initiative works to identify key topics of interest to the public and develop cross-Agency webpages to provide the information.

EPA uses numerous social media resources to increase proactive disclosure including, but not exhaustively:

- Blogs and Discussion Forums <https://blog.epa.gov/blog/>
- Facebook <https://www.facebook.com/GinaMcCarthyEPA>,  
<https://www.facebook.com/EPA>
- Instagram <https://www.instagram.com/epagov/>
- Twitter <https://twitter.com/EPA>
- YouTube <https://www.youtube.com/user/USEPAgov/featured>

***Other Initiatives:***

7. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

EPA posts all FOIA response through FOIAonline, to allow the public access to records released under FOIA without the need to file a request.

**Section IV: Steps Taken to Greater Utilize Technology**

***Making Material Posted Online More Usable:***

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

Yes. EPA uses a variety of tools to ensure posted information is useful to the individuals who regularly access the Agency's website. EPA's Web analytics program collects, analyzes, and provides reports on Web traffic, quality assurance (QA) and Voice-of-Customer (VoC) metrics for EPA websites. Analysis includes audience segmentation, trend analysis and other methods to assist Web content owners in refining their online presence. To support this mission, the program uses a variety of analytical tools, including, but not limited to, Google Analytics, Sitebeam and the ForeSee Customer Satisfaction Survey.

EPA also uses Maxamine/Accenture Quality Assurance and Traffic Reports. Using these tools, EPA can produce monthly Quality Assurance Reports and Traffic Reports to the webmasters and content managers. Quality assurance reports include link integrity, redundant file, usability and metadata coverage. Traffic reports consist of a traffic summary, demographics, traffic sources, technologies and specific site report. The webmasters and content managers can review the data from the survey and reports and then in turn make changes to improve the site.

EPA actively manages its search results, frequently and regularly reviewing common search queries to ensure that the best information is prominently presented in the search results. EPA also uses heat maps to determine the topics of most interest to individuals who visit the EPA website.



2. If yes, please provide examples of such improvements.

EPA continually explores ways to improve its Internet site. The FOIA website, [www.epa.gov/foia](http://www.epa.gov/foia), is frequently updated with information useable by the general public and agency employees.

3. Have your agency's FOIA professionals interacted with other agency staff (such as technology specialists or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Yes. EPA continually works with its Web program and regional office staff to identify ways to improve the Agency's website. This past year, EPA as part of the One EPA Web initiative, totally redesigned its website to allow the public greater access to information through the site. EPA also redesigned its FOIA website to allow greater access to information by the public.

***Use of Technology to Facilitate Processing of Requests:***

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction or other processing tools?

Yes. EPA provided training on Adobe XI Pro and Relativity redaction tools.

5. Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?

Yes.

If yes, describe the technological improvements being made.

EPA deployed SharePoint during the previous reporting cycle. SharePoint's components (OneDrive, Sites, Profile and Newsfeed) provide EPA employees, teams and organizations with access to powerful communication and collaboration tools and features. For example:

- Employees can use OneDrive as their individual file storage so they can access their files from anywhere. They can also share a document with other colleagues or external partners instead of sending it by email.
- A team can use a Site to share access and collaborate on all their important documents, even while working remotely. They can also track their project tasks and milestones, and keep everyone informed of progress, without sorting through multiple emails.
- A group of employees working on the same topic or issue can use a Community Site to share updates, discuss the latest developments in their field or explore potential solutions.

EPA utilizes eDiscovery processes and tools to support complex FOIA request responses. Authorized “Search Points of Contact” submit requests to a central professionally trained eDiscovery Team. The team searches, organizes, and presents responsive electronic information. In Fiscal Year 2016, EPA is conducting an alternatives analysis for optimizing how the eDiscovery and Records and Content Management Programs support FOIA request responses and other critical agency business needs.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

EPA will continue to examine new information technology tools and explore additional uses for existing tools, as it looks for ways to increase the efficiency of managing, using and providing access to the Agency’s information resources. The eDiscovery and Records and Content Management Programs alternatives analysis will include recommendations on future uses of tools.

***Other Initiatives***

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2015?

Yes.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency’s plan for ensuring that such reporting is successful in Fiscal Year 2016.

N/A.

9. Do your agency’s FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible?

Yes.

If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

EPA's FOIA management system, FOIAonline, allows FOIA professionals to communicate with requesters in several ways. If a requester provides a valid email, he/she will receive notifications for any significant output such as a determination or electronic release of records along with any FOIA communication issued by the Agency. The requester can respond to communications which are received by the Agency at levels they determine to be appropriate. If the requester creates an account, they have the added benefit of accessing a dashboard with the status of their request(s) upon log in, as well as being able to withdraw his/her request electronically and to receive his/her requested records exclusively for their access (not released to the public). If a requester does not have an account or provide an email, he/she can access the request to check on its status, but communication with the Agency is limited to the means provided in the request submission.

10. If your agency does not communicate electronically with requesters as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations?

N/A.

#### **Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs**

1. Does your agency utilize a separate track for simple requests?

Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests 20 working days or fewer?

Yes.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

EPA placed 43 percent in the simple track.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests 20 working days or fewer?

N/A.

#### **BACKLOGGED REQUESTS**

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Yes.

6. If not, explain why and describe the causes that contributed to your agency not being able to reduce its backlog.

N/A.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests received by your agency in Fiscal Year 2015.

EPA's backlog of FOIA requests at the end of Fiscal Year 2015 was 2,140 requests. EPA received 10,910 FOIA requests in Fiscal Year 2015. Accordingly, the percent of the Agency's current backlog of FOIA requests is 20 percent of the total number of requests received in Fiscal Year 2015.

### **BACKLOGGED APPEALS**

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Yes.

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog.

N/A.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2015.

EPA's backlog of FOIA appeals at the end of Fiscal Year 2015 was 185 appeals. EPA received 222 appeals in the Fiscal Year 2015. Accordingly, the percent of the Agency's current backlog of FOIA appeals was 83 percent of the total number of appeals received in Fiscal Year 2015.

### ***Backlog Reduction Plans:***

11. In the 2015 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2014 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year?

Yes. During the reporting period, EPA continued implementing its current plan to reduce the Agency backlog.

If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2015.

EPA implemented a requirement for all Agency personnel to take annual FOIA training to better understand each individual's roles and responsibilities under FOIA. This training was available online for all employees in early Fiscal Year 2016. Agency FOIA professionals receive monthly guidance from the Agency FOIA Officer to assist in the identification and elimination of any barriers prohibiting the timely closure of FOIA requests.

EPA shares with senior leaders quarterly status reports to help manage the FOIA process. These reports have been pivotal in helping EPA reduce the backlog of FOIA requests during this fiscal year.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2015, what is your agency's plan to reduce this backlog during Fiscal Year 2016?

During Fiscal Year 2016:

- The Agency will provide EPA program and regional offices with access to electronic tools and services to help identify documents that are responsive to FOIA requests.
- The training EPA released in the fall of 2015 meets the Fiscal Year 2016 mandatory employee training requirement for FOIA. The next training (to be developed this year) will be deployed in Fiscal Year 2017.
- The FEAT will work with program and regional offices in managing the processing of complex and high-profile FOIA requests, in an effort to improve the Agency's processing of these requests.
- EPA's deployment of the enhanced version of MyProperty will provide the public with a tool that allows real estate agents, mortgage banks, engineering and environmental consulting firms and the public to determine if EPA databases have records on a specific property without filing a FOIA request. MyProperty may help reduce EPA's FOIA backlog by allowing the public to obtain information without having to file a FOIA request.
- The Agency is conducting an eDiscovery and Records and Content Management Programs alternatives analysis. The analysis will include recommendations on tools, processes, and funding models for optimizing how the eDiscovery and Records and Content Management Programs support FOIA request responses and other critical Agency business needs.

## **TEN OLDEST REQUESTS**

13. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual Report.

EPA closed five of the ten oldest requests as reported in the Fiscal Year 2014 Annual Report.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None.

### **TEN OLDEST APPEALS**

16. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual Report?

No.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

In Fiscal Year 2015, EPA closed one of its ten oldest appeals as reported in the Fiscal Year 2014 Annual Report. However, after the close of Fiscal Year 2015 while this report was being developed, EPA closed an additional four of its ten oldest appeals as reported in Fiscal Year 2014 Annual Report.

### **TEN OLDEST CONSULTATIONS**

18. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report.

N/A.

20. Briefly explain any obstacles your agency faced in closing its ten oldest request, appeals, and Consultations from Fiscal Year 2014.

EPA frequently encounters voluminous documents requested by the public, including environmental groups and industry. EPA's review and redaction of these documents is time consuming. EPA also receives requests for Confidential Business Information and must process those requests pursuant to its regulations and Executive Order 12600. In some cases this hinders

a timely complete FOIA response. Regarding appeals, EPA faced increased FOIA litigation that involved complex, time consuming issues. During this reporting period, the same staff members dedicated to processing administrative appeals were responsible for handling this litigation. Staff members also handled other legal information law issues on behalf of EPA. Lastly, there was a temporary reduction in available FTE addressing appeals during this reporting period.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

EPA has not been delayed in processing FOIA requests due to consultations with other agencies.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2016.

The program offices that have the ten oldest requests have assigned each request to a FOIA professional for processing. Furthermore, the Office of General Counsel has assigned the ten oldest appeals to staff for processing. The Office of General Counsel has hired two additional staff members and will also assign a staff member to oversee the processing of the ten oldest appeals. The program offices and the Office of General Counsel will monitor the processing on a monthly basis to help ensure the ten oldest requests and appeals, respectively, are completed this fiscal year, if possible.

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance, “The Importance of Good Communication with FOIA Requesters.”* (Mar. 1, 2010)

EPA’s FOIA management system, FOIAonline, allows the Agency to release requested records as they become available and are cleared for release. Multiple releases of records in response to a single request are described as “interim” releases, which can be made at any time.

24. If your agency had a backlog in Fiscal Year 2015, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

In Fiscal Year 2015, EPA made 813 interim responses to FOIA requests. Most, if not all, of the interim releases were made in cases where the request was in EPA’s backlog.

### **Use of the FOIA’s Law Enforcement Exclusions**

1. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

No.

2. If so, please provide the total number of times exclusions were invoked.

N/A.

## **Success Stories**

### **MyProperty**

EPA is releasing an enhanced version of MyProperty, a tool that allows real estate agents, mortgage banks, engineering and environmental consulting firms and the public to determine if EPA databases have records on a specific property without filing a Freedom of Information Act (FOIA) request. MyProperty provides the public and EPA staff significant time savings.

The new version of MyProperty offers several significant enhancements including:

- Improved user experiences on phones, tablets and personal computers;
- Printable certificates that can be generated and used as proof of due diligence for the real estate community when a search does not yield any records for a specific property or specific location. (Previously, MyProperty only provided a simple report when no records were found.);
- Searches displayed on a zoomable aerial view map, in addition to a more traditional list (Search results include an expandable summary of facility regulatory compliance status, list of violations and enforcement actions in previous year(s).);
- Integration of GPS capabilities. (If location services are enabled on your mobile device you can search nearby properties.); and
- Web services that allow third parties to easily leverage MyProperty data.

### **FOIA Expert Assistance Team**

The Agency's FOIA Expert Assistance Team (FEAT) was established to coordinate efforts on the Agency's most complex FOIAs. Through early engagement with Agency senior management, and staff, the services available through the team are well-utilized across the Agency. The team has been fully engaged from the initiation stage on multiple projects this year, including the following:

- Multi-agency requests regarding the CWA 316(b) cooling water intake rule;
- A request from eight state Attorneys General regarding the CAA 111(d) settlement and rulemaking;
- Multiple requests regarding EPA's recently released report on hydrofracking;
- Multiple requests regarding the Keystone XL Pipeline project; and
- The extremely high-profile Gold King Mine release.

In addition to engagement on complex, high-profile requests, a new service by the FEAT is to provide notification of new FOIA requests that are of particular interest to offices, increasing their level of awareness of pending requests and giving them the opportunity to make decisions on media and/or congressional engagement/outreach regarding those requests. As part of its review of all new FOIA requests, the team looks for the same or similar requests submitted to



multiple offices and streamlines the processing of those requests. This may be by contacting the requester or by alerting the affected offices to coordinate among themselves. Two instances in which the team reached out to the requester resulted in the withdrawal of 88 separate requests to be resubmitted as no more than nine requests, as well as in the total withdrawal of 23 requests when the team directed the requester to the public availability of the information sought.