

# FOIA ANNUAL REPORT

FOR  
10/01/2010  
THROUGH  
09/30/2011

The following **Annual Freedom of Information Act** report covers the Period 10/01/2010, through 09/30/2011, as required by 5 U.S.C. 552.

## I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address, and Telephone Number  
**Larry F. Gottesman**  
**National FOIA Officer**  
**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.  
**National FOIA Officer**  
**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**

## 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 entireties 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.
  - i. **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. **Perfect 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

<b>A. For Initial Requests</b>				
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. 95-78, 91 Stat. 319	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 62744, 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).	HQ : 2	2
7 U.S.C. § 136I-1 (Federal Insecticide, Fungicide, and Rodenticide Act)	Data "that would directly or indirectly reveal the identity of individual producers [of certain pesticides]"	Doe v. Veneman, 380 F. 3d 807, 818 (5 <sup>th</sup> Cir. 2004).	HQ : 11	11
41 U.S.C. § 253b(m)(1)	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	Margolin v. NASA, No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar, 31, 2011); 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	1

<b>B. For Appeals</b>				
Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon by Agency
None Used	N/A	N/A	N/A	N/A

## V. FOIA REQUESTS

<b>A. Received, Processed and Pending FOIA Requests</b>				
	<b>Number of Requests Pending as of Start of Fiscal Year</b>	<b>Number of Requests Received in Fiscal Year</b>	<b>Number of Requests Processed in Fiscal Year</b>	<b>Number of Requests Pending as of End of Fiscal Year</b>
01	28	221	220	29
02	503	1483	1724	262
03	137	1234	1267	104
04	90	807	813	84
05	102	1415	1405	112
06	78	614	578	114
07	44	636	642	38
08	26	339	334	31
09	51	619	642	28
10	68	444	450	62
HQ	708	2311	2360	659
AGENCY OVERALL	1835	10123	10435	1523

**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	Other *Explain in chart below	
01	132	10	-	-	1	44	-	21	0	0	12	0	220
02	637	8	5	1	10	977	21	39	3	0	22	1	1724
03	905	18	1	3	9	251	-	52	1	0	27	0	1267
04	373	95	2	-	4	264	1	54	0	0	20	0	813
05	609	56	8	4	6	663	-	55	0	1	3	0	1405
06	225	30	2	1	1	249	1	40	2	0	27	0	578
07	462	11	3	-	1	139	-	20	0	0	5	1	642
08	184	25	1	-	3	75	-	45	1	0	0	0	334
09	316	36	1	4	7	217	5	22	2	1	31	0	642
10	250	70	-	2	4	75	1	44	3	1	0	0	450
HQ	1370	317	71	22	53	213	5	224	13	1	63	8	2360
AGENCY OVERALL	5463	676	94	37	99	3167	34	616	25	4	210	10	10435

<b>B.(2) Disposition of FOIA Requests Other Reasons for Full Denials Based on Reasons Other than Exemptions</b>		
<b>Component</b>	<b>Description of Other Reasons for Denials from Chart B (1) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL</b>
02	LITIGATION 1	1
07	LITIGATION 1	1
HQ	LITIGATION 7 FILE REVIEW 1	8

<b>B.(3) Disposition of FOIA Requests Number of Times Exemptions Applied</b>															
	<b>(b) (1)</b>	<b>(b) (2)</b>	<b>(b) (3)</b>	<b>(b) (4)</b>	<b>(b) (5)</b>	<b>(b) (6)</b>	<b>(b) (7) (A)</b>	<b>(b) (7) (B)</b>	<b>(b) (7) (C)</b>	<b>(b) (7) (D)</b>	<b>(b) (7) (E)</b>	<b>(b) (7) (F)</b>	<b>(b) (8)</b>	<b>(b) (9)</b>	
01	-	-	-	6	9	2	5	-	-	-	-	-	-	-	
02	-	-	1	7	2	5	1	-	-	-	-	-	-	-	
03	-	-	-	4	16	3	5	-	1	1	-	-	-	-	
04	-	4	-	34	57	46	21	-	9	-	-	-	-	-	
05	-	4	-	20	44	15	24	-	4	-	-	-	-	-	
06	-	-	-	5	27	15	7	5	-	-	-	-	-	-	
07	-	-	-	6	15	3	5	-	-	-	-	-	-	-	
08	-	3	-	17	23	7	10	-	1	-	2	-	-	-	
09	-	-	-	16	21	-	8	-	-	-	-	-	-	-	
10	-	2	-	22	111	10	42	-	3	1	10	-	-	-	
HQ	6	20	13	174	105	91	42	-	41	2	3	-	-	-	
AGENCY OVERALL	6	33	14	311	430	197	170	5	59	4	15	-	-	-	

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

<b>A. Received, Processed and Pending Administrative Appeals</b>				
	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
HQ	99	215	208	106
AGENCY OVERALL	99	215	208	106

<b>B. Disposition of Administrative Appeals All Processed Appeals</b>					
	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
HQ	77	27	49	55	208
AGENCY OVERALL	77	27	49	55	208

<b>C.(1) Reasons for Denial on Appeal Number of Times Exemptions Applied</b>														
	(b) (7) (C)	(b) (1)	(b) (7) (A)	(b) (6)	(b) (5)	(b) (4)	(b) (3)	(b) (2)	(b) (7) (D)	(b) (7) (E)	(b) (7) (F)	(b) (8)	(b) (9)	(b) (7) (B)
HQ	5	-	14	16	23	6	-	2	1	1	-	-	-	-
AGENCY OVERALL	5	-	14	16	23	6	-	2	1	1	-	-	-	-

<b>C.(2) Reasons for Denial on Appeal Reasons Other than Exemptions</b>										
	Fee-related reason	Duplicate Request	No records	Records not reasonably described	Request withdrawn	Improper FOIA request for some other Reason	Not an Agency Record	Request in Litigation	Other *Explain in chart below	TOTAL
HQ	7	7	1	-	30	2	1	7	0	55
AGENCY OVERALL	7	7	1	-	30	2	1	7	0	55

<b>C.(3) Reasons for Denial on Appeal Other Reasons</b>		
<b>Component</b>	<b>Description of Other Reasons for Denials from Chart C (2) &amp; Number of Times Those Reasons Were Relied upon</b>	<b>TOTAL</b>
None Used	N/A	N/A

<b>C.(4) Response Time for Administrative Appeals</b>												
	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
HQ	31.5	115.24	<1	2011	-	-	-	-	-	-	-	-
AGENCY OVERALL	31.5	115.24	<1	2011	-	-	-	-	-	-	-	-

<b>C.(5) Ten Oldest Pending Administrative Appeals</b>										
	10th Oldest Appeal and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Appeal and Number of Days Pending
HQ	05/22/2006 1343	03/08/2006 1396	02/22/2006 1406	01/09/2006 1436	01/03/2006 1440	11/29/2005 1463	11/29/2005 1463	05/10/2005 1602	01/23/2003 2179	11/20/2002 2221
AGENCY OVERALL	05/22/2006 1343	03/08/2006 1396	02/22/2006 1406	01/09/2006 1436	01/03/2006 1440	11/29/2005 1463	11/29/2005 1463	05/10/2005 1602	01/23/2003 2179	11/20/2002 2221

**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	16	19.27	<1	191	3	3	3	3	-	-	-	-
02	96	104.88	<1	354	48.5	74.43	20	214	-	-	-	-
03	21	20.88	<1	138	44.5	60.25	21	321	-	-	-	-
04	19	23.73	<1	558	48	64.3	4	252	11	11	11	11
05	16	17.67	<1	260	69	79.27	21	207	-	-	-	-
06	25	33.3	<1	474	152	455.67	76	1139	-	-	-	-
07	16	16.86	<1	127	483	483	483	483	18.5	18.5	18	19
08	14	16.23	<1	377	42	92.09	7	400	-	-	-	-
09	14	16.65	<1	309	120	204.6	59	593	-	-	-	-
10	18	29.06	<1	298	64	57.2	35	73	31	31	31	31
HQ	21	74.92	<1	1448	427	586.71	14	1326	20	29.07	6	116
AGENCY OVERALL	20	47.39	<1	1448	48	96.36	3	1326	19	27.11	6	116

**B. Processed Requests Response Time for Perfected Requests in Which Information Was Granted**

	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	18.5	21.35	<1	114	3	3	3	3	-	-	-	-
02	77	92.62	1	354	48.5	74.43	20	214	-	-	-	-
03	22	21.79	<1	138	45	63.48	25	321	-	-	-	-
04	19	23.19	<1	237	49	66.35	4	252	-	-	-	-
05	17	19.72	<1	260	73	87.46	26	207	-	-	-	-
06	28	38.37	<1	240	1139	1139	1139	1139	-	-	-	-
07	17	17.97	2	127	-	-	-	-	-	-	-	-
08	17	18.65	<1	377	45	118.38	7	400	-	-	-	-
09	16	19.12	<1	309	120	204.6	59	593	-	-	-	-
10	20	27	<1	298	64	57.2	35	73	31	31	31	31
HQ	21	66.46	<1	1412	359.5	536.25	100	1326	18.5	31.83	6	116
AGENCY OVERALL	20	42.05	<1	1412	50.5	91.39	3	1326	21	31.77	6	116





**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	25	17	106.04	2	653	653	-	-	-
02	477	54	66.59	7	22	60.29	-	-	-
03	113	10	17.34	21	107	163.71	-	-	-
04	73	13	29.08	12	75.5	141.67	-	-	-
05	102	10	13.85	10	107	165.3	1	17	17
06	130	49	107.42	3	938	684.33	-	-	-
07	32	9	17.22	1	262	262	-	-	-
08	24	12	17.96	4	99	103.25	-	-	-
09	31	12	16.06	-	-	-	-	-	-
10	51	27	114.12	12	75	102.33	-	-	-
HQ	620	131	237.31	-	-	-	15	296	286.47
AGENCY OVERALL	1678	45.5	124.14	72	103.5	173.26	16	256	269.62

**E. Pending Requests Ten Oldest Pending Perfected Requests**

	<b>10th Oldest Request and Number of Days Pending</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Request and Number of Days Pending</b>
01	04/27/2011 109	01/19/2011 178	11/17/2010 219	11/17/2010 219	10/25/2010 235	10/05/2010 248	08/10/2010 287	06/15/2010 326	01/06/2009 688	04/03/2007 1128
02	01/03/2011 189	12/21/2010 196	11/02/2010 229	10/27/2010 233	10/19/2010 239	10/06/2010 247	10/06/2010 247	10/05/2010 248	08/11/2010 286	10/23/2009 486
03	01/31/2011 170	01/20/2011 177	12/06/2010 207	11/16/2010 220	11/03/2010 228	06/04/2010 333	04/28/2010 359	04/22/2010 363	12/04/2009 458	10/27/2009 484
04	05/03/2011 105	04/26/2011 110	03/25/2011 132	01/05/2011 187	11/16/2010 220	11/01/2010 230	10/15/2010 241	10/06/2010 247	09/14/2010 263	10/28/2009 483
05	06/27/2011 67	05/27/2011 87	05/17/2011 95	05/10/2011 100	04/20/2011 114	04/06/2011 124	03/15/2011 140	06/07/2010 332	04/16/2010 367	01/04/2010 439
06	05/21/2010 342	05/03/2010 356	04/21/2010 364	03/16/2010 390	11/06/2009 476	11/06/2009 476	07/14/2009 557	03/04/2009 649	01/05/2008 938	11/02/2007 979
07	09/08/2011 16	09/07/2011 17	09/06/2011 18	08/29/2011 23	08/29/2011 23	08/11/2011 35	06/27/2011 67	06/15/2011 75	03/28/2011 131	09/15/2010 262
08	08/25/2011 25	08/22/2011 28	08/05/2011 39	07/27/2011 46	06/29/2011 65	06/29/2011 65	06/27/2011 67	05/24/2011 90	04/28/2011 108	03/01/2011 150
09	09/09/2011 15	09/08/2011 16	09/08/2011 16	09/02/2011 19	09/02/2011 19	08/29/2011 23	08/26/2011 24	07/20/2011 51	06/24/2011 68	06/08/2011 80
10	09/28/2010 253	07/30/2010 294	07/20/2010 302	07/09/2010 309	07/07/2010 311	03/31/2010 379	02/24/2010 404	01/20/2010 428	11/02/2009 480	05/29/2009 588
HQ	07/19/2005 1554	07/18/2005 1555	07/11/2005 1560	06/28/2005 1568	06/14/2005 1578	06/06/2005 1584	03/17/2005 1640	03/08/2005 1647	01/05/2005 1689	12/01/2004 1712
AGENCY OVERALL	07/19/2005 1554	07/18/2005 1555	07/11/2005 1560	06/28/2005 1568	06/14/2005 1578	06/06/2005 1584	03/17/2005 1640	03/08/2005 1647	01/05/2005 1689	12/01/2004 1712

### VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

<b>A. Requests for Expedited Processing</b>					
	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>	<b>Number Adjudicated Within Ten Calendar Days</b>
01	-	7	0	1.14	7
02	-	15	5	6.6	12
03	-	23	4	5.48	19
04	1	15	0	1.94	15
05	1	17	6	6.72	13
06	-	15	1	3.47	14
07	2	2	5.5	5.75	4
08	-	5	3	3	5
09	-	6	6.5	7.17	5
10	1	8	1	3.44	8
HQ	20	91	3	4.68	97
AGENCY OVERALL	25	204	3	4.66	199

**B. Requests for Fee Waiver**

	<b>Number Granted</b>	<b>Number Denied</b>	<b>Median Number of Days to Adjudicate</b>	<b>Average Number of Days to Adjudicate</b>
01	16	8	0	3.04
02	16	10	2	3.96
03	44	18	2	3.61
04	31	15	0	0.98
05	35	28	2	3.25
06	18	19	0	1.38
07	21	3	2	2.25
08	23	8	0	2.03
09	14	20	0.5	1.85
10	17	15	0	1.78
HQ	136	94	2	4.12
AGENCY OVERALL	371	238	1	3.1

## 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	\$ 446,673.12	\$0.00	\$ 446,673.12
02	5	3.77	8.77	\$ 1,156,739.47	\$0.00	\$ 1,156,739.47
03	6	0.00	6.00	\$ 814,211.12	\$0.00	\$ 814,211.12
04	12	0.67	12.67	\$ 1,672,706.80	\$0.00	\$ 1,672,706.80
05	7	9.30	16.30	\$ 2,199,266.74	\$0.00	\$ 2,199,266.74
06	2	0.00	2.00	\$ 286,999.65	\$0.00	\$ 286,999.65
07	2	0.00	2.00	\$ 328,693.53	\$0.00	\$ 328,693.53
08	5	0.67	5.67	\$ 820,832.95	\$0.00	\$ 820,832.95
09	1	9.00	10.00	\$ 1,327,283.88	\$0.00	\$ 1,327,283.88
10	0	2.00	2.00	\$ 334,731.36	\$0.00	\$ 334,731.36
HQ	11	48.50	58.50	\$ 7,964,158.97	\$457,450.00	\$ 8,421,608.97
AGENCY OVERALL	51	76.91	126.91	\$ 17,352,297.59	\$457,450.00	\$ 17,809,747.59

(\*) – FTE = \$130,700.

## X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
01	\$17,541.07	3.93
02	\$14,783.03	1.28
03	\$19,898.71	2.44
04	\$11,028.96	0.66
05	\$39,207.00	1.78
06	\$13,789.43	4.80
07	\$20,412.09	6.21
08	\$11,395.71	1.39
09	\$12,998.54	0.98
10	\$27,552.78	8.23
HQ	\$141,203.44	1.77
AGENCY OVERALL	\$329,810.76	1.90

## 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	0	-
02	37	-
03	1	-
04	13	-
05	0	-
06	52	-
07	0	-
08	0	-
09	0	-
10	0	-
HQ	223	64
AGENCY OVERALL	326	64

<b>B. Consultations on FOIA Requests Received, Processed, and Pending Consultations</b>				
	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>Start</u> of the Fiscal Year</b>	<b>Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Processed</u> by Your Agency During the Fiscal Year</b>	<b>Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year</b>
AGENCY OVERALL	27	48	60	15

<b>C. Consultations on FOIA Requests Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency</b>										
	<b>10th Oldest Consultation and Number of Days Pending</b>	<b>9th</b>	<b>8th</b>	<b>7th</b>	<b>6th</b>	<b>5th</b>	<b>4th</b>	<b>3rd</b>	<b>2nd</b>	<b>Oldest Consultation and Number of Days Pending</b>
AGENCY OVERALL	08/02/2011 41	10/21/2010 236	9/29/2010 251	9/28/2010 252	6/2/2010 333	4/5/2010 373	1/4/2010 435	12/02/2009 458	9/23/2008 757	12/20/2006 1199

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

	<b>NUMBER OF REQUESTS <u>RECEIVED</u></b>		<b>NUMBER OF REQUESTS <u>PROCESSED</u></b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
01	250	221	253	220
02	1758	1483	1578	1724
03	1436	1234	1446	1267
04	854	807	828	813
05	1600	1415	1605	1405
06	583	614	586	578
07	530	636	528	642
08	370	339	366	334
09	526	619	516	642
10	449	444	446	450
HQ	2053	2311	1919	2360
AGENCY OVERALL	10409	10123	10071	10435

	<b>Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report</b>
01	0	0
02	30	37
03	0	1
04	0	13
05	0	0
06	11	52
07	0	0
08	0	0
09	0	0
10	3	0
HQ	285	223
AGENCY OVERALL	329	326

**E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report Appeals Received, Processed, and Backlogged**

	<b>NUMBER OF APPEALS RECEIVED</b>		<b>NUMBER OF APPEALS PROCESSED</b>	
	<b>Number Received During Fiscal Year from Last Year's Annual Report</b>	<b>Number Received During Fiscal Year from Current Annual Report</b>	<b>Number Processed During Fiscal Year from Last Year's Annual Report</b>	<b>Number Processed During Fiscal Year from Current Annual Report</b>
HQ	204	215	215	208
AGENCY OVERALL	204	215	215	208

	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report</b>	<b>Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report</b>
HQ	77	64
AGENCY OVERALL	77	64

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