

RE: PSNH 308-letter materials
Mark Stein to: Melissa Hoffer

Cc: Cristeen Schena, John King, Tom Irwin

From: Mark Stein/R1/USEPA/US
To: Melissa Hoffer <MHoffer@clf.org>
Cc: Cristeen Schena/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA, Tom Irwin <tirwin@clf.org>

That's fine. Thanks.

Mark A. Stein
U.S. Environmental Protection Agency
New England Region
5 Post Office Square – Suite 100 (ORA 18-1)
Boston, MA 02109-3912

Tel.: (617) 918-1077
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From: Melissa Hoffer <MHoffer@clf.org>
To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA
Cc: Cristeen Schena/R1/USEPA/US@EPA, Tom Irwin <tirwin@clf.org>
Date: 07/05/2012 03:47 PM
Subject: RE: PSNH 308-letter materials

Mark: This is very helpful, thank you. Tom is on vacation; I will discuss with him when he returns in mid-July and we will get back to you.

Thanks,
Melissa

From: Mark Stein [Stein.Mark@epamail.epa.gov]
Sent: Thursday, July 05, 2012 3:42 PM

To: John King
Cc: Melissa Hoffer; Cristeen Schena; Tom Irwin
Subject: RE: PSNH 308-letter materials

Hi folks - This is a little confusing, but I think that I may be able to help clear things up. (I hope I don't just make it more confusing!)

I think that perhaps the material we are now sending you are not, strictly speaking, being sent pursuant to any FOIA request. Rather, they are being sent in response to a request to review these particular public records that CLF made to EPA outside of FOIA, which of course CLF can do. It has not been a big deal to make these records available because we had them all in one place in electronic format and they are all clearly public records. The only real issue to resolve was whether or not any of the material needed to be treated as CBI and we pretty easily were able to answer that question in the negative, after conversing with PSNH. Note that we had earlier by email sent you a copy of our information request letter sent to PSNH under CWA section 308 letter, as well as answered various other questions that Tom Irwin had posed.

With regard to outstanding FOIA requests from CLF, Tom Irwin sent two FOIA requests on 2/25/12. They were given FOI Numbers 01-FOI-00103-12 & 01-FOI-00104-12. It is my understanding that CLF's fee waiver requests for both FOIA requests were denied. After discussions with Tom Irwin, I sent him an email dated 4/2/12 that said, among other things:

I also understand that you are going to make another effort to obtain the fee waiver approval from EPA Headquarters. Therefore, we will hold off on working on this matter until that is squared away, one way or the other. That way, if you do not obtain the fee waiver, we can decide how you want to proceed.

It has been our understanding that CLF did not ultimately obtain the fee waiver, but you have not told us that you nevertheless want to go ahead and pursue the FOIA.

At the same time, we have been able to provide you with a substantial amount of public record material outside the FOIA process that is related to the subject of the earlier FOIA requests.

Therefore, I think our FOI Office would like to close out the earlier-sent FOIA requests that have been in "limbo" but are currently in our FOIA docket.

Would that be acceptable to you? (You can always send them again, if you feel it necessary.) If not, how do you feel Region ought to treat those FOIA requests.

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[cid:1__=0ABBF0A1DFFA6ED28f9e8a93@epamail.epa.gov]John King---07/05/2012 03:11:38 PM--Melissa, I've resent PSNH response to Region 1 308 letter. I will have to contact Chris for the date

From: John King/R1/USEPA/US
To: Melissa Hoffer <MHoffer@clf.org>
Cc: Cristeen Schena/R1/USEPA/US@EPA, Mark Stein/R1/USEPA/US@EPA, Tom Irwin <tirwin@clf.org>
Date: 07/05/2012 03:11 PM
Subject: RE: PSNH 308-letter materials

Melissa,

I've resent PSNH response to Region 1 308 letter. I will have to contact Chris for the date ... may take a few days.

John

[cid:1__=0ABBF0A1DFFA6ED28f9e8a93@epamail.epa.gov]Melissa Hoffer ---07/05/2012 03:01:53 PM--Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail.

From: Melissa Hoffer <MHoffer@clf.org>
To: John King/R1/USEPA/US@EPA, Tom Irwin <tirwin@clf.org>
Cc: Mark Stein/R1/USEPA/US@EPA, Cristeen Schena/R1/USEPA/US@EPA
Date: 07/05/2012 03:01 PM
Subject: RE: PSNH 308-letter materials

Hi John: I have checked my e-mail records, and for some reason did not receive your June 26 e-mail. Would you kindly please resend it to me. Would you also please identify by date the precise CLF FOIA to which this information is responsive. Thanks.

Best,
Melissa

From: John King [king.john@epamail.epa.gov]
Sent: Thursday, June 28, 2012 10:54 AM
To: Tom Irwin; Melissa Hoffer
Cc: Mark Stein; Cristeen Schena
Subject: Re: PSNH 308-letter materials

Tom and Melissa,

On Tuesday, June 26, an electronic copy of the entire reply of PSNH to Region 1's

308 letter concerning Merrimack Station's FGD WWTS effluent was emailed to you. Region 1 considers all the documents you requested have been made available; therefore, your FOIA request has been met and the FOIA will be closed.

John

-----Tom Irwin <tirwin@clf.org> wrote: -----
To: Mark Stein/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA
From: Tom Irwin <tirwin@clf.org>
Date: 06/22/2012 01:34PM
Cc: Melissa Hoffer <MHoffer@clf.org>
Subject: PSNH 308-letter materials

Mark and John,

Are you in a position to disclose the materials marked confidential by PSNH? We are anxious to receive the full response. I'm not sure how much the materials overlap but, as I mentioned to John, PSNH apparently waived its prior claims of confidentiality with respect to documents responsive to a CLF right-to-know request to NHDES. If you want to connect with them, Pete Demas at NHDES could likely give you the full story.

My hope is that you can provide a digital copy of PSNH's response by the June 27. Please note that I'll be away and without access to email much of next week, so please "reply all" to include Melissa Hoffer when responding.

Thank you in advance,

Tom

Tom Irwin
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Director, CLF New Hampshire
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If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****
[attachment "graycol.gif" deleted by Mark Stein/R1/USEPA/US]