

FOIA ANNUAL REPORT
FOR
10/01/2007
THROUGH
09/30/2008

The following **Annual Freedom of Information Act** report covers the Period 10/01/2007, through 09/30/2008, as required by 5 U.S.C. 552.

I. BASIC INFORMATION REGARDING REPORT

1. Name, Title, Address and Telephone Number

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2. Electronic address for report on World Wide Web

<http://www.epa.gov/foia>

3. How to obtain a copy of the Report in paper form.

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II. MAKING A FOIA REQUEST

For basic information on how to make a FOIA request, visit our website at <http://www.epa.gov/foia>

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

Acronyms used	Served
HQ EPA	Head quarters
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

Basic terms, expressed in common terminology

1. **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.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.)

8. **Full Grant** - an agency decision to disclose all records in full in response to a FOIA request.
9. **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.
10. **Median Number** - the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
11. **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.
12. **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.
13. **Pending Request or Pending Administrative Appeal** - a request or administrative appeal for which an agency has not taken final action in all respects.
14. **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.
15. **Processed Request or Processed Administrative Appeal** - a request or administrative appeal for which an agency has taken final action in all respects.
16. **Range in Number of Days** - the lowest and highest number of days to process requests or administrative appeals.
17. **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).

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
F.R. Cr. P. 6(e)	Federal Rules of Criminal Procedure: Records relating to Grand Jury Investigations or Proceedings	Senate of Puerto Rico v. U.S. Department of Justice, 823 F2d 574, (D.D.C. 1987).	HQ : 1	1
P.I. Act 41 U.S.C b(m)(1)	Procurement Integrity Act: Contract Proposals	Hornbosel v. Dept. of Interior, 305 F. Supp. 2d 21 (D.D.C. 2003) as amended (2004), aff'd on other grounds, 2004 WL1900562 (D.C. Cir. 2004).	HQ : 2	2
FIFRA 7 U.S.C. 136h Sect. 10g	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h, Section 10 (g): Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors	None.	HQ : 19	19
FIFRA 7 U.S.C. 136h Sect. 10	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136h Section 10(g): Studies from registrants who engage in the distribution of pesticides in countries other than the U.S.	None.	HQ : 1	1
ADR Act U.S.C. Section 547(j)	1996 ADR Act. U.S.C. Section 574 (j)	None.	05 : 1	1

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
P.I.A. 41 U.S.C. 253b(m)(1)	Procurement Integrity Ad, 41 U.S.C. 253b(m)(1): Contract Proposal	Hornbosel v. Dept. of Interior, 305 F. Supp. 2d 21 (D.D.C. 2003) as amended (2004), aff'd on other grounds, 2004 WL1900562 (D.C. Cir. 2004).	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	19	278	279	18
02	577	2269	2529	317
03	158	1565	1548	175
04	70	736	756	50
05	119	1730	1712	137
06	128	640	584	184
07	65	642	664	43
08	40	381	399	22
09	61	676	688	49
10	49	411	396	64
HQ	441	2164	2080	525
AGENCY OVERALL	1727	11492	11635	1584

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
				No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other *Explain in chart below	
01	168	13	2	62	2	9	0	1	0	0	0	22	279
02	309	16	1	1861	0	58	0	32	0	0	12	240	2529
03	229	14	2	1167	38	66	2	0	1	4	6	19	1548
04	402	83	6	189	1	40	7	0	1	1	3	23	756
05	672	65	3	878	0	72	2	3	3	1	5	8	1712
06	224	12	2	254	14	51	1	2	2	1	3	18	584
07	469	14	1	154	1	18	0	1	0	0	4	2	664
08	245	10	2	87	0	47	1	0	1	0	6	0	399
09	359	34	5	198	22	28	3	7	2	4	3	23	688
10	223	18	3	125	0	26	1	0	0	0	0	0	396
HQ	1412	259	45	206	7	116	2	2	1	1	14	15	2080
AGENCY OVERALL	4712	554	72	5181	85	531	19	48	11	12	56	370	11635

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
01	Other 22	22
02	Other 240	240
03	Other 19	19
04	Other 23	23
05	Other 8	8
06	Other 18	18
07	Other 2	2
08		
09	FILE REVIEW 1 Other 22	23
10		
HQ	LITIGATION 1 Other 14	15

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	0	0	0	2	11	5	3	0	2	1	0	0	0	0
02	0	0	0	5	11	6	6	0	0	0	0	0	0	0
03	1	1	0	2	7	4	5	0	1	0	0	0	0	0
04	0	1	0	36	60	31	28	0	13	0	0	0	0	0
05	0	0	1	19	45	9	31	0	0	0	0	0	0	0
06	0	0	0	3	8	7	3	0	0	0	0	0	0	0
07	0	0	0	5	8	5	5	0	1	0	0	0	0	0
08	0	1	0	2	7	4	4	0	2	1	0	0	0	0
09	0	0	0	5	27	2	7	1	2	0	0	0	0	0
10	0	0	1	4	17	3	6	0	2	1	2	0	0	0
HQ	0	30	23	146	94	56	25	0	25	18	10	0	0	0
AGENCY OVERALL	1	33	25	229	295	132	123	1	48	21	12	0	0	0

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	0	0	0	0
02	0	0	0	0
03	0	0	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
HQ	196	129	165	160
AGENCY OVERALL	196	129	165	160

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	0	0	0	0	0
02	0	0	0	0	0
03	0	0	0	0	0
04	0	0	0	0	0
05	0	0	0	0	0
06	0	0	0	0	0
07	0	0	0	0	0
08	0	0	0	0	0
09	0	0	0	0	0
10	0	0	0	0	0
HQ	12	4	49	67	165
AGENCY OVERALL	12	37	49	67	165

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	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	6	1	10	32	12	23	0	5	3	2	0	0	0
AGENCY OVERALL	0	6	1	10	32	12	23	0	5	3	2	0	0	0

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

	No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other *Explain in chart below
01	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0
HQ	6	0	26	3	0	0	0	1	31
AGENCY OVERALL	6	0	26	3	0	0	0	1	31

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
01		
02		
03		
04		
05		
06		
07		
08		
09		
10		
HQ	LITIGATION 3 Other 28	31

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	0	0	0	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0
HQ	183.5	414.81	0	2761	107	107	107	107	0	0	0	0
AGENCY OVERALL	183.5	414.81	0	2761	107	107	107	107	0	0	0	0

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
HQ	01/23/2003 1428	12/20/2002 1449	11/22/2002 1468	11/22/2002 1468	11/20/2002 1470	07/03/2002 1566	04/24/2001 1873	04/24/2001 1873	02/23/2001 1915	02/26/1999 2435
AGENCY OVERALL	01/23/2003 1428	12/20/2002 1449	11/22/2002 1468	11/22/2002 1468	11/20/2002 1470	07/03/2002 1566	04/24/2001 1873	04/24/2001 1873	02/23/2001 1915	02/26/1999 2435

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	17.72	0	219	37	47.91	19	184	0	0	0	0
02	88	99.7	1	725	52.5	92.25	32	242	64.5	64.5	37	92
03	21	20.11	0	96	34	40.56	12	138	0	0	0	0
04	14	14.34	0	79	30	32.01	7	116	20	20	20	20
05	17	17.12	0	107	62.5	78.8	29	244	55	55	55	55
06	22	32.44	0	283	72	114.96	23	823	0	0	0	0
07	15	20.64	0	840	77	114	32	233	0	0	0	0
08	11	18.05	0	883	55	144.11	30	404	0	0	0	0
09	21	21.93	0	110	51	50.86	26	84	0	0	0	0
10	16.5	23.99	0	412	59	65.81	7	157	0	0	0	0
HQ	18	46.88	0	1364	72	296.56	11	1329	0	0	0	0
AGENCY OVERALL	20	42.95	0	1364	37	60.91	7	1329	46	51	20	92

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	21.26	0	219	35	44.33	19	184	0	0	0	0
02	53	77.87	2	343	130	136	36	242	0	0	0	0
03	18	17.92	0	96	34	41.18	21	138	0	0	0	0
04	15	14.65	0	79	30	32.59	7	116	0	0	0	0
05	18	20.18	0	107	63	80.74	29	244	55	55	55	55
06	22	31.5	0	196	73	98.56	24	274	0	0	0	0
07	15	20.29	1	151	77	114	32	233	0	0	0	0
08	11	15.81	0	883	55	107	30	362	0	0	0	0
09	21	22.56	0	110	48.5	48.83	26	84	0	0	0	0
10	16	23.09	0	205	56	56	10	120	0	0	0	0
HQ	18	45.49	0	1364	57	282.38	11	1329	0	0	0	0
AGENCY OVERALL	18	32.35	0	1364	36	60.24	7	1329	55	55	55	55

C. Processed Requests – Response Time in Day Increments

Simple Requests														
	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
01	174	60	5	0	1	1	1	0	1	0	1	0	0	244
02	200	463	264	247	237	217	190	160	154	150	232	10	4	2528
03	659	737	6	0	1	0	0	0	0	0	0	0	0	1403
04	562	79	3	1	0	0	0	0	0	0	0	0	0	645
05	1421	209	41	18	2	2	0	0	0	0	0	0	0	1693
06	232	156	73	26	14	7	4	0	1	3	3	0	0	519
07	533	89	13	5	4	15	1	1	0	0	0	0	1	662
08	315	44	8	3	3	0	0	0	0	0	3	1	1	378
09	338	300	34	5	2	2	0	0	0	0	0	0	0	681
10	248	82	20	14	1	2	3	1	2	1	1	0	1	376
HQ	1259	283	140	72	105	46	17	12	10	10	43	13	36	2046
AGENCY OVERALL	5941	2502	607	391	370	292	216	174	168	164	283	24	43	11175

Complex Requests														
	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
01	1	20	7	1	5	0	0	0	0	1	0	0	0	35
02	0	3	1	1	0	0	1	1	0	0	1	0	0	8
03	6	92	33	5	4	2	2	0	0	0	0	0	0	144
04	28	62	15	3	0	2	0	0	0	0	0	0	0	110
05	0	3	6	3	5	1	0	0	0	1	1	0	0	20
06	0	8	12	12	2	3	3	2	2	3	5	1	1	54
07	0	1	0	1	0	0	0	0	0	0	1	0	0	3
08	0	3	3	0	0	0	0	0	0	0	1	1	1	9
09	0	2	3	1	1	0	0	0	0	0	0	0	0	7
10	3	2	3	3	2	1	0	2	0	0	0	0	0	16
HQ	3	0	1	1	0	0	0	0	0	0	0	1	3	9
AGENCY OVERALL	41	196	84	31	19	9	6	5	2	5	9	3	5	415

Requests Granted Expedited Processing														
	1-20 Days	21-40 Days	41-60 Days	61-80 Days	81-100 Days	101-120 Days	121-140 Days	141-160 Days	161-180 Days	181-200 Days	201-300 Days	301-400 Days	401+ Days	TOTAL
01	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02	0	1	0	0	1	0	0	0	0	0	0	0	0	2
03	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04	1	0	0	0	0	0	0	0	0	0	0	0	0	1
05	0	0	1	0	0	0	0	0	0	0	0	0	0	1
06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGENCY OVERALL	1	1	1	0	1	0	0	0	0	0	0	0	0	4

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	15	8	265.87	3	376	396.33	0	0	0
02	313	19	55.51	4	8	73	0	0	0
03	151	14	13.67	24	26	45.79	0	0	0
04	43	6	7.77	7	17	22.29	0	0	0
05	115	9	11.75	6	42.5	53	1	100	100
06	170	40	86.78	11	320	339.82	0	0	0
07	42	5.5	86.9	1	519	519	0	0	0
08	20	10	13.4	2	188.5	188.5	0	0	0
09	43	9	9.95	6	56	138.17	0	0	0
10	56	28.5	86.14	7	86	237.43	0	0	0
HQ	510	111	255.19	13	308	354.92	1	446	446
AGENCY OVERALL	1478	22.5	121.23	84	65.5	176.11	2	273	273

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
AGENCY OVERALL	7/9/2004 1061	6/30/2004 1067	6/28/2004 1068	6/3/2004 1085	5/17/2004 1097	2/2/2004 1169	1/20/2004 1178	1/8/2004 1186	12/11/2003 1206	6/13/2003 1330

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	0	0	0	0	0
02	2	3	62	74.4	0
03	0	1	76	76	0
04	1	0	28	28	0
05	1	4	37	44.2	1
06	0	3	57	86.67	0
07	0	0	0	0	0
08	0	0	0	0	0
09	0	1	18.5	18.5	1
10	0	7	18	36.57	1
HQ	0	40	21	46.65	15
AGENCY OVERALL	4	59	27	48.69	18

B. Requests for Fee Waiver				
	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
01	2	2	35	35
02	4	0	725	725
03	12	0	26	24.08
04	18	5	25	27.7
05	9	1	36	35.3
06	8	4	45	68.5
07	4	1	21	17.2
08	7	1	20	21.62
09	5	0	21	18
10	18	6	33	37.96
HQ	48	26	52.5	185.99
AGENCY OVERALL	135	46	34	111.4

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	0.00	4.25	4.25	\$432,410.00	\$0.00	\$432,410.00
02	3.00	10.50	13.50	\$918,199.47	\$0.00	\$918,199.47
03	7.00	6.25	13.25	\$557,280.35	\$0.00	\$557,280.35
04	11.00	0.08	11.08	\$884,978.07	\$23,033.24	\$908,011.31
05	8.00	11.60	19.60	\$2,246,656.00	\$0.00	\$2,246,656.00
06	3.00	14.00	17.00	\$19,097.17	\$0.00	\$19,097.17
07	2.00	0.62	2.62	\$176,469.98	\$0.00	\$176,469.98
08	1.00	1.35	2.35	\$87,141.26	\$0.00	\$87,141.26
09	1.00	9.00	10.00	\$223,404.71	\$0.00	\$223,404.71
10	0.00	2.00	2.00	\$112,494.00	\$0.00	\$112,494.00
HQ	4.00	19.16	23.16	\$3,530,479.72	\$486,000.00	\$4,016,479.72
TOTALS	40.00	78.81	118.81	\$9,188,610.73	\$509,033.24	\$9,697,643.97

X. FEES COLLECTED FOR PROCESSING REQUESTS

	Total Amount of Fees Collected	Percentage of Total Costs
01	\$8,512.00	1.96
02	\$30,690.92	3.34
03	\$30,509.00	5.47
04	\$12,825.09	1.41
05	\$51,461.00	2.29
06	\$14,336.90	75.07
07	\$23,882.23	13.53
08	\$6,713.85	7.70
09	\$5,531.02	2.47
10	\$31,292.00	27.81
HQ	\$100,944.14	2.51
TOTALS	\$316,698.15	3.27

XI. FOIA Regulations (Including Fee Schedule)

For more information, please consult the EPA FOIA Regulations. They can be found at the following website:
<http://www.epa.gov/foia/foiareg.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
AGENCY OVERALL	783	151

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

	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency 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 Your Agency During the Fiscal Year	Number of Consultations Received from Other Agencies that Were <u>Pending</u> at Your Agency as of <u>End</u> of the Fiscal Year
AGENCY OVERALL	5	31	23	13

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

	10th Oldest Consultation and Number of Days Pending	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest Consultation and Number of Days Pending
AGENCY OVERALL	09/16/2008 10	08/15/2008 32	05/20/2008 92	05/20/2008 92	05/20/2008 92	08/28/2007 274	02/27//2007 400	12/20/2006 447	12/13/2006 452	01/30/2006 670

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

	NUMBER OF REQUESTS RECEIVED		NUMBER OF REQUESTS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
01	312	278	340	279
02	2285	2269	2239	2529
03	1527	1565	1513	1548
04	827	736	817	756
05	1853	1730	1912	1712
06	710	640	816	584
07	760	642	765	664
08	342	381	325	399
09	682	676	673	688
10	437	411	459	396
HQ	2085	2164	2207	2080
AGENCY OVERALL	11820	11492	12066	11635

	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
AGENCY OVERALL	783	718

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

	NUMBER OF APPEALS RECEIVED		NUMBER OF APPEALS PROCESSED	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
AGENCY OVERALL	97	129	127	165

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
AGENCY OVERALL	178	151