



REGION 2

NEW YORK, N.Y. 10007

January 26, 2026

Colleen Zimmerman
Public Employees for Environmental Responsibility
962 Wayne Ave., Suite 610
Silver Spring, MD 20910

Re: Freedom of Information Act Request – 2025-EPA-06508, Interim Release

Dear Colleen Zimmerman:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA), National FOIA Office (NFO) on July 1, 2025 in which you are seeking:

"For Region 2, Copies of the following documents issued by EPA Region 2 since January 20, 2021, for any enforcement actions that have not been resolved through a final administrative or judicial consent decree or judgment, or by a final administrative order: a) Excluding information requests issued by other program offices, e.g., those that may be used to develop or revise new regulations, copies of all information requests issued pursuant to EPA's statutory authority to request data, records and other information that may be used to determine whether a source is in compliance with the requirements of any federal environmental law administered by EPA. b) All notices of violation issued by the EPA region to any source. c) All inspection reports. d) Any judicial consent decrees that were lodged in federal court but have not yet been entered as final by that court. Clarification on 6.23.25 - (1) "Has not been resolved" - This language was added to limit the scope of the request. We are interested in pending actions. However, if it is too amorphous or difficult to separate out, we can take out the qualifier and keep the broader request. I understand that some redactions may be necessary, but will nonetheless request the information and reserve my right to challenge exemptions. (2)"Notice of Violations, Findings of Violation, and Inspection Reports" - It is my understanding that a search for these records would not yield "tens of thousands" of records. I have it on good authority that for the Clean Air Act, Clean Water Act, and RCRA, there won't be more than maybe 150 to 200 NOV's a year. It is also my understanding that EIP has historically sent FOIA requests with very similar language and has not run into these clarification issues. Most of the information requested, namely the NOV's, FOV's, and inspection reports, should be easily compiled and generated into excel spreadsheets. Also, We can limit our request for inspection reports to reports following onsite inspections and flyovers. That should exclude reports based on file reviews, which EPA began including in their EOY inspection totals. (3) Additionally, indictments in cases involving criminal violations of environmental law are limited (only about a dozen each year). If it helps to clarify, we are looking for indictments that originated with EPA. (Date Range for Record Search: From 1/1/2021 To 3/18/2025)."

The Agency is now releasing records in response to your request. EPA has considered the foreseeable harm standard when reviewing records. This is not the EPA's final response and, therefore, it is not appealable. The Agency expects to complete its response to your request by **02/20/2026**. Please note, EPA will endeavor to issue rolling productions whenever possible.

Again, your request is not being closed at this time. When your request is closed, you will receive information concerning your appeal rights for any part of EPA's response. If you have any questions about this interim production or your request generally, please contact Jennifer Sukra at sukra.jennifer@epa.gov or by phone at 212-637-3109. Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. Last, you may also seek assistance from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684 6448; or fax: (202) 741-5769.; telephone: (202) 741-5770 or (877) 6846448; or fax: (202) 741-5769.

Respectfully,

/s/

Patricia C. Hick
Deputy Regional Counsel