

SEP 16 2010

WN-16J

Mr. Albert Ettinger  
Staff Attorney  
Environmental Law and Policy Center  
35 East Wacker Drive, Suite 1300  
Chicago, Illinois 60601-2110

Re: Freedom of Information Act Request No. 05-FOI-01392-10

Dear Mr. Ettinger:

This is our response letter to your Freedom of Information Act (FOIA) request dated August 10, 2010, as clarified in your August 20, 2010, phone conversation with Associate Regional Counsel Maria Gonzalez, documented in an August 27, 2010 Email. On September 8, 2010, you agreed to an extension until September 17, 2010, to respond.

Your August 10, 2010 request seeks documents related to the U. S. Environmental Protection Agency's review or approval of general permits by rule in Indiana for various source sectors. Those source sectors and discharges permitted by Indiana Department of Environmental Management (IDEM) include:

- Rule 5, Construction Stormwater,
- Rule 6, Industrial Stormwater,
- Rule 7, Coal mining,
- Rule 8, Noncontact cooling water
- Rule 9, Petroleum Product terminals,
- Rule 13, Stormwater discharges associated with Municipal Separate Storm sewers, and
- Rule 14, Concentrated Animal Feeding Operations.

I am responding on behalf of the Water Division and the Office of Regional Counsel (ORC). We have enclosed the information located in our Region 5 National Pollutant Discharge Elimination System (NPDES) Programs Branch files and ORC that was responsive to your request. The enclosed information includes non-deliberative electronic mail messages, guidance, historical NPDES program documentation and information received from both IDEM and Indiana Department of Natural Resources. Due to the large volume of data and file sizes, some of the information has been copied on to CD-Roms. You may wish to contact IDEM, for further information regarding your request, at the following address:

Indiana Department of Environmental Management  
Indiana Government Center North, Room 1201  
100 North Senate Avenue  
Indianapolis, Indiana 46204

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the 05-FOI-01392-10 listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Under the FOIA, a cost may be charged for reproducing documents and/or records search time. While your organization had requested a fee waiver that waiver has been denied by U.S. EPA Headquarters National FOIA office. Your organization has agreed to pay up to \$50.00 towards this FOIA only. I am enclosing copies of the records which are responsive to your request. An itemized invoice covering the charges for processing your request is also enclosed. The cost of providing this information is \$ 47.00. Please return the top portion of the bill along with your check or money order made payable to EPA, Region 5, within 30 calendar days of the date of this letter and send it to: EPA FOI and Miscellaneous Payments, Cincinnati Finance Office, P.O. Box 979078, St. Louis, Missouri 63197-9000 or make an on-line payment at: [www.pay.gov](http://www.pay.gov). Your check should refer to the FOI number above. Your prompt payment of the amount indicated will be appreciated.

Please contact Janet Pellegrini, of my staff, at (312) 886-4298, should you have any questions or require additional information concerning this matter.

Sincerely,

*is/ Richard Trank*

Kevin M. Pierard, Chief  
NPDES Program Branch

Enclosures

bcc: FOIA Office Mailbox, DMI-9J  
Maria Gonzalez, C-14J  
A. Rzeznik (MI-9J)

WN-16J J. Pellegrini 09/14/2010 FOIA-05-FOI-01392-10  
GPIN-FOI-01392-10-9-14

*Wendy J. Kuntz*  
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