

January 20, 2016

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request

To Whom It May Concern:

We hereby request, under both the Freedom of Information Act and the Federal Clean Air Act, 40 U.S.C. § 7414(c), all information held by EPA including any emails, studies, reports, and documents relating to and concerning any instances when the EPA has used, required, or accepted the use of remote sensing technology anywhere in the United States since January 1, 2000 for the purpose of measuring air emissions, , including but not limited to instances related to verifying compliance with environmental laws such as the Clean Air Act.

This request includes, but is not limited to, information in the possession of EPA, EPA's Office of Enforcement and Compliance Assistance, including but not limited to the Air Enforcement Division and the National Enforcement Investigations Center, and EPA's Office of Air Quality, Planning and Standards, including but not limited to data evaluated at Research Triangle Park and EPA regional labs, and information under the control of EPA through contractors.

This request is submitted under both FOIA as well as Section 7414(c) of the Federal Clean Air Act. Section 7414(c) provides that "[a]ny records, reports or information obtained under [42 U.S.C. § 7414(a)] shall be available to the public . . ." EPA has also determined that emissions data and related information are excluded from confidential treatment for any reason, including confidential business information. 40 C.F.R. § 2.301(e)–(f).

“Remote sensing technology” in this request refers to but is not limited to Differential Absorption Light Detection and Ranging (DIAL), Solar Occultation Flux (SOF), Fourier Transform Infrared and Ultraviolet Spectroscopy (FTIR and FTUV), Differential Optical Absorption Spectrometry (DOAS), or other similar technologies that can be used for monitoring.

Specifically, this request for information relating to instances where EPA has used, required, or accepted the use of remote sensing technology to measure emissions in the United States includes the following for each type of remote sensing technology utilized (e.g.—DIAL, SOF, FTIR, FTUV, DOAS, etc.):

1. The site name, NAICS code (as applicable), and physical location at which the remote sensing technology was or is being used.
2. The date(s) and frequency of use of the remote sensing technology to capture air emissions measurements.
3. The type(s) of emissions sources or emissions points monitored (e.g.—flares, compressors, process vents, piping fugitive emissions, furnace stacks, etc.).
4. The purpose of using the remote sensing technology at the location, including any legal standards or other objectives that must be met.
5. The party deploying the remote sensing technology (e.g.—EPA or the site owner).
6. The nature of the use of remote sensing technology (e.g.—required by consent decree, voluntary use by party for compliance, EPA inspection or testing, etc.).
7. The startup and ongoing costs incurred for each remote sensing technology deployment, including but not limited to acquisition price of a technology unit, regular maintenance expenses, unanticipated repair expenses, and labor expenses for monitoring and compiling data received via the technology.
8. The means of transmitting readings and data compiled by the remote sensing technology to any external measurement computer or device, including but not limited to wired, wireless, and satellite transmission methods.
9. Any EPA analysis of compiled raw data, including but not limited to evaluations and estimates of effectiveness levels of individual remote sensing technologies, including any and all direct comparisons in instances where multiple types of remote sensing technologies have been simultaneously utilized at a single site.
10. Any and all known or anticipated limitations to the application of remote sensing technology used to measure air emissions.
11. Any EPA data analysis indicative of erroneous air emissions measurements by the remote sensing technology, including but not limited to unusual or unexpectedly broad measurement readings by a single device in a single location during a finite period of time.
12. Any and all control measures instituted by EPA to ensure that neither the remote sensing technology device deployed, nor any data received from it, has been artificially tampered with or manipulated by any unauthorized third party prior to transmission to EPA.

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If convenient, we request production of documents in electronic format. We are willing to pay up to \$500.00 for EPA to respond to this request. If the estimated cost goes beyond that amount, or for any other questions or clarifications regarding this request, please contact:

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Thank you for your attention to this request.

Very truly yours,

Tracy D. Hester
University of Houston Law Center

TDH/gw