



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 25 2013

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Ms. Tracy Hester  
University of Houston Law Center  
100 Law Center  
Houston, Texas 77001

**RE: Freedom of Information Act Request: EPA-HQ-2013-001969**

Dear Ms. Hester:

This letter responds to your Freedom of Information Act (FOIA) request submitted December 5, 2012, which was referred to this office to respond to your request for information from Headquarters, and all ten of the U.S. Environmental Protection Agency regions, from 1997 to the present

Any matter (conviction, some form of settlement or deferral of prosecution) involving

a count of criminal negligence under the Clean Water Act, 33 U.S.C. Section 1319 (c)(1);

a criminal violation of the general duty clause of the Clean Air Act, 42 U.S.C. Section 7412 (r)(1);

a criminal violation under the Migratory Bird Treaty Act, 16 U.S.C. Section 703; and

a criminal violation of the Rivers and Harbors Act, 33 U.S.C. Section 403, that involves a spill, explosion or release of chemicals into a water way.

The Office of Criminal Enforcement, Forensics and Training has conducted a records search and has located records responsive to your request submitted December 5, 2012. We have determined that these records are appropriate for release to you without excision. Inasmuch as you have found the electronic version of these records to be acceptable, a copy of those records has not been enclosed with this correspondence

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist

If you are not satisfied with my action on this request, you may submit a written appeal to the National Freedom of Information Officer, FOIA and Privacy Branch (2822T), United States Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (U.S. Postal Service Only), or by fax: (202) 566-2147, or by 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, NW, Room 6416J, Washington, DC 20004.

Your appeal must be in writing and 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 clearly identify the determination being appealed including the assigned FOIA request number shown above. For quickest possible handling, both the appeal letter and its envelope should be clearly marked "Freedom of Information Act Appeal"

In accordance with the Freedom of Information Reform Act of 1986, your Fee Category has been categorized as "Other." Other Requesters are charged the full cost of search and duplication, except that the first two hours of search time and the first 100 pages of duplication will be furnished without charge. However, you will not be billed for processing this request as the assessed fees fall within the stated guidelines for this fee category.

Should you have additional questions regarding this response, please contact Ms. Laurice Redhead of my staff via e-mail at [redhead.laurice@epa.gov](mailto:redhead.laurice@epa.gov) or by telephone at (202) 564-7153.

Sincerely,



Thomas J. Seaton, Deputy Director  
Legal Counsel Division  
Office of Criminal Enforcement, Forensics & Training

cc: National Freedom of Information Officer  
FOIA and Privacy Branch (2822T)