



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

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OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Anne J. Crochet
Taylor, Porter, Brooks & Phillips, LLP
451 Florida Street, 8th Floor (70801)
Baton Rouge, Louisiana 70821

Dear Ms. Crochet:

RE: Request for Reconsideration Regarding Combined Quality Assurance Project Plan and General Work Plan Potential for Ground Water Flow Directions and Contaminant Fate and Transport in the Plaquemine Aquifer of Iberville Parish and West Baton Rouge Parish, Louisiana (RFR #04021A)

This letter is in response to your Request for Reconsideration (RFR) of January 3, 2005, on behalf of The Dow Chemical Company (Dow), under the U.S. Environmental Protection Agency (EPA) *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Information Quality Guidelines) concerning the "Combined Quality Assurance Project Plan and General Work Plan: Potential Ground-Water Flow Directions and Contaminant Fate and Transport in the Plaquemine Aquifer of Iberville Parish and West Baton Rouge Parish, Louisiana" (QA Project Plan). In your RFR, you state that you disagree with and seek reconsideration of the denial of Dow's Request for Correction (RFC) dated June 14, 2004. Specifically, in your RFR, you state the above mentioned QA Project Plan was "disseminated" per the EPA Information Quality Guidelines and therefore subject to their quality considerations.


Your RFC and RFR challenged the objectivity and technical merit of a QA Project Plan, a scoping and planning document developed by U.S. EPA Region 6 for characterizing the ground water flow directions and contaminant fate and transport in the Plaquemine Aquifer. On October 6, 2004, Richard E. Greene, Regional Administrator, EPA Region 6, responded to your RFC by informing you that, "This QA Project Plan was intended as an internal EPA planning document for intra or inter-agency use or sharing. EPA does not consider this type material to be an official agency dissemination under the Agency's Information Quality Guidelines." In your RFR you contend that by sharing the QA Project Plan with the Louisiana Department of Environmental Quality (LDEQ), Dow and one other person upon oral requests for a copy of the QA Project Plan, EPA disseminated the QA Project Plan for purposes of our Information Quality Guidelines.

In accordance with EPA's Information Quality Guidelines, your RFR was presented to a three-member executive panel comprised of EPA's Acting Economics Advisor, Acting Science Advisor, and myself. The executive panel has carefully reviewed your RFR, your RFC, EPA's response to your RFC and other relevant materials. The panel finds that EPA's response to your RFC was consistent with OMB's and EPA's Information Quality Guidelines. As described in Section 5.4 of the EPA Information Quality Guidelines, "dissemination" for the purpose of the Guidelines does not include distributions of information intended for intra- or inter-agency use or sharing or distribution of information in correspondence directed to individuals or persons. Therefore, since this document was intended to be an internal planning document for intra- and inter-agency use and was only distributed in correspondence with individuals, it is not an official dissemination under the Information Quality Guidelines.

The primary purpose of the Information Quality Guidelines is to ensure and maximize the quality of information disseminated by the Agency. EPA takes care to ensure that information disseminations are the result of a full and appropriate planning process that takes into account all relevant policy and guidance. As described in Section 4 of the Information Quality Guidelines, EPA planning documents, such as QA Project Plans, serve as the procedural building blocks to ensure the quality of information disseminated by the Agency. EPA aims to continue to manage a transparent and collaborative process in the development of Agency information disseminations, and a key aspect is the distribution of evolving planning documents, such as a QA Project Plan, for external feedback. Often, EPA may share these planning documents with parties outside of the Agency to improve them and ultimately any final product that results from them. While we agree that these planning documents are integral to ensuring information quality, they do not, however, fall within the purview of the Information Quality Guidelines. Generally, the Information Quality Guidelines cover final agency products which are disseminated to the public, including final reports that result from QA Project Plans, and we take the necessary steps to ensure that these products are developed in accordance with the Agency's policy and guidance.

EPA values input from the public on the quality of information it produces and embraces opportunities for improvement. EPA is committed to promoting transparency in our processes and providing the public with information that is objective and useful. If you have any questions about our decision on this RFR, please do not hesitate to contact Reggie Cheatham, Director, Quality Staff, at (202) 564-6830.

Sincerely,



Kimberly T. Nelson
Assistant Administrator
Chief Information Officer

cc: Richard E. Greene, Regional Administrator, Region 6