



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

OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Ms. Monique Harden
Deep South Center for Environmental Justice
9801 Lake Forest Blvd.
New Orleans, Louisiana 70127

June 14, 2021

Re: Freedom of Information Act (FOIA) No. EPA-2021-003387 – Final Response

Dear Ms. Harden,

This letter concerns the above- referenced FOIA request, received by the U.S. Environmental Protection Agency (EPA) on March 29, 2021, in which you requested the application by the State of Louisiana (LA) for primary enforcement authority over Class VI Underground Injection Control (UIC) that pertains to the disposal of carbon dioxide (CO₂), including supporting documents, and records supporting EPA's conditional exclusion of hazardous CO₂ streams captured from emission sources from the definition of hazardous waste in the Resource Conservation and Recovery Act (RCRA), as set forth in Hazardous Waste Management System: Conditional Exclusion for Carbon Dioxide (CO₂). Item No. 5 of the request was modified during our June 8, 2021 meeting to include a request for Region 5's Class VI permit records released in an earlier FOIA.

Disposition

Partial Grant/Denial/No Records (as described below).

Description of Records:

Listed per your itemized request and as discussed in our June 8, 2021 meeting:

- Item No. 1: The request is denied because EPA received the State of LA's formal application after your March 29, 2021 FOIA request. This does not restrict you from sending another FOIA request for the records.
- Item No. 2: This request was granted; all publicly available records were released in the EPA's interim response of May 22, 2021. The incoming draft program description, received on January 21, 2021, is released in this final response of June 22, 2021.
- Item No. 3: This request was granted; all publicly available records were released in the EPA's interim response of May 22, 2021. More supporting records are being released in this final response of June 22, 2021.
- Item No. 4: EPA has no agency records in response to this request. It was determined during a detailed discussion with the subject matter expert in our June 8, 2021 meeting, that if EPA received any comments or studies from the public, those records would be publicly available in EPA's

rulemaking docket at: <https://www.regulations.gov/docket/EPA-HQ-RCRA-2010-0695/unified-agenda>.

- Item No. 5: This request was granted and a link to the FOIA record was provided in the interim response of May 22, 2021. This request is further granted to include Region 5's Class VI permit records released in response to an earlier FOIA (EPA-2021-002887). EPA is providing the publicly-available records, which can be accessed on FOIAonline at: <https://www.epa.gov/foia>.

You may appeal this determination by email at hq.foia@epa.gov, or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, WJC-N Building, Room 7309C, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

If you need any further assistance or would like to discuss any aspect of your request, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or call (202) 566-1667. 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. For all media inquiries, please contact press@epa.gov.

If you have any questions concerning this response, please contact me or Stephanie Flaharty at 202-412-1702.

Sincerely,



Andy Crossland,
Director, Materials Recovery and Waste
Management Division
Office of Land and Emergency Management