



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

MAY 12 2015

OFFICE OF  
ENVIRONMENTAL INFORMATION

Robert D. Mowrey  
Kazmarek Mowrey Cloud Laseter LLP  
1100 Peachtree Street  
Suite 650  
Atlanta, GA 30309

Dear Mr. Mowrey:

This is the response to your Information Quality Guidelines (IQG) Request for Reconsideration (RFR) dated December 22, 2014 (RFR 13001A<sup>1</sup>), submitted to the Environmental Protection Agency ("EPA" or "Agency") by Kazmarek Mowrey Cloud Laseter LLP pursuant to EPA's *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (EPA IQG). Your RFR requests that the EPA reconsider its response, dated September 22, 2014, to your Request for Correction (RFC 13001<sup>2</sup>).

Consistent with the EPA IQG, the EPA convened an executive panel to determine the EPA's response to this RFR. The executive panel consisted of the EPA Science Advisor, the EPA Economics Advisor (the Associate Administrator of the Office of Policy), and me, the EPA Chief Information Officer. The panel reviewed your original RFC, the EPA's response, and the RFR and concluded that the EPA's RFC response was appropriate and the information presented in those analyses meets the EPA IQG standards of objectivity and utility.

The EPA takes its responsibility for ensuring the accuracy and reliability of information prior to publication very seriously. This was demonstrated in this case where, before publishing the environmental benefit estimates associated with the enforcement action against Walter Coke, the EPA carefully reviewed its environmental benefit calculations for estimates of reduction of pollutants and removal of contaminated media expected to be realized at Walter Coke's Birmingham, Alabama facility. To estimate the environmental benefits to be achieved by the Walter Coke enforcement action the EPA referenced relevant site data and maps provided by Walter Coke. Personnel in both the EPA's Region 4 offices and the Office of Enforcement and Compliance Assurance reviewed this information and verified the calculations. Both the process and the detailed calculus for estimating environmental benefits are based on the relevant EPA guidance, "Guide to Calculating Environmental Benefits from EPA Enforcement Cases – FY 2012 Update" (January 10, 2012) ("CCDS Guidance") (<http://www2.epa.gov/sites/production/files/2015-04/documents/ccds.pdf>).

<sup>1</sup> RFR 13001A, December 2014 (<http://epa.gov/quality/informationguidelines/documents/13001A.pdf>)

<sup>2</sup> RFC 13001, March 2013 (<http://epa.gov/quality/informationguidelines/documents/13001.pdf>)

In the context of the IQG Request for Correction, the EPA reviewed the environmental benefit estimates calculated for this case. The calculation of the environmental benefits that are projected to accrue from a case is an estimate based on the injunctive requirements in the final enforcement order. The estimate of benefits is calculated based on the methodologies described in the EPA's CCDS guidance, and it is the best estimate that the Agency can calculate at the time the enforcement case concludes. Because these results are estimates, the EPA is routinely conservative in the application of these figures. Based on Agency-standard protocols, the EPA determined that all of the estimated benefit amounts were sound. However, as was pointed out in the RFC response, one area should not have been calculated or reported because this area was not covered by the Administrative Order on Consent (AOC). To reflect this correction, the EPA deleted the environmental benefit estimate for this contaminated debris reported in the ICIS (Integrated Compliance Information System) data system (and hence in the EPA's ECHO website). Please note that this area represented less than 1% of the total estimated volume of contaminated soil to be remediated pursuant to the AOC. In addition, in response to Water Coke's request, the EPA has removed the statement posted on its Annual Results Website for FY 2012 which cited Walter Coke as one of the largest polluters from the enforcement cases that were concluded by the Agency in FY 2012.

If you have any questions about this response, please contact Monica D. Jones, Director, Quality Staff, at (202) 564-6830.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Dunkin', with a stylized flourish at the end.

Ann Dunkin  
Chief Information Officer

cc: Thomas A. Burke, PhD, MPH, EPA Science Advisor, OSA  
Joel Beauvais, EPA Economics Advisor, OP  
Lawrence Starfield, Principal Deputy Assistant Administrator, OECA  
Monica D. Jones, Director, Quality Staff