

April 2, 2014

Julius Banks
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

SUBJECT: Freedom of Information Act Request

Dear Mr. Banks:

The Northeast States for Coordinated Air Use Management (NESCAUM) is seeking emissions information on wood burning devices certified for sale by the U.S. Environmental Protection Agency (EPA) Office of Enforcement and Compliance Assurance (OECA) since December 31, 2009. The EPA has now proposed a revised New Source Performance Standard for Residential Wood Heaters (79 Fed. Reg. 6330). To enhance our understanding of the proposal, we seek in this request under the Freedom of Information Act (5 U.S.C. § 552) to obtain from EPA certain emissions data used with the previously certified wood burning devices that are relevant to the proposed rule. A previous ruling by EPA in 2006 has already determined that this information is not confidential business information and thereby we request expedited release of this data.

Pursuant to 5 U.S.C. § 552 and 40 CFR Part 2 (Public Information), NESCAUM hereby requests the following information:

- Average weighted emission rate for each device certified since December 31, 2009
- Device type (e.g., pellet stove, catalytic stove, non-catalytic stove)
- Test method used, 5G or 5H
- Emission results for individual burn categories for all burn rates - Categories 1, 2, 3, 4

The U.S. EPA has set a comment deadline of May 15, 2014 for its proposed rule. To enable NESCAUM to provide better informed comments within this time frame, it is critical that we receive the requested data no later than April 15, 2014 so that we have time to analyze the information in preparing our comments to EPA.

Please note that NESCAUM is a not-for-profit 501(c)(3) organization, and the purpose of this request is to inform our efforts in assessing and seeking to improve where needed the quality of

EPA's proposed rule, which is in the public interest as it will affect public health and safety. As such, we ask for a waiver of fees in fulfilling this request.

I am addressing this request to you in the belief that you are the custodian of such documents. If you are not, I request that you forward this request to the proper custodian of such documents and inform me as to whom that person is.

If the law does not allow NESCAUM to have access to some of these records, please so inform me within 10 working days, as provided by law, and inform me of the reasons for your denial, including an identification of the records being withheld and the specific Freedom of Information Act (5 U.S.C. § 552) exemption that applies to each record or portion of a record being withheld. If an otherwise public record has a portion that is exempt from disclosure, I request that you block out the exempt portion and release a copy of the rest of the document together with notation of the specific exemptions that apply to the portion withheld.

If some or all of this request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to NESCAUM and the name of the person to whom appeal may be made.

If there are any questions about this request, please feel free to contact me at (802) 899-5306.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Rector", with a stylized flourish at the end.

Lisa Rector