

Exhibit E

SUPER LAW GROUP, LLC

March 11, 2015

VIA ELECTRONIC MAIL AND U.S. MAIL

Thomas Hitter, Esq.
Assistant General Counsel
Office of Management and Budget
725 17th Street NW, Room 9026
Washington, DC 20503
thomas_e._hitter@omb.eop.gov

Re: OMB FOIA 14-149

Dear Mr. Hitter:

I am writing on behalf of Riverkeeper, Inc. and the Natural Resources Defense Council, regarding the Freedom of Information Act (FOIA) request we submitted on August 14, 2014, pursuant to 5 U.S.C. § 552. In that request, we sought from the Office of Information and Regulatory Affairs (OIRA) documents related to the rulemaking titled: National Pollutant Discharge Elimination System—Final Regulations to Establish Requirements for Cooling Water Intake Structures at Existing Facilities and Amend Requirements at Phase I Facilities [EPA-HQ-OW-2008-0667].

We received an initial email response from your office on August 28, 2014 acknowledging receipt of our request on August 15, 2014 and providing us with an OMB FOIA number: 14-149. On September 4, 2014, you contacted us again to extend your deadline to answer by 10 working days due to unusual circumstances pursuant to 5 U.S.C. § 552(a)(6)(B). We did not hear from OMB again and, on October 17, 2014, we sent OMB a letter asking the agency to respond immediately and provide the information we had requested two months before. In response, you contacted my office on October 22, 2014.

On October 22, 2014, you and I discussed by telephone ways to prioritize and expedite the production of responsive records, including through expedited production of communications with non-governmental entities (since that might involve a lesser privilege review). We also discussed prioritizing production of communications with certain government agencies before other agencies. You made clear that OMB was responding to the request. But in the last four months we have not heard from your office.

Seven months have now passed we submitted our FOIA request. OMB has had ample time to produce all of the requested documents, and certainly enough time to produce those documents that we identified for expedited or prioritized handling *four months ago*.

OMB has failed to provide the requested documents or otherwise notify us of your determination on our FOIA request and the reasons therefore. Please respond immediately to


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this letter, provide an estimated date by which the FOIA request will be completed, as required by 5 U.S.C. § 552(a)(7)(B)(ii), and provide the records we requested seven months ago.

If the information is not forthcoming shortly, you will leave us with no option other than filing suit to compel you to release the records.

Thank you for your prompt attention to this matter.

Very truly yours,



Reed W. Super

cc:

Dionne Hardy, FOIA Officer
Office of Management and Budget
725 17th Street NW, Room 9026
Washington, DC 20503
Dionne_Hardy@omb.eop.gov