

EXHIBIT

16

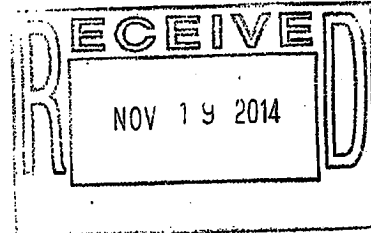


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

November 13, 2014

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285



Re: Diamond Alkali – Lower Passaic River Study Area/CPG FOIA Requests

Dear Bill:

This will respond to your letter dated November 4, 2014 referring to four Freedom of Information Act ("FOIA") requests that the Cooperating Parties Group ("CPG") submitted to EPA in the April-June 2014 time frame. Your letter expresses the CPG's dissatisfaction with EPA's responses to those requests.

EPA has been working diligently to respond to the CPG's FOIA requests, along with other FOIA requests we have received related to the Lower Passaic River Study Area ("LPRSA"). A number of these, including some submitted by the CPG, have required us to review many thousands of documents. This has led to extended review periods for some requests. Moreover, EPA is responding through FOIAonline, the web-based application that EPA is now obliged to use. While FOIAonline can be a convenient mechanism for making information available, technical difficulties associated with use of this application have sometimes delayed releases of information.

Your letter notes the discrepancy between the date of the final letter issued with respect to CPG FOIA request EPA-R2-2014-005768, which constituted a partial denial, and the date that you received the letter. The discrepancy was the result of difficulties associated with the use of FOIAonline, which delayed the final release of information and the denial letter. We did not "backdate" the letter, as you state in your appeal (received November 12, 2014 in Region 2), but it is the case that the letter was not re-dated to account for the delay associated with the final release. The approach outlined in the CPG's FOIA appeal – i.e., submitting the appeal on November 7, 2014 with the intention of supplementing it by November 28, 2014, should the CPG determine that it does wish to pursue this course of action – is reasonable.

Regarding CPG FOIA request EPA-R2-2014-006018, your letter asks if EPA will be able to complete our response by the end of November, 2014. That is our intention. For your information, this request, which asks for "any and all emails, correspondence and other

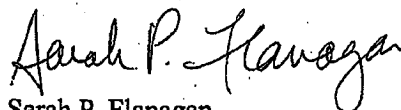
documents relating to (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revision or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM," required Region 2 to review close to 10,000 potentially responsive documents.

Regarding CPG FOIA request EPA-R2-2014-006476, your letter indicates that the CPG is dissatisfied with the information that EPA has released to date comprising communications between "any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck" regarding the LPRSA. You ask that EPA confirm that no "substantive email communications between Judith Enck and members of the community" exist. Region 2 has provided information responsive to this FOIA request, and we continue to review and provide responsive information. Opining whether the communications we release are substantive or not seems to go beyond the scope of our FOIA review. The CPG also asks for the date by which Region 2 will complete its response to this request. We anticipate that we will be able to complete our response by December 31, 2014. We are planning to release additional documents in the interim. For your information, this FOIA request resulted in a collection of over 10,000 documents, and at least 7,000 remain to be reviewed.

Finally, regarding CPG request EPA-R2-2014-007546, your letter states that EPA did not provide certain specific information that the CPG requested "on the basis for NJDEP's trigger levels for dioxin or mercury." Region 2 completed its response to this FOIA request, as set forth in its letter dated July 1, 2014, which the CPG reportedly received July 14, 2014. All responsive information identified in our search was released.

I hope this information is helpful.

Sincerely,



Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
A Yeh, ERRD
P. Hick, ORC