Message

From: Ex. (b)(6) Non-SES EPA employee names
Sent: 1/14/2021 1:06:38 PM
To: OGC Anti-Racism Advisory Committee [OGC_Anti-Racism_Advisory_Committee@epa.gov]
Subject: Note on Jan. 7 ARAC Meeting

Dear ARAC community,

After taking time to reflect on last week's ARAC meeting, we have recognized that we should have framed the insurrection at the Capitol as an example of white supremacy and systemic racism before launching into discussion. As a committee that is actively working to eliminate racism in a Federal agency office, we need to clearly name racism and white supremacy as part of setting the context for our discussions. We are sharing this to let you know what we have learned, and what we plan to do differently in the future.

If the connection between white supremacy and the insurrection at the Capitol last week is unclear, this opinion piece provides the historical context for current efforts to maintain white supremacy, most recently evidenced last Wednesday: https://www.washingtonpost.com/outlook/2021/01/07/trump-mob-capitol-red-shirts/

We appreciate the discussion we had last week in the ARAC meeting, and that several people recognized and named the racism apparent in last Wednesday's insurrection. As we continue to work together against racism, we also appreciate that we can share our mistakes and growth in this work.

In solidarity,
Ex. (b)(6) Non-SES EPA employee names

Ex. (b)(6) Non-SES EPA employee names

Message

From: Messier, Dawn [Messier.Dawn@epa.gov]
Sent: 1/21/2021 9:24:31 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: RE: a few notes from add for what they are worth

twas

Dawn Messier
Deputy Associate General Counsel for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-5517

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, January 21, 2021 4:04 PM
To: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: RE: a few notes from add for what they are worth

Thanks. That was pretty interesting.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Messier, Dawn <Messier.Dawn@epa.gov>
Sent: Thursday, January 21, 2021 4:02 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: a few notes from add for what they are worth

A couple of covid executive orders coming tomorrow…

Diversity and inclusion exec order has been repealed! Yay!

Sched f not repealed but only bc not urgent.

Lots of offices asking about settlement directive (not addressed yet)

1 – Impartiality rules
2 – bar obligations
3 biden ethics pledge

Melissa is easy – ony have to worry about 1 and 2. Cases can't work on cases she supervised etc b/c of bar obligations. Impartiality determinations can make policy determinations whether we proceed with litigation.

If anything on mass going forward, one year going forward cooling off period. Address through impartiality determination.

Dimple – 4 cases before the Agency. Biden ethics pledge binds her – for next two years, cannot work on spefici matter that NRDC is on – can't attend meetings where they are present unless general applicability open to all interested parties.

Ex. 6 Personal Privacy (PP)

Dawn Messier
Deputy Associate General Counsel for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-5517

Message

From: Glazer, Thomas [glazer.thomas@epa.gov]
Sent: 1/22/2021 5:31:24 PM
To: tomoko.onozawa@usdoj.gov [Tomoko.Onozawa@usdoj.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]
CC: Kramer, Kim [Kramer.Kim@epa.gov]
Subject: RE: Riverkeeper v. EPA - Abeyance/stay requests in pending EPA regulatory challenges
Attachments: EPA OGC Abeyance Letter to DOJ 01-21-20docx.pdf

Importance: High

Forwarding to my management team.

Ex. 5 AC/DP

In any event, Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,
Tom

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

From: Onozawa, Tomoko (USANYS) <Tomoko.Onozawa@usdoj.gov>
Sent: Friday, January 22, 2021 12:20 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>; Kramer, Kim <Kramer.Kim@epa.gov>
Subject: Riverkeeper v. EPA - Abeyance/stay requests in pending EPA regulatory challenges

Tom and Kim:

Ex. 5 AC/DP

Thanks,

Tomoko

Tomoko Onozawa
Assistant United States Attorney
U.S. Attorney's Office, SDNY
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel: (212) 637-2721
Fax: (212) 637-2717

From: Lipshultz, Jon (ENRD)
Sent: Thursday, January 21, 2021 7:16 PM
To: ENRD-EDS Section <ENRD-EDSSection@ENRD.USDOJ.GOV>
Subject: Abeyance/stay requests in pending EPA regulatory challenges

All –

Ex. 5 AC/DP

Please let us and your supervisor know if you have any questions, and we will share any further updates we receive on this promptly. Thank you!!

Letty and Jack

Jack Lipshultz
Deputy Section Chief
Environmental Defense Section
202-514-2191

Message

From: ODea, Elise [odea.elise@epa.gov]
Sent: 1/25/2021 4:46:35 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]; Wendelowski, Karyn [wendelowski.karyn@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Hughes, Krista [hughes.krista@epa.gov]
Subject: RE: Agenda items for weekly OGC call?

Hi Steve,

After the transition to the Trump administration, EPA and the Corps successfully secured stays in the WOTUS litigation by asking courts to hold cases in abeyance pending a decision from the Supreme Court on whether district or circuit courts had original jurisdiction over challenges to the 2015 Clean Water Rule (CWR). We also argued that abeyances were appropriate/would not harm plaintiffs seeking review of the 2015 CWR given the Sixth Circuit's nationwide stay of the rule. The pending Supreme Court case and the [redacted] immediately following the change in administration. By the time the 2015 CWR went back into effect in late 2018--following vacatur of the Applicability Date Rule (aka Step 0 Rule)--we were able to point to actions such as the proposed Step 1 Rule to argue that courts should hold challenges to the 2015 CWR in abeyance because "it would be impractical and a waste of judicial and party resources to litigate" cases where "[t]he Agencies have initiated administrative proceedings that if finalized could moot the challenged action."

Please let us know if you would like any further information.

Thanks!
Elise

- -

Elise M. O'Dea
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4201

-----Original Message-----
From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 9:55 AM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: Agenda items for weekly OGC call?

This message forwards one from melissa that is in preparation for a leadership call we are having with DOJ late today.

For those of you who were affected last term (e.g., WOTUS/STEAM), can you please, could you please send the the WLO managers any relevant info you have? Thanks!

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

-----Original Message-----
From: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Sent: Monday, January 25, 2021 9:50 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: RE: Agenda items for weekly OGC call?

If someone could prepare a short list of what occurred during previous transitions that would be helpful, e.g., CPP litigation held in abeyance after full briefing and argument; MATS supp finding after full briefing and right before argument was scheduled, CAMR (Obama I) SG withdrew defense before SCOTUS argument, etc.

Thanks.

Melissa

-----Original Message-----
From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 9:36 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: RE: Agenda items for weekly OGC call?

Ex. 5 AC/DP

I think we should still keep it at a high level for purposes of this call so can be some illustrative examples to help us get our brains around the range of circumstances so we can get direction for specific cases informed by the landscape.

Jack - maybe you're hearing about these issues already or you could convass your folks for some input? is Jennifer from appellate going to be on the call. I think her participation would be helpful.

Thanks Jim for reaching out.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

-----Original Message-----
From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 25, 2021 8:00 AM
To: Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>
Subject: Re: Agenda items for weekly OGC call?

Jack - for today 4pm weekly checkin w DOJ/ENRD, one item would be touching base on the process for abeyances in rule cases.

Melissa, Dimple - feel free to raise agenda items.

Gautam, Steve, Lorie, Joe - let me know if you have potential agenda items?

Jim
202-672-3727 cell

Sent from my iPhone

> On Jan 25, 2021, at 7:53 AM, Lipshultz, Jon (ENRD) <Jon.Lipshultz@usdoj.gov> wrote:
>
> Jim and Bruce - do either of you have any specific agenda items for
> today's scheduled ENRD/OGC weekly call? We have numerous agenda items
> for the OECA call. Just let me know. Thanks. Jack
>
> Sent from my iPhone

Message

From: Levine, MaryEllen [levine.maryellen@epa.gov]
Sent: 1/26/2021 2:05:01 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: RE: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

Yes – that's why I asked my question – Peter told me the same thing over the dinner table. It will all be revealed.

I think I finished my inputs to the paper you sent last evening. Krista's one pager should be coming soon. I already reviewed it and made some edits.

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, January 26, 2021 8:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: OGC WLO <OGC_WLO@epa.gov>
Subject: Re: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

That's is news to me. She has been described to me as she AA nominee but yes checking the communications she is the principle deputy. Thanks did the info. Copying WLO

Steven Neugeboren
Associate General Counsel for Water
Environmental Protection Agency
Mails code 2355A
1200 Pennsylvania Ave, NW
Washington DC 20460
202-564-5488

On Jan 26, 2021, at 8:48 AM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

Unless you know something I don't know, the President has not yet submitted a nominee for Water.

Instead, the non-career Principal Deputy AAs have been appointed, like Melissa.

For Vacancies Act reasons, those non-career principal deputies who are acting cannot also be the nominee ... if they are nominated for the position, someone else has to be acting.

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 11:07 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more
Importance: High

Melissa's email and all other interactions I've had with her and Dimple all point to the same thing: It's a new day at EPA. ☺

I highlight 5 things below: our staff meeting tomorrow, hot issues meeting Thursday, OGC/AA nominee for water meeting Friday, ethics issues, and next steps in creation of a WLO litigation tracker.

Since we will not be able to get into this when Melissa as at staff meeting, I'm sending this to keep everyone informed. Also, I have provided some substantive suggestions on Thursday's hot issues meeting I'd like the Assistants and attorneys to take into account as they prepare materials tomorrow and Wednesday. So please read carefully.

Staff Meeting Tomorrow: Melissa is supposed to come to our staff meeting tomorrow. I was asked to forward the invite and don't know when she will arrive, **so let's all please sign on right at 1.** If she's not there then, we can discuss some of the matters below until she arrives.

There's no set plan. I assume we will have time to introduce ourselves – I suggest each of us share how long we've been with the water law office and one other thing - while the "easy" thing would be to say what you work on (which you are free to do if you wish of course), when she introduced herself to the ADDs she discussed how she raises goats (google Melissa Hoffer and goats and you'll learn more). So I encourage you to consider something that would help get her to know us (e.g., why you wanted to be an environmental lawyer or work at EPA, the thing you are proudest of which you worked on at the Agency, a thing you love in your spare time, etc.). Also, per her email, please come with any questions you'd like to ask.

Hot Issues Thursday: As you know our "hot issues" meeting is this Thursday. Since last Thursday, the WLO managers and I have been busy thinking about our plate of issues to decide what needs to be raised to them this week, and otherwise "put on their radar" for the near future. The Assistants have/will reach out to you if one of your projects is on the list. As with hot issues meetings in the past, however, you won't be asked to review/update the agenda and attendance should be the management team and those whose matters are on the agenda. Here is the tentative list of topics that we came up with in two "buckets." If you feel we are missing something, please let me and your Assistant know asap.

Ps. Before we get into the specific items below, we intend to highlight the high profile rules/actions that will be subject to reconsideration under Biden's Executive Order (WOTUS, 401 rule, lead/copper rule, Maui guidance etc) that will obviously be a focus of discussion going forward (consistent with any appropriate recusals – see below).

1. Issues for Priority Discussion – Matter with near term deadlines, in particular those potentially needing input/direction from the Front Office.

   This will be the focus of our meeting. The agenda will include a couple of bullets with high level overview of the issue and the Assistants have reached out to the relevant attorneys to provide one pagers by COB tomorrow. We are going to try to keep the issues precisely focused without having to do a deep dive into the

substance as there is not time. The attorneys on these should attend and the Assistant/Attorney will decide who presents. Our current list of issues and my take on why it's on there/what the focus should be are as follows

Ex. 5 Deliberative Process (DP)

2. For Your Information - Other significant litigation or policy matters likely to be of interest to new leadership or warranting near-term attention

   The agenda will contain several high level bullets that the Assistants are preparing for awareness of issues we will likely come back to them on soon; no one pagers required. We may not actually get to these this week, and if we do will not plan to go into detail. Attorneys welcome to attend but not required and understand might not get to them.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

OGC/AA Nominee for Water Meeting on Friday

John Goodin, now a Deputy AA for water, has scheduled a "meet and greet" between the WLO management team and the new AA for Friday afternoon. The OGC front office is scheduled to attend as well. Purpose is to introduce ourselves, talk about structure and role of WLO and highlight high priority issues (TBD). Don't think we will be needing attorney input for that but will share the agenda when we have it.

Ethics Issues/Recusals

Bottom line is Melissa is recused from any cases to which Mass. is a party, and Dimple for cases involving NRDC. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Will keep those teams informed.

WLO Litigation Tracker

Dawn will send an update tomorrow. Bottom line is, based on the One Docket, we are populating a spreadsheet that I and the other managers will be using over the coming months to help us decide when/how to raise issues with the FO. Elise Odea has done a most of the work to populate it with what's in One Docket. Thank you Elise!!!! But we will need the attorneys to add some additional info not in one docket over the next couple of days.

Thanks all.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 1/26/2021 2:24:09 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: RE: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

Yep, Radhika.

We have not yet briefed Melissa on the vacancies framework, but maybe she will want to pass that along discreetly after being fortified with how it all works.

It might be worth a discreet mention to John to clarify if the opportunity presents itself (during a discreet chat on any other matter).

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, January 26, 2021 9:18 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

I assumed you were talking about Radikha, beause I refered to her as AA nominee.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Sent: Tuesday, January 26, 2021 8:59 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

For Melissa or for Radhika Fox?

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, January 26, 2021 8:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: OGC WLO <OGC_WLO@epa.gov>
Subject: Re: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

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Mails code 2355A
1200 Pennsylvania Ave, NW

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202-564-5488

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Sent: Monday, January 25, 2021 11:07 PM
To: OGC WLO <OGC_WLO@epa.gov>
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-
-
-
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-
-

Ex. 5 Deliberative Process (DP)

2. For Your Information - Other significant litigation or policy matters likely to be of interest to new leadership or warranting near-term attention

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP) Will keep those teams informed.

WLO Litigation Tracker

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Thanks all.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.

Washington DC 20460
(202) 564-5488

Message

From: Messier, Dawn [Messier.Dawn@epa.gov]
Sent: 1/27/2021 6:10:25 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: need to pull 10th circuit WOTUS issue from hot issues paper

Removed from attachments file

Dawn Messier
Deputy Associate General Counsel for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-5517

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Wednesday, January 27, 2021 12:55 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: need to pull 10th circuit WOTUS issue from hot issues paper

I need to pull the issue since we haven't heard from Justina and I haven't been able to reach her. If we get clearance before tomorrow we can email it to them. Here's the latest from the briefing paper

Ex. 5 Deliberative Process (DP)

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A

1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/28/2021 2:29:34 AM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: FW: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

---

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 27, 2021 12:46 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

We must resist becoming "uber" ethical because then we can't keep track of the actual rules.

Q: If their former employer is not otherwise a party to the case, but files an amicus brief, what are the ethical implications?

JUSTINA: If the former employer files an *amicus* brief only, then it is not actually a party to the case. If the brief is filed by the former employer after they left, then under the federal ethics rules ONLY, Melissa may be permitted to work on that brief provided I grant an impartiality determination to allow her to work with MA during her one year cooling off period under the impartiality regulations. But Dimple could not because she is subject to paragraph 2 of the Biden pledge. Now, if Melissa worked on that *amicus* brief filing or if the case is similar to the MA cases she worked on, then she may have bar restrictions. Remember, she must always preserve her former clients secrets and abide by rule 1.11 that preclude the former government official from "switching sides" on the same specific party matter. In some jurisdiction, the bar refers to the "same or *substantially related* specific party matter," which is not a term that arises in federal ethics. We refer attorneys to their own bar counsel for clarification.

Q: Also, for Melissa, and maybe as for Dimple, there are cases where they formerly challenged an EPA action. And the same action is challenged by other parties in other cases. For these other cases, anything to add to below? I thought I heard Melissa say that she is treating those as recused.

JUSTINA: This is the bar question I've talked about. Let's say that neither of them worked personally and substantially on the specific party matter that is being challenged and, for the sake of argument, their former employers are also not involved in this challenge. There is no federal ethics restriction. For Dimple, she's restricted only by her obligation to protect her former client's secrets. For Melissa, she's also bound by rule 1.11 for former government officials. She could seek informed consent from her former client or she may, being uber ethical, decline to participate out of principle. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Finally, to provide the Associates and RCs with more clarity about how to proceed, try this:

To navigate recusal issues in the OGC front office, follow this process:

1) Review the list of cases from which Melissa, Dimple [and incoming Deputy] are recused
    a. If the case is on their list, do not discuss with that principal

b. If the case is not on their list, proceed to step 2.

2) Look to see if their former employer (Melissa = Massachusetts, Dimple = NRDC) is a party or intervenor
   a. If yes, then do not discuss with that principal
      i. Please note that, for Melissa, OGC/Ethics may update this step in the near term
   b. If no, then you may discuss with that principal.

3) If the former employer files an amicus brief, then
   a. Ascertain whether Melissa or Dimple worked on that brief.
      i. If yes, then do not discuss
      ii. If not, then proceed to the next level:
   b. Do not discuss that brief with Melissa until after January 20, 2022 (unless OGC/Ethics advises otherwise)
   c. Do not discuss that brief with Dimple until after January 20, 2023

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Tuesday, January 26, 2021 11:03 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Also there are cases where they or their former employer filed amicus cases – treat those as if a party?

From: Payne, James (Jim)
Sent: Tuesday, January 26, 2021 11:00 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Thanks for your separate note. Let me know any comments on draft email to ADDs and RCs/DRCs below? Also, for Melissa, and maybe as for Dimple, there are cases where they formerly challenged an EPA action. And the same action is challenged by other parties in other cases. For these other cases, anything to add to below? I thought I heard Melissa say that she is treating those as recused.

DRAFT

For checking whether Melissa or Dimple have a recusal, Justina asks that you follow these two steps.

STEP 1. Review the lists for Melissa [attached] and Dimple [below] to see if any of your cases are included.
IF YES: don't bring those cases up with them, respectively.

STEP 2: If not on their respective lists, then look to see if either Massachusetts (Melissa) or NRDC (Dimple) is a party or intervenor.
IF YES: don't bring them up
MELISSA – this advice may change soon but I'll let you know. For now, don't bring them up
DIMPLE – don't bring them up

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, January 21, 2021 9:12 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Hi there,
As you might expect, the OGC/Ethics Office is cheerfully up to our eyeballs in ethics issues for our incoming appointees. Not only are we thinking, as we always do, about financial conflicts of interest, but we are also weighing impartiality concerns with former employers and former clients, bar obligations and now an executive order on ethics commitments. We will be drafting recusal statements, but we typically wait until after we have a chance to review the financial disclosure reports. As many of you also file that wretched report, you know how much work that entails. So, before we can distribute signed recusal statements, here's how to navigate the likely recusal issues for Melissa Hoffer and Dimple Chaudhary.

MELISSA HOFFER

- Melissa is bound by her bar restrictions from sharing the confidences of her former client, the Commonwealth of Massachusetts, and from switching sides in litigation in which she previously participated or for which she provided supervision. With the attached impartiality determination, however, I authorized her to participate in making *policy* decisions about that litigation, such as whether or not to stay the proceedings. That impartiality determination included the list of cases from which she is recused because of her bar obligations. For her tenure at EPA, she will be recused from participation in these cases.
- For now and continuing for one year, she is recused from participation in any new specific party matter in which Massachusetts is a party or represents a party. Should we issue another impartiality determination, I will share that with you.

DIMPLE CHAUDHARY

- Dimple is bound by her bar restrictions from sharing the confidences of her former client, the Natural Resources Defense Council, and from switching sides in litigation in which she previously participated or for which she provided supervision or counsel. The cases from which she is recused are:

CASE NAME and/or SUBJECT MATTER	CITATION and/or DESCRIPTION:
Consent Decree Implementation of Agency's failure to issue a worst-case spill regulation for	*Environmental Justice Health Alliance for Chemical Policy Reform, NRDC, et al. v. EPA*, Case No. 19-cv-2516, SDNY

non-transportation-related-substantial-harm facilities	
Challenge to Methylene chloride rule	*Labor Council for Latin America, NRDC, et al. v. EPA*, Case No. 19-1042, 2d Cir.
Challenge to use of tetrachlorvinphos on pets	*NRDC v. Wheeler*, Case No. 20-72794, 9th Cir.
Provided individual counseling to plaintiffs in Flint water crisis	*Walters v. Flint, EPA, et al.*, Case No. 17-10164, E.D. Mich.

- Because Dimple's former employer is not a state or local government, she is further bound by Section 2 of the Biden Ethics Pledge. We cannot grant impartiality determinations for her. Instead, for two years, she cannot participate in any specific party matter in which NRDC is a party or represents a party. She may not attend any meeting nor have any communication with NRDC unless the communication relates to a particular matter of general applicability and participation in the event is open to all I interested parties. Dimple's recusal period with NRDC on any specific party matter (e.g., litigation, contracts, grants, speaking engagement) will last until after January 20, 2023.

If you have any questions about these general recusal areas, then please let me know.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: JJ McElheney Ex. 6 Personal Privacy (PP)
Sent: 10/20/2020 10:25:04 AM
To: paro@nas.edu; bulrich@nas.edu; wolfe@niehs.nih.gov; kyla.taylor@nih.gov
CC: collinsf@mail.nih.gov; collinsf@od.nih.gov; bruskec@niehs.nih.gov; bucher@niehs.nih.gov; Linda Birnbaum [birnbaumls@niehs.nih.gov]; resnikd@niehs.nih.gov; wanda.jones@hhs.gov; Sandra Howard [Sandra.Howard@HHS.GOV]; ash@hhs.gov; chanya.liv@hhs.gov; david.benor@hhs.gov; jerry.menikoff@hhs.gov; Julie.Kaneshiro@hhs.gov; irene.stith-coleman@hhs.gov; Lisa.Buchanan@hhs.gov; Stephen.Hahn@fda.hhs.gov; janet.woodcock@fda.hhs.gov; michelle.eby@fda.hhs.gov; CDEROmbudsman@fda.hhs.gov; Virginia.Behr@fda.hhs.gov; Thayer, Kris [thayer.kris@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]; Rodgers-Jenkins, Crystal [Rodgers-Jenkins.Crystal@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Grifo, Francesca [Grifo.Francesca@epa.gov]; Etzel, Ruth [Etzel.Ruth@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Sinks, Thomas (Tom) [Sinks.Tom@epa.gov]; Breysse, Patrick N. (CDC/DDNID/NCEH/OD) [pjb7@cdc.gov]; Sven Rodenbeck [svr1@cdc.gov]; kbing@cdc.gov; Rep.JodyHice@mail.house.gov; jessica.hayes@mail.house.gov; keri.gardner@mail.house.gov; Andrew_seaver@perdue.senate.gov; Charlotte_Kaye@perdue.senate.gov; omh@fda.hhs.gov; Sheehan, Charles [Sheehan.Charles@epa.gov]; Kaplan, Jennifer [Kaplan.Jennifer@epa.gov]; Elbaum, Kentia [elbaum.kentia@epa.gov]; SurgeonGeneral@hhs.gov
Subject: Requesting materials shared in the Public Access File

I am writing to obtain materials from yesterday's open session of the NAS review of NTP monograph that concluded fluoride has adverse neurocognitive impacts. .

I would like to know also as a verified victim of a prenatal green crime water poisoning, if NAS and NTP have called for the ethical end of water fluoridation with the collaboration of those federal agencies copied here?

There is also a federal GAO investigation moving forward this week regarding political interference at CDC and FDA on scientific integrity and coronavirus:

https://www.politico.com/news/2020/10/19/government-watchdog-trump-cdc-fda-430175

I have requested that current elected Republicans from Georgia pursue a water fluoridation federal investigation as well on the political interference and scientific corruption due to 3rd party profiteers. Pregnant women and their babies are being intentionally whole body dosed in real time to a known neurotoxin; yet, federal agencies continue to expand, expose, and experiment on expectant mothers and their children with fluoridated water.

I look forward to hearing from you soon.

Thank you.

Jill Jennings-McElheney
Green Crime Victim of Prenatal Water Poisoning
Ex. 6 Personal Privacy (PP)

Message

From: Levine, MaryEllen [levine.maryellen@epa.gov]
Sent: 10/28/2020 4:48:16 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]
Subject: FW: FYI on VIDA Timing
Attachments: Great Lakes Groups request for extension and public hearings Oct 28 2020 EPA-HQ-OW-2019-0482.pdf

Situational awareness RE: Tom's workload and the uncertain VIDA schedule, below.

From: Glazer, Thomas <glazer.thomas@epa.gov>
Sent: Wednesday, October 28, 2020 12:28 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>
Subject: FYI on VIDA Timing

FYI – See Grace's note below and the first request for a comment period extension.

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

From: Robiou, Grace <Robiou.Grace@epa.gov>
Sent: Wednesday, October 28, 2020 12:24 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Faulk, Jack <Faulk.Jack@epa.gov>; Weiler, Katherine <Weiler.Katherine@epa.gov>
Subject: RE: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

Ex. 5 Deliberative Process (DP)

s/actions

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Glazer, Thomas <glazer.thomas@epa.gov>
Sent: Wednesday, October 28, 2020 12:16 PM
To: Robiou, Grace <Robiou.Grace@epa.gov>
Cc: Faulk, Jack <Faulk.Jack@epa.gov>; Weiler, Katherine <Weiler.Katherine@epa.gov>
Subject: RE: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

Thanks. Ex. 5 Deliberative Process (DP)

Tom Glazer
USEPA Office of General Counsel
Water Law Office
7426N WJC North
(202) 564-0908

From: Robiou, Grace <Robiou.Grace@epa.gov>
Sent: Wednesday, October 28, 2020 12:14 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Faulk, Jack <Faulk.Jack@epa.gov>; Weiler, Katherine <Weiler.Katherine@epa.gov>
Subject: FW: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

FYI for now. (Tom, I am back from detail.)

From: Faulk, Jack <Faulk.Jack@epa.gov>
Sent: Wednesday, October 28, 2020 10:56 AM
To: Robiou, Grace <Robiou.Grace@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Weiler, Katherine <Weiler.Katherine@epa.gov>
Subject: FW: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

Brian and Grace,

I thought you would like to know that we received our first request from a broad coalition of Great Lakes groups for an extension of the public comment period (to at least 90 days) and a request for public hearings, including one focused on the Great Lakes.

Jack

From: Ann Mesnikoff <AMesnikoff@elpc.org>
Sent: Wednesday, October 28, 2020 10:52 AM
To: Faulk, Jack <Faulk.Jack@epa.gov>; Weiler, Katherine <Weiler.Katherine@epa.gov>
Subject: RE: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

Jack, Katherine

Attached is a revised letter submitted to the docket.

Ann

From: Ann Mesnikoff
Sent: Wednesday, October 28, 2020 10:44 AM
To: faulk.jack@epa.gov; weiler.katherine@epa.gov
Subject: Great Lakes Groups - request for an extension of comment period and hearings - Ballast Water proposed rule

Jack, Katherine

Attached is letter submitted to the docket from a broad coalition of Great Lakes groups regarding the proposed Vessel Incidental Discharge National Standards: EPA-HQ-OW-2019-0482. We are requesting an extension of the comment period and public hearings, with one hearing focused on the interests of the Great Lakes.

Thank you for considering our request.

Ann

Ann Mesnikoff
Federal Legislative Director
Environmental Law & Policy Center
amesnikoff@elpc.org
202-375-8296

Message

From: Curtin, James [curtin.james@epa.gov]
Sent: 11/13/2020 2:45:49 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Mullee, Alexander [Mullee.Alexander@epa.gov]; Priest, Andrea [Priest.Andrea@epa.gov]
Subject: FW: Judge Alsup's Privilege Log Order and Next Steps
Attachments: 401 case_Privilege Log Order 11.12.20.pdf

Good morning, David.

On our 11:30 am call today, Ex. 5 Deliberative Process (DP)

Ex. 5 AC/AWP/DP

Ex. 5 Deliberative Process (DP)

Jim

Jim Curtin
USEPA Office of General Counsel
Water Law Office
202-564-5482
William Jefferson Clinton North Rm. 7451

From: Curtin, James
Sent: Friday, November 13, 2020 9:23 AM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Kasparek, Lauren <kasparek.lauren@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Alec Mullee (Mullee.Alexander@epa.gov) <Mullee.Alexander@epa.gov>; Priest, Andrea <Priest.Andrea@epa.gov>
Subject: Judge Alsup's Privilege Log Order and Next Steps

ATTORNEY-CLIENT PRIVILEGE
ATTORNEY WORK PRODUCT
CONFIDENTIAL

Yesterday, Judger Alsup denied our request that he not order a privilege log in the three cases consolidated before him in the Northern District of California (*American Rivers, California et al. and Suquamish Tribe*.) His order is attached. He did, however, void the requirement that it be produced yesterday and, instead, ordered the parties to meet and confer and submit a proposal for content and timing of a log by November 24. DOJ began that meet and confer process with plaintiffs' counsel yesterday Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

But first, here's the key language from Judge Alsup's order. As you can see, he expressed particular interest in communications between EPA and the White House about the rule, both before and after the EO. You recall at the

hearing two weeks ago he also expressed interest in communications between EPA and industry groups. He suggested that industry wrote the rule for us:

"Here, the Administrator has been heard. He conceded that a considerable number of deliberative documents have been excluded from the administrative record (Dkt. Nos. 95 at 18–22; 92-3 at ¶¶ 30–35). This alone satisfies plaintiffs' burden. It's also worth noting that the final rule in question follows President Donald J. Trump's Executive Order 13,868, which directed the Administrator to reevaluate "[o]utdated [f]ederal guidance and regulations regarding section 401 of the Clean Water Act." 84 Fed. Reg. 15,495, 15,496 (April 15, 2020). Yet the administrative record index contains no other document shared between the White House and the Administrator. It strains credulity to suggest that the President imposed a six month deadline for the Administrator to overhaul a significant, complex, and contentious environmental-regulation scheme without so much as a heads-up note, a check in, or a follow up question by the Administrator.

Ex. 5 AC/AWP/DP

Thanks.

Jim

Jim Curtin
USEPA Office of General Counsel
Water Law Office
202-564-5482
William Jefferson Clinton North Rm. 7451

Message

From: Nalven, Heidi [Nalven.Heidi@epa.gov]
Sent: 11/25/2020 6:50:28 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
Subject: RE: Pebble

Ex. 5 Attorney Work Product (AWP)

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, November 25, 2020 1:45 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Pebble

Ex. 5 Attorney Work Product (AWP)

https://www.adn.com/alaska-news/2020/11/25/trump-administration-denies-permit-for-pebble-mine/

Below is the full statement from the Army Corps:

Today, the U.S. Army Corps of Engineers – Alaska District issued a record of decision that denies the Pebble Limited Partnership's permit application to develop a copper-molybdenum-gold mine in southwest Alaska under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

This decision on the proposed Pebble Project culminates a review process that lasted nearly three years and involved the development of an environmental impact statement. That assessment included an in-depth analysis of project alternatives along with an examination of supplemental technical information provided by cooperating agencies and the public. In its record of decision, USACE determined that the applicant's plan for the discharge of fill material does not comply with Clean Water Act guidelines and concluded that the proposed project is contrary to the public interest.

This action is based on all available facts and complies with existing laws and regulations. It reflects a regulatory process that is fair, flexible and balanced. USACE is committed to maintaining and restoring the nation's aquatic resources, while allowing reasonable development.

We strived for transparency, collaboration, accuracy and expediency throughout the decision-making process. We truly value and appreciate the contributions of everyone who engaged in this endeavor. Now, I'm proud to say that we delivered on our promise to conduct a thorough review and make a timely permit decision.

The record of decision is available at pebbleprojecteis.com.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

Message

From: Mullee, Alexander [Mullee.Alexander@epa.gov]
Sent: 11/30/2020 4:56:15 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Curtin, James [curtin.james@epa.gov]
Subject: Ex. 5 AC/AWP/DP

Mullee, Alexander has shared a OneDrive for Business file with you. To view it, click the link below.

Ex. 5 AC/AWP/DP

Hi Steve, Diane and Jim,

Ex. 5 AC/AWP/DP

The attached version Ex. 5 Deliberative Process (DP)

Ex. 5 AC/AWP/DP

Alec

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Friday, November 27, 2020 12:38 PM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 AC/AWP/DP

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: McConkey, Diane <Mcconkey.Diane@epa.gov>
Sent: Wednesday, November 25, 2020 11:33 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: suppl letter to OSG - MT v. WA

Steve – for when you're back in the office. Ex. 5 AC/AWP/DP
the draft supplemental letter to the SG and thought it was good. He will get back to us in the

Ex. 5 AC/AWP/DP

Alec is going to write up an insert for the letter along these lines but has a sick kiddo so timing is uncertain. He can fill you in further on the conversation if you like.

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Wednesday, November 25, 2020 8:10 AM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Subject: RE: availability 9-10 Wed - Montana v. Washington, No. 22O152

Hi Diane,

Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Alec

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Ex. 5 AC/AWP/DP

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

Message

From: Rourke, Larry [Rourke.Larry@epa.gov]
Sent: 12/14/2020 5:15:03 PM
To: Messier, Dawn [Messier.Dawn@epa.gov]; Shaw, Carla [Shaw.Carla@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: RE: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Yes, if the leave has not already been approved you should withdraw the request.

If it has already been approved, it will have to be cancelled.

From: Messier, Dawn <Messier.Dawn@epa.gov>
Sent: Monday, December 14, 2020 10:02 AM
To: Rourke, Larry <Rourke.Larry@epa.gov>; Shaw, Carla <Shaw.Carla@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Ex. 6 Personal Privacy (PP)
Subject: RE: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Larry or Carla – Can you answ Ex. 6 Personal Privacy (PP) question below? Thanks!

Dawn Messier
Deputy Associate General Counsel for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-5517

From Ex. 6 Personal Privacy (PP)
Sent: Monday, December 14, 2020 8:25 AM
To: Messier, Dawn <Messier.Dawn@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: FW: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Does this mean that we need to take back our leave requests for that day? I wasn't sure.
Thanks.

Ex. 6 Personal Privacy (PP)

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Friday, December 11, 2020 5:22 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

December 11, 2020

Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Federal agencies will be closed on Thursday, Dec. 24, 2020, President Trump announced, giving federal employees an extra day off the day before Christmas. Full story here: https://federalnewsnetwork.com/workforce/2020/12/trump-gives-most-federal-employees-christmas-eve-off/

Congress sends temporary government-wide funding bill to President Trump after it passes the Senate by a unanimous voice vote. The bill would avert a government shutdown at midnight and buy time for COVID-19 relief talks. ***Read More.***

Message

From: Shaw, Carla [Shaw.Carla@epa.gov]
Sent: 12/14/2020 8:25:13 PM
To: Messier, Dawn [Messier.Dawn@epa.gov]; Rourke, Larry [Rourke.Larry@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Ex. 6 Personal Privacy (PP)
Subject: RE: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Ex. 6 Personal Privacy (PP) as long as it wasn't use or loss you should pull back you leave request.

Carla Shaw
Program Assistant
Rm. 7519B
OGC/WLO
(202) 564-3319

Do not let any unwholesome talk come out of your mouths
but only what is helpful for building others up
according to their needs
that it may benefit those who listen
Ephesians 4:29

From: Messier, Dawn <Messier.Dawn@epa.gov>
Sent: Monday, December 14, 2020 10:02 AM
To: Rourke, Larry <Rourke.Larry@epa.gov>; Shaw, Carla <Shaw.Carla@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Ex. 6 Personal Privacy (PP)
Subject: RE: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Larry or Carla – Can you answer Carrie's question below? Thanks!

Dawn Messier
Deputy Associate General Counsel for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
202-564-5517

From: Ex. 6 Personal Privacy (PP)
Sent: Monday, December 14, 2020 8:25 AM
To: Messier, Dawn <Messier.Dawn@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: FW: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Does this mean that we need to take back our leave requests for that day? I wasn't sure.
Thanks.

Ex. 6 Personal Privacy (PP)

Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency

Washington DC 20004
202-564-5492
Ex. 6 Personal Privacy (PP)

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Friday, December 11, 2020 5:22 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

December 11, 2020

Trump gives most feds Christmas Eve off, Congress passes CR to avert shutdown

Federal agencies will be closed on Thursday, Dec. 24, 2020, President Trump announced, giving federal employees an extra day off the day before Christmas. Full story here: https://federalnewsnetwork.com/workforce/2020/12/trump-gives-most-federal-employees-christmas-eve-off/

Congress sends temporary government-wide funding bill to President Trump after it passes the Senate by a unanimous voice vote. The bill would avert a government shutdown at midnight and buy time for COVID-19 relief talks. ***Read More.***

Message

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 1/26/2021 8:58:53 PM
To: Parikh, Pooja [Parikh.Pooja@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]
CC: Messier, Dawn [Messier.Dawn@epa.gov]
Subject: Ex. 5 AC/AWP/DP

I think the answer has to be yes. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Parikh, Pooja <Parikh.Pooja@epa.gov>
Sent: Tuesday, January 26, 2021 3:48 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Right. Ex. 5 AC/AWP/DP
Ex. 5 AC/AWP/DP

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Tuesday, January 26, 2021 3:35 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>
Subject: Ex. 5 AC/AWP/DP

No, that would be my assumption.
Copying Pooja.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, January 26, 2021 3:26 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Did I ever respond to this question? Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Monday, January 25, 2021 8:48 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>
Subject: FW: FYI - letter to DOJ requesting abeyances in cases challenging rules

Ex. 5 AC/AWP/DP

Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Parikh, Pooja <Parikh.Pooja@epa.gov>
Sent: Sunday, January 24, 2021 7:54 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: FYI - letter to DOJ requesting abeyances in cases challenging rules

Ex. 5 AC/AWP/DP

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Friday, January 22, 2021 11:59 AM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: Ex. 5 AC/AWP/DP

This letter was sent yesterday. Ex. 5 AC/AWP/DP, Ex. 5 AC/AWP/DP, please let me, Dawn and relevant Assistant know. Thanks.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A

1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

Message

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 1/28/2021 4:00:05 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Stein, Mark [Stein.Mark@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Levine, MaryEllen [levine.maryellen@epa.gov]; OGC WLO MGMT [OGC_WLO_MGMT@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: Re: ethics next step - for immediate attention

Thank you Justina! Copying him for his information.

We won't discuss at hot issues tomorrow

Steven Neugeboren
Associate General Counsel for Water
Environmental Protection Agency
Mails code 2355A
1200 Pennsylvania Ave, NW
Washington DC 20460
202-564-5488

On Jan 27, 2021, at 10:54 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,
Under the federal ethics regulations alone, Melissa has no problem because the impartiality regulations care only about an employee's former employer in the preceding year. Melissa has not worked for CLF since September 2012. So this boils down to a bar issue, and I don't give bar advice. I hint and I nudge, but I can't give definitive bar advice.

Although Melissa was not a government attorney when she represented CLF, she is now a federal government attorney so we can look at MA rule 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees. For this analysis, we disregard her MA government service and focus on applying rule 1.11(d) for a lawyer "currently serving as a public officer or employee." She is, of course, subject to rules 1.7 and 1.9 (preserving client confidentiality) and "shall not ... participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing." A comment to the MA rule says that she would not be prohibited from "jointly representing a private party and a government agency" when permitted by rule 1.7 and otherwise not prohibited by law.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Stein, Mark <Stein.Mark@epa.gov>
Sent: Tuesday, January 26, 2021 3:22 PM
To: Dierker, Carl <Dierker.Carl@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: ethics next step - for immediate attention

Hi Justina –
In 1992, Region 1 issued an NPDES permit to Merrimack Station, a power plant in Bow, NH. The next iteration of the permit is now under appeal. Region 1 issued the Draft Permit in 2011. Then a Revised Draft Permit in 2014 (due to changes at the power plant). Then reopened the comment period again in 2017, due to multiple changes in applicable regulations. Additional delays occurred due to responding to the comments, new ownership of the facility, changing policies of the last Administration and court decisions altering the applicable regulations yet again. Region 1 finally issued the Final Permit in May, 2020.

Melissa worked with CLF in New Hampshire in the time-frame of the 2011 Draft Permit and, I think she may have been involved in formulating CLF's comments on the draft permit, though I am not sure of that. I do remember discussing issues related to the permit with her from time to time back then and there are some emails from and/or to her that are in our Administrative Record for the permit. Somewhere along the way, Melissa moved on to the MA AG's office and I began to interact with another lawyer from CLF's NH office.

Anyway, CLF continued to comment in our permit proceeding and after we issued the Final Permit in May 2020, CLF joined Sierra Club in challenging parts of the permit in an appeal to EPA's Environmental Appeals Board. That appeal is now pending.

I hope that helps. Obviously, I do not want to characterize Melissa's work with CLF. She knows that better than I.

Thanks.

- Mark

From: Dierker, Carl <Dierker.Carl@epa.gov>
Sent: Tuesday, January 26, 2021 3:08 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Stein, Mark <Stein.Mark@epa.gov>
Cc: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: ethics next step - for immediate attention

Bringing Mark into the loop, as he probably has the best knowledge of CLF's role in developing and appealing the current NPDES permit.

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, January 26, 2021 2:39 PM
To: Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: ethics next step - for immediate attention

Hi,
I don't have a federal ethics dog in this fight. This is likely a professional responsibility issue for Melissa under her bar rules. But can you explain more about the situation? What does she mean she "worked on" it while at CLF? Isn't the permit issued between EPA and Merrimack Station? How might CLF be involved? Did they comment on the permit in some way? Has the permit been revised at all over the years, or is the EAB litigation about the very same permit?
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Levine, MaryEllen <levine.maryellen@epa.gov>
Sent: Tuesday, January 26, 2021 1:59 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: OGC WLO MGMT <OGC_WLO_MGMT@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>
Subject: FW: ethics next step - for immediate attention

Justina,
We are defending a permit for Merrimack Station before the EAB. Melissa mentioned she worked on the permit for Conservation Law Foundation, before her job at the Mass AG's office. CLF is challenging the permit – they are opposing counsel.

Are there any recusal issues we should be aware of?

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 7:32 PM

To: Levine, MaryEllen <levine.maryellen@epa.gov>
Cc: Messier, Dawn <Messier.Dawn@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: ethics next step - for immediate attention

I can't imagine there's a lifetime ban. You could check with Justina.

Steven Neugeboren
Associate General Counsel for Water
Environmental Protection Agency
Mails code 2355A
1200 Pennsylvania Ave, NW
Washington DC 20460
202-564-5488

On Jan 25, 2021, at 6:16 PM, Levine, MaryEllen <levine.maryellen@epa.gov> wrote:

I understand from ORC 1 that for CLF, Melissa worked on the Merrimack permit around 2012

- *Mary Ellen*

Mary Ellen Levine
Assistant General Counsel
Water Law Office, Office of General Counsel
7510 C WJC North
(202) 564-1345

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 5:42 PM
To: Messier, Dawn <Messier.Dawn@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: ethics next step - for immediate attention

Sharing Justina's response below which is complicated, so I called her and it and her message seemed orally pretty simple – that likely they CAN participate in any cases to which their prior employer was not a party. To help reach closure we agreed I would send her a list of the cases challenging the wotus and 401 rules to which their prior employers are not parties, and she would then forward that to melissa and dimple with her advice (I will review the email prior to its going to them).

So here is next steps:

Carrie and Diane – can you each have someone send me at their earliest convenience those case lists I can then forward to Justina – i.e., for each of them the WOTUS and 401 cases to which their prior employers are not a party. Please also list the case where Mass has filed amicus.

Thanks and let me know if you have any questions.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Monday, January 25, 2021 2:14 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>
Subject: RE: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Hi Steve, Carrie and Dawn,
Often, I find it useful to just insert comments into the email itself, so see my comments in red below.
Justina

> As discussed, there is pending litigation in about 12 district courts challenging the WOTUS rule, and Massachusetts is a party to cases in California, New York and has filed an amicus brief in Massachusetts. NRDC is a party to cases in Massachusetts and So. Carolina. We discussed restrictions for them across the different cases and I've tried to capture what I took away from our conversation so can you please provide confirmation or clarification/correction.
> JUSTINA: To put the inquiry into our ethics vocabulary, these 12 cases are *particular matters involving specific parties*, also known as *specific party matters.* For our purposes, it doesn't matter that the subject matter of the specific party matter is a rulemaking, which is itself not a specific party matter. For ethics purposes, we focus on the "thing" at issue, which in this situation are those 12 separate cases.
>
> I'd like to ensure we understand the restrictions as soon as we are able as we are starting to prepare Monday for our first hot issues meeting with Melissa and Dimple this week. Thanks!
>
> **Melissa:**
>
> As explained in your email below, under her bar obligations, Melissa is precluded during her EPA tenure from participation in the two WOTUS cases to which Mass. is a party. In our call you explained that the "policy" decisions she may participate in pursuant to your impartiality determination include, for example, a policy decision not to defend the rule in litigation and requesting DOJ to seek abeyances in the cases for the Agency to reconsider its policy options. Your impartiality determination does not, however, permit her to participate in discussions of the litigation itself – e.g., deliberations on litigation

strategy in light of such a policy decision, such as discussion whether to seek a remand, or other litigation options.

Question - Do the restrictions as you describe them apply to a case in which Mass. has participated as amicus in D.Mass?
JUSTINA: Assuming that MA was not a party to the case itself but filed an *amicus* brief only, then MA is not actually a party to the case. If the brief is filed by MA after she left the AG's office, then under the federal ethics rules ONLY, she might be permitted to work on it provided I grant an impartiality determination to allow her to work with MA during her one year cooling off period under the impartiality regulations. But if Melissa worked on that *amicus* brief filing or if the case is similar to the MA cases she worked on, then she may have bar restrictions. Remember, she must always preserve her former clients secrets and abide by rule 1.11 that preclude the former government official from "switching sides" on the same specific party matter. In some jurisdiction, the bar refers to the "same or *substantially related* specific party matter," which is not a term that arises in federal ethics. We refer attorneys to their own bar counsel for clarification.

With regard to the WOTUS cases to which Mass. is ***not*** a party, you discussed the question under the federal ethics rules and Melissa's bar restrictions (as she is not subject to the Biden ethics pledge since she is form a state).
JUSTINA: Right. Melissa's federal ethics obligations are found in the rules about loss of impartiality at 5 CFR 2635.502(b)(1)(iv): for one year after leaving MA, she cannot work on any particular matter in which her former employer or client (MA) is a party or represents a party unless she first obtains a written impartiality determination from OGC/Ethics. Because her former employer/client is a state, she is not subject to the additional restriction period under the Biden ethics pledge. And she remains subject to her bar rules.

Under the federal ethics rules, you indicated that Melissa may participate in such cases, notwithstanding the similar nature of those cases to the ones Mass is a party to in terms of the rules being challenged and the legal issues in the case, but you may advise her, as a prudential matter, to get the consent of her former employer before doing so.
JUSTINA: Yep. The federal ethics rules in this regard are in place to ensure that a new employee's loyalty is to the US government, not to the former employer. That's why we want a "cooling off" period. That said, we understand that it may be in the Agency's interest to have our new employee interact directly with the former employer, so the federal ethics rules allow for an ethics official to consider the impartiality factors at 5 CFR 2635.502(d)(1)-(6) to nevertheless allow the new employee to do so. The complicating factor for lawyers are their bar rules that preclude switching sides. Unlike the DC Bar, the MA bar rule 1.11 permits the former attorney to obtain the "informed consent" of the former client. We don't provide bar advice, so we urge attorneys to consult bar counsel on their own.

Under her bar restrictions, I believe you said that she may be able to participate in those cases if she received the consent of her former employer, but you were going to check the relevant bar rules. I wasn't sure which state bar rules you would need to check (it seemed like the location of the case was relevant – the first paragraph above lists the jurisdictions of the cases to which Mass is a party and filed an amicus brief).

JUSTINA: She will always be obliged to adhere to her own bar rules. If a case is in federal court, then she may have to abide by the bar rules in that jurisdiction as those rules may apply. The rules in question are always the duty of loyalty to the former client and that pesky rule about former government officials at 1.11. Remember, in DC, our rule 1.11 does not allow for any informed consent.

Dimple

I don't have notes of discussion of the federal ethics rules, but I assume the answer for Dimple is the same as above for Melissa – she may participate in WOTUS cases to which NRDC is not a party (subject to a potentially your prudential advice to obtain the consent of her former employer).
JUSTINA: What I said about Dimple is that, because she is subject to the Biden ethics pledge, her federal ethics rules are subsumed. The Biden pledge makes us look back two years (not just one), starts the recusal clock when she starts at EPA (not when she last provided the service), and the cooling off period lasts for two years (not just one).

Under her bar restrictions, since no WOTUS cases are listed for below, I think you said they do not restrict her participate in those cases.
JUSTINA: Correct, so long as NRDC is not a party to that litigation.

However, per your email, under the Biden ethics pledge she may not participate in any of the WOTUS cases to which NRDC is party for two years.
JUSTINA: Correct, she can't work on any specific party matter in which NRDC is a party or represents a party. And the Biden pledge further says that she can't attend any meeting or engage in any communication with NRDC as part of her official duties unless the subject matter of the meeting a particular matter of general applicability AND the meeting itself is "open to all interested parties," which we interpret as at least 5 entities representing diverse interests.

I hope this helps, but I know that ethics issues (particularly when overlaid with an additional ethics pledge and bar restrictions) are not necessarily intuitive. So let us know if you need more clarification!
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Saturday, January 23, 2021 3:02 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>
Subject: RE: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Justina- thanks for the conversation yesterday about some of the circumstances we are dealing with in water for WOTUS cases. As discussed, there is pending litigation in about 12 district courts challenging the WOTUS rule, and Massachusetts is a party to cases in California, New York and has filed an amicus brief in Massachusetts. NRDC is a party to cases in Massachusetts and So. Carolina. We discussed restrictions for them across the different cases and I've tried to capture what I took away from our conversation so can you please provide confirmation or clarification/correction.

I'd like to ensure we understand the restrictions as soon as we are able as we are starting to prepare Monday for our first hot issues meeting with Melissa and Dimple this week. Thanks!

Melissa:

As explained in your email below, under her bar obligations, Melissa is precluded during her EPA tenure from participation in the two WOTUS cases to which Mass. is a party. In our call you explained that the "policy" decisions she may participate in pursuant to your impartiality determination include, for example, a policy decision not to defend the rule in litigation and requesting DOJ to seek abeyances in the cases for the Agency to reconsider its policy options. Your impartiality determination does not, however, permit her to participate in discussions of the litigation itself – e.g., deliberations on litigation strategy in light of such a policy decision, such as discussion whether to seek a remand, or other litigation options.

Question - Do the restrictions as you describe them apply to a case in which Mass. has participated as amicus in D.Mass?

With regard to the WOTUS cases to which Mass. is ***not*** a party, you discussed the question under the federal ethics rules and Melissa's bar restrictions (as she is not subject to the Biden ethics pledge since she is form a state).

Under the federal ethics rules, you indicated that Melissa may participate in such cases, notwithstanding the similar nature of those cases to the ones Mass is a party to in terms of the rules being challenged and the legal issues in the case, but you may advise her, as a prudential matter, to get the consent of her former employer before doing so.

Under her bar restrictions, I believe you said that she may be able to participate in those cases if she received the consent of her former employer, but you were going to check the relevant bar rules. I wasn't sure which state bar rules you would need to check (it seemed like the location of the case was relevant – the first paragraph above lists the jurisdictions of the cases to which Mass is a party and filed an amicus brief).

Dimple

I don't have notes of discussion of the federal ethics rules, but I assume the answer for Dimple is the same as above for Melissa – she may participate in WOTUS cases to which NRDC is not a party (subject to a potentially your prudential advice to obtain the consent of her former employer).

Under her bar restrictions, since no WOTUS cases are listed for below, I think you said they do not restrict her participate in those cases.

However, per your email, under the Biden ethics pledge she may not participate in any of the WOTUS cases to which NRDC is party for two years.

Thanks so much for your help!

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, January 21, 2021 9:12 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: an ethics welcome to Melissa Hoffer and Dimple Chaudhary

Hi there,
As you might expect, the OGC/Ethics Office is cheerfully up to our eyeballs in ethics issues for our incoming appointees. Not only are we thinking, as we always do, about financial conflicts of interest, but we are also weighing impartiality concerns with former employers and former clients, bar obligations and now an executive order on ethics commitments. We will be drafting recusal statements, but we typically wait until after we have a chance to review the financial disclosure reports. As many of you also file that wretched report, you know how much work that entails. So, before we can distribute signed recusal statements, here's how to navigate the likely recusal issues for Melissa Hoffer and Dimple Chaudhary.

MELISSA HOFFER

- Melissa is bound by her bar restrictions from sharing the confidences of her former client, the Commonwealth of Massachusetts, and from switching sides in litigation in which she previously participated or for which she provided supervision. With the attached impartiality determination, however, I authorized her to participate in making *policy* decisions about that litigation, such as whether or not to stay the proceedings. That impartiality determination included the list of cases from which she is recused because of her bar obligations. For her tenure at EPA, she will be recused from participation in these cases.
- For now and continuing for one year, she is recused from participation in any new specific party matter in which Massachusetts is a party or represents a party. Should we issue another impartiality determination, I will share that with you.

DIMPLE CHAUDHARY

- Dimple is bound by her bar restrictions from sharing the confidences of her former client, the Natural Resources Defense Council, and from switching sides in litigation in which she previously participated or for which she provided supervision or counsel. The cases from which she is recused are:

CASE NAME and/or SUBJECT MATTER	CITATION and/or DESCRIPTION:
Consent Decree Implementation of Agency's failure to issue a worst-case spill regulation for non-transportation-related-substantial-harm facilities	*Environmental Justice Health Alliance for Chemical Policy Reform, NR al. v. EPA*, Case No. 19-cv-2516, SDNY
Challenge to Methylene chloride rule	*Labor Council for Latin America, NRDC, et al. v. EPA*, Case No. 19-104 Cir.
Challenge to use of tetrachlorvinphos on pets	*NRDC v. Wheeler*, Case No. 20-72794, 9th Cir.
Provided individual counseling to plaintiffs in Flint water crisis	*Walters v. Flint, EPA, et al.*, Case No. 17-10164, E.D. Mich.

- Because Dimple's former employer is not a state or local government, she is further bound by Section 2 of the Biden Ethics Pledge. We cannot grant impartiality determinations for her. Instead, for two years, she cannot participate in any specific party matter in which NRDC is a party or represents a party. She may not attend any meeting nor have any communication with NRDC unless the communication relates to a particular matter of general applicability and participation in the event is open to all I interested parties. Dimple's recusal period with NRDC on any specific party matter (e.g., litigation, contracts, grants, speaking engagement) will last until after January 20, 2023.

If you have any questions about these general recusal areas, then please let me know.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 11/30/2020 5:51:11 PM
To: Mullee, Alexander [Mullee.Alexander@epa.gov]; McConkey, Diane [Mcconkey.Diane@epa.gov]; Curtin, James [curtin.james@epa.gov]
Subject: Ex. 5 AC/AWP/DP

Thanks. Will be just me.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Monday, November 30, 2020 11:56 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Curtin, James <curtin.james@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Hi Steve, Diane and Jim,

Ex. 5 AC/AWP/DP

The attached version includes and a Ex. 5 AC/DP

Ex. 5 AC/AWP/DP

Alec

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Friday, November 27, 2020 12:38 PM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A

1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: McConkey, Diane <Mcconkey.Diane@epa.gov>
Sent: Wednesday, November 25, 2020 11:33 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Steve – for when you're back in the office. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Alec is going to write up an insert for the letter along these lines but has a sick kiddo so timing is uncertain. He can fill you in further on the conversation if you like.

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Wednesday, November 25, 2020 8:10 AM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Hi Diane,

Ex. 5 AC/AWP/DP

Alec

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

Message

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 11/30/2020 6:42:02 PM
To: Mullee, Alexander [Mullee.Alexander@epa.gov]
Subject: RE: suppl letter to OSG - MT v. WA
Attachments: Ex. 5 AC/AWP/DP

Sorry. Here you go.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Monday, November 30, 2020 1:08 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Thanks! I didn't get your attachment. Can you resend?

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, November 30, 2020 12:59 PM
To: Mullee, Alexander <Mullee.Alexander@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Curtin, James <curtin.james@epa.gov>
Subject: Ex. 5 AC/AWP/DP

Nice job! A few comments attached. You can forward on to David.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Monday, November 30, 2020 11:56 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Curtin, James <curtin.james@epa.gov>
Subject Ex. 5 AC/AWP/DP

Hi Steve, Diane and Jim,

Ex. 5 AC/AWP/DP

The attached version includes and a Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Alec

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Friday, November 27, 2020 12:38 PM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: RE: suppl letter to OSG - MT v. WA

Ex. 5 Deliberative Process (DP)

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

From: McConkey, Diane <Mcconkey.Diane@epa.gov>
Sent: Wednesday, November 25, 2020 11:33 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Mullee, Alexander <Mullee.Alexander@epa.gov>
Subject: suppl letter to OSG - MT v. WA

Steve – for when you're back in the office. Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

From: Mullee, Alexander <Mullee.Alexander@epa.gov>
Sent: Wednesday, November 25, 2020 8:10 AM
To: McConkey, Diane <Mcconkey.Diane@epa.gov>
Subject: RE: availability 9-10 Wed - Montana v. Washington, No. 22O152

Hi Diane,

Ex. 5 Attorney Work Product (AWP)

Alec

Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Alec Mullee
U.S. EPA, Office of General Counsel
202-564-9616

Message

From: Smith, Walker [Smith.Walker@epa.gov]
Sent: 1/29/2021 10:56:18 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: Retention of SES benefits
Attachments: SES retention benefits.pay freeze.docx

Walker B. Smith
Principal International Advisor
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
Washington, DC 20004
202.564.4044

Ex. 6 Personal Privacy (PP)

They are basically saying that

A career appointee in the SES who is not covered under paragraph (a)(1) of this section and who was appointed on or after November 1, 1986, to a civilian position in the executive branch which is covered by the Executive Schedule, or the rate of basic pay for which is fixed by statute at a rate equal to one of the levels of the Executive Schedule.

The freeze applies because they changed the statue but it isn't in writing?

I am going to figure this out later.

Retention of SES Benefits for Career SES Appointees

Summary: Career SES employees who are appointed to noncareer SES positions are not entitled to reinstatement rights, but are entitled to elect to retain their SES benefits and therefore be exempt from the pay freeze.

Reinstatement Rights

Reinstatement Rights under 5 CFR 317.703 are, by the terms of the regulation (Reinstatement: Presidential Appointees) only afforded to a former career SES employee who was appointed by the President. These rights are not afforded to former career employees who are appointed to noncareer SES appointments.

Retention of SES Benefits

5 CFR 317.801 provides that:

a) *Coverage.* This subpart applies to—

(1) A career appointee in the SES appointed at any time by the President to a civilian position in the executive branch with the advice and consent of the Senate at a rate of basic pay which is equal to or greater than the rate payable for Executive Level V; or

(2) A career appointee in the SES who is not covered under paragraph (a)(1) of this section and who was appointed on or after November 1, 1986, to a civilian position in the executive branch which is covered by the Executive Schedule, or the rate of basic pay for which is fixed by statute at a rate equal to one of the levels of the Executive Schedule.

(b) *Election.* (1) At the time of appointment, an appointee covered by paragraph (a) of this section may elect to retain some, all, or none of the following SES provisions related to basic pay (including the aggregate limitation on pay established by 5 U.S.C. 5307), performance awards, awarding of ranks, severance pay, leave, and retirement. That election will remain in effect for no less than 1 year, unless the appointee leaves the position sooner.

Pursuant to the 1970 Reorganization plan for NOAA, Section 2(e) (1) the General Counsel and five Assistant Administrators shall be compensated at a rate of pay provided by level V of the Executive Schedule Pay rates. Thus, a career appointee who is appointed to the position of General Counsel is entitled to make an election to retain some, all or one of the SES provisions related to pay, performance awards, awarding of ranks, severance pay, leave and retirement.

Exemption from the Pay Free

The "Guidance on Application of Pay Freeze for Certain Senior Political Officials" excludes from the requirements of the pay freeze career SES who elect to retain their basic pay benefits under the above provision.

Guidance on Application of Pay Freeze for Certain Senior Political Officials January 2021. C. Noncovered Individuals The section 748 pay freeze does not apply to— 2 • General Schedule employees, including Schedule C employees within that system; • Foreign Service employees; • Employees in another pay system (excluding those covered under paragraphs 1 through 4 of section B) whose position would be classified at or below GS-15 if the position were covered by the General Schedule, whose appointment is made under 5 U.S.C. 3161 (dealing with temporary organizations), or whose appointment is not considered to be political; • Noncareer SES appointees and other political appointees (excluding those covered under paragraphs 1 and 2 of

section B) who are paid below the official rate for EX-IV; • SES career appointees who elect to retain SES basic pay under 5 USC 3392 © and 5 CFR 317.801

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/31/2021 9:24:09 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Draft response to Blackburn LEtter
Attachments: blackburn.response.1.28.21 comments.docx

Ex. 5 AC/DP

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Sunday, January 31, 2021 3:41 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Already at WH but if you find something still would love to hear!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 2:02 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: Draft response to Blackburn LEtter

Reviewing

Sent from my iPhone

On Jan 28, 2021, at 5:23 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Hi all,

Attached is my draft – I welcome any and all comments, most of it is lifted from what you gave me, but I played with some things, hopefully not detrimentally!

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

<blackburn.response.1.28.21.docx>

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 1/31/2021 10:28:34 PM
To: Payne, James (Jim) [payne.james@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Draft response to Blackburn LEtter
Attachments: blackburn.response.1.28.21 JF comments.docx

Here are my comments/edits.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 5:09 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Fwd: Draft response to Blackburn LEtter

Hi Justina - Ex. 5 AC/DP and let Elise and me know if any comments or revisions?

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Date:** January 31, 2021 at 4:24:00 PM EST
> **To:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: RE: Draft response to Blackburn LEtter**
>
> S
> r
> h
>
> Ex. 5 AC/DP
>
> **From:** Packard, Elise <Packard.Elise@epa.gov>
> **Sent:** Sunday, January 31, 2021 3:41 PM
> **To:** Payne, James (Jim) <payne.james@epa.gov>
> **Subject:** RE: Draft response to Blackburn LEtter
>
> Ex. 5 AC/DP

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

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> Elise B. Packard
> Deputy General Counsel for Operations
> U.S. EPA Office of General Counsel, Rm. 4020A
> (202) 564-7729
>
> <blackburn.response.1.28.21.docx>

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/31/2021 10:49:19 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Draft response to Blackburn LEtter
Attachments: blackburn.response.1.28.21 JF comments a.docx

Thank you. Would welcome any Ex. 5 AC/DP

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Sunday, January 31, 2021 5:29 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Here are my comments/edits.
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 5:09 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Fwd: Draft response to Blackburn LEtter

Hi Justina - Ex. 5 Deliberative Process (DP) and let Elise and me know if any comments or revisions?

Sent from my iPhone

Begin forwarded message:

From: "Payne, James (Jim)" <payne.james@epa.gov>
Date: January 31, 2021 at 4:24:00 PM EST

To: "Packard, Elise" <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Ex. 5 AC/DP

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Sent: Sunday, January 31, 2021 3:41 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Ex. 5 AC/DP

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

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Sent: Sunday, January 31, 2021 2:02 PM
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Reviewing

Sent from my iPhone

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> Elise B. Packard
> Deputy General Counsel for Operations
> U.S. EPA Office of General Counsel, Rm. 4020A
> (202) 564-7729
>
> <blackburn.response.1.28.21.docx>

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/31/2021 11:27:07 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Draft response to Blackburn LEtter
Attachments: blackburn.response.1.28.21 JF comments b.docx

Justina – Ex. 5 Deliberative Process (DP) thanks!

Elise – so it's all in one place, Ex. 5 AC/DP
Ex. 5 AC/DP

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Sunday, January 31, 2021 6:23 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Ex. 5 Deliberative Process (DP)

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 5:49 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Thank you. Would welcome any input on Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Sent: Sunday, January 31, 2021 5:29 PM
To: Payne, James (Jim) <payne.james@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

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Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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Sent: Sunday, January 31, 2021 5:09 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Fwd: Draft response to Blackburn LEtter

Hi Justina - **Ex. 5 Deliberative Process (DP)** and let Elise and me know if any comments or revisions?

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Date:** January 31, 2021 at 4:24:00 PM EST
> **To:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: RE: Draft response to Blackburn LEtter**

Ex. 5 AC/DP

> **From:** Packard, Elise <Packard.Elise@epa.gov>
> **Sent:** Sunday, January 31, 2021 3:41 PM
> **To:** Payne, James (Jim) <payne.james@epa.gov>
> **Subject:** RE: Draft response to Blackburn LEtter
>
> Already at WH but if you find something still would love to hear!
>
> Elise B. Packard
> Deputy General Counsel for Operations
> U.S. EPA Office of General Counsel, Rm. 4020A
> (202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 2:02 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: Draft response to Blackburn LEtter

Reviewing

Sent from my iPhone

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> Hi all,
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> Elise
>
> Elise B. Packard
> Deputy General Counsel for Operations
> U.S. EPA Office of General Counsel, Rm. 4020A
> (202) 564-7729
>
> <blackburn.response.1.28.21.docx>

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/5/2020 5:27:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Ex. 6 Personal Privacy (PP)

Greetings,
Ex. 6 Personal Privacy (PP)

Thank you,
Denise

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Internal Web Address

From: Epp, Timothy <Epp.Timothy@epa.gov>
Sent: Wednesday, October 28, 2020 3:27 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Ex. 6 Personal Privacy (PP)

Hi Elise,

Ex. 6 Personal Privacy (PP)

Tim

Timothy R. Epp
Associate General Counsel|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Wednesday, October 28, 2020 3:22 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Ex. 6 Personal Privacy (PP)

Dear Tim:

Ex. 6 Personal Privacy (PP)

Thank you,
Denise

Ex. 6 Personal Privacy (PP)

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: h Ex. 6 Internal Web Address

Message

From: Prabhu, Aditi [Prabhu.Aditi@epa.gov]
Sent: 11/17/2020 9:53:58 PM
To: Gustafson, Adam [Gustafson.Adam@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Willey, Katharine [willey.katharine@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss
Attachments: 20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx

Adam and David,

Ex. 5 AC/DP

Here is a link to a Sharepoint version, and a static version is also attached in there are any issues with the link.

Ex. 6 Web Internal Link

In addition, we wanted to provide some specific comments and suggestions below that are generally

Ex. 5 AC/DP

Ex. 5 AC/DP

Aditi Prabhu
Acting Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473

Message

From: Talty, Mark [Talty.Mark@epa.gov]
Sent: 11/18/2020 10:13:13 PM
To: Gustafson, Adam [Gustafson.Adam@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss
Attachments: 20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx

You should now have access, Adam. I've also attached a static version that includes all staff comments.

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Wednesday, November 18, 2020 5:10 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

It's telling me I don't have access to the document. I've requested access.

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Gustafson, Adam
Sent: Wednesday, November 18, 2020 4:58 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: Re: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

I am having trouble with my computer and cannot access SharePoint. Premier support is working on it. In the meantime, can you please send me the current version?

Sent from my iPhone

On Nov 17, 2020, at 4:54 PM, Prabhu, Aditi <Prabhu.Aditi@epa.gov> wrote:

Adam and David,

Ex. 5 AC/DP

Here is a link to a Sharepoint version, and a static version is also attached in there are any issues with the link.

Ex. 6 Web Internal Link

In addition, we wanted to provide some specific comments and suggestions below that are

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Aditi Prabhu
Acting Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473
<20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx>

Message

From: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Sent: 11/18/2020 10:20:18 PM
To: Gustafson, Adam [Gustafson.Adam@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss
Attachments: 20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx

Hi Adam,

Attached is the version Aditi circulated yesterday.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Gustafson, Adam
Sent: Wednesday, November 18, 2020 5:10 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

It's telling me I don't have access to the document. I've requested access.

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Gustafson, Adam
Sent: Wednesday, November 18, 2020 4:58 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: Re: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

I am having trouble with my computer and cannot access SharePoint. Premier support is working on it. In the meantime, can you please send me the current version?

Sent from my iPhone

On Nov 17, 2020, at 4:54 PM, Prabhu, Aditi <Prabhu.Aditi@epa.gov> wrote:

Adam and David,

Ex. 5 AC/DP

Here is a link to a Sharepoint version, and a static version is also attached in there are any issues with the link.

Ex. 6 Web Internal Link

In addition, we wanted to provide some specific comments and suggestions below that are

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Aditi Prabhu
Acting Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473
<20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx>

Message

From: Holden, Allison [Holden.Allison@epa.gov]
Sent: 11/19/2020 4:05:58 PM
To: Gustafson, Adam [Gustafson.Adam@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Just a heads up all, OECA clients will be raising this with Susan Bodine this afternoon. Mark and I are speaking with OECA staff at 12:30pm – is there anything you'd like us to relay before they go to Susan?

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Thursday, November 19, 2020 11:04 AM
To: Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Thanks, Mark. I was able to fix my VPN connection and review the sharepoint version.

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Wednesday, November 18, 2020 5:13 PM
To: Gustafson, Adam <Gustafson.Adam@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

You should now have access, Adam. I've also attached a static version that includes all staff comments.

Mark C. Talty

Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Wednesday, November 18, 2020 5:10 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
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Sent from my iPhone

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Adam and David,

Ex. 5 AC/DP

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Ex. 5 AC/DP

Ex. 5 AC/DP

Aditi Prabhu
Acting Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473
<20.11.16 DRAFT - CLF MTD (EPA staff comments 11.17.20).docx>

Message

From: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Sent: 11/19/2020 11:39:53 PM
To: Willey, Katharine [willey.katharine@epa.gov]; Gustafson, Adam [Gustafson.Adam@epa.gov]
CC: Simons, Andrew [Simons.Andrew@epa.gov]; Sisson, Ann [Sisson.Ann@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]
Subject: FW: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss
Attachments: 20.11.16 DRAFT - CLF MTD (EPA staff 11.19.20).docx

Hello Katharine and Adam,

I am following up on this issue because there is some confusion regarding IO direction. A few questions and some information:

Ex. 5 AC/DP

********** (Additional Considerations)

Ex. 5 AC/DP

Ex. 5 AC/DP

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

Message

From: Gustafson, Adam [Gustafson.Adam@epa.gov]
Sent: 11/21/2020 3:11:46 AM
To: Willey, Katharine [willey.katharine@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
CC: Simons, Andrew [Simons.Andrew@epa.gov]; Sisson, Ann [Sisson.Ann@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss
Attachments: 20.11.16 DRAFT - CLF MTD (EPA 11.20.20) spb + df.docx

Thank you all for the good work on this. Ex. 5 AC/DP

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, November 20, 2020 6:46 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Thanks for following up. Ex. 5 AC/DP
Ex. 5 AC/DP

From: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Sent: Friday, November 20, 2020 4:37 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: FW: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Hello,

Anything further on next steps?

Thanks

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Talbert-Duarte, Angelia
Sent: Thursday, November 19, 2020 6:40 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: FW: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Hello Katharine and Adam,

Ex. 5 AC/DP

Ex. 5 AC/DP

Angelia Talbert-Duarte
Associate General Counsel

Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

Message

From: Gustafson, Adam [Gustafson.Adam@epa.gov]
Sent: 11/23/2020 1:13:22 PM
To: Talty, Mark [Talty.Mark@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Simons, Andrew [Simons.Andrew@epa.gov]; Sisson, Ann [Sisson.Ann@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Mark,

Ex. 5 AC/DP Yes, please do send them to DOJ. Thanks for the good work on this.

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Monday, November 23, 2020 8:11 AM
To: Gustafson, Adam <Gustafson.Adam@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Thank you, Adam.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Best regards,

Mark

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Friday, November 20, 2020 10:12 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
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Thank you all for the good work on this. Ex. 5 AC/DP

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
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From: Willey, Katharine <willey.katharine@epa.gov>
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Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: RE: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

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Ex. 5 AC/DP

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Sent: Friday, November 20, 2020 4:37 PM
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Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: FW: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Hello,

Anything further on next steps?

Thanks

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Talbert-Duarte, Angelia
Sent: Thursday, November 19, 2020 6:40 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Gustafson, Adam <Gustafson.Adam@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: FW: CLF v. Barr (SEP litigation) - Staff Comments on Draft Motion to Dismiss

Hello Katharine and Adam,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

Message

From: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Sent: 12/9/2020 12:34:42 AM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

Got it. Thanks Elise.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Packard, Elise
Sent: Tuesday, December 08, 2020 7:30 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: Re: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

I think this would require approval - it's a training course on structural racism - isn't that institutional racism? In any case all D&i training needs to be approved by OPM before taking at this point. The cost is her time. If she'd like to take it she can do so on her own time and shift her hours. It might well be approved, but it would need to go through clearance and we don't have time to do that by tomorrow.

Sent from my iPhone

On Dec 8, 2020, at 5:46 PM, Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov> wrote:

Elise,

Ex. 6 Personal Privacy (PP) wants to join the structural racism presentation. There is no cost and given that the content is not about a hierarchy between races, I don't think approval is needed to participate. It would be on work time 11:45 – 1:00 (tomorrow) so I wanted to raise this.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, December 04, 2020 1:07 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: FW: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

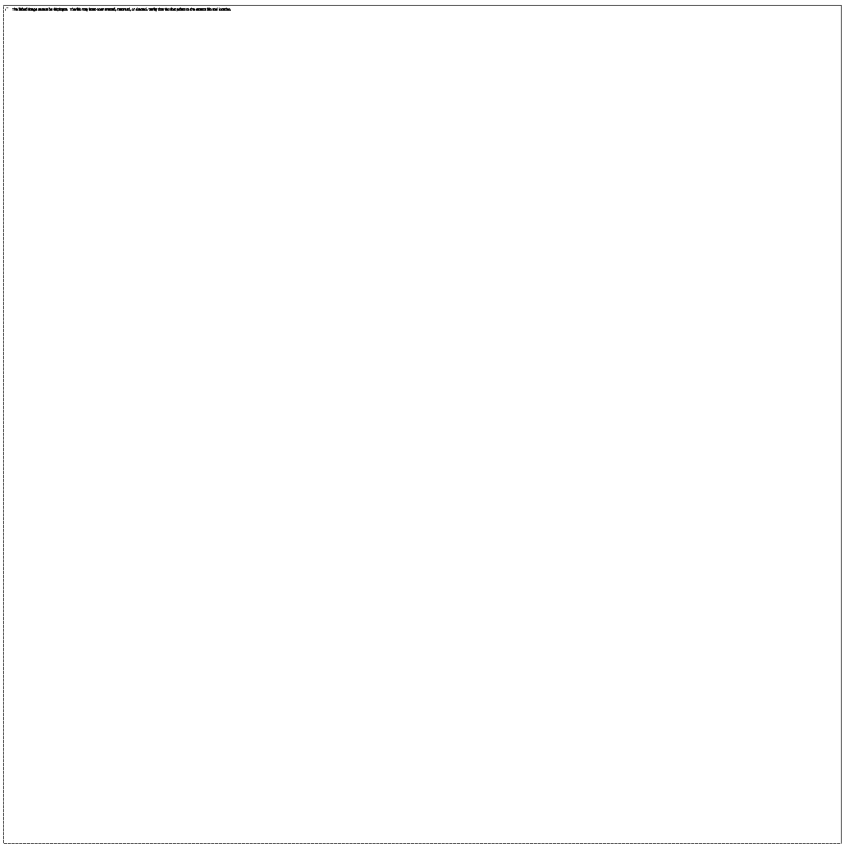
FYI

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.

From: ABA Section of Civil Rights and Social Justice <crsj@americanbar.org>
Sent: Friday, December 04, 2020 8:06 AM
To: F Ex. 6 Personal Privacy (PP)
Subject: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs



It's Giving Week! As we begin the holiday season, take a minute to think of all the wonderful ways that your ABA and ABA Section of Civil Rights and Social Justice membership enhances your life, career, and professional opportunities. **Making a donation** can provide invaluable assistance to continue providing member benefits during a difficult year and even a small pledge of $25 or $50 can add up to a significant sum if every Section member participated.

In the wake of the 2020 US presidential elections, the **ABA Section of Civil Rights and Social Justice Rights of Immigrants Committee** – in strategic partnership with the **German Marshall Fund of the United States** (German Marshall Fund) – is hosting a policy summit designed to advance racial equity and social justice principles. Over the course of two days, the interdisciplinary conference will explore myriad manifestations of interpersonal, structural, and institutionalized discrimination to create enhanced awareness around these issues. The convening will also culminate in concrete community-driven policy recommendations to achieve positive social, political, and legal reform to ensure a better tomorrow for all.

German Marshall Fund President Dr. Karen Donfried will provide welcome remarks and ABA President Patricia Lee Refo will provide brief introductory remarks to kick off the 2020 US Elections Aftermath: A Social Justice Policy Summit on Wednesday, December 9 at 11:45 a.m. EST.

Thank you to the ABA Center for Human Rights, the ABA Coalition on Racial and Ethnic Justice, the ABA Commission on Hispanic Legal Rights & Responsibilities, the ABA Commission on Homelessness & Poverty, the ABA Commission on Immigration, the ABA Commission on Sexual Orientation and Gender Identity, the ABA Council for Diversity in the Educational Pipeline, the ABA Government and Public Sector Lawyers Division, the ABA Section of State and Local Government Law, the ABA Standing Committee on Gun Violence, and the ABA Standing Committee on Pro Bono and Public Service for co-sponsoring the 2020 US Elections Aftermath: A Social Justice Policy Summit.

WEDNESDAY, DECEMBER 9

Structural Racism is Killing Us. Now What?

11:45 a.m. - 1:00 p.m. EST

Register

The pandemic's effect on marginalized racial, ethnic, and religious communities was exacerbated by - while concurrently worsening - minority socioeconomic status, health conditions, living conditions, and related inequities. The public health crisis not only created enhanced awareness about these social inequities, but it also revealed the potentially lethal consequences of structural discrimination, particularly among Black, Latinx, and indigenous populations.

For instance, 30 percent of coronavirus patients were African Americans even though the minority group comprises 13 percent of the US population. In a similar vein, the Navajo Nation had the highest per capita rate of infections in the United States. Additionally, Latinos constitute 18 percent of the national population but they accounted for 33 percent of all coronavirus cases. Moreover, Black, Hispanic, and Native American children make up 78 percent of all coronavirus youth fatalities. According to research, this is largely because racial and ethnic minorities are unable to shelter at home, live with preexisting conditions, and lacked access to healthcare for treatment.

Arguably, these jarring realities are merely symptomatic of a formidable crisis inadequately addressed in housing, employment, and healthcare, among other laws. This panel explores these vast inequalities while contemplating equitable solutions to eliminating structural barriers to equality for racial and ethnic minorities.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- Randall Akee, PhD – Chair, UCLA American Indian Studies; Associate Professor of Public Policy, UCLA Luskin School of Public Affairs
- Carlos E. Rodriguez-Diaz, PhD, MPH – Associate Professor of Prevention and Community Health, The George Washington University Milken Institute School of Public Health
- Ruqaiijah Yearby, JD, MPH – Professor, Saint Louis University School of Law; Executive Director and Co-Founder, Institute for Healing Justice and Equity, Saint Louis University School of Law
- Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Defund the Police? Dismantle the US Department of Homeland Security? Let's Discuss Policy Approaches to Institutional Reform

1:15 p.m. - 2:15 p.m. EST

Register

From law enforcement abuses in Portland, Oregon to institutionalized violence in immigration detention facilities, public demands for institutional reform have included calls to defund local police forces, abolish US Immigration and Customs Enforcement and dismantle the US Department of Homeland Security in its entirety. In response, some elected officials have responded with legislation that would effectively "defund the cities that defund the police". But, what does it all mean? Experts will identify, describe, and contextualize emerging trends in institutionalized violence. They will also assess recent legislative proposals on merit and discuss practical policy solutions that ensure safety for all.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- Raumesh Akbari, Esq. – State Senator, Tennessee General Assembly; TILN'18
- Ajenai Clemmons – Truman National Security Fellow; PhD Candidate in Public Policy, Duke University Sanford School of Public Policy; TILN'15
- Donald M. Jones, JD – Professor of Law, University of Miami School of Law
- David Johns (Moderator) – Executive Director, National Black Justice Coalition; Former Executive Director, White House Initiative on Educational Excellence for African Americans; PhD Candidate, Columbia University; TILN'12

Hate Crimes are Growing More Violent: Realities, Challenges, Remedies

2:30 p.m. - 3:30 p.m. EST

Register

From prejudicial attitudes about racial, ethnic, and religious minority groups to verbal threats and physical assaults directed against them, the coronavirus crisis exacerbated interpersonal and individual-level discrimination in myriad contexts. Commonly scapegoated as carriers, for example, physical attacks and verbal harassment against Asian-Americans are now rampant. They are not the only minority community to experience the violent effects of social, political, and cultural othering, however.

Even prior to the pandemic, hate crimes involving physical violence – e.g., intimidation, assault, and homicide – had reached a 16-year high. Since the 2016 presidential elections, for instance, hate crimes against the Latinx community surged more than 50%. Further, anti-Black hate crimes make up approximately 47% of all race- or ethnicity-based hate crimes even though the minority community only comprises 13% of the population. Additionally, Muslim and Jewish Americans are also experiencing disproportionate rates of interpersonal violence.

Still, hate crimes are vastly underreported by and to law enforcement officials. While some states have not yet enacted hate crimes statutes, the remainder does not treat such crimes consistently. Whereas an act or threat of violence may qualify as a hate crime in one jurisdiction, victims may be excluded in another. Additionally, prosecutions are not uniformly pursued notwithstanding federal law.

This panel examines the manifestations of racial, ethnic, and religious bias while considering related policy proscriptions in light of the contemporary social, political, and legal landscape.

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- Domingo Garcia, Esq. – National President, League of United Latin American Citizens (LULAC)
- Brandon Golob, JD, PhD – Assistant Professor of Teaching in Criminology, Law and Society, University of California, Irvine
- Brian Levin, JD – Professor of Criminal Justice, California State University, San Bernardino; Director, Center for the Study of Hate and Extremism, California State University, San Bernardino
- Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

THURSDAY, DECEMBER 10

Do Minority Citizens (And Non-Citizens) Still Have Privacy Rights?

12:00 p.m. – 1:00 p.m. EST

Register

From federal surveillance of social movements to facial recognition technology that results in inordinately high false positives for certain demographic groups to tracking the social media activities of immigrant rights advocates, recent surveillance trends have deep historical roots and troubling future implications not only for traditionally marginalized group interests but core constitutional values, democratic principles and the rule of law. This panel considers related trends, relevant laws, and needed reform.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- Mizue Aizeki – Executive Director, Immigrant Defense Project
- Margaret Hu, JD – Associate Dean for Non-JD Programs and Professor of Law and of International Affairs, Penn State Law; Faculty Fellow, Penn State Institute for Computational and Data Sciences
- Jumana Musa, Esq. – Director, Fourth Amendment Center, National Association of Criminal Defense Lawyers
- Julian Sanchez – Senior Fellow, Cato Institute; Founding Editor, Just Security
- Elandre Dedrick, PhD (Moderator) – Program Officer, Leadership Programs, German Marshall Fund of the United States

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Our Country is Full. True or False?

1:15 p.m. - 2:15 p.m. EST

Register

In addition to individual-level and structural discrimination, the coronavirus crisis inspired institutionalized discrimination – laws, policies, and practices excluding immigrants and other perceived cultural, racial, and ethnic outsiders.

Last April, for instance, the UN warned that the United States was using the pandemic to summarily expel asylum seekers. As part of a long-term strategy to slow the influx of newcomers, President Donald Trump has implemented additional restrictions. He also falsely claimed that the construction of a barrier wall on the border with Mexico will prevent further infections.

Still, from the Chinese Exclusion Act of 1882 to the recent Muslim and African Bans, barring racial, ethnic, and cultural minorities is not particularly innovative. Indeed, it is the same xenophobia but the subject of official derision simply evolves in response to the political, social, and economic context. This panel will examine root causes, manifestations, and practical policy responses to such legal measures with an eye on the next four years.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

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- Erika Lee, PhD – Regents Professor of History and Asian American Studies; University of Minnesota; Distinguished McKnight University Professor, University of Minnesota; Rudolph J. Vecoli Chair in Immigration History, University of Minnesota; Director, Immigration History Research Center, University of Minnesota; Vice President, Organization of American Historians
- Karla M. McKanders, JD – Clinical Professor of Law, Vanderbilt Law School; Director, Immigration Practice Clinic, Vanderbilt Law School; Advisory Committee Member, ABA Commission on Immigration
- Faiza Patel, JD – Director, Liberty & National Security, Brennan Center for Justice

- Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Pro-Tip: Antiracist Allyship

2:30 p.m. - 3:30 p.m. EST

Register

In the struggle against racism, xenophobia, and intolerance, we should avoid false divisions such as white people versus black people, Jews versus Muslims, and minority groups versus the majority population. Rather, all should work together to root out anti-black racism, anti-Semitism, Islamophobia, xenophobia, and other forms of bigotry. Any group experience with discrimination sets a negative precedent and threatens equality for everyone. This panel explores best practices for individuals, communities, and institutions to serve as effective allies.

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- Wajahat Ali, Esq. – Playwright; Lawyer; Contributing Op-Ed Writer, The New York Times
- Brie Jeanette Loskota – Executive Director, Center for Religion and Civic Culture, University of Southern California
- Zeenat Rahman – Director, Inclusive America Project, Aspen Institute
- Jasmine Roberts, M.A. – Lecturer, School of Communication, The Ohio State University
- Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Upcoming Webinars

DEC. 4	DEC. 8	DEC. 9
The Future of Olmstead: 2020 and Beyond	*ABA and the American Immigration Lawyers Association Partner for Free Legal Answers*	*Emerging Innovative Racial Equity Focused Initiatives for Youth: Spotlight on Los Angeles, CA* CO-SPONSORED

Register

Register

Register

DEC. 15

Preparing for 2021 and Beyond: The Outlook for Public Interest Lawyers Advocacy

Register

DEC. 16

Implicit Bias Training: Does it Help Combat "Racism" or is it Racist?

Register

Not a Section member? Join Us!

CRSJ is the only ABA membership entity dedicated to the advancement of human rights, civil rights, civil liberties, and social justice. We invite you to become involved with critical legal and public policy issues by joining one or more Section committees. You may choose to take a more active role by participating in or organizing specific activities. Whatever your area of specialization, we have a home for you. ***To get involved,*** *join us here.*

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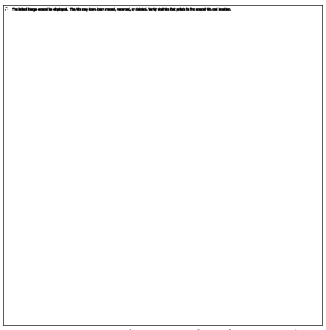

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Message

From: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Sent: 12/8/2020 10:46:29 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

Elise,

wants to join the structural racism presentation. There is no cost and given that the content is not about a hierarchy between races, I don't think approval is needed to participate. It would be on work time 11:45 – 1:00 (tomorrow) so I wanted to raise this.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, December 04, 2020 1:07 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: FW: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

FYI

Ex. 6 Personal Privacy (PP)

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From: ABA Section of Civil Rights and Social Justice <crsj@americanbar.org>
Sent: Friday, December 04, 2020 8:06 AM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

2020 US Elections Aftermath: A Social Justice Policy Summit

It's Giving Week! As we begin the holiday season, take a minute to think of all the wonderful ways that your ABA and ABA Section of Civil Rights and Social Justice membership enhances your life, career, and professional opportunities. **Making a donation** can provide invaluable assistance to continue providing member benefits during a difficult year and even a small pledge of $25 or $50 can add up to a significant sum if every Section member participated.

In the wake of the 2020 US presidential elections, the **ABA Section of Civil Rights and Social Justice Rights of Immigrants Committee** – in strategic partnership with the **German Marshall Fund of the United States** (German Marshall Fund) – is hosting a policy summit designed to advance racial equity and social justice principles. Over the course of two days, the interdisciplinary conference will explore myriad manifestations of interpersonal, structural, and institutionalized discrimination to create enhanced awareness around these issues. The convening will also culminate in concrete community-driven policy recommendations to achieve positive social, political, and legal reform to ensure a better tomorrow for all.

German Marshall Fund President Dr. Karen Donfried will provide welcome remarks and ABA President Patricia Lee Refo will provide brief introductory remarks to kick off the 2020 US Elections Aftermath: A Social Justice Policy Summit on Wednesday, December 9 at 11:45 a.m. EST.

Thank you to the ABA Center for Human Rights, the ABA Coalition on Racial and Ethnic Justice, the ABA Commission on Hispanic Legal Rights & Responsibilities, the ABA Commission on Homelessness & Poverty, the ABA Commission on Immigration, the ABA Commission on Sexual Orientation and Gender Identity, the ABA Council for Diversity in the Educational Pipeline, the ABA Government and Public Sector Lawyers Division, the ABA Section of State and Local Government Law, the ABA Standing Committee on Gun Violence, and the ABA Standing Committee on Pro Bono and Public Service for co-sponsoring the 2020 US Elections Aftermath: A Social Justice Policy Summit.

WEDNESDAY, DECEMBER 9

Structural Racism is Killing Us. Now What?

11:45 a.m. - 1:00 p.m. EST

Register

The pandemic's effect on marginalized racial, ethnic, and religious communities was exacerbated by - while concurrently worsening - minority socioeconomic status, health conditions, living conditions, and related inequities. The public health crisis not only created enhanced awareness about these social inequities, but it also revealed the potentially lethal consequences of structural discrimination, particularly among Black, Latinx, and indigenous populations.

For instance, 30 percent of coronavirus patients were African Americans even though the minority group comprises 13 percent of the US population. In a similar vein, the Navajo Nation had the highest per capita rate of infections in the United States. Additionally, Latinos constitute 18 percent of the national population but they accounted for 33 percent of all coronavirus cases. Moreover, Black, Hispanic, and Native American children make up 78 percent of all coronavirus youth fatalities. According to research, this is largely because racial and ethnic minorities are unable to shelter at home, live with preexisting conditions, and lacked access to healthcare for treatment.

Arguably, these jarring realities are merely symptomatic of a formidable crisis inadequately addressed in housing, employment, and healthcare, among other laws. This panel explores these vast inequalities while contemplating equitable solutions to eliminating structural barriers to equality for racial and ethnic minorities.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- Randall Akee, PhD – Chair, UCLA American Indian Studies; Associate Professor of Public Policy, UCLA Luskin School of Public Affairs
- Carlos E. Rodriguez-Diaz, PhD, MPH – Associate Professor of Prevention and Community Health, The George Washington University Milken Institute School of Public Health
- Rugaiijah Yearby, JD, MPH – Professor, Saint Louis University School of Law; Executive Director and Co-Founder, Institute for Healing Justice and Equity, Saint Louis University School of Law
- Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Defund the Police? Dismantle the US Department of Homeland Security? Let's Discuss Policy Approaches to Institutional Reform

1:15 p.m. - 2:15 p.m. EST

Register

From law enforcement abuses in Portland, Oregon to institutionalized violence in immigration detention facilities, public demands for institutional reform have included calls to defund local police forces, abolish US Immigration and Customs Enforcement and dismantle the US Department of Homeland Security in its entirety. In response, some elected officials have responded with legislation that would effectively "defund the cities that defund the police". But, what does it all mean? Experts will identify, describe, and contextualize emerging trends in institutionalized violence. They will also assess recent legislative proposals on merit and discuss practical policy solutions that ensure safety for all.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- Raumesh Akbari, Esq. – State Senator, Tennessee General Assembly; TILN'18
- Ajenai Clemmons – Truman National Security Fellow; PhD Candidate in Public Policy, Duke University Sanford School of Public Policy; TILN'15
- Donald M. Jones, JD – Professor of Law, University of Miami School of Law
- David Johns (Moderator) – Executive Director, National Black Justice Coalition; Former Executive Director, White House Initiative on Educational Excellence for African Americans; PhD Candidate, Columbia University; TILN'12

Hate Crimes are Growing More Violent: Realities, Challenges, Remedies

2:30 p.m. - 3:30 p.m. EST

Register

From prejudicial attitudes about racial, ethnic, and religious minority groups to verbal threats and physical assaults directed against them, the coronavirus crisis exacerbated interpersonal and individual-level discrimination in myriad contexts. Commonly scapegoated as carriers, for example, physical attacks and verbal harassment against Asian-Americans are now rampant. They are not the only minority community to experience the violent effects of social, political, and cultural othering, however.

Even prior to the pandemic, hate crimes involving physical violence – e.g., intimidation, assault, and homicide – had reached a 16-year high. Since the 2016 presidential elections, for instance, hate crimes against the Latinx community surged more than 50%. Further, anti-Black hate crimes make up approximately 47% of all race- or ethnicity-based hate crimes even though the minority community only comprises 13% of the population. Additionally, Muslim and Jewish Americans are also experiencing disproportionate rates of interpersonal violence.

Still, hate crimes are vastly underreported by and to law enforcement officials. While some states have not yet enacted hate crimes statutes, the remainder does not treat such crimes consistently. Whereas an act or threat of violence may qualify as a hate crime in one jurisdiction, victims may be excluded in another. Additionally, prosecutions are not uniformly pursued notwithstanding federal law.

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THURSDAY, DECEMBER 10

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12:00 p.m. – 1:00 p.m. EST

Register

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Pro-Tip: Antiracist Allyship

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Register

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The Future of Olmstead: 2020 and Beyond	*ABA and the American Immigration Lawyers Association Partner for Free Legal Answers*	*Emerging Innovative Racial Equity Focused Initiatives for Youth: Spotlight on Los Angeles, CA*
		CO-SPONSORED

Register

Register

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DEC. 15

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Register

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/10/2020 5:14:21 PM
To: Albores, Richard [Albores.Richard@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Altendorfer, Ian [Altendorfer.Ian@epa.gov]; Johnson, Larry-C [Johnson.Larry-C@epa.gov]; Makepeace, Caroline [Makepeace.Caroline@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 12/10/20

Apologies for the late submission.

Here is the latest update on the COVID-19 FOIA requests.

Region 5 closed request EPA-R5-2020-004575 and sent the final disposition notice on November 24, 2020. Additionally, Region 9 closed request EPA-R9-2021-000420 and sent the final disposition notice on December 7, 2020.

The NFO has not received any new COVID-19 FOIA requests. There are 60 open COVID-19 FOIA requests.

From: Walker, Denise
Sent: Monday, November 23, 2020 10:02 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 11/23/20

Good morning!

Region 6 closed request 2020-006532 and sent the final disposition notice on October 28, 2020. Additionally, the Agency has closed 3 other requests. Details of the closed requests can be found below.

Since the October 29th COVID-19 Coordination e-mail, the National FOIA Office (NFO) consulted with the requester about her multi-regional request, EPA-2021-000420. The requester agreed to narrow the scope of EPA-2021-000420 to Region 9 records and open two additional requests focused on Region 7 records (EPA-R7-2021-000791) and Region 6 records (EPA-R6-2021-000789).

Last week, the NFO received 2 new COVID-19 FOIA requests. Please see the table below for more information. There are 62 open COVID-19 FOIA Requests.

Closed Requests:

Request Tracking Number	Program Office Assigned	Date Received	Disposition
EPA-2020-007234	OW	9/30/2020	10/15/2020
EPA-2021-000074	OLEM	10/5/2020	11/17/2020

EPA-2021-000270	OCSPP	10/14/2020	11/16/2020

Newly Received Requests:

Request Tracking Number	Requester Name	Requester Organization	Date Received	Description
EPA-2021-000973	Mr. Levi R Pine	UNITE HERE	11/13/2020	I am requesting copies of all electronic correspondence between the US EPA Office of Pesticide Programs employees and any email address ending in "@ecolab.com," dated after March 1, 2020 and containing at least one of the following phrases: "COVID," "coronavirus," "hotel," "motel," "lodging," or "List N". Next, please also provide copies of the registration jacket and all efficacy data specific to SARS-COV-2 (COVID-19) efficacy testing for the following Ecolab products: • Oxonia Active (EPA Reg. Number 1677-129) • 66 Heavy Duty Alkaline Bathroom Cleaner and Disinfectant (EPA Reg. Number 1677-202) • 65 Disinfecting Heavy Duty Acid Bathroom Cleaner (EPA Reg. Number 1677-204) • Multi-Purpose Disinfectant Cleaner (EPA Reg. Number 1677-233) • Peroxide Multi Surface Cleaner and Disinfectant (EPA Reg. Number 1677-238) • Peroxide Disinfectant and Glass Cleaner Rtu (EPA Reg. Number 1677-251) • CW32A-RTU (EPA Reg. Number 1677-259) • S&S Sanitizer (EPA Reg. Number 1677-260)
EPA-2021-001025	Mr. Harold D Stowe	TSG Consulting	11/20/2020	Technology Sciences Group Inc. (TSG), on behalf of ViaClean Technologies, LLC., hereby submits this FOIA request to obtain all electronically releasable copies of signed unpublished study (MRID No. MRID Number 51204901), titled " Monofoil D: Virucidal Hard Surface Efficacy Test – Severe Acute Respiratory Syndrome Related Coronavirus (SARS-CoV-2)(COVID-19 Virus). Final Report (2020)" authored by C. Wilde and prepared by Microbac Laboratories. ViaClean Technologies, LLC., requests the Good Laboratory Practice (GLP) protocols associated with this study. Along with the study and protocol associated with MRID No. 51204901, the DER is also requested. This request is to include: - Study associated with MRID No. 51204901 titled "Monofoil D: Virucidal Hard Surface Efficacy Test – Severe Acute Respiratory Syndrome-Related Coronavirus (SARS-CoV-2)(COVID-19 Disease)" - GLP Protocol associated with MRID 51204901 and the aforementioned study. - The associated DER(s) - All releasable documentation associated with this study and testing protocol.

From: Walker, Denise
Sent: Thursday, October 29, 2020 10:06 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard,

Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 10/29/20

There are 62 open COVID-19 FOIA requests. Last week, the National FOIA Office (NFO) received 1 new COVID-19 FOIA request. The NFO sent a clarification letter to the requester on October 28, 2020. The NFO will be coordinating with Region 6, Region 7, Region 9, OW, and OECA to designate the lead FOIA program office. Please see the table below for more information.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Request Description
EPA-2021-000420	Ms. Lisa Winebarger	The Greenfield Project	10/21/2020	1. All National Pollutant Discharge Elimination System (NPDES) permits currently in effect for "concentrated animal feeding operations" (CAFOs) as defined by 40 C.F.R. § 122.23(b)(2), in California, Iowa, Missouri, Nebraska, Oklahoma, and Texas; 2. All requests for information made to CAFOs pursuant to EPA's Clean Water Act (CWA) Section 308 authority, 33 U.S.C. § 1318, and all records received by EPA in response, from January 2019 to present; 3. All records related to EPA inspections of CAFOs in connection with water quality issues in California, Iowa, Missouri, Nebraska, Oklahoma, and Texas, from January 2019 to present; 4. All EPA warning letters, administrative orders, consent decrees, and other records related to EPA investigations of, and enforcement actions in response to, potential, alleged, or suspected violations of CWA by CAFOs in California, Iowa, Missouri, Nebraska, Oklahoma, and Texas, from January 2019 to present; 5. Records identifying any CAFOs which EPA has determined are exempt from NPDES permitting requirements; and 6. All records regarding CAFO water violations that would be investigated or enforced but for EPA's temporary non-enforcement policy due to the COVID-19 pandemic.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Address**

From: Walker, Denise
Sent: Monday, October 19, 2020 11:08 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 10/19/20

There are 61 open COVID-19 FOIA requests. Last week, the National FOIA Office (NFO) received 1 new COVID-19 FOIA request. Please see the table below for more information. On October 14, 2020, NFO closed request EPA-2020-006697, Disposition: Records Not Reasonably Described.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Request Description
EPA-2021-000223	Mr. Skyler Hicks		10/13/2020	I'm looking for data explaining why Original Pine-Sol was added to the list of coronavirus-fighting cleaners. Thank you!

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Address**

From: Walker, Denise
Sent: Thursday, October 15, 2020 9:47 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 10/15/20

There are 61 open COVID-19 FOIA requests. Yesterday, the National FOIA Office received 2 new COVID-19 FOIA requests. Additionally, a request received on October 5th has been identified as COVID-19 related. Please see the table below for more information.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Request Description
EPA-2021-000074	Mrs. Patti Petitte	NBC News	10/5/2020	• A list of states (and D.C.) and f counties within the state that practice recycling • The amount of recycling products in pounds or however it is measured/recorded for each state on the above requested list for one full year: Jan 2018-Jan 2019 • The dates in which recycling was suspended and resumed or is scheduled to resume for each state plus D.C. during COVI-19
EPA-2021-000269	Mr. Brian K Panessa	Republic Healthcare	10/14/2020	I herein request the following documentation related to the EPA Section 18 Emergency Exemption granted on August 24, 2020, for Allied BioScience's SurfaceWise2 product: All publicly releasable data regarding the Section 18 Emergency Exemption application including but not limited to: - Copy of the Section 18 request document - All data submitted in support of the Section 18 application including efficacy data summaries and agency review documents - Copy of the SurfaceWise2 EPA Product Label Submitted with this application - Copy of Agency and/or applicant meeting minutes or any other formal communications between applicant and EPA. - Copy of the Section 18 application and any amendments, attachments or other documents related in any way and filed by the State of Texas and the Texas Department of Agriculture in obtaining the Section 18 exception.
EPA-2021-000270	Mrs. Rebecca Mannion	SRC	10/14/2020	Please provide a copy of the data evaluation reports associated with the electrostatic spray and SARS-CoV-2 studies supporting EPA Reg. No. 1677-238 as accepted on the stamped label dated 10/1/2020.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
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EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Monday, October 05, 2020 10:08 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 10/05/20

Good morning!

There are 58 open COVID-19 FOIA requests. Last week, the National FOIA Office received 2 new COVID-19 FOIA requests. Please see the table below for more information.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Request Description
EPA-2020-007234	Chris Saeger	Accountable.US	9/30/2020	Pursuant to the Freedom of Information Act, 5. U.S.C. § 552, and the implementing regulations of your agency , Accountable.US requests access to and copies of review reports referred to in President Trump's June 4, 2020 Executive Order on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities, as described in section 8 below that were submitted between June 4, 2020 and September 30, 2020.
EPA-2020-007176	Megan Polos		9/28/2020	Requesting all efficacy protocol review(s), efficacy protocol(s), and all call notes, meeting minutes supporting the biofilm claim for EPA Reg. No.: 1677-250; product name, Synergex

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
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EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Thursday, October 01, 2020 11:18 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 10/01/20

On Wednesday, September 30, 2020, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 25 individual FOIA requests. Please see the Awareness Notification sent on September 25, 2020 for more details. There are 56 open COVID-19 FOIA requests.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Web Address

From: Walker, Denise
Sent: Monday, September 28, 2020 10:26 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 9/28/20

There are 56 open COVID-19 FOIA requests. The National FOIA Office has not received any additional COVID-19 FOIA requests. Recently, three FOIA program offices across the Agency closed 6 FOIA requests. Please see the table below. The team has now closed a total of 33 requests.

Request Tracking Number	Program Office Assigned	Date Received	Closed (Final Disposition Notice)	Disposition
EPA-2020-004277	Region 6	4/21/2020	9/14/2020	Full Grant

EPA-2020-004281	Region 6	4/21/2020	9/22/2020	Partial Grant/Partial Denial
EPA-2020-004304	Region 7	4/23/2020	9/21/2020	Partial Grant/Partial Denial
EPA-2020-005654	AO	7/6/2020	9/25/2020	No Records
EPA-2020-006470	OCSPP	8/21/2020	9/25/2020	Full Grant
EPA-2020-006485	OCSPP	8/24/2020	9/4/2020	Full Grant

Denise A. Walker
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Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

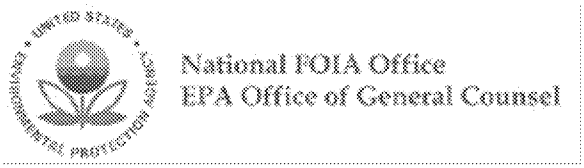
From: Walker, Denise
Sent: Monday, September 21, 2020 10:06 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 9/21/20

There are 62 open COVID-19 FOIA requests. The National FOIA Office received 1 additional FOIA request on September 15, 2020. Please see the table below.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Description

EPA-2020-006974	Chris Saeger	Accountable.US	9/15/2020	Pursuant to the Freedom of Information Act, 5. U.S.C. Â§ 552, and the implementing regulations of your agency , Accountable.US requests access to and copies of review reports referred to in President Trump's May 19, 2020 Executive Order on Regulatory Relief to Support Economic Recovery, as described in section 7 below that were submitted between August 28, 2020 and September 15, 2020.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Monday, September 14, 2020 10:04 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 9/14/20

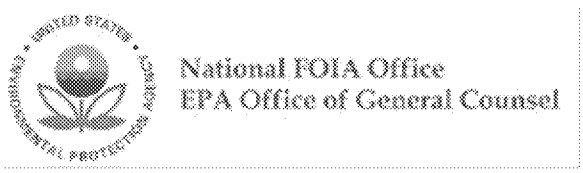
There are 61 open COVID-19 FOIA requests. On June 23, 2020, ORD closed 1 (one) COVID-19 FOIA request, EPA-2020-004989. The National FOIA Office also received an additional 6 FOIA requests since August 28, 2020. Please see the table below.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Description

EPA-2020-006633	Chris Saeger	Accountable.US	8/28/2020	Accountable.US requests access to and copies of review reports referred to in President Trump's May 19, 2020 Executive Order on Regulatory Relief to Support Economic Recovery, as described in section 7 below that were submitted between July 14, 2020 and August 28, 2020. Section 7: "The heads of all agencies shall review any regulatory standards they have temporarily rescinded, suspended, modified, or waived during the public health emergency, any such actions they take pursuant to section 4 of this order, and other regulatory flexibilities they have implemented in response to COVID-19, whether before or after issuance of this order, and determine which, if any, would promote economic recovery if made permanent, insofar as doing so is consistent with the policy considerations identified in section 1 of this order, and report the results of such review to the Director of the Office of Management and Budget, the Assistant to the President for Domestic Policy, and the Assistant to the President for Economic Policy."
EPA-2020-006686	Mr. Juan Carlos M Rodriguez	Law 360	9/1/2020	1. Records relating to any reported instance of noncompliance with federal regulations by a regulated entity between March 26, 2020 and Aug. 31, 2020. 2. Records relating to any reported instance of noncompliance with federal regulations specifically due to coronavirus issues by a regulated entity between March 26, 2020 and Aug. 31, 2020. 3. Records related to any regulated entity's request for an exemption from compliance requirements based on the March 26 policy filed or submitted between March 26, 2020 and Aug. 31, 2020. 4. Records relating to any enforcement actions initiated by the EPA between March 26, 2020 and Aug. 31, 2020. 5. Records relating to the EPA's grant or denial of requests for compliance exemptions based on the March 26 policy from March 26, 2020 to Aug. 31, 2020.
EPA-2020-006714	Aaron Colangelo	NRDC	9/2/2020	Please produce all communications and correspondence about SurfaceWise2 between EPA and any representative or agent of (1) the Texas Department of Agriculture, (2) American Airlines, (3) Total Orthopedics Sports & Spine, and/or (4) Allied BioScience. You can limit your search for responsive documents to the time period from April 1, 2020 to the date the documents are produced. This request specifically includes (but is not limited to) the SurfaceWise2 emergency exemption requests and addenda filed by the Texas Department of Agriculture on or about June 15, 2020 and August 21, 2020. This request also specifically includes (but is not limited to) communications with representatives of the Texas Department of Agriculture, American Airlines, Total Orthopedics Sports & Spine, or Allied BioScience about EPA's August 24, 2020 news release titled "Trump EPA Approves First-Ever Long-Lasting Antiviral Product for Use Against COVID-1."

EPA-2020-006697	Mr. Elijah Richard Labby		9/2/2020	I am requesting copies of reports and findings related to the environmental impact of mask disposal during and after the coronavirus pandemic.
EPA-2020-006657	Nina MacLeay	Crowell & Moring LLP	8/31/2020	This request is for a copy of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 18 emergency exemption application for the antiviral surface coating identified as SurfaceWise2 submitted by Allied BioScience, and all supporting materials, including but not limited to, correspondence, emails, and all other documents that discuss and approve the application submitted by the company.
EPA-2020-006861	Aaron Colangelo	NRDC	9/10/2020	Please produce the following documents: (A) Any and all emergency exemption requests for the pesticide SurfaceWise2, except for the emergency exemption requests and addenda filed by the Texas Department of Agriculture on June 15, 2020 and August 21, 2020. (B) Any and all final EPA decision documents approving or denying any emergency exemption requests for the pesticide SurfaceWise2, including any final decision documents approving the requests filed by the Texas Department of Agriculture on June 15, 2020 and August 21, 2020. Please see the attached request for more information.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Monday, August 31, 2020 10:05 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 8/31/20

Good morning:

There are 56 open COVID-19 FOIA requests. On August 27, 2020, Region 5 closed 1 COVID-19 FOIA request. The National FOIA Office also received 7 new COVID-19 FOIA requests since August 21, 2020. Please see the table below.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Description
EPA-2020-006470	Megan Polos		8/21/2020	Requesting all available reviews (DERs) for the following EPA Reg. No.: 1677-250; product name, Synergex
EPA-2020-006485	Ms. Juliana Mann	Steptoe & Johnson	8/21/2020	This is a request for documents from the Office of Pesticide Programs for data matrix forms (Agency copies) supporting a pesticide product named Capricorn II (EPA Reg. No. 10772-25). Thank you.
EPA-2020-006532	Samuel Boxerman		8/25/2020	Requests records since June 1, 2018. 1. All progress reports provided under the Consent Decree in US v. Sid Richardson Carbon, Ltd., Civ. Act. No. 3:17-cv-01792 (M.D. La.), including any amendments ("Tokai Decree"). 2. All force majeure claims provided under the Tokai Decree and all communications regarding the force majeure claims. 3. All communications concerning, relating or referring to any adjustment, change, revision, extension of deadlines for the Borger, TX facility under the Tokai Decree, including the deadlines for Emissions Limits and Control Technologies at the Borger, TX facility in paragraphs 17 and 27 of the Tokai Decree. 4. All progress reports provided under the Consent Decree in US v. Orion Engineered Carbons, LLC, Civ. Act. No: 17-CV-1660 (W.D. La.), including any amendments ("Orion Decree"). 5. All force majeure claims provided under the Orion Decree and all communications regarding the force majeure claims. 6. All communications concerning, relating or referring to any adjustment, change, revision, extension of deadlines for the Ivanhoe, LA facility under the Orion Decree, including the deadlines for Emissions Limits and Control Technologies at the Ivanhoe, LA facility in paragraphs 16 and 26 of the Orion Decree. 7. All progress reports provided under the Consent Decree in US v. Columbian Chemicals Company, Civ. Act. No: 6:17-cv-01661 (W.D. La.) including any amendments ("Columbian Decree"). 8. All force majeure claims provided under the Columbian Decree and all communications regarding the force majeure claims. 9. All communications concerning, relating or referring to any adjustment, change, revision, extension of deadlines for the North Bend facility under the Columbian Decree, including the deadlines for Emissions Limits and Control Technologies at the North Bend facility in paragraphs 17 and 27 of the Columbian Decree. This does not ask for documents designated as CBI.

EPA-2020-006560	Michael Smith		8/26/2020	Data Evaluation records and data reviews as well as efficacy data, physical chemical data and toxicology data for Allied BioScience's (Co. No. 92082) and product SurfaceWise2TM (Sec. 18 No. 20TX05).
EPA-2020-006569	Ms. Rebecca L Wilken	Ms.	8/26/2020	I herein request the following documentation related to the EPA Section 18 Emergency Exemption granted on August 24, 2020, for Allied BioScience's SurfaceWise2 product: All publicly releasable data regarding the Section 18 Emergency Exemption application including but not limited to: * Copy of the Section 18 request document * All data submitted in support of the Section 18 application including efficacy data summaries and agency review documents * Copy of the SurfaceWise2 EPA Product Label Submitted with this application * Copy of Agency and/or applicant meeting minutes or any other formal communications between applicant and EPA.
EPA-2020-006574	Kevin Bogardus	E&E News	8/26/2020	I request emails sent to and from the following individuals at EPA related to the preparation, creation, release and reaction to EPA"™s approval of SurfaceWise2 as an antiviral product for use against the COVID-19 or SARS-CoV-2 virus under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act from Aug. 17 to Aug. 26, 2020: Andrew Wheeler; Doug Benevento; Mandy Gunasekara; Michael Molina ;James Hewitt; Molly Block; Jessica McFaul; Alexandra; Dapolito Dunn; Nancy Beck ;David Fischer; Lynn Dekleva Please consider emails containing one or more of the following search terms as responsive records to my request: "SurfaceWise" OR "SurfaceWise2" OR "Allied BioScience" OR "alliedbioscience.com" OR "Oltersdorf" "joltersdorf@snackbox.us" OR "American Airlines" OR "aa.com" OR "Total Orthopedics Sports & Spine" OR "totalorthoss.com" OR "https://www.epa.gov/newsreleases/trump-epa-approves-first-ever-long-lasting-antiviral-product-use-against-covid-19" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this approval

				(https://www.epa.gov/newsreleases/trump-epa-approves-first-ever-long-lasting-antiviral-product-use-against-covid-19).

EPA-2020-006575	Kevin Bogardus	E&E News	8/26/2020	I request emails sent to and from the following individuals at EPA"™s Office of Pesticide Programs related to the preparation, creation, release and reaction to EPA"™s approval of SurfaceWise2 as an antiviral product for use against the COVID-19 or SARS-CoV-2 virus under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act from Jan. 1 to Aug. 26, 2020: Edward Messina; Michael Goodis; Arnold Layne; Robert McNally; Anne Overstreet; Jacqueline Mosby; George (Jeff) Herndon; Anita Pease; Steve Weiss; Elissa Reaves; Charles "Billy" Smith Please consider emails containing one or more of the following search terms as responsive records to my request: "SurfaceWise" OR "SurfaceWise2" OR "Allied BioScience" OR "alliedbioscience.com" OR "Oltersdorf" "joltersdorf@snackbox.us" OR "American Airlines" OR "aa.com" OR "Total Orthopedics Sports & Spine" OR "totalorthoss.com" OR "https://www.epa.gov/newsreleases/trump-epa-approves-first-ever-long-lasting-antiviral-product-use-against-covid-19" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this approval (https://www.epa.gov/newsreleases/trump-epa-approves-first-ever-long-lasting-antiviral-product-use-against-covid-19).

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

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Sent: Thursday, August 27, 2020 10:20 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 8/27/20

There are 50 open COVID-19 FOIA requests. On August 24, 2020, the National FOIA Office received 1 new FOIA request. Please the table below. Yesterday, August 26, 2020, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 24 individual FOIA requests. Please see the Awareness Notification sent on August 21, 2020 for more details.

Request Tracking Number	Requester Name	Requester Organization	Date Received	Description
EPA-2020-006522	Mr. Erik Janus	Steptoe	8/24/2020	Please provide all publically available supporting data, registration forms and communications surrounding the approval of the Section 18 Emergency Authorization for "SurfaceWise 2" by Allied BioScience (EPA Company # 92082), as reported in several major media outlets and via EPA press release on August 24, 2020. See for example: https://www.epa.gov/newsreleases/trump-epa-approves-first-ever-long-lasting-antiviral-product-use-against-covid-19; https://news.aa.com/news/news-details/2020/American-Airlines-Boosts-Its-Clean-Commitment-With-Sustained-Virus-Killing-Coating-to-Help-Safeguard-Customers-From-Coronavirus-OPS-DIS-08/default.aspx; and https://www.prnewswire.com/news-releases/surfacewise2-becomes-first-antiviral-surface-coating-approved-by-epa-to-continuously-protect-against-covid-19-with-a-single-application-301117089.html.

Denise A. Walker
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U.S. Environmental Protection Agency | Office of General Counsel
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Washington, D.C. 20460 | WJCN 7308A
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EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Monday, August 10, 2020 9:56 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 8/06/20

Good morning,

We received one COVID related FOIA request last week. It has not been assigned yet.

EPA-2020-006163	8/4/2020	Kate Poiesz/Proctor and Gamble	All non-confidential portions of all documents in the Agency's possessions for the pesticide product Capricorn II, EPA Reg. No. 10772-25 (Church & Dwight).

There have been no new releases and we have 58 open requests.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

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EPA Office of General Counsel

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Sent: Thursday, August 06, 2020 10:06 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-

C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 8/06/20

On Tuesday, August 4, 2020, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 14 individual FOIA requests. Please see the Awareness Notification sent on July 28, 2020 for more details. There are 57 open COVID-19 FOIA requests.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

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EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

From: Walker, Denise
Sent: Monday, August 03, 2020 10:03 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 7/20/2023

On Thursday, July 30th, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 24 individual FOIA requests. Please see the Awareness Notification sent on July 27, 2020 for more details. There are 57 open COVID-19 FOIA requests.

Thank you!
Denise

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Address

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving

			compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and

			local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or

			other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or

			from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications

			between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004857	5/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs

			citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004909	5/26/2020	Mr. Chris Saeger / Accountable.US	US requests access to and copies of the following records dated from March 1, 2020 until the date this request is fulfilled. All correspondence between the following EPA officials: • Susan Parker Bodine • Lawrence Starfield • John Irving • Rosemarie Kelley • Karin Koslow • John Fogarty • Henry Barnet • Pam Mazakas • Chuck Cavanaugh • David Hindin • John Dombrowski • Jacqueline Werner And representatives of any of the below companies: • Arcelormittal USA LLC (or anyone with an email address ending in @arcelormittal.com) • BP Products North America (or anyone with an email address ending in @bp.com) • Grimmel Industries, Inc. • Kohler Company (or anyone with an email address ending in @kohler.com) • Nutrien AG Solutions, Inc. (or anyone with an email address ending in @nutrien.com) • Wall Herald Corporation • Guam Power Authority (or anyone with an email address ending in @guampowerauthority.com or @gpagwa.com) • K.P. Kauffman Company (or anyone with an email address ending in @kpk.com) George Gradel Co. (or anyone with an email address ending in @geogradelco.com) • Dominion Energy (or anyone with an email address ending in @dominionenergy.com)
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees.

			b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to

			the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten

			regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.
EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated entities that explain why the COVID-19 pandemic has prevented them from complying with certain regulations, monitoring requirements and enforcement actions per the March 26 Memo entitled "COVID-19

			Implications for EPA's Enforcement and Compliance Assurance Program." Reuters is seeking this information for the period from March 26 to the present time.
EPA-2020-005535	7/1/2020	Center for Public Integrity / Joe Wertz	Correspondence, memos and documents sent to Office of Management and Budget between June 1, 2020 and the day this request is fulfilled in response to memorandum M-20-25: https://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-25.pdf
EPA-2020-005606	7/3/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or a□iliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19. This request is updating request EPA-R5-2020-004182 in order to include the EPA final response to Marathon since the final response was sent a[ft]er receipt of the original FOIA request.
EPA-2020-005654	7/6/2020	Mr. Kenneth Rebella	Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of any correspondence since January 1, 2017 between Senator Ron Johnson, or his office, and the Environmental Protection Agency regarding HEPACO LLC, including contracts involving HEPACO LLC.
EPA-2020-005659	7/7/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking information (through email correspondence) about projects identified by the agency in need of fast-tracking under the June 4 Executive Order (EO) "Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities." The list of projects was due to be sent to the OMB within 30 days after EO was issued. We would also like information about emergency NEPA procedures that the agency seeks to expedite to support economic recovery in light of the coronavirus
EPA-2020-005793	7/13/2020	Meredith Stevenson / Center for Food Safety	The summary report provided to the Secretary of the Army listing planned or potential actions that may be subject to emergency treatment pursuant to the regulations and nationwide permits promulgated jointly by the U.S. Army Corps of Engineers and the EPA, pursuant to section 404 of the Clean Water Act, 33 U.S.C. 1344, section 10 of the Rivers and Harbors Act, as required by Executive Order 13927, "Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities."
EPA-2020-005800	7/14/2020	Mr. Philip Wang / CNN	I hereby request a list of the facilities that have skipped submitting monitoring reports of pollution under the temporary policy of Clean Water Act, as reported by the Hill.

EPA-2020-005818	7/15/2020	Chris Saeger / accountable.us	Accountable.US requests access to and copies of review reports referred to in President Trump's May 19, 2020 Executive Order on Regulatory Relief to Support Economic Recovery, as described in section 7 below that were submitted between June 4, 2020 and July 14, 2020.
EPA-2020-005833	7/15/2020	Taryn MacKinney / Union of Concerned Scientists	I write to request access to and copies of all email communications, including email attachments, to, from, or in the custody of: • Donna J. Vizian • David Zeckman • Lynnann Hitchens • Dan Coogan • Yvette Jackson • Alva Daniels • Mara Kamen That contain the phrases "reopening" or "reopen" or "re-open" or "Phase 1" or "Phase 2" or "Opening Up America Again Guidance" or "Reconstitution Plan" or "gating criteria."

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Address**

From: Walker, Denise
Sent: Monday, July 20, 2020 9:49 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 7/20/2020

Correction: As of July 13, there were 52 open COVID-19 FOIA requests. The table provided on July 13th's Daily Report was accurate and current. But the National FOIA Office incorrectly reported the total number of open COVID-19 requests as 51, not 52.

The National FOIA Office received 4 new COVID-19 requests last week. There are now 56 open COVID-19 FOIA requests. Please see the chart below. The newest requests are located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service (such as gchat, Whatsapp and iMessage messages) sent EPA leadership between Feb. 1, 2020 and the present tl the words: "coronavirus" "corona" "virus" "Covid" or "c (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-dri and-wastewater), from March 10-20, 2020, including bu to emails, meeting minutes, documents, records, and m
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 r on COVID-19 Implications for EPA's Enforcement and Co Assurance Program. Susan Bodine's records from March March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and represen businesses regulated by legal requirements for reportin water pollution concerning recommendations that EPA suspend those federal reporting rules or guidelines duri coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or under EPA's March 26 memo entitled "COVID-19 Implic EPA's Enforcement and Compliance Assurance Program could include but are not limited to emails, memos, lett texts, voice messages, faxes, charts, tables, presentatio communications between EPA staff and third parties st 13, 2020. I request these records be released to me on
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial con that resolve environmental or natural resource claims, to the United States, the U.S. Environmental Protection (including all of its Regional or local offices), its agencie and/or delegated states. I am requesting only such noti provided between (and including) February 1, 2020 to 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to ag from Office of Enforcement and Compliance Assurance, Administration and Policy; The Office of the Administra Office of General Counsel regarding record retention or keeping requirements related to telework. The time fra request is January 1, 2020 to the present date.
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Adminis Enforcement and Compliance Assistance Susan Bodine' address from March 19, 2020, up to the present date t one or more of the following terms: March 26, memo, infrastructure, No Action Assurance, NAA, waiver, facili
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referrin Enforcement Discretion Policy." 3. The records of communications from EPA to API in r API Letter; and 4, The records of communications from any trade assoc group or industry alliance (excluding American Petroleu requesting relief from or waiver of regulations enforce mentions or refers to the COVID-19 coronavirus pander records of communications from EPA in response to su
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action as March 12, 2020 and all No Action Assurances issued by since March 12, 2020.

EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entiti regulatory or enforcement relief under Force Majeure r COVID-19 national emergency, or seeking relief by citin pandemic as an "act of God."
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages COVID-19 or coronavirus or the pandemic response bet Bodine, Lawrence Starfield, or John Irving and any of th entities: American Petroleum Institute ("API") (@api.or (@s-3group.com); Brownstein Hyatt Farber Schreck, LL CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Government Relations (@ogilvygr.com); Capitol Counse (@capitolcounsel.com); or American Fuel and Petroche Manufacturers ("AFPM) (@afpm.org). The time period f is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeu correspondence regarding "force majeure" sent by regu to OECA, Office of Civil Enforcement. The time period fo March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official commun memorandum provided to OECA staff from Susan Bodir Starfield, John Irving, Rosemarie Kelley, David Hindin, o regarding "force majeure" created between March 1, 2 date of processing of this request. 4) Records regarding any and all civil enforcement viola compliance monitoring and reporting occurring betwee and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the fo officials and any person outside of EPA regarding chang approach to enforcement discretion in response to the crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isda Gunasakera e. David Ross f. Lee Forsgren g. Tate Benne Bolen i. Nancy Beck j. Peter Wright 2. All calendar entri any of the above-listed officials' calendars concerning m phone calls, or video conferences, about the March 26, Memorandum, the policies underlying that memorandu policies being developed for other EPA enforcement ac included in the March 26, 2020 Memorandum. All caler included in any of the above-listed officials' calendars c meetings, phone calls, or video conferences, about the 2020 Memorandum, the policies underlying that memo similar policies being developed for other EPA enforcem not included in the March 26, 2020 Memorandum. Key "enforcement discretion" "routine" within three words "monitoring" or "reporting" "COVID* memo*" "corona "temporary" within three words of "polic*" (to capture "policies") "enforcement" within three words of "polic* "enforcement guidance" "COVID* guidance" "coronavi "temporary" within three words of "guidance" "enforce "COVID*" within three words of "polic*" "coronavirus" words of "polic*" "force majeure" and "pandemic" or " or "covid" or "crisis" "act of God" and "pandemic" or "c "covid" or "crisis" "affirmative defense" and "pandemic "coronavirus" or "covid" or "crisis" "no action assuranc reflecting the EPA Office of Media Relations' or the Offi Administrator's: a. internal communications regarding p or media strategy related to the March 26, 2020 Memo external communications regarding press releases or m related to the March 26, 2020 Memorandum other tha from the media or responses to inquiries from the med of EPA Headquarters staff reflecting "questions from . . and the regulated community about how to handle the extraordinary situation where contractors are not availa they cannot travel, state and local governments are imp home orders, and the number of people who have cont 19 are in quarantine is rising," i.e., about how to handle and enforcement situations during the coronavirus crisi referenced in EPA's March 31, 2020 press release.3 EPA its press release that it has been "inundated" with such

			Any other records reflecting the factual information EP Headquarters used to identify the need for the complia memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called discretion) that the EPA has issued in response to the n coronavirus outbreak. (For reference, a historical exam action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). C requests for "no action assurances" that the EPA has re of the novel coronavirus outbreak.

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since M up through and including the date that you conduct you records. EDF requests all correspondence2 between an personnel—whether at Headquarters, a regional office, office—and any External Party that addresses the topic below related to the Enforcement Guidance. For the pu request, "External Party" includes any person or entity part of a federal executive agency. This request include correspondence where an External Party is the sender anywhere among the recipients, including as a "cc" or " EDF requests all correspondence between any EPA pers External Party regarding the following topics: Impact of regulated entities' ability to comply with environmenta standards; Requests to EPA for enforcement or complia (both before and after the March 26 announcement of Enforcement Guidance); Questions to EPA related to th Guidance; Notifications to EPA that a regulated entity w comply with environmental compliance obligations due
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances facilities that are essential critical infrastructure as dete Office of Enforcement and Compliance Assurance Assis Administrator, as described by the March 26, 2020 mer titled "COVID-19 Implications for EPA's Enforcement an Assurance Program." I also request records detailing en to EPA for such "No Action Assurances" under this polic I request records detailing EPA's requests for informati noncompliance due to COVID-19 with routine activities, compliance monitoring, integrity testing, sampling, labo analysis, training, and reporting or certification under th
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 Petroleum Corporation (or its subsidiaries and/or affilia claims of "force majeure" under federal consent decree novel coronavirus or COVID-19.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing sy locations for the following records and documents, whi to EPA's recently-issued memorandum entitled "COVID Implications for EPA's Enforcement and Compliance Ass Program" – •All correspondence, including written letters and e-ma correspondence, sent to Environmental Protection Age representatives of individual companies, as well as indu groups, in reference to COVID-19, between January 1, 2 present day; •A list or log of companies that have sought waivers of compliance, or "No Action Assurances," due to COVID-1 copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19 •Any and all documents, reports or memorandums that of the agency's decision to suspend enforcement and/c enforcement discretion due to COVID-19, including any analyze the policy's effect on air pollutants, public healt pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notificati March 26 to present.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individu related to the preparation for, reaction to and response coronavirus disease 2019 or COVID-19 pandemic from M April 21, 2020: Andrew Wheeler Doug Benevento Ryan Mandy Gunasekara Michael Molina Corry Schiermeyer Abboud Molly Block Jessica McFaul Andrea Woods Plea emails containing one or more of the following search t responsive records to my request: "coronavirus" OR "n coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "C "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "V OR "Kung Flu" OR "Invisible Enemy" Please do not cons responsive records to this request as already publicly-re material, such as correspondence sent by members of t public, email newsletters, email news alerts, news clipp releases, unless this material was emailed with commer from one of the named individuals in this request. Pleas link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.ht

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 state regulators in Maryland, Pennsylvania, and West V regarding the need for a Temporary Enforcement Policy implementation as applicable to the following facilities: Point Generating Station (Aquasco, MD); (2) Dickerson G Station (Dickerson, MD); (3) Morgantown Generating St (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Sh Generating Station and H.A. Wagner Generating Station MD); (5) Homer City Generation (Homer City, PA); (6) Cl Generating Station (Springdale, PA); (7) Shell Chemical A Petrochemicals Complex (Monaca, PA); (8) Montour LLC Township, PA); (9) Pennsylvania Pipeline Project - Marin Fort Martin Power Station (Maidsville, WV); (11) Harrisc Station (Haywood, WV); (12) John E. Amos Power Plant WV); (13) Mitchell Power Plant (Moundsville, WV); and Mountaineer Power Plant (Letart, WV). This includes bo about expected or possible noncompliance at these fac specific requests for regulatory or enforcement flexibili facilities. 2. All records of communications between EPA Region 3 owners, operators, or representatives of any of the abo facilities regarding the need for the Temporary Enforcer its implementation. This includes both discussions abou possible noncompliance and specific requests for regula enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meeting or videoconferences, about the March 26, 2020 Memor policies underlying that memorandum, or its implemen

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the posses or control of the U.S. Environmental Protection Agency concerning the development and implementation of th Enforcement Policy, which is described in the March 26 Memorandum by Susan Parker Bodine captioned "COVI Implications for EPA's Enforcement and Compliance Ass Program." The timeframe for this request is February 1, the date of your search for documents. Sierra Club requ records of communications between EPA Region 6 staff State regulators regarding the need for a Temporary En Policy, or its implementation as applicable to the faciliti the attached supporting files. This includes both discuss expected or possible noncompliance at the following fa specific requests for regulatory or enforcement flexibili following facilities. 2. All records of communications be Region 6 staff and the owners, operators, or representa the above facilities regarding the need for the Tempora Enforcement Policy or its implementation. This includes discussions about expected or possible noncompliance requests for regulatory or enforcement flexibility. 3. All entries of EPA Region 6 staff for meetings, phone calls, videoconferences, about the March 26, 2020 Memoran policies underlying that memorandum, or its implemen request incudes communication related to EPA that is o system or device, computer, phone, smartphone, tablet account, cloud, server or other communication system personal or business. This request applies to all email a whether on an official EPA email address or server or n to official business of EPA. This request applies to so-ca email accounts that may or may not include the names personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the posses or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, described in the March 26, 2020 Memorandum by Susa Bodine captioned "COVID-19 Implications for EPA's Enf Compliance Assurance Program" ("EPA Temporary Enfo Policy").2 The timeframe for this request is February 1, the date of All records of communications between EPA and Texas regarding expected or possible noncompliane requests for regulatory or enforcement flexibility, or no assurances, at the facilities listed below. This includes, b limited to, requests stemming from the EPA Temporary Policy. All records of communications between EPA Reg Texas regarding the need for statewide regional, or nati regulatory or enforcement flexibility or cessation policie records of communications between EPA Region 6 staff owners, operators, or representatives of any of the abo regarding expected or possible noncompliance,specific regulatory or enforcement flexibility, or no action assur aforementioned facilities. This includes, but is not limite stemming from the EPA Temporary Enforcement Policy implementation. 4. All calendar entries of EPA Region 6 meetings, phone calls, or videoconferences, about the E Enforcement Policy, the policies underlying those docu implementation. See attached letter for full description request. [Attached document identifies 22 specific site location by town and state, and EPA ID #]

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 Ohio regarding expected or possible noncompliance, specific requests for regulator enforcement flexibility, or no action assurances, at the facilities listed below. This incl not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region Ohio regarding the need for statewide, regional, or national regulatory or enforc flexibility or cessation policies. 3. All records of communications between EPA Region 5 owners, operators, or representatives of any of the above facilities regarding the Temporary Enforcement Policy or its implementation. This includes discussions about expected or possible noncompliance and, specific requests for regul enforcement flexibility, or no action assurances at the aforementioned facilities. This is not limited to, requests stemming from the EPA Temporary Enforceme implementation 4. All calendar entries of EPA Region 5 staff for meeting or videoconferences, about the EPA Temporary Enforcement Policy, the polic that document, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementat Missouri Department of Natural Resources statement c "Requests for Regulatory Relief Due to COVID-19 Impac March 24, 20202 ("Missouri Statement"), and (2) EPA T Enforcement Policy, which is described in the March 26 Memorandum by Susan Parker Bodine captioned "COVI Implications for EPA's Enforcement and Compliance Ass Program" ("EPA Temporary Enforcement Policy").3 The this request is February 1, 2020 through the date of you documents. [More detail in the letter attached to the re

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the posses or control of the U.S. Environmental Protection Agency concerning the development and implementation of th Enforcement Policy, which is described in the March 26 Memorandum by Susan Parker Bodine captioned "COVI Implications for EPA's Enforcement and Compliance Ass Program." The timeframe for this request is February 1, the date of your search for documents. Sierra Club requ records of communications between EPA Region 6 staff State regulators regarding the need for a Temporary En Policy, or its implementation as applicable to the faciliti the attached supporting files. This includes both discuss expected or possible noncompliance at the following fa specific requests for regulatory or enforcement flexibili following facilities. 2. All records of communications be Region 6 staff and the owners, operators, or representa the above facilities regarding the need for the Tempora Enforcement Policy or its implementation. This includes discussions about expected or possible noncompliance requests for regulatory or enforcement flexibility. 3. All entries of EPA Region 6 staff for meetings, phone calls, videoconferences, about the March 26, 2020 Memoran policies underlying that memorandum, or its implemen request incudes communication related to EPA that is o system or device, computer, phone, smartphone, tablet account, cloud, server or other communication system personal or business. This request applies to all email a whether on an official EPA email address or server or n to official business of EPA. This request applies to so-ca email accounts that may or may not include the names personnel in the email address.

EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individu Office of Inspector General related to the preparation f and response to the removal of Glenn Fine as the chair Pandemic Response Accountability Committee and the of EPA Inspector General Sean O'Donnell as Acting Insp for the Department of Defense from March 16 to April O'Donnell Charles Sheehan Edward Shields Helina Won Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum consider emails containing one or more of the following as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accou Committee" OR "PRAC" OR "Coronavirus Aid, Relief, an Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 74 OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do no responsive records to this request as already publicly-re material, such as correspondence sent by members of t public, email newsletters, email news alerts, news clipp releases, unless this material was emailed with commer from one of the named individuals in this request. Pleas link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual violations of environmental laws or rules that have bee linked by any person or entitiy to the COVID-19 pandem records regarding specific requests for EPA to withhold enforcement action due to the actual or potential effec compliance with environmental laws or rules. 3) All rec by EPA official or employees interpreting, explaining, or supporting facts or rationales for the March 26 Memo. communications between EPA official or employee and entitiy outside the agency regarding or relating to EPA's of the Memorandum, EPA's decision to issue the Memo EPA's implementation of the policies set out in the Men All records regarding any decision regarding enforceme any decision no to enforce) made in reference to, or in the Memorandum and all communications between an

			or employee and any other person outside the agency r thereto.
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for a conference call with EPA Administrator Andrew Wheele either March 23, 24, 25, 26 or 27 to discuss the March 2 memorandum titled "COVID-19 Implications for EPA's E and Compliance Assurance Program."
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, mi other documentation regarding correspondence betwe officials and representatives of the HollyFrontier Navajo Artesia, New Mexico that reference the March 26th me

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from a Administrator for Enforcement and Compliance Assista Bodine's office/email account/phone on the following c 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from a Administrator Susan Bodine's office/email account/pho 03/20/20 that include any or part of the following searc terms: American Petroleum Institute; HollyFrontier Na refinery in Artesia, New Mexico; COVID-19; Coronaviru Implications for EPA's Enforcement and Compliance Ass Program; Enforcement and Compliance; Auto-emissio Pollution; Navigable Waters Protection Rule Waterways Definition; Strengthening Transparency in Regulatory S Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rul Particulate Matter; Permian Basin; Lucid Energy Delawa Melbourne Oil Company; and Mercury and Air Toxics St (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from a Administrator Andrew Wheeler's email office/account/phone on the following 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from a Administrator Andrew Wheeler's office/email account/ 03/11/20 that include any or part of the following searc American Petroleum Institute; HollyFrontier Navajo oil Artesia, New Mexico; COVID-19; Coronavirus; COVID-1 for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissio Pollution; Navigable Waters Protection Rule Waterways Definition; Strengthening Transparency in Regulatory S Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rul Particulate Matter; Permian Basin; Lucid Energy Delawa Melbourne Oil Company; and Mercury and Air Toxics St (MATS) for Power Plants; Keystone XL Pipeline; Dakota Pipeline; Line 3 Pipeline

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implicati Enforcement and Compliance Assurance Program," EPA Parker Bodine wrote that "entities should use existing p report non-compliance" during the pandemic and that i procedure is applicable "entities should maintain this in internally and make it available to the EPA" upon reque ● ABC News is seeking to obtain all such requests EPA s made to corporate and government entities as describe 26th memo. ● ABC News is also requesting all the corresponding res EPA's compliance and monitoring programs by corporat government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communi between EPA and corporate or government entities reg March 26th memo. ● ABC News is also requesting the number of the above EPA requests that have since been made to corporate a government entities.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent t since 03/26/20. ● All Clean Water Act compliance monitoring reports se since 03/26/20. ● All Toxic Substances Control Act compliance monitori sent to the EPA since 03/26/20.

EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other docum relating to the following calls listed on Susan Bodine's p ● 04/03/20 2PM call between Susan Bodine, Administra the Office of Chemical Safety and Pollution Prevention A Administrator, and Amazon, eBay, Walmart, Retail Indu Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Adr Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Off Associate Administrator, Office of Land and Emergency Assistant Administrator, Office of Air and Radiation Assi Administrator, Office of Water Assistant Administrator, International and Tribal Affairs Assistant Administrator, Counsel, Chief of Staff, Associate Deputy Administrator, Administrator for the Office of Congressional and Interg Relations, and the Office of Chemical Safety and Polluti Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Off Compliance Assurance Staff
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enf discretion received since March 13, 2020 (the date of th national emergency) for the attached CSS cases.
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 thro of your search for documents. Sierra Club requests: 1. A communications between EPA Region 5 staff and involv Region 5 staff and the Indiana Department of Environm Management ("IDEM") regarding the need for a Tempo Enforcement Policy, or its implementation as applicable following [25] Indiana facilities. This request for records discussions about expected or possible noncompliance following Indiana facilities and specific requests for regu enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 st owners, operators, or representatives of any of the above Indiana facilities re need for the Temporary Enforcement Policy or its implementation. This includes discussions about expected or

			possible noncompliance and specific requests for regula enforcement flexibility.
EPA-2020-004857	5/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Envi Protection Agency employee at the Environmental Prot headquarters from or to any outside individual or entity compliance with the environmental compliance obligat by Assistant Administrator Bodine's March 26, 2020 me entitled "COVID-19 Implications for EPA's Enforcement Compliance Assurance Program" for a specific facility o in Washington state. • All records of any communication to or from any Envi Protection Agency employee at the Environmental Prot Region Ten from or to any outside individual or entity r compliance with the environmental compliance obligat by Assistant Administrator Bodine's March 26, 2020 me entitled "COVID-19 Implications for EPA's Enforcement Compliance Assurance Program" for a specific facility o in Washington state. • This request includes all emails and attachments; all v correspondence, memoranda, or notes; all electronic c via other means, such as Slack, Jabber, text message, o or desktop application. This request includes communic received, or stored on personally owned or controlled e mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any ti March 13, 2020 to May 22, 2020.

EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implication enforcement and compliance assurance Program," Susa Bodine wrote that "entities should make every effort to their environmental compliance obligations," but "if co reasonably practicable, facilities with environmental co obligations should" take several steps, including acting the effects and duration of the noncompliance and ider nature and dates of the noncompliance as well as how to it. That information was to be documented, per the r Pursuant to the Freedom of Information Act, 5 U.S.C. Se seq. ("FOIA"), I am requesting all correspondence sent t of Enforcement and Compliance and/or the agency's co monitoring programs citing the March 26 memo, as we communications between EPA and corporate or other g agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated sc received by EPA Headquarters or an EPA Regional office 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has take take advantage of EPA's Enforcement Discretion Policy prospective noncompliance with any emission limits, m reporting requirements, or other obligations set forth in permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency purs Enforcement Discretion Policy for noncompliance with limits, monitoring and reporting requirements, or other set forth in Clean Air Act permits, settlement agreemen decrees. 2. Any and all communications sent from EPA Headquar Regional office to a regulated entity, from March 13, 20 the Agency conducts the search, granting enforcement to the Enforcement Discretion Policy for any noncompli above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III metro area for the time period of March 1 through June Please also provide data related to EPA decisions to def to pursue enforcement of violations of the Clean Air Ac Act, and Resource Conservation and Recovery Act requi under EPA's March 26, 2020 memorandum "Covid-19 In EPA's Enforcement and Compliance Assurance Program

			provide FOIA exemption citation for any information th non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobby by representatives of the National Pork Producers Cour in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance V Action Determination regarding CAFO and reporting rul impacted by COVID-19 pandemic, between January 1 2(date of this request. - "Communications" should be tak emails and letters; notes from phone calls; invitations, r agendas from meetings as well as the slides from any pr briefings; memos; and any other communications; text WhatsApp messages; and any other communications. T finding the information, the lobbying disclosure states t council's representative is Michael Formica.
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § behalf of the Union of Concerned Scientists, I write to r to and copies of all email communications to, from, or i of : • William Yelverton • John Vandenberg • Tina Baha Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirig D'Amico • Susan Bodine • David Harlow • David Dunlap Gunasekara That mention or link any of the following re Friedman. 2020. New Research Links Air Pollution to Hi Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pol coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M Sabath, Danielle Braun, Francesca Dominici. 2020. Expo pollution and COVID-19 mortality in the United States. A https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2 study on long-term exposure to air pollution and COVID in the United States. https://projects.iq.harvard.edu/co Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. Street Journal. May 4. https://www.wsj.com/articles/th virus-nexus-not-11588630987. The date range for this r 7, 2020 to May 20, 2020.

EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by E 1. Any and all communications sent between a Meat an Products industrial source to EPA Headquarters or an E office, from March 13, 2020 to the date the Agency con search: a. Notifying the Agency that a Meat and Poultry Produc source has taken or intends to take advantage of EPA's Discretion Policy for past or prospective noncompliance Water Act National Pollutant Discharge Elimination Syst permit obligations. b. Requesting enforcement relief from the Agency purs Enforcement Discretion Policy for any Clean Water Act noncompliance. c. Seeking advice, clarification, guidance, or interpretati Enforcement Discretion Policy for any Clean Water Act noncompliance. 2. Any and all communications sent from EPA Headquar Regional office to one or more Meat and Poultry Produ source(s), from March 13, 2020 to the date the Agency search, granting enforcement relief pursuant to the Enf Discretion Policy for noncompliance with any Clean Wa obligations. 3. Any and all communications between EPA Headquart Regional office and a state agency with delegated NPDE from March 13, 2020 to the date the Agency conducts t discussing the application of EPA's Enforcement Discret one or more Meat and Poultry Products industrial sourc 4. Any and all intra-agency communications, from Marc the date the Agency conducts the search, discussing the the Enforcement Discretion Policy on one or more Mea Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Prote ("EPA"): The records showing actions taken by EPA in re Executive Order ("EO"), "EO on Accelerating the Nation Recovery from the COVID-19 Emergency by Expediting Investments and Other Activities," including email com

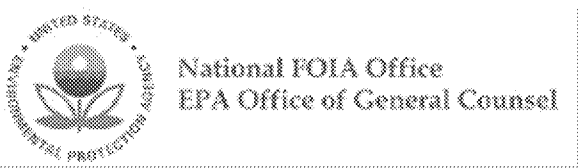
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents limits on dates and custodians detailed therein): 1. Fror a. documents that informed the EPA Region 1 all-hands meeting on May 28, 2020 where employees were told t re-opening the Region were still designated "red," b. th that informed the all hands virtual meeting on May 29, employees were told that metrics for re-opening the Re designated "green"; and c. any documents that show th Region's metrics were "yellow" at any point in time witl timeframe; 2. From the Office of Research and Develop All spreadsheets generated and/or used by the Office o Development (ORD) informing HQ's decisions for re-op the EPA offices; 3. All documents relating to the changir gating criteria between May 1, 2020 and the present; 4 communications from EPA ORD or the Office of the Adr (AO) to the ten regions and the EPA unions regarding th criteria, the alteration of the gating criteria, and decisio of re-opening; 5. All documents showing that EPA is cor Center for Disease Control's (CDC's) guidance ensuring employees in high risk groups or who have family meml risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVI Response.pdf a.This request includes data hosted on th Status Dashboard for the period of May 27 through the
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or refere memorandum, COVID-19 Implications for EPA's Enforce Compliance Assurance Program (hereinafter "Memorar after March 26, 2020. 1.2. Any and all records addressir or referencing EPA's enforcement and compliance polic capabilities, or any formal or informal changes made to related to the COVID-19 pandemic, on or after January Any and all records addressing, discussing, or referencir Interim Final Rule for Continuous Emission Monitoring; Assurance Requirements During the COVID-19 National (hereinafter "Interim Rule"), on or after April 22, 2020, documents and public comments available on Regulatic Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all rec addressing, discussing, or referencing any regulated ent noncompliance, potential noncompliance, or potential complying with EPA requirements as covered by the Me Interim Rule, on or after January 1, 2020. 1.5. Any and a

			addressing, discussing, or referencing EPA's request to a entity for information regarding its noncompliance, pot noncompliance, or potential difficulty complying with E requirements as covered by the Memorandum or Interi after March 26, 2020.
EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashb dashboard provides information on the status of each g in the commuting area surrounding EPA facility locatior COVID-19 pandemic. It analyzes data from the Centers Control and Prevention, the Johns Hopkins University C Resource Center and other sources to identify trends to reopening decisions. I request this data in a machine-re such as Excel, CSV or other delimited text or spreadshee addition, please provide a data schema or key to explai used in this data. Responsive records to my request will found in EPA's Office of Research and Development. Ple this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/docume
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated explain why the COVID-19 pandemic has prevented the complying with certain regulations, monitoring requirer enforcement actions per the March 26 Memo entitled ' Implications for EPA's Enforcement and Compliance Ass Program." Reuters is seeking this information for the pe March 26 to the present time.
EPA-2020-005535	7/1/2020	Center for Public Integrity / Joe Wertz	Correspondence, memos and documents sent to Office Management and Budget between June 1, 2020 and the request is fulfilled in response to memorandum M-20-2 https://www.whitehouse.gov/wp-content/uploads/202 25.pdf
EPA-2020-005606	7/3/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 a Petroleum Corporation (or its subsidiaries and/or a?iliates) regarding claims of "force majeure" ur consent decrees related to novel coronavirus or COVID-19. This request is updating request EPA-R5-202

			order to include the EPA final response to Marathon since the final response was sent a[ft]er rece original FOIA request.
EPA-2020-005654	7/6/2020	Mr. Kenneth Rebella	Pursuant to the federal Freedom of Information Act, 5 U request access to and copies of any correspondence sin 2017 between Senator Ron Johnson, or his office, and t Environmental Protection Agency regarding HEPACO LL contracts involving HEPACO LLC.
EPA-2020-005659	7/7/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking information (through email correspo projects identified by the agency in need of fast-tracking under the June 4 Executive Order (EO) "Ac Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments Activities." The list of projects was due to be sent to the OMB within 30 days after EO was issued. We wo information about emergency NEPA procedures that th to expedite to support economic recovery in light of the
EPA-2020-005793	7/13/2020	Meredith Stevenson / Center for Food Safety	The summary report provided to the Secretary of the A planned or potential actions that may be subject to em treatment pursuant to the regulations and nationwide p promulgated jointly by the U.S. Army Corps of Engineer pursuant to section 404 of the Clean Water Act, 33 U.S. section 10 of the Rivers and Harbors Act, as required by Order 13927, "Accelerating the Nation's Economic Recc COVID-19 Emergency by Expediting Infrastructure Inves Other Activities."
EPA-2020-005800	7/14/2020	Mr. Philip Wang / CNN	I hereby request a list of the facilities that have skipped monitoring reports of pollution under the temporary policy of Clean Water Act, as reported by the Hill.
EPA-2020-005818	7/15/2020	Chris Saeger / accountable.us	Accountable.US requests access to and copies of review referred to in President Trump's May 19, 2020 Executiv Regulatory Relief to Support Economic Recovery, as de section 7 below that were submitted between June 4, 2 14, 2020.

EPA-2020-005833	7/15/2020	Taryn MacKinney / Union of Concerned Scientists	I write to request access to and copies of all email com including email attachments, to, from, or in the custody • Donna J. Vizian • David Zeckman • Lynnann Hitchens • Dan Coogan • Yvette Jackson • Alva Daniels • Mara Kamen That contain the phrases "reopening" or "reopen" or "r "Phase 1" or "Phase 2" or "Opening Up America Again ("Reconstitution Plan" or "gating criteria."

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Monday, July 13, 2020 10:04 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 7/13/2020

On Friday, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 23 individual FOIA requests. For more details, please see the Awareness Notification sent on July 7, 2020. Additionally, the National FOIA Office received 1 new COVID-19 request. There are now 51 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description	Assigned FOIA Off
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).	AO (Way Heard)
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.	AO
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020	OECA
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.	OECA
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.	OECA
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.	OECA

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.	AO
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.	OECA
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.	OECA
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.	OECA
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."	OECA

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.	OECA

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.	OECA
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.	OECA

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19	OECA
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.	OECA
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.	R5

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.	OECA
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.	OECA
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).	AO

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.	R3

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.	Region 6

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]	Region 6
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls,	Region 5

			or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.	
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]	Region 7
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or	Region 6

			videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.	
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).	OIG

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.	OECA
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."	AO
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.	R 6

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline	OECA

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.	OECA
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.	OECA
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff	OECA
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.	OECA

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.	R 5
EPA-2020-004857	5/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.	OECA

EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.	OECA
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.	OECA
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.	OECA

EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.	OECA
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.	ORD

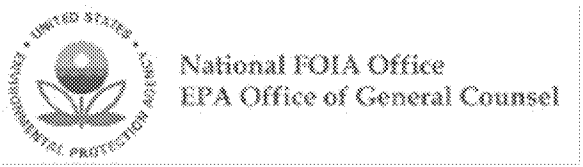
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).	OECA
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.	AO

EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present	ORD
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.	OECA

EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).	ORD
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated entities that explain why the COVID-19 pandemic has prevented them from complying with certain regulations, monitoring requirements and enforcement actions per the March 26 Memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Reuters is seeking this information for the period from March 26 to the present time.	OECA
EPA-2020-005535	7/1/2020	Center for Public Integrity / Joe Wertz	Correspondence, memos and documents sent to Office of Management and Budget between June 1, 2020 and the day this request is fulfilled in response to memorandum M-20-25: https://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-25.pdf	AO
EPA-2020-005606	7/3/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or a?iliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19. This request is updating request EPA-R5-2020-004182 in order to include the EPA final response to Marathon since the final response was sent a[ft]er receipt of the original FOIA request.	R 5
EPA-2020-005659	7/7/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking information (through email correspondence) about projects identified by the agency in need of fast-tracking under the June 4 Executive Order (EO) "Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities." The list of projects was due to be sent to the OMB within 30 days after EO was issued. We would also like information about emergency NEPA procedures that the agency seeks to expedite to support economic recovery in light of the coronavirus	AO

EPA-2020-005654	7/6/2020	Mr. Kenneth Rebella	Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of any correspondence since January 1, 2017 between Senator Ron Johnson, or his office, and the Environmental Protection Agency regarding HEPACO LLC, including contracts involving HEPACO LLC.	EPA-HQ- Office of Adminis

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, July 09, 2020 10:01 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 7/9/2020

On June 23, 2020, Region 10 closed 1 COVID-19 FOIA request: R10-2020-004629. Additionally, the National FOIA Office received 2 new COVID-19 requests this week. There are now 51 open COVID-19 FOIA requests. Please see the chart below. The newest requests are located at the bottom.
Tomorrow, the FEAT is planning to release a 106 page production of records to 23 of the requesters.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).

EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.

EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.

EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	• ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004857	5/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office

			of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).

EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.

EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated entities that explain why the COVID-19 pandemic has prevented them from complying with certain regulations, monitoring requirements and enforcement actions per the March 26 Memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Reuters is seeking this information for the period from March 26 to the present time.
EPA-2020-005535	7/1/2020	Center for Public Integrity / Joe Wertz	Correspondence, memos and documents sent to Office of Management and Budget between June 1, 2020 and the day this request is fulfilled in response to memorandum M-20-25: https://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-25.pdf
EPA-2020-005659	7/7/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking information (through email correspondence) about projects identified by the agency in need of fast-tracking under the June 4 Executive Order (EO) "Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities." The list of projects was due to be sent to the OMB within 30 days after EO was issued. We would also like information about emergency NEPA procedures that the agency seeks to expedite to support economic recovery in light of the coronavirus
EPA-2020-005606	7/3/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19. This request is updating request EPA-R5-2020-004182 in order to include the EPA final response to Marathon since the final response was sent a[ft]er receipt of the original FOIA request.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, July 02, 2020 9:31 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 7/2/2020

On Wednesday, 7/1/20, OECA provided an interim release of records related to the COVID-19 FEAT project. The interim release pertained to 15 individual FOIA requests. For more details, please see the Awareness Notification sent on June 26, 2020. Additionally, the National FOIA Office received 1 new COVID-19 request. There are now 50 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).

EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.

EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.

EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff

EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.

EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.

EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to

			the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present

EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated entities that explain why the COVID-19 pandemic has prevented them from complying with certain regulations, monitoring requirements and enforcement actions per the March 26 Memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Reuters is seeking this information for the period from March 26 to the present time.
EPA-2020-005535	7/1/2020	Center for Public Integrity / Joe Wertz	Correspondence, memos and documents sent to Office of Management and Budget between June 1, 2020 and the day this request is fulfilled in response to memorandum M-20-25: https://www.whitehouse.gov/wp-content/uploads/2020/06/M-20-25.pdf

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Monday, June 29, 2020 10:09 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/29/2020

On Friday, the National FOIA Office reviewed the status of all COVID-19 requests. Since the office last reported, 6 COVID-19 requests have been closed. The following are the request tracking numbers and closure date of those requests: EPA-2020-004851 (closed 6/3), EPA-2020-004373 (closed 6/3), EPA-2020-004273 (closed 6/18), EPA-2020-004213 (closed 6/19), EPA-2020-004184 (closed 6/19), and EPA-2020-004014 (closed 6/26). Additionally, the National FOIA Office received 1 new COVID-19 request. There are now 49 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020

EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy

			related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any

			system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.”

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff

EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.

EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.

EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to

			the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present

EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.
EPA-2020-005377	6/23/2020	Reuters / Ms. Valerie M Volcovici	Reuters is seeking any correspondence from regulated entities that explain why the COVID-19 pandemic has prevented them from complying with certain regulations, monitoring requirements and enforcement actions per the March 26 Memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Reuters is seeking this information for the period from March 26 to the present time.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, June 25, 2020 10:14 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-

C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/25/2020

The National FOIA Office received 1 new COVID-19 FOIA request. This request is the second request seeking information concerning the EPA Facility Status Dashboard. There are now 54 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.

EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief

			(both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff

EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	• ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts,

			mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.

EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.

EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing

			of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.
EPA-2020-005310	6/19/2020	E & E News / Kevin Bogardus	I request all data used by the EPA Facility Status Dashboard. This dashboard provides information on the status of each gating criterion in the commuting area surrounding EPA facility locations during the COVID-19 pandemic. It analyzes data from the Centers for Disease Control and Prevention, the Johns Hopkins University Coronavirus Resource Center and other sources to identify trends to inform EPA's reopening decisions. I request this data in a machine-readable format, such as Excel, CSV or other delimited text or spreadsheet format. In addition, please provide a data schema or key to explain the terms used in this data. Responsive records to my request will likely be found in EPA's Office of Research and Development. Please click on this link for more detail on this dashboard (https://www.eenews.net/assets/2020/06/15/document_gw_08.pdf).

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Monday, June 22, 2020 10:30 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/22/2020

The National FOIA Office has not received any new COVID-19 FOIA requests. There are now 53 open COVID-19 FOIA requests.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance

			and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present

EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to “List N: Disinfectant of Use Against SARS-CoV-2” including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.”

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA

			officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all

			communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).

EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Friday, June 12, 2020 2:43 PM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/11/2020

Sorry! Thought I sent this am... can update Monday.

We have received one new FOIA request.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020

EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance

			and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present

EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA

			officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all

			communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).

EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present
EPA-2020-005194	6/11/2020	Ms. Shana Lazerow/CBECAL	1.1. Any and all records addressing, discussing, or referencing EPA's memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (hereinafter "Memorandum"), on or after March 26, 2020. 1.2. Any and all records addressing, discussing, or referencing EPA's enforcement and compliance policies or capabilities, or any formal or informal changes made to such, as related to the COVID-19 pandemic, on or after January 1, 2020. 1.3. Any and all records addressing, discussing, or referencing EPA's Interim Final Rule for Continuous Emission Monitoring; Quality-Assurance Requirements During the COVID-19 National Emergency (hereinafter "Interim Rule"), on or after April 22, 2020, excluding documents and public comments available on Regulations.gov in EPA Docket No. EPA-HQOAR-2020-0211. 1.4. Any and all records addressing, discussing, or referencing any regulated entity's noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after January 1, 2020. 1.5. Any and all records addressing, discussing, or referencing EPA's request to a regulated entity for information regarding its noncompliance, potential noncompliance, or potential difficulty complying with EPA requirements as covered by the Memorandum or Interim Rule, on or after March 26, 2020.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Thursday, June 11, 2020 10:16 AM
To: Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/11/2020

The National FOIA Office received 1 new COVID-19 FOIA request. There are now 52 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020

EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance

			and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present

EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA

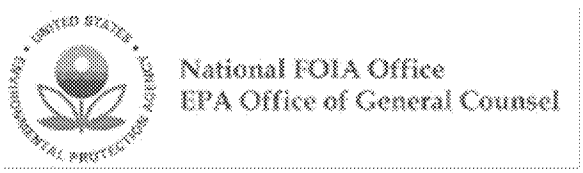
			officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all

			communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.

EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).

EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.
EPA-2020-005154	6/10/2020	Mr. Kevin H Bell / PEER	PEER requests the following records and/or documents (subject to limits on dates and custodians detailed therein): 1. From EPA Region 1 a. documents that informed the EPA Region 1 all-hands virtual meeting on May 28, 2020 where employees were told that metrics for re-opening the Region were still designated "red," b. the documents that informed the all hands virtual meeting on May 29, 2020, where employees were told that metrics for re-opening the Region were designated "green"; and c. any documents that show that the Region's metrics were "yellow" at any point in time within this timeframe; 2. From the Office of Research and Development (ORD) a. All spreadsheets generated and/or used by the Office of Research and Development (ORD) informing HQ's decisions for re-opening any of the EPA offices; 3. All documents relating to the changing of the gating criteria between May 1, 2020 and the present; 4. All communications from EPA ORD or the Office of the Administrator (AO) to the ten regions and the EPA unions regarding the gating criteria, the alteration of the gating criteria, and decisions as to timing of re-opening; 5. All documents showing that EPA is complying with Center for Disease Control's (CDC's) guidance ensuring the safety of employees in high risk groups or who have family members in high risk groups, per pages 46-48 of this document: https://www.cdc.gov/coronavirus/2019-ncov/downloads/php/CDCActivities-Initiatives-for-COVID-19-Response.pdf a.This request includes data hosted on the EPA Facility Status Dashboard for the period of May 27 through the present

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Tuesday, June 09, 2020 9:48 AM
To: Albores, Richard <Albores.Richard@epa.gov>

Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/9/2020

The National FOIA Office received 1 new COVID-19 FOIA request. This request is the first request seeking information concerning the June 4, 2020 "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities." There are now 51 open COVID-19 FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement

			or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff

EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	• ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally

			owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.

EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.

EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).
EPA-2020-005084	6/5/2020	Ann Brown / Center for Biological Diversity	The Center requests from the U.S. Environmental Protection Agency ("EPA"): The records showing actions taken by EPA in response to Executive Order ("EO"), "EO on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities," including email communications.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Wednesday, June 03, 2020 10:27 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/3/2020

The National FOIA Office received 1 new COVID-19 FOIA request. There are now 52 open FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19,

			coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by

			members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20;

			03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.

EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date

			the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.
EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall

			Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004996	6/1/2020	Sylvia Lam / Environmental Integrity Project	This FOIA request seeks the following records held by EPA: 1. Any and all communications sent between a Meat and Poultry Products industrial source to EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a Meat and Poultry Products industrial source has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit obligations. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. c. Seeking advice, clarification, guidance, or interpretation of the Enforcement Discretion Policy for any Clean Water Act NPDES permit noncompliance. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to one or more Meat and Poultry Products industrial source(s), from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for noncompliance with any Clean Water Act obligations. 3. Any and all communications between EPA Headquarters or an EPA Regional office and a state agency with delegated NPDES authority, from March 13, 2020 to the date the Agency conducts the search, discussing the application of EPA's Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s). 4. Any and all intra-agency communications, from March 13, 2020 to the date the Agency conducts the search, discussing the application of the Enforcement Discretion Policy on one or more Meat and Poultry Products industrial source(s).

Denise A. Walker
Acting Assistant General Counsel | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, June 02, 2020 10:14 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 6/2/2020

The National FOIA Office received 4 new COVID-19 FOIA requests. There are now 51 open FOIA requests. Please see the chart below. The newest requests are located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 1, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and

			enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify

			me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	• ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices.

			• This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.
EPA-2020-004989	6/1/2020	Taryn MacKinney / Union of Concerned Scientists	Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all email communications to, from, or in the custody of : • William Yelverton • John Vandenberg • Tina Bahadori • Jennifer Orme-Zavaleta • Anne Idsal • Clint Woods • Peter Tsirigotis • Louis D'Amico • Susan Bodine • David Harlow • David Dunlap • Mandy Gunasekara That mention or link any of the following records: • Lisa Friedman. 2020. New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times. April 7. https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html. • Xiao Wu, Rachel C. Nethery, M. Benjamin Sabath, Danielle Braun, Francesca Dominici. 2020. Exposure to air pollution and COVID-19 mortality in the United States. April 5. https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf • COVID-19 PM2.5: A national study on long-term exposure to air pollution and COVID-19 mortality in the United States. https://projects.iq.harvard.edu/covid-pm • The Editorial Board. 2020. The Fossil Fuel-Virus Nexus? Not. The Wall Street Journal. May 4. https://www.wsj.com/articles/the-fossil-fuel-

			virus-nexus-not-11588630987. The date range for this request is April 7, 2020 to May 20, 2020.
EPA-2020-004967	6/1/2020	Ms. Alice Ross / Unearthed News	I am requesting the below information relating to lobbying of officials by representatives of the National Pork Producers Council, as outlined in the Senate's lobbying disclosure report (attached): - Communications relating to the potential Compliance Waiver/No Action Determination regarding CAFO and reporting rules for farms impacted by COVID-19 pandemic, between January 1 2020 and the date of this request. - "Communications" should be taken to include emails and letters; notes from phone calls; invitations, minutes and agendas from meetings as well as the slides from any presentations; briefings; memos; and any other communications; text messages or WhatsApp messages; and any other communications. To assist you in finding the information, the lobbying disclosure states that the council's representative is Michael Formica.
EPA-2020-004957	5/29/2020	Sylvia Lam / Environmental Integrity Project	1. Any and all communications sent from a regulated source and received by EPA Headquarters or an EPA Regional office, from March 13, 2020 to the date the Agency conducts the search: a. Notifying the Agency that a regulated entity has taken or intends to take advantage of EPA's Enforcement Discretion Policy for past or prospective noncompliance with any emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. b. Requesting enforcement relief from the Agency pursuant to the Enforcement Discretion Policy for noncompliance with emission limits, monitoring and reporting requirements, or other obligations set forth in Clean Air Act permits, settlement agreements, or consent decrees. 2. Any and all communications sent from EPA Headquarters or an EPA Regional office to a regulated entity, from March 13, 2020 to the date the Agency conducts the search, granting enforcement relief pursuant to the Enforcement Discretion Policy for any noncompliance with the above-referenced Clean Air Act obligations.

EPA-2020-004952	6/1/2020	Ms. Brynne Menen / Friends' Central School	Please provide enforcement data for the EPA Region III Philadelphia metro area for the time period of March 1 through June 1, 2020. Please also provide data related to EPA decisions to defer or decline to pursue enforcement of violations of the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act requirements under EPA's March 26, 2020 memorandum "Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program." Please provide FOIA exemption citation for any information that EPA deems non releasable.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Thursday, May 28, 2020 9:19 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/27/2020

The National FOIA Office received 1 new COVID-19 FOIA request. There are now 47 open FOIA requests. Please see the chart below. The newest request is located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).

EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.

EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA

			Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify

			me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	• ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices.

			• This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.
EPA-2020-004907	5/26/2020	Jennifer Dlouhy / Bloomberg News	In her March 26, 2020 memo on "COVID-19 implications for EPA's enforcement and compliance assurance Program," Susan Parker Bodine wrote that "entities should make every effort to comply with their environmental compliance obligations," but "if compliance is not reasonably practicable, facilities with environmental compliance obligations should" take several steps, including acting to minimize the effects and duration of the noncompliance and identifying the nature and dates of the noncompliance as well as how COVID-19 led to it. That information was to be documented, per the memo. Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552 et seq. ("FOIA"), I am requesting all correspondence sent to EPA's Office of Enforcement and Compliance and/or the agency's compliance and monitoring programs citing the March 26 memo, as well as all communications between EPA and corporate or other government agencies regarding the March 26 memo.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Wednesday, May 27, 2020 9:56 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/27/2020

The National FOIA Office received 2 new COVID-19 FOIA requests. There are now 46 open FOIA requests. Please see the chart below. The newest requests are located at the bottom.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement,

			compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by

			members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to “List N: Disinfectant of Use Against SARS-CoV-2” including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.”

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.

EPA-2020-004851	5/22/2020	Laura Allred	Documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2": A copy of https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2?fbclid=IwAR0dumuy1TLxJREkcT_wYfH9NswfoB7DKtWy-dHx-_NTEsbqzQX3bQ8wp5I with all of these terms included "4959-16" "Active Ingredient/s" "Iodine" that was posted on this web page on March 30, 2020. The document that authorized the removal of the information in the above document request.
EPA-2020-004857	05/22/2020	Elizabeth Harris / Washington State Attorney General's Office	• All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency headquarters from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • All records of any communication to or from any Environmental Protection Agency employee at the Environmental Protection Agency Region Ten from or to any outside individual or entity regarding compliance with the environmental compliance obligations covered by Assistant Administrator Bodine's March 26, 2020 memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" for a specific facility or entity located in Washington state. • This request includes all emails and attachments; all written correspondence, memoranda, or notes; all electronic communications via other means, such as Slack, Jabber, text message, or other mobile or desktop application. This request includes communications sent, received, or stored on personally owned or controlled email accounts, mobile phones, computers or other mobile devices. • This request is limited to records transmitted at any time from March 13, 2020 to May 22, 2020.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, May 19, 2020 10:11 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/18/2020

No new requests to report. Thank you.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Monday, May 18, 2020 9:55 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/18/2020

The National FOIA Office has not received any new COVID-19 FOIA requests. There are 44 open COVID-19 FOIA requests.
Of note, all requesters have been contacted and all incoming FOIA requests have been assigned to the appropriate FOIA program office for further processing.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains

			the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.

EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement,

			compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by

			members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to “List N: Disinfectant of Use Against SARS-CoV-2” including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.”

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Friday, May 15, 2020 10:07 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/15/2020

There are a total of 44 open COVID-19 FOIA requests. One request has been modified and divided into two requests: EPA-2020-004528 & EPA-2020-004717.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020

EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4, The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and

			enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20.

			● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify

			me so I can further tailor this request. Thank you for your time and consideration.
EPA-2020-004717	5/5/2020	Mr. Evan Simon / ABC News	● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Thursday, May 14, 2020 10:25 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/13/2020

Nothing to report today. Thanks!

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Wednesday, May 13, 2020 10:09 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/13/2020

The National FOIA Office has not received any new COVID-19 FOIA requests. Two requests, EPA-2020-003982 & EPA-2020-003983, have been consolidated into one request. EPA-2020-003983 has been closed. Now, there are a total of 43 open COVID-19 FOIA requests. Below is the most current table.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	1. The records mentioning or generated in response to the [March 23, 2020 American Petroleum Institute (API)] Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy." 3. The records of communications from EPA to API in response to the API Letter; and 4. The records of communications from any trade association, lobby group or industry alliance (excluding American Petroleum Institute) requesting relief from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and

			enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities. ● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify

			me so I can further tailor this request. Thank you for your time and consideration.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, May 12, 2020 10:01 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/12/2020

The National FOIA Office received 1 new COVID-19 FOIA request. Now, there are a total of 44 open COVID-19 FOIA requests. Below is the most current table. The newest request (EPA-2020-004629) can be found at the bottom of the table.

Request Number	Received Date	Requester Name/Organization	Request Description

EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19

			Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-

			03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement,

			compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by

			members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press

			releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to “List N: Disinfectant of Use Against SARS-CoV-2” including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.”

EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities. ● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.
EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.

EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline
EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the

			need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff
EPA-2020-004629	5/8/2020	Matthew A Nykiel / Idaho Conservation League	The Idaho Conservation League ("ICL") requests all documents and correspondence related to any and all entities in Idaho (including, but not limited to, permitted facilities, state and federal agencies, and individuals) that have taken actions or made inquiries related to EPA's March 26, 2020 Memorandum, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program ("EPA's 2020 COVID-19 Memo"). For example, ICL's FOIA request seeks all documents and correspondence related to any and all entities in Idaho that have submitted notices or requested noncompliance assistance, enforcement discretion, and/or guidance pursuant to EPA's 2020 COVID-19 Memo. If I can help further tailor this request in a way that adds clarity or accelerates EPA's response, please let me know via email at mnykiel@idahoconservation.org. Similarly, if you believe providing the records requested above will require a fee, please notify me so I can further tailor this request. Thank you for your time and consideration.

Denise A. Walker
Acting Assistant General Counsel | National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Monday, May 11, 2020 9:24 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/11/2020

The National FOIA Office received 2 new COVID-19 FOIA requests. Now, there are a total of 43 open COVID-19 FOIA requests. Below is the most current table. The newest requests can be found at the bottom of the table.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.

EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA

			Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities. ● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.
EPA-2020-004532	5/5/2020	Mr. Evan Simon / ABC News	All emails, notes, transcripts, minutes and other documentation relating to the following calls listed on Susan Bodine's public calendar: ● 04/03/20 2PM call between Susan Bodine, Administrator Wheeler, the Office of Chemical Safety and Pollution Prevention Assistant Administrator, and Amazon, eBay, Walmart, Retail Industry Leaders Association, and the National Retail Federation. ● 03/26/20 8:30AM call between Susan Bodine and Administrator Wheeler ● 03/24/20 1:00PM call between Susan Bodine and Office of Policy Associate Administrator, Office of Land and Emergency Management Assistant Administrator, Office of Air and Radiation Assistant Administrator, Office of Water Assistant Administrator, Office of International and Tribal Affairs Assistant Administrator, General Counsel, Chief of Staff, Associate Deputy Administrator, Assistant Administrator for the Office of Congressional and Intergovernmental Relations, and the Office of Chemical Safety and Pollution Prevention Assistant Administrator ● 03/24/20 11:00AM call between Susan Bodine and Office of Compliance Assurance Staff ● 03/24/20 9:30AM call between Susan Bodine and Office of Compliance Assurance Staff

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Friday, May 08, 2020 10:23 AM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/8/2020

In the last 24 hours, the National FOIA Office received 1 new COVID-19 FOIA request. Now, there are a total of 41 open COVID-19 FOIA requests. Below is the most current table. The newest request can be found at the bottom of the table.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.

EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).

EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and

			enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.

EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19;

			•Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.
EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

			3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This

			request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-2020-004528	5/5/2020	Mr. Evan Simon / ABC News	In a March 26th, 2020 memo titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," EPA official Susan Parker Bodine wrote that "entities should use existing procedures to report non-compliance" during the pandemic and that if no such procedure is applicable "entities should maintain this information internally and make it available to the EPA" upon request. ● ABC News is seeking to obtain all such requests EPA subsequently made to corporate and government entities as described in the March 26th memo. ● ABC News is also requesting all the corresponding responses sent to EPA's compliance and monitoring programs by corporate and government entities citing the March 26th memo. ● ABC News is also requesting all subsequent communications between EPA and corporate or government entities regarding the March 26th memo. ● ABC News is also requesting the number of the above described EPA requests that have since been made to corporate and government entities. ● ABC News is also requesting all emails, transcripts, minutes, and other documentation regarding correspondence between EPA officials and representatives of the HollyFrontier Navajo oil refinery in Artesia, New Mexico that reference the March 26th memo.
EPA-2020-004553	5/5/2020	Mr. Mike Soraghan / E&E News	I request all "Force Majeure" letters or requests for enforcement discretion received since March 13, 2020 (the date of the COVID-19 national emergency) for the attached CSS cases.

EPA-2020-004529	5/5/2020	Mr. Evan Simon / ABC News	This is a request under the Freedom of Information Act. I am requesting access to and copies of: ● All Clean Air Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Clean Water Act compliance monitoring reports sent to the EPA since 03/26/20. ● All Toxic Substances Control Act compliance monitoring reports sent to the EPA since 03/26/20.
EPA-2020-004527	5/5/2020	Mr. Evan Simon / ABC News	* All incoming and outgoing letters/emails/texts from and to Assistant Administrator for Enforcement and Compliance Assistance, Susan Bodine's office/email account/phone on the following dates: 03/20/20; 03/21/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Assistant Administrator Susan Bodine's office/email account/phone since 03/20/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants * All incoming and outgoing letters/emails/texts from and to EPA Administrator Andrew Wheeler's email office/account/phone on the following dates: 03/11/20; 03/12/20; 03/13/20; 03/14/20; 03/15/20; 03/16/20; 03/17/20; 03/18/20; 03/23/20; 03/24/20; 03/25/20; 03/26/20; 03/26/20; 03/27/20; 03/28/20; 03/29/20; 03/30/20; 03/31/20; 04/14/20; 04/15/20; and 04/16/20. * All incoming and outgoing letters/emails/texts from and to Administrator Andrew Wheeler's office/email account/phone since 03/11/20 that include any or part of the following search terms: American Petroleum Institute; HollyFrontier Navajo oil refinery in Artesia, New Mexico; COVID-19; Coronavirus; COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program; Enforcement and Compliance; Auto-emissions; Air Pollution; Navigable Waters Protection Rule Waterways of the US Definition; Strengthening Transparency in Regulatory Science Rule; Safer Affordable Fuel Efficient (SAFE) Vehicles Final Rule; NAAQS for Particulate Matter; Permian Basin; Lucid Energy Delaware, LLC; Melbourne Oil Company; and Mercury and Air Toxics Standards (MATS) for Power Plants; Keystone XL Pipeline; Dakota Access Pipeline; Line 3 Pipeline

EPA-2020-004575	5/6/2020	Tony Mendoza / Sierra Club	The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 5 staff and involving EPA Region 5 staff and the Indiana Department of Environmental Management ("IDEM") regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following [25] Indiana facilities. This request for records includes both discussions about expected or possible noncompliance at the following Indiana facilities and specific requests for regulatory or enforcement flexibility for these facilities . . . All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above Indiana facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Monday, May 04, 2020 3:09 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/4/2020

There are no updates to report today.
Over the weekend, we received no new requests. We have a total of 37 open COVID-19 FOIA requests. Below is the most updated table.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel
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Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Friday, May 01, 2020 2:37 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 5/1/2020

There are no updates to report today. In the last 24 hours, we received no new requests. We have a total of 37 open COVID-19 FOIA requests.
Of note: ALL COVID-19 FOIA requesters have received an initial response letter from the National FOIA Office.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, April 30, 2020 3:01 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/30/2020

We have a total of 37 open COVID-19 FOIA requests. In the last 24 hours, we received 0 new requests. We added 1 request, received on April 21st, to our list today.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.

EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.

EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" “coronavirus” “Bowie Refined Coal” “Bowie Resource” or “Bowie Resources” “Western Kentucky Minerals” “Kentucky Coal Association” “Western KY Minerals” “Western Kentucky Minerals”
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, “External Party” includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a “cc” or “bcc” recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities’ ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present

EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

EPA-2020-004276	4/21/2020	Sierra Club / Josh Berman	1. All records of communications between EPA Region 3 staff and state regulators in Maryland, Pennsylvania, and West Virginia regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the following facilities: (1) Chalk Point Generating Station (Aquasco, MD); (2) Dickerson Generating Station (Dickerson, MD); (3) Morgantown Generating Station (Newburg, MD); (4) Ft. Smallwood Complex (Brandon Shores Generating Station and H.A. Wagner Generating Station in Curtis Bay, MD); (5) Homer City Generation (Homer City, PA); (6) Cheswick Generating Station (Springdale, PA); (7) Shell Chemical Appalachia Petrochemicals Complex (Monaca, PA); (8) Montour LLC (Derry Township, PA); (9) Pennsylvania Pipeline Project - Mariner East II; (10) Fort Martin Power Station (Maidsville, WV); (11) Harrison Power Station (Haywood, WV); (12) John E. Amos Power Plant (Winfield, WV); (13) Mitchell Power Plant (Moundsville, WV); and (14 Mountaineer Power Plant (Letart, WV). This includes both discussions about expected or possible noncompliance at these facilities and specific requests for regulatory or enforcement flexibility at these facilities. 2. All records of communications between EPA Region 3 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 3 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Wednesday, April 29, 2020 3:17 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather

<Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/28/2020

We have a total of 36 open COVID-19 FOIA requests. In the last 24 hours, we received 0 new requests. We added two requests received on April 21st to the list today.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.

EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.

EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" “coronavirus” “Bowie Refined Coal” “Bowie Resource” or “Bowie Resources” “Western Kentucky Minerals” “Kentucky Coal Association” “Western KY Minerals” “Western Kentucky Minerals”
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, “External Party” includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a “cc” or “bcc” recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities’ ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19

EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present

EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004273	4/21/2020	Sierra Club / Dorothy E Jaffe	1. All records of communications between EPA Region 4 staff and state regulators in South Carolina, Florida and Georgia regarding the need for a Temporary Enforcement Policy, or its implementation at the below listed facilities. This includes both discussions about expected or possible noncompliance at the below listed facilities and specific requests for regulatory or enforcement flexibility at the below listed facilities: • Wateree Steam Station, Richland County, South Carolina • A.M. Williams Station, Berkeley County, South Carolina • Cope Generating Station, Orangeburg County, South Carolina • Robert W. Scherer Power Plant, Juliette, Georgia • Bowen Steam Plant, Bartow County, Georgia • Plant Wansley, Heard County, Georgia • Crystal River Plant, Citrus County, Florida • Big Bend Power Station, Apollo Beach, Florida • Seminole Generating Station, Palatka, Florida • Curtis H. Stanton Energy Center, Orange County, Florida • Northside Power Plant, Jacksonville, Florida 2. All records of communications between EPA Region 4 staff and the owners, operators, or representatives of any of the above-listed facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 4 staff for meetings, phone calls,

			or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation.
EPA-2020-004282	4/21/2020	Sierra Club / Tony Mendoza	1. All records of communications between EPA Region 5 staff and Ohio regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy 2. All records of communications between EPA Region 5 staff and Ohio regarding the need for statewide, regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 5 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and, specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy or its implementation 4. All calendar entries of EPA Region 5 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying that document, or its implementation.

EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004315	4/23/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.

EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, April 28, 2020 3:03 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/28/2020

We have a total of 34 open COVID-19 FOIA requests. In the last 24 hours, we have received 4 additional requests.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19" (Requester has identified custodians).
EPA-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.

EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God." (Modified to all force majeure requests related to Superfund/CERCLA).
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	All incoming NAA requests and Force majeure notifications from March 26 to present.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for

			meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this

			link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).
EPA-2020-004370	4/27/2020	David Baron/Earthjustice	1) All records regarding any specific instances of actual or potential violations of environmental laws or rules that have been attributed or linked by any person or entitiy to the COVID-19 pandemic. 2) All records regarding specific requests for EPA to withhold or relax enforcement action due to the actual or potential effects of COVID on compliance with environmental laws or rules. 3) All records prpared by EPA official or employees interpreting, explaining, or identifying supporting facts or rationales for the March 26 Memo. 4) Any communications between EPA official or employee and any person or entitiy outside the agency regarding or relating to EPA's preparation of the Memorandum, EPA's decision to issue the Memorandum, or EPA's implementation of the policies set out in the Memorandum. 5) All records regarding any decision regarding enforcement (including any decision no to enforce) made in reference to, or in reliance up, the Memorandum and all communications between any EPA official or employee and any other person outside the agency related thereto.
EPA-2020-004373	4/27/2020	Laura Allred	All documents since September 2019, pertaining to "List N: Disinfectant of Use Against SARS-CoV-2" including the below quoted terminology: "4959-16" Active Ingredient/s "Iodine"
EPA-2020-004374	4/27/2020	Kevin Bogardus/E&E News	I request records detailing invitations to reporters for an EPA-hosted conference call with EPA Administrator Andrew Wheeler held on either March 23, 24, 25, 26 or 27 to discuss the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Monday, April 27, 2020 2:37 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/23/2020

We have a total of 30 open COVID-19 FOIA requests.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.

EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both

			before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	Any guidance including individual letters and "No Action Assurance" written from EPA to individuals or companies regarding the EPA Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Program (Temporary Policy) from March 26, 2020 to present date.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]
EPA-2020-004316	4/23/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA's Office of Inspector General related to the preparation for, reaction to and response to the removal of Glenn Fine as the chair of the Pandemic Response Accountability Committee and the appointment of EPA Inspector General Sean O'Donnell as Acting Inspector General for the Department of Defense from March 16 to April 10, 2020: Sean O'Donnell Charles Sheehan Edward Shields Helina Wong Katie Butler Eric Hanger Jennifer Kaplan Jeffrey Lagda Kentia Elbaum Please consider emails containing one or more of the following search terms as responsive records to my request: "Glenn Fine" OR "glenn.fine@dodig.mil" OR "Pandemic Response Accountability Committee" OR "PRAC" OR "Coronavirus Aid, Relief, and Economic Security Act" OR "CARES Act" OR "HR 748" OR "H.R. 748" OR "S 3548" OR "S. 3548" OR "Michael Horowitz" OR "michael.e.horowitz@usdoj.gov" OR "Alan Boehm" OR "alan.boehm@cigie.gov" OR "Stephanie Logan" OR "Stephanie.logan@usdoj.gov" OR "Adam Miles" OR "Adam.Miles@usdoj.gov" OR "Dwrena Allen" OR "dwrena.allen@dodig.mil" OR "dodig.mil" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this removal and appointment (https://www.eenews.net/greenwire/stories/1062812679).

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, April 23, 2020 2:48 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/23/2020

We have a total of 29 open COVID-19 FOIA requests. In the last 24 hours, we closed 2 requests and received 1 new request.
(great job, Team FOIA!!)

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both

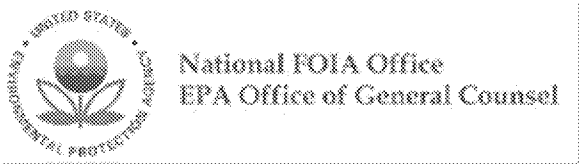
			before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	Any guidance including individual letters and "No Action Assurance" written from EPA to individuals or companies regarding the EPA Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Program (Temporary Policy) from March 26, 2020 to present date.
EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]

EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

EPA-2020-004304	4/23/2020	Sierra Club / Sunil Bector	Records concerning the development and implementation of the (1) Missouri Department of Natural Resources statement captioned "Requests for Regulatory Relief Due to COVID-19 Impacts" dated March 24, 20202 ("Missouri Statement"), and (2) EPA Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").3 The timeframe for this request is February 1, 2020 through the date of your search for documents. [More detail in the letter attached to the request]

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Wednesday, April 22, 2020 2:46 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>; Makepeace, Caroline <Makepeace.Caroline@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/22/2020

There are a total of 30 open COVID-19 FOIA requests. In the last 24 hours, we received 3 new FOIA requests and closed 2 FOIA requests.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"

EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.

EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy

			related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"

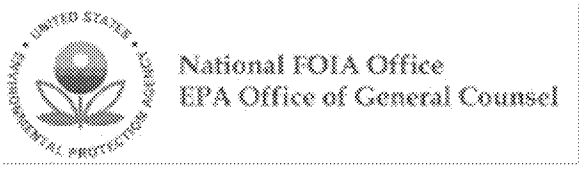
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	Any guidance including individual letters and "No Action Assurance" written from EPA to individuals or companies regarding the EPA Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Program (Temporary Policy) from March 26, 2020 to present date.
EPA-2020-004250	4/20/2020	E & E News / Kelsey Brugger	National guidance issued by Susan Bodine on April 16, 2020 related to EPA inspections amid the covid-19 pandemic.

EPA-2020-004281	4/21/2020	Joshua Smith/Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the EPA concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" ("EPA Temporary Enforcement Policy").2 The timeframe for this request is February 1, 2020 through the date of All records of communications between EPA Region 6 staff and Texas regarding expected or possible noncompliance, specific requests for regulatory or enforcement flexibility, or no action assurances, at the facilities listed below. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy. All records of communications between EPA Region 6 staff and Texas regarding the need for statewide regional, or national regulatory or enforcement flexibility or cessation policies. 3. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding expected or possible noncompliance,specific requests for regulatory or enforcement flexibility, or no action assurances at the aforementioned facilities. This includes, but is not limited to, requests stemming from the EPA Temporary Enforcement Policy, or their implementation. 4. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the EPA Temporary Enforcement Policy, the policies underlying those documents, or their implementation. See attached letter for full description of request. [Attached document identifies 22 specific sites by owner, location by town and state, and EPA ID #]
EPA-2020-004277	4/21/2020	Daniel Hales / Sierra Club	Sierra Club requests the following records in the possession, custody, or control of the U.S. Environmental Protection Agency ("EPA") concerning the development and implementation of the Temporary Enforcement Policy, which is described in the March 26, 2020 Memorandum by Susan Parker Bodine captioned "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The timeframe for this request is February 1, 2020 through the date of your search for documents. Sierra Club requests: 1. All records of communications between EPA Region 6 staff and Louisiana State regulators regarding the need for a Temporary Enforcement Policy, or its implementation as applicable to the facilities detailed in the attached supporting files. This includes both discussions about expected or possible noncompliance at the following facilities and specific requests for regulatory or enforcement flexibility at the following facilities. 2. All records of communications between EPA Region 6 staff and the owners, operators, or representatives of any of the above facilities regarding the need for the Temporary Enforcement Policy or its implementation. This includes both discussions about expected or possible noncompliance and specific requests for regulatory or enforcement flexibility. 3. All calendar entries of EPA Region 6 staff for meetings, phone calls, or videoconferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or its implementation. This request incudes communication related to EPA that is or was on any system or device, computer, phone, smartphone, tablet, email account, cloud, server or other communication system either personal

			or business. This request applies to all email accounts, whether on an official EPA email address or server or not, that relate to official business of EPA. This request applies to so-called "alias" email accounts that may or may not include the names of the EPA personnel in the email address.
EPA-2020-004274	4/21/2020	Kevin Bogardus / E&E news	I request emails sent to and from the following individuals at EPA related to the preparation for, reaction to and response to the coronavirus disease 2019 or COVID-19 pandemic from Nov. 1, 2019 to April 21, 2020: Andrew Wheeler Doug Benevento Ryan Jackson Mandy Gunasekara Michael Molina Corry Schiermeyer Michael Abboud Molly Block Jessica McFaul Andrea Woods Please consider emails containing one or more of the following search terms as responsive records to my request: "coronavirus" OR "novel coronavirus" OR "Corona" OR "Rona" OR "Covid" OR "COVID-19" OR "SARS-CoV-2" OR "pandemic" OR "Chinese virus" OR "Wuhan virus" OR "Kung Flu" OR "Invisible Enemy" Please do not consider responsive records to this request as already publicly-released material, such as correspondence sent by members of the general public, email newsletters, email news alerts, news clippings and press releases, unless this material was emailed with commentary to and/or from one of the named individuals in this request. Please click on this link for more detail on this pandemic (https://www.cdc.gov/coronavirus/2019-ncov/index.html).

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, April 21, 2020 2:59 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/21/2020

We have a total of 31 open COVID-19 FOIA requests. Two requests were closed yesterday. Today, we received one new request.
Thank you to Ian for preparing this report!

Denise

Please see below:

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-R5-2020-003764	3/20/2020	Mr. Benjamin Franz/Marathon Petroleum Corporation	All correspondence between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-R5-2020-003875	3/27/2020	Mr. Jason Leopold/ Buzzfeed	Emails, letters, memos, directives, between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/University Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	All correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.

EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

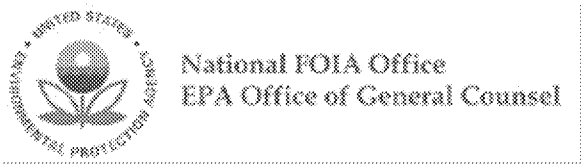
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement'' "compliance" ''noncompliance'' "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both

			before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.

EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004187	4/15/2020	NBC News / Hannah Rappleye	• Environmental Protection Agency Administrator Andrew Wheeler's calendar, from February 1, 2020 to the present day; • Visitor logs, phone logs, official schedules, meeting minutes, transcripts and any other documents that memorialize any in-person, electronic or telephonic meetings between Administrator Wheeler and any other individual or group, throughout the requested time frame. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.
EPA-2020-004189	4/15/2020	NBC News / Hannah Rappleye	Copies of all e-mail correspondence sent to and from accounts belonging to Administrator Andrew Wheeler, stored on any and all Environmental Protection Agency servers, cloud portals, secure websites, computers, tablets, smart phones, etc., between March 1, 2020 and the present day. Please note, NBC News seeks records of Mr. Wheeler's correspondence on Environmental Protection Agency e-mail accounts or otherwise addressing work-related matters, all of which are "agency records." This request is specific and narrow, and requires no forwarding to other offices for processing. This request is not meant to exclude any other records that, although no specially requested, are reasonably related to the subject matter of this request. I request that the information I seek be provided in electronic format. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	Any guidance including individual letters and "No Action Assurance" written from EPA to individuals or companies regarding the EPA Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Program (Temporary Policy) from March 26, 2020 to present date.

EPA-2020-004250	4/20/2020	E & E News / Kelsey Brugger	National guidance issued by Susan Bodine on April 16, 2020 related to EPA inspections amid the covid-19 pandemic.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



EPA FOIA Intranet: **Ex. 6 Personal Privacy Internet Web Address**

From: Walker, Denise
Sent: Monday, April 20, 2020 3:31 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/20/2020

EPA has received 32 COVID-19 FOIA requests.

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-R5-2020-003764	3/20/2020	Mr. Benjamin Franz/Marathon Petroleum Corporation	All correspondence between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: “coronavirus” “corona” “virus” “Covid” or “covid-19”
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-

			and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-R5-2020-003875	3/27/2020	Mr. Jason Leopold/ Buzzfeed	Emails, letters, memos, directives, between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.

EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).
EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.

EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.
EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy

			related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.
EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"

EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.

EPA-2020-004139	4/13/2020	Lee Ann Smith	I own a cleaning buisness in Ellijay Ga. And since the Corona Virus outbreak and the shut down took place I am struggling due to most people dont want anyone in their homes to clean and I understand and almost feel like cleaning companies do need to have a required training with a certificate under their belt to be able to perform clean up after or during this mess... I see alot of training courses online for clean up and so on but my question is how can I get the proper training and equipment with no income...? I am desperately needing to get help to purchase equipment to grow my buisness but my credit score sucks from past bad decisions on financial problems... so there for I am not able to get loans and so on.... no help for me and I am wanting to help in any way I can to clean this mess up...I dont know who to talk to and I'm prob sending request to the wrong agency so if I have done so please forgive me but if you have any advice or know whom i can contact please let me know...I just need help getting off the ground. I am very dedicated to growing a major enviormental cleaning service I just need help taking off...
EPA-2020-004178	4/14/2020	Clean Harbors / Mark Rassmusen	Are the Steramine 1-G tablets approved for disinfecting the Coronavirus, Covid 19 ?
EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records

			that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004187	4/15/2020	NBC News / Hannah Rappleye	• Environmental Protection Agency Administrator Andrew Wheeler's calendar, from February 1, 2020 to the present day; • Visitor logs, phone logs, official schedules, meeting minutes, transcripts and any other documents that memorialize any in-person, electronic or telephonic meetings between Administrator Wheeler and any other individual or group, throughout the requested time frame. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.
EPA-2020-004189	4/15/2020	NBC News / Hannah Rappleye	Copies of all e-mail correspondence sent to and from accounts belonging to Administrator Andrew Wheeler, stored on any and all Environmental Protection Agency servers, cloud portals, secure websites, computers, tablets, smart phones, etc., between March 1, 2020 and the present day. Please note, NBC News seeks records of Mr. Wheeler's correspondence on Environmental Protection Agency e-mail accounts or otherwise addressing work-related matters, all of which are "agency records." This request is specific and narrow, and requires no forwarding to other offices for processing. This request is not meant to exclude any other records that, although no specially requested, are reasonably related to the subject matter of this request. I request that the information I seek be provided in electronic format. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.
EPA-2020-004213	4/17/2020	E & E News / Kelsey Brugger	Correspondence between Stericycle and EPA regarding the EPA temporary policy, "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" that was issued on March 26. Requesting any and all records 3/1/2020 to present
EPA-2020-004208	4/16/2020	E & E News / Kelsey Brugger	Any guidance including individual letters and "No Action Assurance" written from EPA to individuals or companies regarding the EPA Temporary Policy on COVID-19 Implications for EPA's Enforcement and Compliance Program (Temporary Policy) from March 26, 2020 to present date.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Friday, April 17, 2020 3:16 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/17/2020

No change for today.

Thank you!

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Thursday, April 16, 2020 3:11 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/16/2020

To date, the Agency has received 30 COVID-19 FOIA Requests:

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-R5-2020-003764	3/20/2020	Mr. Benjamin Franz/Marathon Petroleum Corporation	All correspondence between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-R5-2020-003875	3/27/2020	Mr. Jason Leopold/ Buzzfeed	Emails, letters, memos, directives, between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.

EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both

			before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004139	4/13/2020	Lee Ann Smith	I own a cleaning buisness in Ellijay Ga. And since the Corona Virus outbreak and the shut down took place I am struggling due to most people dont want anyone in their homes to clean and I understand and almost feel like cleaning companies do need to have a required training with a certificate under their belt to be able to perform clean up after or during this mess... I see alot of training courses online for clean up and so on but my question is how can I get the proper training and equipment with no income...? I am desperately needing to get help to purchase equipment to grow my buisness but my credit score sucks from past bad decisions on financial problems... so there for I am not able to get loans and so on.... no help for me and I am wanting to help in any way I can to clean this mess up...I dont know who to talk to and I'm prob sending request to the wrong agency so if I have done so please forgive me but if you have any advice or know whom i can contact please let me know...I just need help getting off the ground. I am very dedicated to growing a major enviormental cleaning service I just need help taking off...
EPA-2020-004178	4/14/2020	Clean Harbors / Mark Rassmusen	Are the Steramine 1-G tablets approved for disinfecting the Coronavirus, Covid 19 ?

EPA-2020-004186	4/15/2020	NBC News / Hannah Rappleye	I request a complete and thorough search of all filing systems and locations for the following records and documents, which correspond to EPA's recently-issued memorandum entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" – •All correspondence, including written letters and e-mail correspondence, sent to Environmental Protection Agency officials by representatives of individual companies, as well as industry and trade groups, in reference to COVID-19, between January 1, 2020 and the present day; •A list or log of companies that have sought waivers of non-compliance, or "No Action Assurances," due to COVID-19 along with copies of the corresponding waivers; •Any memorandums issued by EPA regarding COVID-19; •Any and all documents, reports or memorandums that detail analysis of the agency's decision to suspend enforcement and/or utilize enforcement discretion due to COVID-19, including any reports that analyze the policy's effect on air pollutants, public health and pollution of drinking water.
EPA-2020-004182	4/15/2020	Bill Lane	All correspondence between EPA and/or EPA Region 5 and Marathon Petroleum Corporation (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-2020-004184	4/15/2020	Ann Brown/Center for Biological Diversity	The records generated in connection with Endangered Species Act, 16 U.S.C. §§ 1531-1544 ("ESA"), Section 7 compliance for EPA's suspension of enforcement of environmental legal obligations during the COVID-19 pandemic as set forth in EPA's March 26, 2020 Memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (the "non-enforcement policy"), including: 1. The communications between EPA and the U.S. Fish and Wildlife Service ("FWS") and/or the National Marine Fisheries Service ("NMFS") mentioning the non-enforcement policy; and 2. The records that discuss or describe how the non-enforcement policy will comply with the EPA's duties pursuant to ESA Section 7.
EPA-2020-004187	4/15/2020	NBC News / Hannah Rappleye	• Environmental Protection Agency Administrator Andrew Wheeler's calendar, from February 1, 2020 to the present day; • Visitor logs, phone logs, official schedules, meeting minutes, transcripts and any other documents that memorialize any in-person, electronic or telephonic meetings between Administrator Wheeler and any other individual or group, throughout the requested time frame. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.

EPA-2020-004189	4/15/2020	NBC News / Hannah Rappleye	Copies of all e-mail correspondence sent to and from accounts belonging to Administrator Andrew Wheeler, stored on any and all Environmental Protection Agency servers, cloud portals, secure websites, computers, tablets, smart phones, etc., between March 1, 2020 and the present day. Please note, NBC News seeks records of Mr. Wheeler's correspondence on Environmental Protection Agency e-mail accounts or otherwise addressing work-related matters, all of which are "agency records." This request is specific and narrow, and requires no forwarding to other offices for processing. This request is not meant to exclude any other records that, although no specially requested, are reasonably related to the subject matter of this request. I request that the information I seek be provided in electronic format. I ask that my request receive expedited processing because I am a member of the news media, primarily engaged in disseminating information, and the information I seek concerns Federal Government activity; namely, activity that will shed light on the government's response to the COVID-19 pandemic.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Wednesday, April 15, 2020 3:29 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/15/2020

Sorry, a little behind today!

To date the Agency has received 25 COVID-19 FOIA requests

Request Number	Received Date	Requester Name/Organization	Request Description
EPA-R5-2020-003764	3/20/2020	Mr. Benjamin Franz/Marathon Petroleum Corporation	All correspondence between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020
EPA-R5-2020-003875	3/27/2020	Mr. Jason Leopold/ Buzzfeed	Emails, letters, memos, directives, between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general

			communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.
EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic, 1. The records mentioning or generated in response to the API Letter; and 2. The records generated in association with or referring to EPA's Enforcement Discretion Policy.1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.
EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both

			before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.
EPA-2020-004139	4/13/2020	Lee Ann Smith	I own a cleaning buisness in Ellijay Ga. And since the Corona Virus outbreak and the shut down took place I am struggling due to most people dont want anyone in their homes to clean and I understand and almost feel like cleaning companies do need to have a required training with a certificate under their belt to be able to perform clean up after or during this mess... I see alot of training courses online for clean up and so on but my question is how can I get the proper training and equipment with no income...? I am desperately needing to get help to purchase equipment to grow my buisness but my credit score sucks from past bad decisions on financial problems... so there for I am not able to get loans and so on.... no help for me and I am wanting to help in any way I can to clean this mess up...I dont know who to talk to and I'm prob sending request to the wrong agency so if I have done so please forgive me but if you have any advice or know whom i can contact please let me know...I just need help getting off the ground. I am very dedicated to growing a major enviormental cleaning service I just need help taking off...
EPA-2020-004178	4/14/2020	Mark Rassmusen	Are the Steramine 1-G tablets approved for disinfecting the Coronavirus, Covid 19 ?

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Tuesday, April 14, 2020 2:53 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>; Johnson, Larry-C <Johnson.Larry-C@epa.gov>
Subject: RE: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/14/2020

No new requests today.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Walker, Denise
Sent: Monday, April 13, 2020 3:02 PM
To: Tyner, Lee <tyner.lee@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Altendorfer, Ian <Altendorfer.Ian@epa.gov>
Subject: National FOIA Office Agency's COVID-19 Coordination --Daily Report 4/13/2020

To date: the agency has received a total of 24 FOIA requests about COVID-19.

Request Number	Received Date	Requester Name/Organization	Request Description	Exped Proces
EPA-R5-2020-003764	3/20/2020	Mr. Benjamin Franz/Marathon	All correspondence between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of	

		Petroleum Corporation	"force majeure" under federal consent decrees related to novel coronavirus or COVID-19.	
EPA-HQ-2020-003808	3/23/2020	Mr. Mike Soraghan / E&E News	All requests from regulated entities seeking regulatory or enforcement relief of Force Majeure related to the COVID-19 national emergency or seeking relief by citing the pandemic as an "Act of God"	
EPA-HQ-2020-003837	3/25/2020	Ms. Rachel Frazin/The Hill	Copy of any emails, text messages or messaging service messages (such as gchat, Whatsapp and iMessage messages) sent or received by EPA leadership between Feb. 1, 2020 and the present that contains the words: "coronavirus" "corona" "virus" "Covid" or "covid-19"	
EPA-R3-2020-003861	3/27/2020	Mr. Ryan Felton/Consumer Reports	Any and all internal EPA communications related to the page Coronavirus and Drinking Water (seen here: https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater), from March 10-20, 2020, including but not limited to emails, meeting minutes, documents, records, and more.	
EPA-R3-2020-003864	3/27/2020	Mr. Hudson Munoz	Copies of records related to the EPA's March 26, 2020 memorandum on COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program. Susan Bodine's records from March 21, 2020 to March 26, 2020	
EPA-R5-2020-003875	3/27/2020	Mr. Jason Leopold/ Buzzfeed	Emails, letters, memos, directives, between EPA and/or EPA Region 5 and The Phillips 66 Company (or its subsidiaries and/or affiliates) regarding claims of "force majeure" under federal consent decrees related to novel coronavirus or COVID-19.	Reque (Deter Pendi
EPA-HQ-2020-003897	3/31/2020	Mr. Hajar Hammado/Citizens for Ethics	All communications from or between EPA and representatives of businesses regulated by legal requirements for reporting air and water pollution concerning recommendations that EPA relax or suspend those federal reporting rules or guidelines during the coronavirus outbreak.	
EPA-2020-003950	4/2/2020	Allison Kole	Any guidance, memoranda, or directives provided to agency staff from Office of Enforcement and Compliance Assurance, Office of Administration and Policy; The Office of the Administrator; or the Office of General Counsel regarding record retention or record keeping requirements related to telework. The time frame for this request is January 1, 2020 to the present date.	Reque (Deter Pendi
EPA-HQ-2020-003947	4/2/2020	Tracy Hester/Universtiy Houston Law Center	All force majeure notifications, made under judicial consent decrees that resolve environmental or natural resource claims, and submitted to the United States, the U.S. Environmental Protection Agency (including all of its Regional or local offices), its agencies or agents, and/or delegated states. I am requesting only such notifications provided between (and including) February 1, 2020 to March 31, 2020.	Reque (Deter Pendi
EPA-2020-003943	4/2/2020	Rebecca Beitsch / The Hill	I seek any and all records relating to requests for full or partial relief under EPA's March 26 memo entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." Records could include but are not limited to emails, memos, letters, call logs, texts, voice messages, faxes, charts, tables, presentations and general communications between EPA staff and third parties starting March 13, 2020. I request these records be released to me on a rolling basis.	Reque (Deter Pendi

EPA-2020-003983	4/3/2020	Ann Brown/Center for Biological Diversity	From March 1, 2020 to date the search is conducted: 1. Communications from EPA to API in response to the API Letter and 2. Communications from any trade association, lobby group or industry alliance (excluding API) requesting reliefe from or waiver of regulations enforced by EPA that mentions or refers to the COVID-19 coronavirus pandemic and any records of communications from EPA in response to such requests.	
EPA-2020-004008	4/3/2020	Mr. Mike Soraghan / E&E News	I request copies of any and all requests for no action assurance since March 12, 2020 and all No Action Assurances issued by the agency since March 12, 2020.	
EPA-2020-004009	4/3/2020	Mr. Mike Soraghan / E&E News	All requests since March 23, 2020 from regulated entities seeking regulatory or enforcement relief under Force Majeure related to the COVID-19 national emergency, or seeking relief by citing the pandemic as an "act of God."	
EPA-HQ-2020-003970	4/3/2020	Zack Hale/ S&P Global Market Intelligence	Alll correspondence sent to and from Assistant Administrator for Enforcement and Compliance Assistance Susan Bodine's email address from March 19, 2020, up to the present date that contains one or more of the following terms: March 26, memo, critical, infrastructure, No Action Assurance, NAA, waiver, facilities.	
EPA-2020-003982	4/3/2020	Ann Brown/Center for Biological Diversity	As background, on March 23, 2020, the American Petroleum Institute sent a letter to\ Administrator Wheeler, requesting "temporary relief through non-essential compliance discretion" in light of the COVID-19 coronavirus pandemic ("the API Letter"). Attachment A (API Letter). On March 26, 2020, the Environmental Protection Agency ("EPA") released what it has referred to as its Enforcement Discretion Policy for the COVID-19 Pandemic,1 in the form of a memorandum with the subject COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy ("Enforcement Discretion Policy").2 The Center requests from EPA from March 1, 2020 to the date EPA conducts this search: 2 Environmental Protection Agency, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Policy (Mar. 26, 2020), available at https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf (last visited April 2, 2020).	

EPA-2020-004014	4/6/2020	Lisa Song/ProPublica	Copies of any and all emails between Susan Bodine (EPA's Assistant Administrator for Enforcement and Compliance Assurance) and Andrew Wheeler (EPA Administrator) regarding the EPA's decision to exercise enforcement discretion due to the COVID-19 (aka coronavirus) pandemic. I am referring specifically to the enforcement discretion as outlined in Susan Bodine's March 26, 2020 memo. (See https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf). Please limit this search to messages between March 1, 2020 and March 26, 2020.	Reque (Deter Pendi
EPA-2020-004027	4/6/2020	Allison Kole	1) Any and all communications (including text messages) regarding COVID-19 or coronavirus or the pandemic response between Susan Bodine, Lawrence Starfield, or John Irving and any of the following entities: American Petroleum Institute ("API") (@api.org); S-3 Group (@s-3group.com); Brownstein Hyatt Farber Schreck, LLP (@bhfs.com); CGCN Group, LLC (@cgcn.com); United by Interest, LLC; Ogilvy Government Relations (@ogilvygr.com); Capitol Counsel, LLC (@capitolcounsel.com); or American Fuel and Petrochemical Manufacturers ("AFPM) (@afpm.org). The time period for this request is February 15, 2020 to the date of processing. 2) Any and all records discussing claims of "force majeure" or correspondence regarding "force majeure" sent by regulated entities to OECA, Office of Civil Enforcement. The time period for this search is March 1, 2020 to the date of processing this request. 3) Any guidance, directives, brochures, official communications or memorandum provided to OECA staff from Susan Bodine, Larry Starfield, John Irving, Rosemarie Kelley, David Hindin, or Amy Porter regarding "force majeure" created between March 1, 2020 and the date of processing of this request. 4) Records regarding any and all civil enforcement violations involving compliance monitoring and reporting occurring between March 13 and March 25.	Yes

EPA-2020-004032	4/6/2020	Joshua Smith/Sierra Club	1. All records of communications between any of the following EPA officials and any person outside of EPA regarding changes to EPA's approach to enforcement discretion in response to the COVID-19 crisis : a. Andrew Wheeler b. Susan Bodine c. Anne Isdal d. Mandy Gunasakera e. David Ross f. Lee Forsgren g. Tate Bennett h. Brittany Bolen i. Nancy Beck j. Peter Wright 2. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. All calendar entries included in any of the above-listed officials' calendars concerning meetings, phone calls, or video conferences, about the March 26, 2020 Memorandum, the policies underlying that memorandum, or similar policies being developed for other EPA enforcement activities not included in the March 26, 2020 Memorandum. Keywords: "enforcement discretion" "routine" within three words of "monitoring" or "reporting" "COVID* memo*" "coronavirus memo*" "temporary" within three words of "polic*" (to capture "policy" or "policies") "enforcement" within three words of "polic*" "enforcement guidance" "COVID* guidance" "coronavirus guidance" "temporary" within three words of "guidance" "enforcement polic*" "COVID*" within three words of "polic*" "coronavirus" within three words of "polic*" "force majeure" and "pandemic" or "coronavirus" or "covid" or "crisis" "act of God" and "pandemic" or "coronavirus" or "covid" or "crisis" "affirmative defense" and "pandemic" or "coronavirus" or "covid" or "crisis" "no action assurance". All records reflecting the EPA Office of Media Relations' or the Office of the Administrator's: a. internal communications regarding press releases or media strategy related to the March 26, 2020 Memorandum. b. external communications regarding press releases or media strategy related to the March 26, 2020 Memorandum other than inquiries from the media or responses to inquiries from the media. All records of EPA Headquarters staff reflecting "questions from . . .the states and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 are in quarantine is rising," i.e., about how to handle compliance and enforcement situations during the coronavirus crisis, as referenced in EPA's March 31, 2020 press release.3 EPA indicates in its press release that it has been "inundated" with such questions. Any other records reflecting the factual information EPA Headquarters used to identify the need for the compliance guidance memorandum or to develop the details of that policy.	

EPA-2020-004072	4/8/2020	Lisa Song/ProPublica	Copies of any and all "no action assurances" (also called enforcement discretion) that the EPA has issued in response to the novel coronavirus outbreak. (For reference, a historical example of a no action assurance is available at https://www.epa.gov/sites/production/files/2018-07/documents/glidernoactionassurance070618.pdf). Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak. Copies of any requests for "no action assurances" that the EPA has received in light of the novel coronavirus outbreak.	Reque (Deter Pendi
EPA-2020-004082	4/8/2020	Kayla Hancock/Accountable	All correspondence between anyone in Senator Mitch McConnell's office, including: Senator Mitch McConnell, Anyone whose email ends in @mcconnell.senate.gov and the following EPA officials: Susan Parker Bodine, Lawrence Starfield, John Irving, Rosemarie Kelley, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuck Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner Keywords: "enforcement" "compliance" "noncompliance" "discretion" "COVID" or "COVID-19" "coronavirus" "Bowie Refined Coal" "Bowie Resource" or "Bowie Resources" "Western Kentucky Minerals" "Kentucky Coal Association" "Western KY Minerals" "Western Kentucky Minerals"	
EPA-2020-004081	4/8/2020	Kayla Hancock/Accountable	All correspondence between individuals in Representative Kevin McCarthy's office, including: Representative Kevin McCarthy James Min (email: james.min@mail.house.gov) Kyle Lombardi (email: kyle.lombardi@mail.house.gov) Trevor Smith (email: trevor.smith@mail.house.gov:) Braden Murphy (email: braden.murphy@mail.house.gov) Emma Rindels (email: emma.rindels@mail.house.gov) Brittany Martinez (email: brittany.martinez@mail.house.gov) Matthew Sparks (email: matt.sparks@mail.house.gov) Christiana Duncan (email: christiana.duncan@mail.house.gov) And the following EPA officials, which contain any of the keywords listed below: Susan Bodine, Lawrence Starfield, John Irving, Rosemarie Kelly, Karin Koslow, John Fogarty, Henry Barnet, Pam Mazakas, Chuch Cavanaugh, David Hindin, John Dombrowski, Jacqueline Werner. Keywords: enforcement, compliance, noncompliance, discretion, COVID, COVID-19, coronavirus, Aera Energy, Aera Energy Belridge, Areo, Areo Oil and Gas, Berry, Berry Petroleum, Chevron, California Resources Production Corp, Crimson, Crimson Resource Mangement.	

EPA-2020-004113	4/9/2020	Rosalie Winn / Environmental Defense Fund	EDF requests records generated or transmitted since March 1, 2020, up through and including the date that you conduct your search for records. EDF requests all correspondence2 between any EPA personnel—whether at Headquarters, a regional office, or any other office—and any External Party that addresses the topics described below related to the Enforcement Guidance. For the purposes of this request, "External Party" includes any person or entity who is not a part of a federal executive agency. This request includes correspondence where an External Party is the sender or appears anywhere among the recipients, including as a "cc" or "bcc" recipient. EDF requests all correspondence between any EPA personnel and any External Party regarding the following topics: Impact of COVID-19 on regulated entities' ability to comply with environmental or health standards; Requests to EPA for enforcement or compliance relief (both before and after the March 26 announcement of the Enforcement Guidance); Questions to EPA related to the Enforcement Guidance; Notifications to EPA that a regulated entity will fail to comply with environmental compliance obligations due to COVID-19	Reque (Deter Pendi
EPA-2020-004140	4/13/2020	Kevin Bogardus/E&E News	I request records detailing EPA's "No Action Assurances" issued to facilities that are essential critical infrastructure as determined by the Office of Enforcement and Compliance Assurance Assistant Administrator, as described by the March 26, 2020 memorandum titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." I also request records detailing entities' requests to EPA for such "No Action Assurances" under this policy. In addition, I request records detailing EPA's requests for information on entities' noncompliance due to COVID-19 with routine activities, such as compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification under this policy.	
EPA-2020-004139	4/13/2020	Lee Ann Smith	I own a cleaning buisness in Ellijay Ga. And since the Corona Virus outbreak and the shut down took place I am struggling due to most people dont want anyone in their homes to clean and I understand and almost feel like cleaning companies do need to have a required training with a certificate under their belt to be able to perform clean up after or during this mess... I see alot of training courses online for clean up and so on but my question is how can I get the proper training and equipment with no income...? I am desperately needing to get help to purchase equipment to grow my buisness but my credit score sucks from past bad decisions on financial problems... so there for I am not able to get loans and so on.... no help for me and I am wanting to help in any way I can to clean this mess up...I dont know who to talk to and I'm prob sending request to the wrong agency so if I have done so please forgive me but if you have any advice or know whom i can contact please let me know...I just need help getting off the ground. I am very dedicated to growing a major enviormental cleaning service I just need help taking off...	

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Personal Privacy Internet Web Address

From: Tyner, Lee <tyner.lee@epa.gov>
Sent: Monday, April 13, 2020 1:08 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Jefferson, Tricia <Jefferson.Tricia@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Parikh, Pooja <Parikh.Pooja@epa.gov>
Cc: Willey, Katharine <willey.katharine@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Miles, Erin <Miles.Erin@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>
Subject: DAILY REMINDER: Agency's COVID-19 Coordination --Daily Report

COVID-19 Daily Report for April 13, 2020, due by 3 pm. If you don't have anything to report, please let me know. Also, please copy Rich Albores on your response.

Thanks,

Lee

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/21/2020 5:17:50 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Soden, Caitlin [Soden.Caitlin@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Good evening, David.

Ex. 5 AC/DP

We would appreciate comments on Production 10 as soon as you can get to it. At this point, however, **Ex. 5 AC/DP**

Ex. 5 AC/DP

Thank you,
Denise

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Sunday, December 20, 2020 11:53 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Thank you, Denise. By when would you like our comments, if any?

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Tuesday, December 15, 2020 1:29 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>

Subject: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Dear David and Katharine:

Production 10 is ready for OGC IO review. Below is a link to the file for review – the file is too large to email. We have provided access to the file to David and Katharine. We can provide access to others on request.

Production 10 is 862 pages.

Bristol Bay_Pebble Mine Prod010 Informal for OGC IO Review

These records went through the following equity reviews:

- Region 10
- OW
- OMS
- ORD
- AO (all AO equity performed by Richard Kashmanian)

None of the records have been flagged for management awareness.

From: Walker, Denise
Sent: Friday, October 23, 2020 5:41 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009 Informal Productions + update

Dear David and Katharine:

Please see information about the next Bristol Bay production, below.

Production 9
Below is a link to Prod009 for OGC IO review – the file is too large to email. We provided access to this file to David and Katherine. We can provide access to others on request.
This production is 1057 pages.

These records went through the following equity reviews:

- Region 10
- OW - OW flagged the following Doc ID numbers for OW management awareness: 15063, 72246, 72238
- OMS
- ORD
- AO - AO will be requesting a file of communications involving Administrator Wheeler to share with AO management for awareness just prior to release of Prod009.

Bristol Bay_Pebble Mine Prod009 Informal Export for OGC IO Review

Production 8
Below is a link to the Prod008 file for OGC IO equity review – the file is too large to email. We provided access to this file to David, Katherine, and Matt. We can provide access to others on request.
This production is 308 records/ 1082 pages.

These records went through the following equity reviews:

- Region 10 flagged two records (ED_002890_00139395 and ED_002890_00051430) for management awareness.
- OW
- OMS
- ORD
- AO (all AO equity performed by Victor)
- OCIR – second review of OCIR equities by Travis; Travis also took a second look at some records R10 flagged and offered additional input on information that could be segregated out and released.

Bristol Bay_Pebble Mine FOIAs Prod008_Informal Export for OGC IO Review

Production 7
David completed Review of Production 7
We are awaiting Katharine's review of Production 7. FEAT re-sent the records to Katharine on 10/16/2020. The file is 536 pages.

New Requests
EPA received two new FOIA requests on Bristol Bay from the Hill: 2020-006566 and 2020-006567. FEAT negotiated with the requester to combine the requests under 2020-006566 and to close 2020-006567 as withdrawn. Request 2020-006566 is now assigned to OGC/IO. We have provided the Hill with a link to the previously produced records and we received the additional records back and will be reaching out to the requester for further narrowing discussions.

Thank you,

Denise A. Walker

FOIA ID	**Requester**	Requester Organization	Date FOIA Request Perfected	Brief Description of request as clarified	Interim or Final Response	**Number of Records and/or pages**
EPA-HQ-2019-007596	Ariel Wittenberg	E&E News	7/25/19	OGC communications with USACE and White House related to Bristol Bay/Pebble Mine	Interim	
EPA-HQ-2019-007597	Ariel Wittenberg	E&E News	8/2/19	OGC, OW, AO communications with Alaska Governor's Office related to reconsideration of proposed determination	Interim	

EPA-R10-2019-008233	Brian Litmans	Trustees for Alaska	8/22/19	OGC R10 OW with Pebble/Bristol Bay keywords	Interim	
EPA-R10-2019-008247	Alex DeMarban	Anchorage Daily News	8/20/19	CHladick, AWheeler, MLeopold communications with Pebble Partnership	Interim	
EPA-HQ-2019-008587	Austin Evers	American Oversight	9/5/19	OGC, R10, OW communications with White House, Alaska, and external domains	Interim	
EPA-HQ-2019-008991	Scott Bronstein	CNN	9/20/19	Communications to or from MLeopold related to Pebble Mine project, Tom Collier, Northern Dynasty Minerals, or Ron Thiessen	Interim	
EPA-HQ-2020-003498, EPA-HQ-2020-003269,	Hudson Munoz	N/A	Various	Records related to the EPA's 2018 action suspending the action to withdraw the proposed determination related to Bristol Bay, Matt Leopold's 404c delegation, Alaska Governor Dunleavy's meeting with President Trump on May 24, 2019 and June 26, 2019., and records from prior FOIA requests.	Interim	

The records are:

___ attached

_X__ may be found at the following links:

Bristol Bay_Pebble Mine FOIAs Prod008_Informal Export for OGC IO Review
Bristol Bay_Pebble Mine Prod009 Informal Export for OGC IO Review

Please contact me or Heather Thompson with questions about this production

Heather L. Thompson
Attorney-Adviser | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 5307A
Phone 202-566-1025 | thompson.heather@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/28/2020 5:59:57 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Soden, Caitlin [Soden.Caitlin@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Thank you, David.

Katharine, do you have additional comments?

Best,
Denise

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, December 22, 2020 6:03 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Just a few comments (note that some of these messages repeat elsewhere in the production):

Ex. 5 AC/DP

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Tuesday, December 15, 2020 1:29 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009, Prod0010 Informal Productions + update

Dear David and Katharine:

Production 10 is ready for OGC IO review. Below is a link to the file for review – the file is too large to email. We have provided access to the file to David and Katharine. We can provide access to others on request.

Production 10 is 862 pages.

Bristol Bay_Pebble Mine Prod010 Informal for OGC IO Review

These records went through the following equity reviews:

- Region 10
- OW
- OMS
- ORD
- AO (all AO equity performed by Richard Kashmanian)

None of the records have been flagged for management awareness.

From: Walker, Denise
Sent: Friday, October 23, 2020 5:41 PM
To: Fotouhi, David <fotouhi.david@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: OGC Equity Review Task [Multiple Requests][Bristol Bay 2019 FEAT Project] Prod007, Prod008, Prod009 Informal Productions + update

Dear David and Katharine:

Please see information about the next Bristol Bay production, below.

Production 9
Below is a link to Prod009 for OGC IO review – the file is too large to email. We provided access to this file to David and Katherine. We can provide access to others on request.
This production is 1057 pages.

These records went through the following equity reviews:

- Region 10
- OW - OW flagged the following Doc ID numbers for OW management awareness: 15063, 72246, 72238
- OMS
- ORD
- AO - AO will be requesting a file of communications involving Administrator Wheeler to share with AO management for awareness just prior to release of Prod009.

Bristol Bay_Pebble Mine Prod009 Informal Export for OGC IO Review

Production 8
Below is a link to the Prod008 file for OGC IO equity review – the file is too large to email. We provided access to this file to David, Katherine, and Matt. We can provide access to others on request.
This production is 308 records/ 1082 pages.

These records went through the following equity reviews:

- Region 10 flagged two records (ED_002890_00139395 and ED_002890_00051430) for management awareness.
- OW
- OMS
- ORD
- AO (all AO equity performed by Victor)
- OCIR – second review of OCIR equities by Travis; Travis also took a second look at some records R10 flagged and offered additional input on information that could be segregated out and released.

Bristol Bay_Pebble Mine FOIAs Prod008_Informal Export for OGC IO Review

Production 7

David completed Review of Production 7

We are awaiting Katharine's review of Production 7. FEAT re-sent the records to Katharine on 10/16/2020. The file is 536 pages.

New Requests

EPA received two new FOIA requests on Bristol Bay from the Hill: 2020-006566 and 2020-006567. FEAT negotiated with the requester to combine the requests under 2020-006566 and to close 2020-006567 as withdrawn. Request 2020-006566 is now assigned to OGC/IO. We have provided the Hill with a link to the previously produced records and we received the additional records back and will be reaching out to the requester for further narrowing discussions.

Thank you,

Denise A. Walker

FOIA ID	**Requester**	Requester Organization	Date FOIA Request Perfected	Brief Description of request as clarified	Interim or Final Response	**Number of Records and/or pages**
EPA-HQ-2019-007596	Ariel Wittenberg	E&E News	7/25/19	OGC communications with USACE and White House related to Bristol Bay/Pebble Mine	Interim	
EPA-HQ-2019-007597	Ariel Wittenberg	E&E News	8/2/19	OGC, OW, AO communications with Alaska Governor's Office related to reconsideration of proposed determination	Interim	
EPA-R10-2019-008233	Brian Litmans	Trustees for Alaska	8/22/19	OGC R10 OW with Pebble/Bristol Bay keywords	Interim	

EPA-R10-2019-008247	Alex DeMarban	Anchorage Daily News	8/20/19	CHladick, AWheeler, MLeopold communications with Pebble Partnership	Interim	
EPA-HQ-2019-008587	Austin Evers	American Oversight	9/5/19	OGC, R10, OW communications with White House, Alaska, and external domains	Interim	
EPA-HQ-2019-008991	Scott Bronstein	CNN	9/20/19	Communications to or from MLeopold related to Pebble Mine project, Tom Collier, Northern Dynasty Minerals, or Ron Thiessen	Interim	
EPA-HQ-2020-003498, EPA-HQ-2020-003269,	Hudson Munoz	N/A	Various	Records related to the EPA's 2018 action suspending the action to withdraw the proposed determination related to Bristol Bay, Matt Leopold's 404c delegation, Alaska Governor Dunleavy's meeting with President Trump on May 24, 2019 and June 26, 2019., and records from prior FOIA requests.	Interim	

The records are:

___ attached

_X__ may be found at the following links:

Bristol Bay_Pebble Mine FOIAs Prod008_Informal Export for OGC IO Review
Bristol Bay_Pebble Mine Prod009 Informal Export for OGC IO Review

Please contact me or Heather Thompson with questions about this production

Heather L. Thompson
Attorney-Adviser | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel

1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 5307A
Phone 202-566-1025 | thompson.heather@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 12/29/2020 6:46:24 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: Re: diversity trainings

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Dec 29, 2020, at 1:36 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, December 29, 2020 11:45 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: diversity trainings

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Hewitt, James <hewitt.james@epa.gov>
Sent: Tuesday, December 29, 2020 10:43 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Zeckman, David <zeckman.david@epa.gov>
Subject: Fwd: diversity trainings

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Begin forwarded message:

From: Kelsey Brugger <kbrugger@eenews.net>
Date: December 29, 2020 at 11:31:31 AM EST

To: Press <Press@epa.gov>
Subject: diversity trainings

Hi EPA press office:
I am writing a brief on the fact that a federal judge in California blocked President Trump's diversity training order. Any update on what trainings have or haven't happened at EPA in recent months? Last I asked, I believe EPA was still reviewing all trainings. Is the review complete? What came of it?
Let me know
My deadline is 12:30pm
Thanks,
Kelsey

Kelsey Brugger
E&E News reporter
310-733-7508 (cell)
@kelseybrugger

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 12/29/2020 9:53:33 PM
To: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
Subject: Transition manager delegations -- draft cover note
Attachments: Transition deputies delegation Action Memo.docx

Ex. 5 AC/AWP/DP

Thanks,

Steve

Stephen J. Sweeney
Attorney-Advisor
Water Law Office
Office of General Counsel
U.S. Environmental Protection Agency
sweeney.stephen@epa.gov
202-564-5491 (desk)

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 1/7/2021 4:17:01 PM
To: Payne, James (Jim) [payne.james@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: some thoughts for you.

Thanks for this. **Ex. 5 Attorney Work Product (AWP)**

Ex. 5 Attorney Work Product (AWP)

I'm told the Administrator will send a message to all staff within the next half hour.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 7, 2021 11:09 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: some thoughts for you.

Wow, this is really good

Sent from my iPhone

On Jan 7, 2021, at 11:06 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 1/7/2021 7:03:58 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: some thoughts for you.

Please let me know your thoughts and provide any edits or suggestions:

Ex. 5 Attorney Work Product (AWP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 11:47 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, January 07, 2021 11:33 AM

To: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

I agree.

Also, Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 11:16 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: some thoughts for you.

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 07, 2021 11:09 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: some thoughts for you.

Wow, this is really good

Sent from my iPhone

On Jan 7, 2021, at 11:06 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/12/2021 3:27:31 AM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: Re: Draft musings -- what do you think?

I like it and thank you for including me.

For "As we finish ..." at end, could consider something like tweaks below aimed at consistent structure.

Sent from my iPhone

On Jan 11, 2021, at 9:13 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 10/14/2020 11:52:49 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]
Subject: RE: OGC History Clean Draft

Thank you for responding. I will let the drafting team know.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, October 14, 2020 7:47 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 AC/AWP/DP

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 12:23 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

The team Ex. 6 Personal Privacy (PP) Please let me know your thoughts so we can prepare to forward to OPA/OA for review. Thanks!

Here is the Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, October 13, 2020 12:07 AM
To: Cody, Meredith <cody.meredith@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 AC/AWP/DP

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Cody, Meredith <cody.meredith@epa.gov>
Sent: Friday, October 9, 2020 2:25 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: OGC History Clean Draft

Hi David,

Allison Holden Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
Meredith

Ex. 5 AC/AWP/DP

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

Message

From: Dangler, Barbara [Dangler.Barbara@epa.gov]
Sent: 1/12/2021 11:16:06 AM
To: Smith, Kathryn [Smith.Kathryn@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Carr, Dorothy [Carr.Dorothy@epa.gov]; Sweeney, Stephen [Sweeney.Stephen@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; May, Tonja [May.Tonja@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached
Attachments: PD Amendment_Vizian_1st Assistant.docx; PD Amendment_Bloom_1st Assistant.docx; PD Amendment_Breen_1st Assistant.docx; PD Amendment_Nishida_1st Assistant.docx; PD Amendment_Starfield_1st Assistant.docx

Good Morning,

Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) below is a screen shot of the language included in her PD.

Ex. 5 Deliberative Process (DP)

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please finalize the draft amendments and share them with this team. Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 11, 2021 3:55 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara has also Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

Hello,

I wanted to update you on what I've found regarding Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

Thank you!

Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/13/2021 12:40:27 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: WSJ

WSJ this am says Biden to appoint acting heads of agencies.

Sent from my iPhone

Begin forwarded message:

> **From:** Jim and Cathleen Payne Ex. 6 Personal Privacy (PP)
> **Date:** January 13, 2021 at 7:34:16 AM EST
> **To:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Subject: Fwd: The 10-Point: A Guide to the Day's Top News**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "Matt Murray, WSJ" <access@interactive.wsj.com>
> > **Date:** January 13, 2021 at 7:26:15 AM EST
> > **To:** paynefam4@msn.com
> > **Subject: The 10-Point: A Guide to the Day's Top News**
> > **Reply-To:** 10point@wsj.com
> >
> > Trouble viewing this email? View in web browser ›
> >
> > <!--[if !mso]-->

Today's guide to the WSJ

Good Morning. In today's edition, the House is set to vote on impeaching President Trump, health officials release coronavirus vaccines that had been held back for booster shots, Visa drops its plan to acquire Plaid, and auction houses bet on rare sneakers.

1 Happening Today:

- Earnings include **IHS Markit, Aritzia, Shaw Communications.**
- The Labor Department releases **December's CPI** at 8:30 a.m. ET.
- The Fed releases its **beige book report** on U.S. economic conditions at 2 p.m. ET.
- **U.S. stock futures** wavered.

Latest on the coronavirus:

- **Newly reported U.S. cases** topped 200,000 for the eighth straight day, while deaths hit a single-day record of more than 4,300.
- **U.S. hospitals will start reporting** Covid-19 vaccination data for health-care personnel and patients.

- **At least three lawmakers** who sheltered in a room during last week's attack on the Capitol said they have since tested positive for Covid-19.

---

1. The House is set to vote today on impeaching President Trump for a second time.

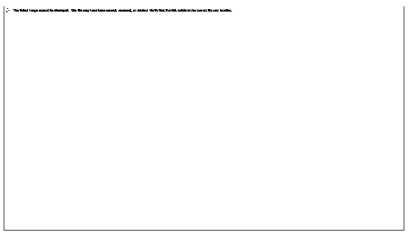

PHOTO: SAMUEL CORUM/ZUMA PRESS

Vice President Mike Pence rejected calls to invoke the 25th Amendment to oust Mr. Trump over his role in the Capitol riot, setting House Democrats on course to vote today on impeaching the president again. Democrats have enough votes to impeach Mr. Trump even without GOP support. Mr. Trump, in his first public appearance since the riot last week, said he did nothing wrong and showed little regret for urging supporters to march on Congress in a speech before the riot. (▶Video)

The FBI has opened more than 160 case files in connection with the Capitol riot. Members of the mob could face sedition and conspiracy charges. (▶Video)

What's News: Reporter Natalie Andrews explains the procedure and politics of today's impeachment vote.

The Journal: Reporter Siobhan Hughes, who covered Mr. Trump's first impeachment, explains how this process could play out differently.

For the latest updates on the impeachment proceedings, follow our live blog.

---

2. **President-elect Joe Biden intends to appoint acting agency heads** across the federal government once he takes office because of delays to his transition and Senate consideration of his nominees. The move will enable Mr. Biden to prevent any of President Trump's political appointees from staying at the helm of cabinet agencies past Jan. 20. So far, Senate confirmation hearings for Treasury Department nominee Janet Yellen, Defense Department pick Lloyd Austin, Homeland Security nominee Alejandro Mayorkas and State Department pick Antony Blinken have been scheduled.

PHOTO: JIM WATSON/AGENCE FRANCE-PRESSE/GETTY IMAGES

Gary Gensler, a former financial regulator and Goldman Sachs executive, is expected to be Mr. Biden's pick to head the Securities and Exchange Commission.

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ExxonMobil sets emission reduction plans for 2025

Sponsored by ExxonMobil: We've announced plans to further reduce our greenhouse gas emissions over the next five years to support the goals of the Paris Agreement. Learn more.

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3. **The Republican Party faces a rift with corporate America** following last week's attack on the Capitol. Dozens of U.S. corporations have said they will reconsider donating money from their political-action committees to lawmakers who sided with President Trump's push to overturn the election results, and dozens more have said they are halting all political giving in response to the storming of the Capitol by Trump supporters. The moves are accelerating changes in fundraising for the Republican Party, which was already getting an increasing share of its money from online donors and relying on help from outside groups funded in large part by a small group of billionaire donors.

The fallout from the Capitol riot is threatening Mr. Trump's already hurting family business.
YouTube is locking President Trump's channel on the video-sharing service for at least seven days.

People have more faith in their own employer than leaders in government and business, according to Edelman's annual trust survey.

4.

Weakness in tech and social-media shares capped U.S. stock gains Tuesday. The Nasdaq rose 0.3%, the Dow industrials 0.2% and the S&P 500 less than 0.1%. Facebook fell 2.2%, Twitter 2.4%, and Google parent Alphabet 1.1%, as growing concerns about potential new regulation weighed on Big Tech. Shares of General Motors surged 6.2% to a record $47.82, after the auto maker said it was launching a new electric-truck business geared toward delivery services. Grocery chain Albertsons, which reported sales that beat projections, gained 2.1%. In global trading today, Asian markets ended mixed, European markets showed gains at midday and U.S. stock futures wavered.

Zoom Video Communications plans to raise $1.5 billion through what would be its largest stock offering since its trading debut in 2019. **Lenovo Group's** Hong Kong-listed shares hit their highest level since 2015, after the world's largest maker of personal computers unveiled plans to list in Shanghai.

Excitement about the flurry of startups going public through so-called blank-check companies is enriching some of the biggest players in finance, particularly hedge funds.

<!--[if !mso]--> <![endif]-->
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5.

Visa is abandoning its planned acquisition of Plaid, after the Justice Department filed an antitrust lawsuit that challenged the $5.3 billion deal. The government's blocking of the deal signals a potentially harder road ahead for Visa to acquire companies that could expand its market power in consumer payments.

PHOTO: DAVID PAUL MORRIS/ BLOOMBERG NEWS

In other business news…

Boeing has fallen further behind rival Airbus, with passenger-jet deliveries last year down almost 90% from their 2018 peak. Separately, its drone unit agreed to pay $25 million to settle civil-fraud allegations that it overcharged on some contracts.

FuboTV is buying online sportsbook Vigtory, the latest sports-rich media company to invest in sports gambling.

▶**Video:** For ski towns in the U.S., it's feast or famine this season, with record growth in some businesses and shutdowns in others.

Casino mogul Sheldon Adelson, one of the world's richest men, has died at the age of 87.

---

6. **The Trump administration is releasing doses of coronavirus vaccines** that were reserved for booster shots and is urging states to give the vaccine to anyone age 65 and older, as well as to people with medical conditions, a shift in strategy that presents another hurdle for the logistics of administering the vaccine at state and local levels. Local health officials are scrambling to provide systems for booking vaccinations that

PHOTO: JEENAH MOON/PRESS POOL

are easily accessible to everybody. Separately, the U.S. government will require all international airline passengers to show proof of a negative Covid-19 test before boarding flights to the country.

What's News: Reporter Peter Loftus discusses the release of more doses and who is eligible under new guidelines.

New York is working to open up Covid-19 rapid-testing sites at commercial buildings to help return workers to their offices. **Sinovac's CoronaVac** turned out to be 50% effective in late-stage trials in Brazil, significantly lower than earlier results for the Chinese vaccine.

7.

China is quarantining more than 20 million people and urging citizens to forgo unnecessary travel over the upcoming Lunar New Year holiday, as the country battles its biggest coronavirus outbreak in months. Health authorities are vaccinating millions across the country, though that is unlikely to change the picture dramatically before next month's holiday. In addition, one of China's leading inoculation candidates turned out to be 50% effective in late-stage trials in Brazil, significantly lower than earlier results showed.

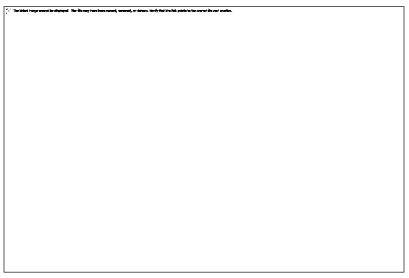

PHOTO: TPG/ZUMA PRESS

Iran and Cuba have begun trials of a joint Covid-19 vaccine, as Tehran fights the worst coronavirus outbreak in the Middle East while shunning vaccines from the U.S. and U.K.

8.

What We're Following

Female Execution: Lisa Montgomery became the first female inmate to be put to death by federal authorities in nearly 70 years, after the Supreme Court cleared the way for her to be executed.

Email Hack: A breach at email-security provider Mimecast underscores that Russia-linked hackers appear to have targeted victims along multiple avenues of attack.

Student Debt: Trump administration lawyers have concluded that it would be illegal for the incoming Biden administration to forgive all or some of Americans' student debt through an executive action, arguing that such a move would require Congress to pass a law.

Tax Season: The economic disruptions of 2020 will get reflected in the tax returns filed in the coming months, reshaping people's typical patterns and changing their usual tax refunds.

Emissions Rule: The Environmental Protection Agency is creating higher barriers for regulating the emissions that contribute to climate change.

George Floyd Case: Derek Chauvin, the former Minneapolis police officer charged with second-degree murder in the killing of George Floyd, will stand trial alone starting March 8. The case against the other three officers is on hold through late August.

Cancer Progress: The death rate from cancer in the U.S. dropped 2.4% from 2017 to 2018, the biggest single-year decline on record and a sign of the effect of new treatments on lung cancer.

9.

Features & Diversions

A surplus of lobster in Australia has locals coming up with creative ways to cook what was once a rare treat. (Read)

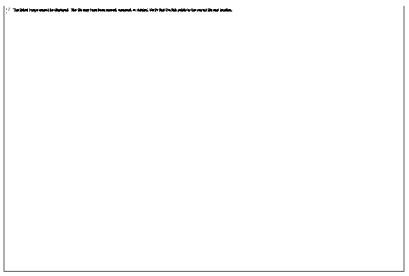

PHOTO: IAN GIRAUD

The process of clearing out physical possessions can be fraught with stress, guilt and grief, organization expert Jes Marcy says, but there are ways to navigate emotional landmines. (Read)

Elite auction houses like Sotheby's are betting on rare sneakers and sought-after streetwear. (Read)

WSJ Puzzles: *Our collection of elegant, adventurous and addictive crosswords and other word games.*

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10. Today's Question and Answer

In response to our question about new rituals that have replaced aspects of your pre-pandemic work routine:

Joe Christian
Work-from-home enabled me to accelerate the exercise routine I had begun the previous October. I replaced a 30-45 minute commute each way with a daily walk of around 6 miles per day. As winter started closing in, I found a personal trainer working out of her garage. In one year, under a weight-loss doctor's supervision and excellent spousal support, I lost 60+ pounds. I dread getting back on the out-of-town travel routine.

Robert Greenberg
For me, it's my sneakers. If I'm inside and wearing sneakers, I'm working. After work, they come off.

Elsa Condon
Our new dog grew up during the pandemic. I walk her outside or play with her each morning and afternoon to set the day right.

Question for the next 10-Point:
What tips do you have for decluttering, particularly when it comes to parting with sentimental items?

Email us your comments, which we may edit or shorten before publication, to 10point@wsj.com, and make sure to include your first and last name and location. See our comment guidelines here.

The 10-Point was the name given to the news column that runs on the front page of The Wall Street Journal.

Today's newsletter was curated and edited by Sarah Chacko in New York and Tracy Gan in Hong Kong in collaboration with Editor in Chief Matt Murray.

Let us know what you think by replying to this email.

The 10-Point is a WSJ member benefit. If someone forwarded you this email, we invite you to join us and enjoy the full breadth of scoops, analysis and great storytelling from our journalists around the globe.

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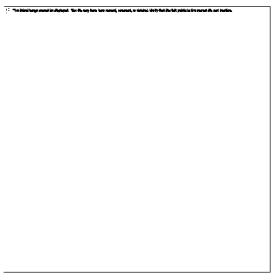
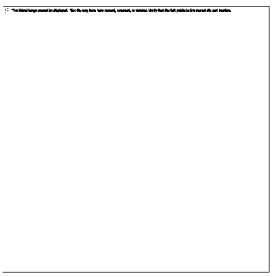

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Message

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Sent: 1/14/2021 6:07:17 PM
To: Mutz, John (Fletcher) [mutz.john@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave
Attachments: FEAT Memo to File _Bristol Bay Non-Outlook Search.docx; BRISTOL BAY FOIA REQUESTS – request for Non Outlook records (OGC_NFO_FEAT).pdf

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v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

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Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
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Please send your responses, and direct any questions, to Kevin W. Hill at hill.kevinw@epa.gov and Heather Thompson at thompson.heather@epa.gov.
Thank you for your prompt attention to this matter.

Note: Fletcher, you responded to Matt's records on 5/14 and would send to NFO once you returned to the office.

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Shan Anderson

Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

SENT TO:
DATE: April 22, 2020
SUBJECT: BRISTOL BAY FOIA REQUESTS – request for Non Outlook records search
EMAIL BODY:

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Wednesday, January 6, 2021 3:25 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

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Thank you!

Denise

From: Walker, Denise
Sent: Wednesday, January 6, 2021 10:32 AM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Wednesday, December 9, 2020 4:00 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Thursday, November 12, 2020 3:49 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Lynn Zipf <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Smith, Fatimah <Smith.Fatimah@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
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Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Web Address

From: Hill, Kevin W. <hill.kevinw@epa.gov>
Sent: Wednesday, June 24, 2020 1:49 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Urban, Amanda <urban.amanda@epa.gov>
Subject: Bristol Bay Non-Electronic Email Searches

Here is where I left off with the Non-Electronic Records Searches. The yellow highlighted folks have not responded to my first April email (attached).

Matt, can you follow up with Chris Hladick? Feel free to use the attached email PDF, which I sent him on April 28th. I will follow up with Erik Peterson because his situation was more confusing and involved Caitlin.

Denise, Can you follow up with the AO and OGC custodians?

Lynn, the only OW custodian was Lee Forsgren and here's where we left it with him. "Lee forwarded to Lynn Zipf, who replied on 4/28/2020: "If Lee has Non Outlook responsive records, they would be included in his hard-copy daily binder files. These files are in the office and, therefore, currently not accessible."

Thank you all!

Be well,
Kevin

Kevin W. Hill
Attorney-Adviser| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 1/14/2021 6:51:19 PM
To: Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave
Attachments: image2021-01-14-083205.pdf

Shan,

These are the hard copy items I have been able to find that would fit that date range in regards to Matt's materials.

Thanks,
Fletcher

From: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>
Sent: Thursday, January 14, 2021 1:07 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
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Subject: Bristol Bay Non-Electronic Email Searches

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Matt, can you follow up with Chris Hladick? Feel free to use the attached email PDF, which I sent him on April 28th. I will follow up with Erik Peterson because his situation was more confusing and involved Caitlin.

Denise, Can you follow up with the AO and OGC custodians?

Lynn, the only OW custodian was Lee Forsgren and here's where we left it with him. "Lee forwarded to Lynn Zipf, who replied on 4/28/2020: "If Lee has Non Outlook responsive records, they would be included in his hard-copy daily binder files. These files are in the office and, therefore, currently not accessible."

Thank you all!

Be well,
Kevin

Kevin W. Hill
Attorney-Adviser| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Willey, Katharine [willey.katharine@epa.gov]
Sent: 1/15/2021 6:39:49 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

I have no responsive non-email documents. Thanks.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Friday, January 15, 2021 12:22 PM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

I've left my entire Bristol Bay paper file on the desk in my old office (4000A). Because the building is closing soon and will be inaccessible next week, this is the most I can do on this request.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>
Sent: Friday, January 15, 2021 12:20 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

Good afternoon David and Katharine, I wanted to follow up on your Bristol Bay Non-Electronic Email search. Please let me know if you need additional time.

v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Anderson, Shanquenetta
Sent: Thursday, January 14, 2021 1:07 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>

Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

Afternoon All:

I wanted to follow up on the status of this requests.

v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Anderson, Shanquenetta
Sent: Friday, January 8, 2021 3:02 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

All: (Please complete this task as soon as possible.)

You have been identified as a custodian likely to have responsive records related to one or more Freedom of Information Act requests for records related to Bristol Bay. These requests cover the time period from January 1, 2018 through August 23, 2019 and are seeking records regarding:

- The EPA memo signed by General Counsel Matthew Leopold and distributed June 26, 2019 relating to Pebble Mine and reconsidering the proposed determination to restrict mining there.
- The June 27, 2019 EPA meeting/internal video conference between EPA HQ and Region 10 regarding the 2014 Proposed Determination for the Pebble Deposit area.
- The 2014 Proposed Determination for the Pebble Deposit area, including withdrawal.
- Communications with the United States Army Corps of Engineers (USACE), White House, Alaska Governor's Office, or the Alaska Department of Environmental Conservation regarding Bristol Bay/Pebble Mine.
- Communications between EPA and the Pebble Limited Partnership (PLP) or Northern Dynasty Minerals or its representatives, including Tom Collier and Ron Thiessen.
- Alaska Governor Dunleavy's meetings with President Trump on May 24, 2019 and June 26, 2019.
- The 2019 delegation of 404(c) decision-making authority to Matt Leopold.

Potentially responsive records include, but are not limited to, correspondence (memorandums and letters, including drafts), handwritten or typewritten notes, text messages, memos to file, briefing memos, summaries of meetings, presentations, photographs, copies of email communications saved in hardcopy or on local/shared network drives, and reports.
A search for outlook emails records has already been conducted. However, many of these requests also include non-Outlook sources. Possible locations of documents include, but are not limited to, personal email

accounts, OneDrive, SharePoint, EZRecords, ECMS, mobile devices (e.g., text messages and photographs, which are unique to the device), thumb drives, discs, and paper files.

By April 30, 2020, please identify the non-Outlook locations where you may have records responsive to the topics identified above. Once we receive this information, we will follow up with instructions for searching and collecting records from these locations. If you do not have any potentially responsive non-outlook records, or if your hard copy records are duplicative of records that would be captured in an outlook search, please respond to let us know you do not have records.
Please send your responses, and direct any questions, to Kevin W. Hill at hill.kevinw@epa.gov and Heather Thompson at thompson.heather@epa.gov.
Thank you for your prompt attention to this matter.

Note: Fletcher, you responded to Matt's records on 5/14 and would send to NFO once you returned to the office.

All: Once your task is completed, please send an email to Denise and cc me.

David Fotouhi	1,957 OGC	Sent on 4/28/2020	

Matthew Leopold	1,223 OGC	Sent on 4/28/2020, forwarded to Matt's Assistant John Mutz (Fletcher)	Email from Matt's Assistant John Mutz (Fletcher) on 5/14/2020: In regards to the Bristol Bay FOIA, I can say that we do not have any documents electronically in any of the shared drives that would be responsive to this request. We will have to conduct the hard copy search when we return to work, however. As to the other places, like government device hard drives, we are still in process doing this search. I hope to have more info in the coming days.

Katharine Willey	1 OGC	Sent on 4/28/2020	

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

SENT TO:
DATE: April 22, 2020

SUBJECT: BRISTOL BAY FOIA REQUESTS – request for Non Outlook records search
EMAIL BODY:

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Wednesday, January 6, 2021 3:25 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

Fletcher,

Please see the attached non-outlook search memo for Bristol Bay.

Can you please confirm that the listed OGC IO custodians have completed their search tasks?
The last update I have from you is from 5/14/20:

*Email from Matt's Assistant John Mutz (Fletcher) on 5/14/2020: In regards to the Bristol Bay FOIA, I can say that we do not have any documents electronically in any of the shared drives that would be responsive to this request. We will have to conduct the hard copy search when we return to work, however. As to the other places, like government device hard drives, we are still in process doing this search. I hope to have more info in the coming days.

Thank you!

Denise

From: Walker, Denise
Sent: Wednesday, January 6, 2021 10:32 AM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Wednesday, December 9, 2020 4:00 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Thursday, November 12, 2020 3:49 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Lynn Zipf <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Smith, Fatimah <Smith.Fatimah@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

I haven't heard back from OEX or the Front Office.
Katharine did mention that we may need to add Fletcher as a custodian to pull in some of Matt Leopold's records & briefing records.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Web Address

From: Hill, Kevin W. <hill.kevinw@epa.gov>
Sent: Wednesday, June 24, 2020 1:49 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Urban, Amanda <urban.amanda@epa.gov>
Subject: Bristol Bay Non-Electronic Email Searches

Here is where I left off with the Non-Electronic Records Searches. The yellow highlighted folks have not responded to my first April email (attached).

Matt, can you follow up with Chris Hladick? Feel free to use the attached email PDF, which I sent him on April 28th. I will follow up with Erik Peterson because his situation was more confusing and involved Caitlin.

Denise, Can you follow up with the AO and OGC custodians?

Lynn, the only OW custodian was Lee Forsgren and here's where we left it with him. "Lee forwarded to Lynn Zipf, who replied on 4/28/2020: "If Lee has Non Outlook responsive records, they would be included in his hard-copy daily binder files. These files are in the office and, therefore, currently not accessible."

Thank you all!

Be well,
Kevin

Kevin W. Hill
Attorney-Adviser| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 10/16/2020 6:23:36 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Holden, Allison [Holden.Allison@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]
Subject: FW: OGC History Clean Draft
Attachments:OGC History Clean 10-15-2020.docx

Goerke, Ariadne has shared a OneDrive for Business file with you. To view it, click the link below.

DF_EPA OGC History Clean 10-9-2020.docx

Hi David,

I am resending this message since I am out on leave next week and want to make sure that Allison is alerted asap when you have cleared the draft OGC history to be sent to the OPA/3rd Floor/Administrator for their review. Allison needs to have their review completed by October 26 in order to ensure all comments and edits are incorporated before the designers receive it on Nov. 2 Please let us know when this can move forward, ideally today but ***no later than Monday, October 19.*** That allows for a one week review for OPA/3rd floor/Administrator. Thank you for your support of this project.

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Goerke, Ariadne
Sent: Friday, October 16, 2020 10:21 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,
The team is ready to have this move forward to OPA pending your approval. Let me know your thoughts when you can, ideally the sooner the better.
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel

U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 9:10 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Thanks!

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, October 15, 2020 9:06 AM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I meet with David late today and want to know what my ask should be of him regarding this effort. Thanks for the update.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 8:41 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP) n't

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 9:40 PM
To: Hoffman, Howard <hoffman.howard@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I think that works. Let me know what else I can do to keep this moving on to OPA/OA. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Hoffman, Howard <hoffman.howard@epa.gov>
Sent: Wednesday, October 14, 2020 9:30 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: OGC History Clean Draft

Keep me in the loop how you want to proceed in light of David's response below.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, October 14, 2020 7:47 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 12:23 PM

To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, October 13, 2020 12:07 AM
To: Cody, Meredith <cody.meredith@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: OGC History Clean Draft

---

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Cody, Meredith <cody.meredith@epa.gov>
Sent: Friday, October 9, 2020 2:25 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: OGC History Clean Draft

Hi David,

Allison Holden Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

Message

From: Smith, Kathryn [Smith.Kathryn@epa.gov]
Sent: 1/18/2021 7:06:58 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Dangler, Barbara [Dangler.Barbara@epa.gov]
CC: Carr, Dorothy [Carr.Dorothy@epa.gov]; Sweeney, Stephen [Sweeney.Stephen@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; May, Tonja [May.Tonja@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached
Attachments: PD Amendment_Starfield_1st Assistant.docx; PD Amendment_Nishida_1st Assistant.docx; PD Amendment_Breen_1st Assistant.docx; PD Amendment_Bloom_1st Assistant.docx; PD Amendment_Vizian_1st Assistant.docx

Please see attached, edited per your request.

Kathryn Smith
Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 18, 2021 12:30 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

OK, are you going to get those to me tomorrow? I would suggest that the second sentence read:

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Friday, January 15, 2021 2:29 PM

To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Hi Elise,

You would sign the amendments as the supervisor.

Thanks!

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

CONFIDENTIALITY: This communication may contain privileged or other confidential information. If you are not the intended addressee, or believe you have received this communication in error, you may neither copy, disseminate, nor distribute it to anyone else or use it in any unauthorized manner; to do so is strictly prohibited and may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 1:42 PM
To: Dangler, Barbara <Dangler.Barbara@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

This looks fine, am I signing as the classifier or the supervisor?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Tuesday, January 12, 2021 6:16 AM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Good Morning,

Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, I did not include a PD amendment for Jennifer Orme-Zavaleta because her PD appears to include the first assistant language already, but please let me know if I need to draft a PD amendment for her as well. Below is a screen shot of the language included in her PD.

Ex. 5 Deliberative Process (DP)

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please finalize the draft amendments and share them with this team. Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP

U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 11, 2021 3:55 PM
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Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara has a Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) As a result, and especially given how short the time is until inauguration we strongly recommend Ex. 5 Deliberative Process (DP) Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

Hello,

Ex. 5 Deliberative Process (DP)

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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Message

From: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Sent: 10/16/2020 6:32:28 PM
To: Payne, James (Jim) [payne.james@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: OGC History Clean Draft
Attachments:OGC History Clean 10-15-2020.docx

Goerke, Ariadne has shared a OneDrive for Business file with you. To view it, click the link below.

DF_EPA OGC History Clean 10-9-2020.docx

Hi Jim and Elise,

If you have your meeting with David this afternoon, could you raise that his final approval is needed before this goes to OPA and the 3rd floor for review? Allison is prepared to send it on when I am out next week, but we must have his approval first. She is getting anxious that we are slipping in the timeframes for getting this to the designers, which as I have mentioned before needed this no later than no November 2nd to ensure it is ready by the OGC 50th event on December 3rd.

Thanks,
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Goerke, Ariadne
Sent: Friday, October 16, 2020 2:24 PM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Holden, Allison <Holden.Allison@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

I am resending this message since I am out on leave next week and want to make sure that Allison is alerted asap when you have cleared the draft OGC history to be sent to the OPA/3rd Floor/Administrator for their review. Allison needs to have their review completed by October 26 in order to ensure all comments and edits are incorporated before the designers receive it on Nov. 2 Please let us know when this can move forward, ideally today but ***no later than Monday, October 19.*** That allows for a one week review for OPA/3rd floor/Administrator. Thank you for your support of this project.

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Goerke, Ariadne
Sent: Friday, October 16, 2020 10:21 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,
The team is ready to have this move forward to OPA pending your approval. Let me know your thoughts when you can, ideally the sooner the better.
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 9:10 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Thanks!

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, October 15, 2020 9:06 AM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>;

Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I meet with David late today and want to know what my ask should be of him regarding this effort. Thanks for the update.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 8:41 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 9:40 PM
To: Hoffman, Howard <hoffman.howard@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I think that works. Let me know what else I can do to keep this moving on to OPA/OA. Maybe a final

Ex. 5 Deliberative Process (DP)

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Hoffman, Howard <hoffman.howard@epa.gov>
Sent: Wednesday, October 14, 2020 9:30 PM

To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: OGC History Clean Draft

Keep me in the loop how you want to proceed in light of David's response below.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*

---

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

202-505-0535 *cell*

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, October 14, 2020 7:47 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 12:23 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

Ex. 5 Deliberative Process (DP)

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, October 13, 2020 12:07 AM
To: Cody, Meredith <cody.meredith@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Cody, Meredith <cody.meredith@epa.gov>
Sent: Friday, October 9, 2020 2:25 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: OGC History Clean Draft

Hi David,

Ex. 5 Deliberative Process (DP) r

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 1/19/2021 7:16:10 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached
Attachments: PD Amendment_Starfield_1st Assistant.pdf; PD Amendment_Nishida_1st Assistant.pdf; PD Amendment_Breen_1st Assistant.pdf; PD Amendment_Bloom_1st Assistant.pdf; PD Amendment_Vizian_1st Assistant.pdf

---

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 19, 2021 1:52 PM
To: Patrick, Monique <Patrick.Monique@epa.gov>
Subject: FW: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Can you please set all these up for my signature in the supervisor box on the bottom? I need to sign this afternoon.

Thanks.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 18, 2021 2:07 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Please see attached, edited per your request.

Kathryn Smith
Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 18, 2021 12:30 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

OK, are you going to get those to me tomorrow? I would suggest that the second sentence read:

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Friday, January 15, 2021 2:29 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Hi Elise,

You would sign the amendments as the supervisor.

Thanks!

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 1:42 PM
To: Dangler, Barbara <Dangler.Barbara@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>

Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

This looks fine, am I signing as the classifier or the supervisor?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Tuesday, January 12, 2021 6:16 AM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Good Morning,

Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Below is a screen shot of the language included in her PD.

Ex. 5 Deliberative Process (DP)

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

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Sent: Monday, January 11, 2021 3:57 PM
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Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please finalize the draft amendments and share them with this team. Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>

Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara has a Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) As a result, and especially given how short the time is until inauguration we strongly recommend Ex. 5 Deliberative Process (DP) Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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RESEARCH TRIANGLE PARK

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From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

Hello,

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist

Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 1/19/2021 7:22:16 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

You're welcome.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 19, 2021 2:20 PM
To: Patrick, Monique <Patrick.Monique@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Thank you!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Patrick, Monique <Patrick.Monique@epa.gov>
Sent: Tuesday, January 19, 2021 2:16 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

---

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 19, 2021 1:52 PM
To: Patrick, Monique <Patrick.Monique@epa.gov>
Subject: FW: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Can you please set all these up for my signature in the supervisor box on the bottom? I need to sign this afternoon.

Thanks.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 18, 2021 2:07 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Please see attached, edited per your request.

Kathryn Smith
Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 18, 2021 12:30 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

OK, are you going to get those to me tomorrow? I would suggest that the second sentence read:

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Friday, January 15, 2021 2:29 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Hi Elise,

You would sign the amendments as the supervisor.

Thanks!

Kathryn Smith
Acting Supervisor

Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 1:42 PM
To: Dangler, Barbara <Dangler.Barbara@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

This looks fine, am I signing as the classifier or the supervisor?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Tuesday, January 12, 2021 6:16 AM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Good Morning,

Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Below is a screen shot of the language included in her PD.

Ex. 5 Deliberative Process (DP)

Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
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From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please finalize the draft amendments and share them with this team. Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 11, 2021 3:55 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara [redacted] Ex. 5 Deliberative Process (DP) [redacted] Ex. 5 Deliberative Process (DP) [redacted]. As a result, and especially given how short the time is until inauguration we strongly recommend [redacted] Ex. 5 Deliberative Process (DP) [redacted] Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

Hello,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thank you!

Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

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Message

From: Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]
Sent: 1/15/2021 6:49:39 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

Thanks David for all the last minute due outs. I will check with NFO for further guidance.

v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Friday, January 15, 2021 12:22 PM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

I've left my entire Bristol Bay paper file on the desk in my old office (4000A). Because the building is closing soon and will be inaccessible next week, this is the most I can do on this request.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>
Sent: Friday, January 15, 2021 12:20 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

Good afternoon David and Katharine, I wanted to follow up on your Bristol Bay Non-Electronic Email search. Please let me know if you need additional time.

v/r,

Shan Anderson
Paralegal Specialist

Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Anderson, Shanquenetta
Sent: Thursday, January 14, 2021 1:07 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

Afternoon All:

I wanted to follow up on the status of this requests.

v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Anderson, Shanquenetta
Sent: Friday, January 8, 2021 3:02 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April) : Last Task Needed before you leave

All: (Please complete this task as soon as possible.)

You have been identified as a custodian likely to have responsive records related to one or more Freedom of Information Act requests for records related to Bristol Bay. These requests cover the time period from January 1, 2018 through August 23, 2019 and are seeking records regarding:

- The EPA memo signed by General Counsel Matthew Leopold and distributed June 26, 2019 relating to Pebble Mine and reconsidering the proposed determination to restrict mining there.
- The June 27, 2019 EPA meeting/internal video conference between EPA HQ and Region 10 regarding the 2014 Proposed Determination for the Pebble Deposit area.
- The 2014 Proposed Determination for the Pebble Deposit area, including withdrawal.
- Communications with the United States Army Corps of Engineers (USACE), White House, Alaska Governor's Office, or the Alaska Department of Environmental Conservation regarding Bristol Bay/Pebble Mine.
- Communications between EPA and the Pebble Limited Partnership (PLP) or Northern Dynasty Minerals or its representatives, including Tom Collier and Ron Thiessen.

- Alaska Governor Dunleavy's meetings with President Trump on May 24, 2019 and June 26, 2019.
- The 2019 delegation of 404(c) decision-making authority to Matt Leopold.

Potentially responsive records include, but are not limited to, correspondence (memorandums and letters, including drafts), handwritten or typewritten notes, text messages, memos to file, briefing memos, summaries of meetings, presentations, photographs, copies of email communications saved in hardcopy or on local/shared network drives, and reports.
A search for outlook emails records has already been conducted. However, many of these requests also include non-Outlook sources. Possible locations of documents include, but are not limited to, personal email accounts, OneDrive, SharePoint, EZRecords, ECMS, mobile devices (e.g., text messages and photographs, which are unique to the device), thumb drives, discs, and paper files.

By April 30, 2020, please identify the non-Outlook locations where you may have records responsive to the topics identified above. Once we receive this information, we will follow up with instructions for searching and collecting records from these locations. If you do not have any potentially responsive non-outlook records, or if your hard copy records are duplicative of records that would be captured in an outlook search, please respond to let us know you do not have records.
Please send your responses, and direct any questions, to Kevin W. Hill at hill.kevinw@epa.gov and Heather Thompson at thompson.heather@epa.gov.
Thank you for your prompt attention to this matter.

Note: Fletcher, you responded to Matt's records on 5/14 and would send to NFO once you returned to the office.

All: Once your task is completed, please send an email to Denise and cc me.

David Fotouhi	1,957 OGC	Sent on 4/28/2020	

Matthew Leopold	1,223 OGC	Sent on 4/28/2020, forwarded to Matt's Assistant John Mutz (Fletcher)	Email from Matt's Assistant John Mutz (Fletcher) on 5/14/2020: In regards to the Bristol Bay FOIA, I can say that we do not have any documents electronically in any of the shared drives that would be responsive to this request. We will have to conduct the hard copy search when we return to work, however. As to the other places, like government device hard drives, we are still in process doing this search. I hope to have more info in the coming days.

Katharine Willey	1 OGC	Sent on 4/28/2020	

Shan Anderson

Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

SENT TO:
DATE: April 22, 2020
SUBJECT: BRISTOL BAY FOIA REQUESTS – request for Non Outlook records search
EMAIL BODY:

From: Walker, Denise <Walker.Denise@epa.gov>
Sent: Wednesday, January 6, 2021 3:25 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

Fletcher,

Please see the attached non-outlook search memo for Bristol Bay.

Can you please confirm that the listed OGC IO custodians have completed their search tasks?
The last update I have from you is from 5/14/20:

*Email from Matt's Assistant John Mutz (Fletcher) on 5/14/2020: In regards to the Bristol Bay FOIA, I can say that we do not have any documents electronically in any of the shared drives that would be responsive to this request. We will have to conduct the hard copy search when we return to work, however. As to the other places, like government device hard drives, we are still in process doing this search. I hope to have more info in the coming days.

Thank you!

Denise

From: Walker, Denise
Sent: Wednesday, January 6, 2021 10:32 AM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Wednesday, December 9, 2020 4:00 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

From: Walker, Denise
Sent: Thursday, November 12, 2020 3:49 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Soden, Caitlin <Soden.Caitlin@epa.gov>; Lynn Zipf <Zipf.Lynn@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Smith, Fatimah <Smith.Fatimah@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Elliott, Scott <Elliott.Scott@epa.gov>
Subject: FW: Bristol Bay Non-Electronic Email Searches (request from April)

I haven't heard back from OEX or the Front Office.
Katharine did mention that we may need to add Fletcher as a custodian to pull in some of Matt Leopold's records & briefing records.

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

EPA FOIA Intranet: Ex. 6 Web Address

From: Hill, Kevin W. <hill.kevinw@epa.gov>
Sent: Wednesday, June 24, 2020 1:49 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Zipf, Lynn <Zipf.Lynn@epa.gov>; Urban, Amanda <urban.amanda@epa.gov>
Subject: Bristol Bay Non-Electronic Email Searches

Here is where I left off with the Non-Electronic Records Searches. The yellow highlighted folks have not responded to my first April email (attached).

Matt, can you follow up with Chris Hladick? Feel free to use the attached email PDF, which I sent him on April 28th. I will follow up with Erik Peterson because his situation was more confusing and involved Caitlin.

Denise, Can you follow up with the AO and OGC custodians?

Lynn, the only OW custodian was Lee Forsgren and here's where we left it with him. "Lee forwarded to Lynn Zipf, who replied on 4/28/2020: "If Lee has Non Outlook responsive records, they would be included in his hard-copy daily binder files. These files are in the office and, therefore, currently not accessible."

Thank you all!

Be well,
Kevin

Kevin W. Hill
Attorney-Adviser| National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 1/20/2021 11:31:18 PM
To: Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]
CC: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Tyree, Robin [Tyree.Robin@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Torma, Tim [Torma.Tim@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: RE: the Biden Administration has issued its regulatory freeze memo

Thanks!

From: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Sent: Wednesday, January 20, 2021 6:14 PM
To: Nickerson, William <Nickerson.William@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Tyree, Robin <Tyree.Robin@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Torma, Tim <Torma.Tim@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Re: the Biden Administration has issued its regulatory freeze memo

Thanks, Bill. Greatly appreciate the update. Have a nice evening.

Wes

Sent from my iPhone

> On Jan 20, 2021, at 6:13 PM, Nickerson, William <Nickerson.William@epa.gov> wrote:
>
> https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/
>
> Consistent with this memo, we will **Ex. 5 Deliberative Process (DP)**

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 1/21/2021 1:50:28 AM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: For the OEM people -- vacancies table

OK. Will hold.

[OCSPP is the only other one that requires a non-career PDAA to give us a full plate of actings]

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Wednesday, January 20, 2021 8:47 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: Re: For the OEM people -- vacancies table

Cool - still waiting on official announcements but we have a PDgC and so do a number of other vacant ones. oAR and OW.

Sent from my iPhone

On Jan 20, 2021, at 8:44 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

I think Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/president-joe-biden-announces-acting-federal-agency-leadership/

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Wednesday, January 20, 2021 8:39 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: Re: For the OEM people -- vacancies table

We have some acting's so let's touch base tomorrow- can you send me the exec order in Jane? I was looking all day but must have missed it.

Thanks!

Sent from my iPhone

On Jan 20, 2021, at 8:27 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

Attached is a draft I would be sending around tomorrow.

Quick questions –

Do you know whether Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Most importantly, do you have any information Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'm going to assume Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Steve

Stephen J. Sweeney
Attorney-Advisor
Water Law Office
Office of General Counsel
U.S. Environmental Protection Agency
sweeney.stephen@epa.gov
202-564-5491 (desk)

<image001.png>

<Table January 21st 2021.docx>

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 1/21/2021 2:15:32 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: After the dust settles ... RE: ATTENTION ELISE -- RE: Questions on senior leadership details

After the dust settles, could you please send me Ex. 5 Deliberative Process (DP) Mary asked for it and I couldn't find it in emails either. Thanks.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 21, 2021 9:07 AM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Nichols, Nathanael <nichols.nathanael@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: ATTENTION ELISE -- RE: Questions on senior leadership details

Adding Nate Nichols and Wendy.

I think Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Sent: Thursday, January 21, 2021 9:00 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: ATTENTION ELISE -- RE: Questions on senior leadership details

My thought:

- Ex. 5 Deliberative Process (DP)

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Sweeney, Stephen
Sent: Thursday, January 21, 2021 8:28 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: ATTENTION ELISE -- RE: Questions on senior leadership details

Elise,

I could you please add the senior employment attorney on a reply to this? I really must introduce myself.

1. I think Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. The second bullet below is like the reason Howard brought me this question before.

3. The third bullet is Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Steve

From: Carr, Dorothy <Carr.Dorothy@epa.gov>
Sent: Thursday, January 21, 2021 7:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Barja, Kyle <Barja.Kyle@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Subject: Questions on senior leadership details

Good morning,

I have a fe questions about the leadership announcement:

-
-
-

Ex. 5 Deliberative Process (DP)

We appreciate your assistance.

Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC

(919) 541-4356 (office)
(252) 301-4784 (cell)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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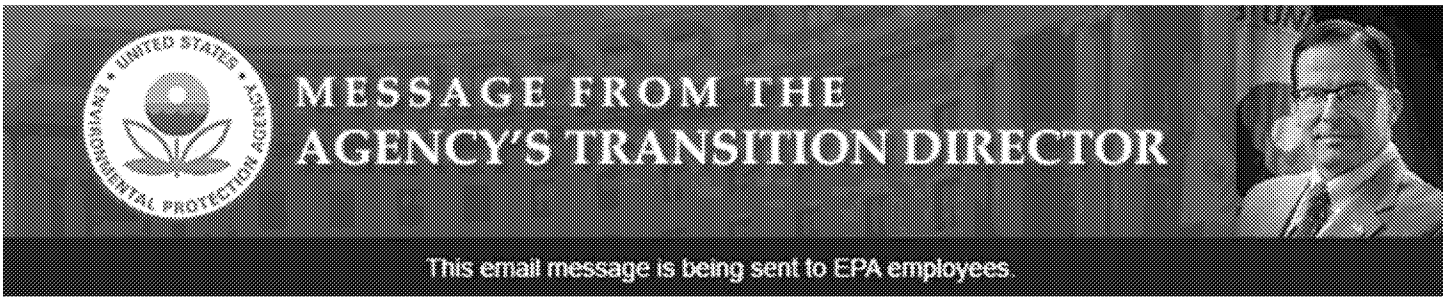
From: MassMailer <massmailer@epa.gov>
Sent: Wednesday, January 20, 2021 8:00 PM
To: MassMailer <massmailer@epa.gov>
Subject: Agency Leadership Announcement



Dear Colleagues,

As you know, President Joseph Biden was inaugurated as our 46th President at noon today, so I am sharing some important transition information with all of you.

Shortly after being sworn in, President Biden signed an Executive Order naming acting heads of federal agencies, pending Senate confirmation of his nominees. For EPA, the President appointed Jane Nishida to serve as EPA's Acting Administrator until the new EPA Administrator is confirmed. Jane currently serves as the Principal Deputy Assistant Administrator for the Office of International and Tribal Affairs (OITA) where she is responsible for the full range of EPA's international and tribal programs. Jane has over 30 years of environmental experience working in federal and state government, and international and nongovernmental organizations. Prior to joining EPA in 2011, she served as the Senior Environmental Institutions Specialist at the World Bank, and from 1995 to 2002, she served as the Secretary of Maryland's Department of the Environment. Jane received a Bachelor of Arts in International Affairs from Lewis & Clark College in Portland, Oregon, and a Juris Doctorate from Georgetown Law Center in Washington, D.C.

I know that you all will join me in supporting Jane as she assumes this important responsibility.

We appreciate everyone's support of the agency's transition activities over the past several months. I am proud of our work with the Biden-Harris Agency Review Team and extend my gratitude to the AO, and the national program and regional offices who provided a substantial level of support to this transition effort.

Wes Carpenter
Agency Transition Director

Message

From: Conrad, Daniel [conrad.daniel@epa.gov]
Sent: 1/21/2021 4:14:29 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Personal effects

Sure

Daniel H. Conrad
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
Office of General Counsel
Office: (202) 564-0903
Cell: (202) 507-2946

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 21, 2021 10:56 AM
To: Conrad, Daniel <conrad.daniel@epa.gov>
Subject: FW: Personal effects

When you get a chance, can you please reach out to Adam to set a time when he could come by to get his stuff and you are in the office? He will need someone to escort him up and we'll need to get him a property pass.

Thanks!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Tuesday, January 19, 2021 10:07 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Personal effects

Jim and Elise,

On returning from a funeral Sunday night, I tried without success to get into the building to move out my personal effects. They are still in my office, and I have not boxed them up. I'm available to come in post-inauguration whenever there is someone who can escort me.

After 12pm tomorrow I can be reached at Ex. 6 Personal Privacy (PP) and Ex. 6 Personal Privacy (PP)

I would appreciate any advice. Sorry for the inconvenience.

Adam

Adam Gustafson
Deputy General Counsel
Office of General Counsel

U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

Message

From: Vizian, Donna [Vizian.Donna@epa.gov]
Sent: 1/21/2021 10:55:53 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: Dan's Updated Email

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, January 21, 2021 5:53 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>
Subject: FW: Dan's Updated Email

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)
202-253-7056 (cell)
grantham.nancy@epa.gov

From: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Sent: Thursday, January 21, 2021 5:46 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>
Subject: Dan's Updated Email

Pulling two threads together – Here is an updated version of this email. I **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, January 21, 2021 5:13 PM
To: Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Subject: This is what it will look like adding the names -- if you want to clear with Dan - thanks ng FW: Chief of Staff Mass Mailer for review

MESSAGE FROM THE CHIEF OF STAFF

This email message is being sent to EPA employees.

Dear Colleagues,

First, allow me to introduce myself. I'm Dan Utech, and it is my privilege to join the EPA team as the incoming Chief of Staff.

As you know, President Biden has nominated Michael Regan, Secretary of the North Carolina Department of Environmental Quality, to be EPA Administrator. While we await Secretary Regan's confirmation, I am grateful that Jane Nishida will be serving as Acting Administrator for the agency, providing us with steady leadership.

Yesterday, President Biden signed an Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which states that: "it is the policy of my Administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals." EPA will be at the heart of this work, and we will be guided by science as we move to achieve these goals and address other threats to public health and the environment.

President Biden also signed an Executive Order On Advancing Racial Equity and Support for Underserved Communities Through The Federal Government. In addition to providing a framework for advancing equity, it revokes the EO 13950-Combating Race and Sex Stereotyping.

In the coming days and weeks, we will be building out our leadership team. At the end of this email, please find an updated list of current and acting leaders as well as a list of the incoming appointees who onboarded this week. As we and other members of the new team get up and running, we look forward to learning from you and beginning to work together.

I know that the work of EPA relies on the dedicated professionals who carry the agency's mission forward from one Administration to the next. Thank you for your ongoing service to EPA and our country, and for your efforts to protect Americans' health and our environment.

Finally, I want to acknowledge that we begin this transition during the COVID-19 pandemic. I want to assure you that your health and safety is our top priority. As a first step in that regard, yesterday President Biden signed an Executive Order requiring masks and physical distancing in all federal buildings. This is not a change in telework status but rather a measure to further protect those whose work requires them to be on site.

Thank you in advance for bearing with us as we onboard amidst these unprecedented circumstances. I am honored to be working alongside you.

As we look to our shared work ahead, please take a few minutes to view this brief video message from President Biden to hear his values and commitment in his own words.

Sincerely.

Dan Utech
Chief of Staff

Current and acting leadership:

Acting Administrator: Jane Nishida
Acting CFO OCFO: David Bloom
Acting AA OAR: Joseph Goffman
Acting AA OW: Radhika Fox
Acting AA OLEM: Barry Breen
Acting AA OCSPP: Michal Freedhoff (as of 2/1)
Acting AA ORD: Jennifer Orme-Zavaleta
Acting GC OGC: Melissa Hoffer
Acting AA OECA: Larry Starfield
Acting AA OITA: Mark Kasman
Acting AA OMS: Donna Vizian
Associate Administrator OP: Victoria Arroyo
Associate Administrator OCIR: Robin Richardson
Associate Administrator OPEEE: Rosemary Enobakhare
Associate Administrator OPA: Lindsay Hamilton
R1: Deb Szaro
R2: Walter Mugdan
R3: Diana Esher
R4: John Blevins
R5: Cheryl Newton
R6: David Gray
R7: Ed Chu
R8: Deb Thomas
R9: Deb Jordan
R10: Michelle Pirzadeh

Members of the incoming EPA leadership team who onboarded this week:

Radha Adhar, Deputy Associate Administrator for Congressional Affairs

Radha Adhar joins EPA from the Office of Senator Tammy Duckworth where she served as Senior Policy Advisor for Energy, Environment and Science. In 2016 and 2017, Radha was an Advisor to the Jobs Strategy Council in the Office of the Secretary at the U.S. Department of Energy. She has also worked at the Sierra Club and the Natural Resources Defense Council, focusing on the Beyond Coal Campaign and the 2012 Earth Summit. Radha holds a M.S.in Energy Policy and Climate Change Science from Johns Hopkins University and a B.S.in Biology from the University of North Carolina at Chapel Hill.

Victoria Arroyo, Associate Administrator for Policy

Vicki Arroyo returns to EPA after having served as Executive Director of the Georgetown Climate Center for 12 years, leading work on climate law and policy and supporting leading states and cities in their efforts to address and prepare for climate change. Previously she served at the Pew Center on Global Climate Change as Vice President for Policy Analysis and General Counsel where she directed Pew's policy analysis, science, adaptation, economics, and U.S. policy programs for a decade and was Managing Editor of the Center's book, *Climate Change: Science, Strategies and Solutions*. She was recently Chair of the Executive Committee of the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine and has served on numerous other boards and committees advising the National Science Foundation, the National Center for Atmospheric Research, the U.S. Energy Information Administration, and the California Air Resources Board. Vicki previously served in two offices at EPA, the Office of Air and Radiation and the Office of Research and Development, where she reviewed development of standards under the Clean Air Act. Vicki also served as Policy Director for the Louisiana Department of Environmental Quality, drafting legislation that reduced toxic air pollution by 50% and linking tax breaks to firms' environmental records. She was elected to the American College of Environmental Lawyers in 2018 and holds a B.S. in biology from Emory and a M.P.A. from Harvard and a J.D. from Georgetown.

Tomás Elias Carbonell, Deputy Assistant Administrator for Stationary Sources, Office of Air and Radiation

Since 2012, Tomás Carbonell has held a number of positions at the Environmental Defense Fund (EDF), most recently as Senior Counsel and Director of Regulatory Policy for EDF's U.S. Clean Air program. His work included leading EDF's litigation and regulatory advocacy in defense of the Clean Power Plan and carbon pollution standards for new, modified and reconstructed power plants; defending Clean Air Act protections for hazardous air pollution from power plants and industrial sources; and advocacy in defense of EPA's use of rigorous health science and economic analysis. From 2008 until 2012, Tomás was an Associate at Van Ness Feldman, LLP, where he counseled diverse clients on federal legal and regulatory matters related to climate change, clean energy, and environmental and electricity regulation. He has a J.D. from Yale University, degrees in Environmental Change and Management and Development Economics from the University of Oxford, and bachelors' degrees in Chemical Engineering, Economics, and Multidisciplinary Studies from North Carolina State University.

Alison Cassady, Deputy Chief of Staff for Policy

Alison Cassady most recently served as the Deputy Staff Director for the U.S. House of Representatives, Select Committee on the Climate Crisis, where she managed a team of lawyers and scientists to conceptualize, draft and deliver a congressional policy roadmap for achieving net zero emissions by 2050 and building a clean energy economy that values workers and advances environmental justice. From 2017 – 2019 she was the Managing Director of the Energy and Environment Team at the Center for American Progress, providing strategic planning and managerial support to a team working on climate change policy, public lands conservation, and ocean protection. Alison also served on the House Committee on Energy and Commerce and Committee on Oversight and Government Reform. She holds a Master of Public Affairs from Indiana University School of Public and Environmental Affairs and a B.S. in Foreign Service from Georgetown University School of Foreign Service.

Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs

Dimple Chaudhary joins EPA after serving as Deputy Litigation Director at the Natural Resources Defense Council. Her work included litigation and advocacy to protect communities from drinking water

contamination and exposure to toxics. Dimple was lead counsel for community groups in Flint, Michigan, in a case brought to address lead contamination in the city's drinking water, which led to a settlement requiring the replacement of all Flint's lead service lines within three years. Prior to joining NRDC, she was an associate at WilmerHale and a law clerk for the Honorable Carol Bagley Amon of the United States District Court for the Eastern District of New York. She holds a bachelor's degree from Harvard University, a master's degree in urban planning from the London School of Economics, and a J.D. from Columbia Law School.

Rosemary Enobakhare, Associate Administrator for Public Engagement and Environmental Education

Rosemary Enobakhare returns to EPA where she served as the Deputy Associate Administrator for Public Engagement and Environmental Education, leading the agency's community outreach and strategic engagement plans. Since then, she has been the Director of Campaigns at The Hub Project, developing and managing large-scale advocacy campaigns that shift the conversation around top progressive policies. She also worked for two years as the Campaign Director at the Clean Water for All Campaign, serving as the principal point of contact for stakeholders and overseeing all aspects of the campaign's daily operations. Rosemary is a graduate of Spelman College with a degree in Economics.

Philip Fine, Principal Deputy Associate Administrator for Policy

Dr. Fine joins EPA after a 15 year career at the South Coast Air Quality Management District in Southern California. He most recently served as the Deputy Executive Officer for the Planning, Rule Development & Area Sources Division, where he oversaw all activities of the Division, including development of State Implementation Plans and Air Quality Management Plans, strategies and regulations for air pollution control, meteorology and forecasting, air quality evaluation, air toxics risk assessment, emissions inventories, socioeconomic analyses, transportation programs, and enforcement for area sources. Prior to this role, Dr. Fine's previous responsibilities at South Coast AQMD included oversight of ambient air monitoring, laboratory services, quality assurance, and source testing. Dr. Fine served on the California Air Resources Board's legislatively-mandated Research Screening Committee, and has also served on several EPA Clean Air Scientific Advisory Committee expert panels. Before joining the South Coast AQMD, Dr. Fine was a Research Assistant Professor at the University of Southern California, Los Angeles where he taught courses and conducted extensive research on particulate pollution, air monitoring technologies, and exposure assessment. He has over 50 peer-reviewed scientific publications to date. He received his Ph.D. from the California Institute of Technology in Environmental Science & Engineering, and his bachelor's degree in Mechanical Engineering and Materials Science & Engineering from the University of California, Berkeley.

Radhika Fox, Principal Deputy Assistant Administrator, Office of Water

Prior to her appointment at EPA, Radhika Fox was the Chief Executive Officer of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. She has more than 20 years of experience in developing, policies, programs and issue-based advocacy campaigns on the most salient water issues facing the nation including climate change, affordability and innovative finance, water infrastructure investment, equity, and the evolution of the One Water movement. Previously, Radhika directed policy and government affairs for the San Francisco Public Utilities Commission, which is responsible for providing 24/7 water, wastewater, and municipal power services to millions of Bay Area residents. She also served as the Federal Policy Director at PolicyLink, where she coordinated the organization's policy agenda on a wide range of issues, including infrastructure investment, transportation, sustainable communities, economic inclusion, and workforce development. Radhika has a

M.A. in City and Regional Planning from the University of California, Berkeley, and a B.A. in Religion and Philosophy from Columbia University.

Joseph Goffman, Principal Deputy Assistant Administrator, Office of Air and Radiation

Joe Goffman returns to EPA after serving from 2009 – 2017 as the Associate Assistant Administrator for Climate and Senior Counsel in the Office of Air and Radiation, where he provided policy and legal counsel on a wide range of climate policy and Clean Air Act regulatory and implementation issues and rulemakings. Since 2017 he has served as the Executive Director of the Environmental and Energy Law Program at Harvard Law School where he led a team of attorneys and communications specialists providing information and analysis to stakeholders, government decision makers and the media, and offering innovative responses on emerging issues in the areas of federal, state and municipal energy and electricity law and environmental and administrative law as well as in selected areas of corporate law. Joe also worked on the U.S. Senate Committee on Environment and Public Works as the Democratic Chief Counsel and Majority Senior Counsel. He holds B.A. and J.D. degrees from Yale University.

Lindsay Hamilton, Associate Administrator for Public Affairs

Lindsay Hamilton comes to EPA from Climate Nexus, a communications non-profit, where she was senior director of national media strategy. She also spent time as the chief spokesperson for The George Washington University, the chief of staff and a vice president with the Center for American Progress, and she served in roles in both the U.S. House of Representatives and the and the U.S. Senate. Early on in her career, she worked for ABC News. Lindsay earned a B.A. in international affairs and political science from The George Washington University. She earned her master's degree from the Columbia University School of International and Public Affairs. She is originally from Omaha, Nebraska.

Sinceré Harris, White House Liaison

Sinceré Harris joins EPA with years of senior-level experience in developing strategies to define, communicate and achieve political goals. Since 2015 she has served as the Executive Director of the Pennsylvania Democratic Party, where she was at the forefront of successful statewide coordinated campaigns, approving and managing multi-million dollar coordinated budgets, and led the formation of the 2020 organizing team. In 2020, Sinceré was named the Pennsylvania Senior Advisor for Joe Biden for President, including advising a team of over 200 on digital organizing, voter protection, political and coalition building, and communications. She previously worked as the Assistant Deputy for Legislative Affairs for the Commonwealth of Pennsylvania. Sinceré has a degree in Psychology from Temple University.

Melissa Hoffer, Principal Deputy General Counsel

Prior to joining EPA, Melissa Hoffer was with the Massachusetts Attorney General's Office where she served as the Chief of the Energy and Environment Bureau and oversaw the work of the Bureau's attorneys on matters including prosecuting civil and criminal enforcement of environmental laws, energy policy, ratepayer advocacy, defensive cases, and affirmative advocacy, including litigation in support of EPA's Mercury and Air Toxics Standards. In 2020, Melissa was inducted as a Fellow into the American College of Environmental Lawyers; she has received a 2020 Meritorious Service Award from the National Association of Attorneys General, a Massachusetts Lawyers Weekly Top Women of Law award in 2013, and a Boston Bar Association President's award in 2007. Melissa served for over five years as a vice president of Conservation Law Foundation and director of its Healthy Communities and Environmental Justice Program, and director of its New Hampshire Advocacy Center. Melissa practiced at WilmerHale for many years where her focus was environmental law and litigation. She holds a J.D. from Northeastern University School of

Law, an M.Ed. from the University of Massachusetts, and a B.A. from Hampshire College with a focus on education.

Casey Katims, Deputy Associate Administrator for Intergovernmental Affairs

Casey Katims most recently served as Director of Federal and Inter-State Affairs for Washington Governor Jay Inslee, working as his primary advisor on federal policy issues and directing the state of Washington's engagement with Congress, the White House, federal agencies, fellow governors' offices and various other stakeholders in D.C. Prior to this role, he spent five years as a policy advisor in the U.S. House of Representatives for Rep. Suzan DelBene, developing bills and amendments on a range of issues and helping manage her responsibilities on the House Ways and Means Committee. Casey has a degree in Political Science from Vassar College and grew up in Edmonds, Washington.

John Lucey, Special Assistant to the Administrator

John Lucey joins EPA from the North Carolina Department of Environmental Quality (NCDEQ), starting as a Legislative Analyst in 2015. He has served since 2019 as the Chief Strategy Officer, helping create and manage the strategic implementation of both North Carolina's Clean Energy Plan and Risk and Resiliency Plan. He also provided guidance to the Department on significant State initiatives including the Duke Energy Coal Ash Settlement, the North Carolina Environmental Justice and Equity Board and the Chemours Consent Order. John holds a B.A. in Political Science from North Carolina State University and an Associate of Arts degree from Central Piedmont Community College.

Dan Utech, Chief of Staff

Dan Utech has over 20 years of experience in the federal environmental and energy sectors., including as a Presidential Management Fellow in 1997/1998 with assignments at EPA, the National Oceanic and Atmospheric Administration and the U.S. Forest Service. From 2014 – 2017 he served at the White House Domestic Policy Council, including as Deputy Assistant to the President for Energy and Climate Change, where he led the White House and cross-governmental teams to implement and coordinate communications for President Obama's Climate Action Plan, oversaw the Administration's energy and climate change strategy, and promoted the President's agenda in Congress. Dan also served as Senior Advisor to the Secretary at the U.S. Department of Energy, where his responsibilities included budget development and management of key initiatives such as nuclear waste. Prior to his federal agency experience, Dan was Senior Advisor to Senator Hillary Rodham Clinton, advising the Senator on all energy and environmental issues, including climate change, clean diesel, and energy efficiency, as well as air and water quality, toxic substances and endangered species. He has been a lecturer at the Yale School of Forestry and Environmental Studies, from which he received an M.E.S. degree. He also holds degrees from the Yale School of Management and Amherst College.

Message

From: Holden, Allison [Holden.Allison@epa.gov]
Sent: 10/19/2020 1:32:32 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Cody, Meredith [cody.meredith@epa.gov]
Subject: RE: OGC History Clean Draft

Thanks for your review! Yes I will pass this along to Nancy and ask her to tell us as soon as it goes to the Administrator.

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Sunday, October 18, 2020 10:15 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Holden, Allison <Holden.Allison@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: OGC History Clean Draft

Thanks for **Ex. 5 Deliberative Process (DP)** I will let the Administrator know that it's coming his way once OPA clears it. Could you please ask OPA to let us know when they've cleared it and plan to share with the Administrator? Thank you.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, October 16, 2020 2:24 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Holden, Allison <Holden.Allison@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

I am resending this message since I am out on leave next week and want to make sure that Allison is alerted asap when you have cleared the draft OGC history to be sent to the OPA/3rd Floor/Administrator for their review. Allison needs to have their review completed by October 26 in order to ensure all comments and edits are incorporated before the designers receive it on Nov. 2 Please let us know when this can move forward, ideally today but ***no later than Monday, October 19.*** That allows for a one week review for OPA/3rd floor/Administrator. Thank you for your support of this project.

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Goerke, Ariadne
Sent: Friday, October 16, 2020 10:21 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,
The team is ready to have this move forward to OPA pending your approval. Let me know your thoughts when you can, ideally the sooner the better.
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 9:10 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Thanks!

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, October 15, 2020 9:06 AM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I meet with David late today and want to know what my ask should be of him regarding this effort. Thanks for the update.

Ariadne Goerke

Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Holden, Allison <Holden.Allison@epa.gov>
Sent: Thursday, October 15, 2020 8:41 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
202-564-3841

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 9:40 PM
To: Hoffman, Howard <hoffman.howard@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

I think that works. Let me know what else I can do to keep this moving on to OPA/OA. Maybe a final approval confirmation with the clean version for David with the edits incorporated from Howard?

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Hoffman, Howard <hoffman.howard@epa.gov>
Sent: Wednesday, October 14, 2020 9:30 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 7:49 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Averback, Jonathan <Averback.Jonathan@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: OGC History Clean Draft

Keep me in the loop how you want to proceed in light of David's response below.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Wednesday, October 14, 2020 7:47 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

---

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Wednesday, October 14, 2020 12:23 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Cody, Meredith <cody.meredith@epa.gov>
Subject: FW: OGC History Clean Draft

Hi David,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, October 13, 2020 12:07 AM
To: Cody, Meredith <cody.meredith@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: OGC History Clean Draft

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel

---

[1] *Id.*
[2] *The General Counsels' Opinions: Conversations with the Attorneys who have Led EPA's Office of General Counsel – Avi Garbow*, Environmental Law Institute Oct. 23, 2019), https://www.eli.org/podcasts.

U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Cody, Meredith <cody.meredith@epa.gov>
Sent: Friday, October 9, 2020 2:25 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: OGC History Clean Draft

Hi David,

Allison Holden Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,
Meredith

Meredith Cody
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-7161
cody.meredith@epa.gov

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 1/22/2021 8:25:37 PM
To: Carr, Dorothy [Carr.Dorothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Smith, Kathryn [Smith.Kathryn@epa.gov]; Barja, Kyle [Barja.Kyle@epa.gov]; Dangler, Barbara [Dangler.Barbara@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: Questions on senior leadership details

Dorothy and Kathryn,

It is accurate that officials acting in PAS positions under the Vacancies Reform Act should not be processed as personnel actions like a detail, and Ex. 5 AC/DP That said, is there Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

To avoid these questions, the legal advice is that, Ex. 5 AC/DP

Ex. 5 AC/DP

Hope this helps,

Steve

Stephen J. Sweeney

Office of General Counsel
U.S. Environmental Protection Agency
sweeney.stephen@epa.gov
202-564-5491 (desk)

From: Carr, Dorothy <Carr.Dorothy@epa.gov>
Sent: Thursday, January 21, 2021 7:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Barja, Kyle <Barja.Kyle@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Subject: Questions on senior leadership details

Good morning,

I have a fe questions about the leadership announcement:

- Ex. 5 AC/DP

We appreciate your assistance.

Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)
(252) 301-4784 (cell)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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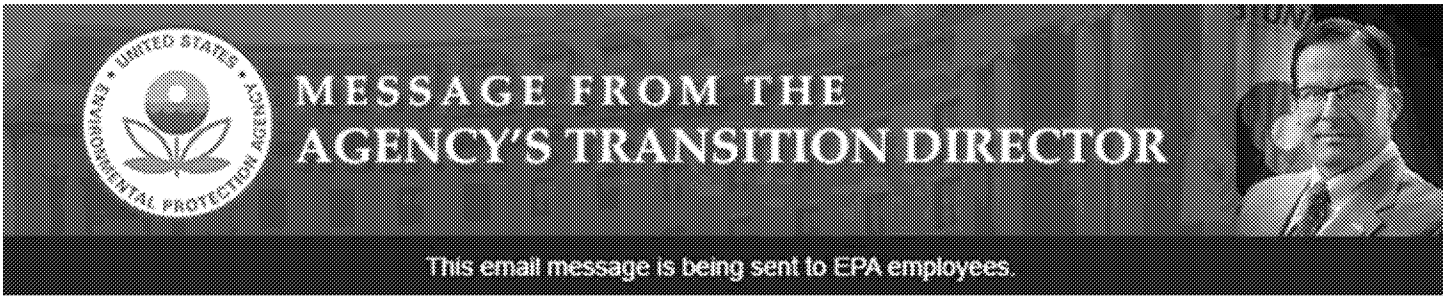
From: MassMailer <massmailer@epa.gov>
Sent: Wednesday, January 20, 2021 8:00 PM
To: MassMailer <massmailer@epa.gov>
Subject: Agency Leadership Announcement



Dear Colleagues,

As you know, President Joseph Biden was inaugurated as our 46th President at noon today, so I am sharing some important transition information with all of you.

Shortly after being sworn in, President Biden signed an Executive Order naming acting heads of federal agencies, pending Senate confirmation of his nominees. For EPA, the President appointed Jane Nishida to serve as EPA's Acting Administrator until the new EPA Administrator is confirmed. Jane currently serves as the Principal Deputy Assistant Administrator for the Office of International and Tribal Affairs (OITA) where she is responsible for the full range of EPA's international and tribal programs. Jane has over 30 years of environmental experience working in federal and state government, and international and nongovernmental organizations. Prior to joining EPA in 2011, she served as the Senior Environmental Institutions Specialist at the World Bank, and from 1995 to 2002, she served as the Secretary of Maryland's Department of the Environment. Jane received a Bachelor of Arts in International Affairs from Lewis & Clark College in Portland, Oregon, and a Juris Doctorate from Georgetown Law Center in Washington, D.C.

I know that you all will join me in supporting Jane as she assumes this important responsibility.

We appreciate everyone's support of the agency's transition activities over the past several months. I am proud of our work with the Biden-Harris Agency Review Team and extend my gratitude to the AO, and the national program and regional offices who provided a substantial level of support to this transition effort.

Wes Carpenter
Agency Transition Director

Message

From: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Sent: 1/22/2021 8:31:29 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Draft response to ERD about detailing behind Jane N. RE: Questions on senior leadership details

I am sending you an email on R4 question.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Packard, Elise
Sent: Friday, January 22, 2021 3:02 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Rich, Stephanie <Rich.Stephanie@epa.gov>
Subject: RE: Draft response to ERD about detailing behind Jane N. RE: Questions on senior leadership details

Steve, the write up to Dorothy looks good. Your e-mail to Angie in the second paragraph Ex. 5 AC/DP
Ex. 5 AC/DP

Ex. 5 AC/DP

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Sent: Friday, January 22, 2021 2:56 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Rich, Stephanie <Rich.Stephanie@epa.gov>
Subject: RE: Draft response to ERD about detailing behind Jane N. RE: Questions on senior leadership details

Steve,

Ex. 5 Deliberative Process (DP)

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Sweeney, Stephen
Sent: Friday, January 22, 2021 8:49 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>

Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Rich, Stephanie <Rich.Stephanie@epa.gov>
Subject: Draft response to ERD about detailing behind Jane N. RE: Questions on senior leadership details

Elise and Angie,

Before I hit send on this response to Dorothy and Kathryn's question about Ex. 5 AC/DP I wanted to run this by you for a reaction. I have Ex. 5 AC/DP

That said, I think Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Steve

Dorothy and Kathryn,

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

To avoid these questions, the legal advice is that, Ex. 5 Deliberative Process (DP)

Ex. 5 AC/DP

Ex. 5 AC/DP

Hope this helps,

Steve

Ex. 5 AC/DP

From: Carr, Dorothy <Carr.Dorothy@epa.gov>
Sent: Thursday, January 21, 2021 7:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Barja, Kyle <Barja.Kyle@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Subject: Questions on senior leadership details

Good morning,

I have a fe questions about the leadership announcement:

- Ex. 5 AC/DP
-
-

We appreciate your assistance.

Dorothy Carr
Lead Human Resources Specialist, Executive Resources
Human Resources Management Division, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
(919) 541-4356 (office)
(252) 301-4784 (cell)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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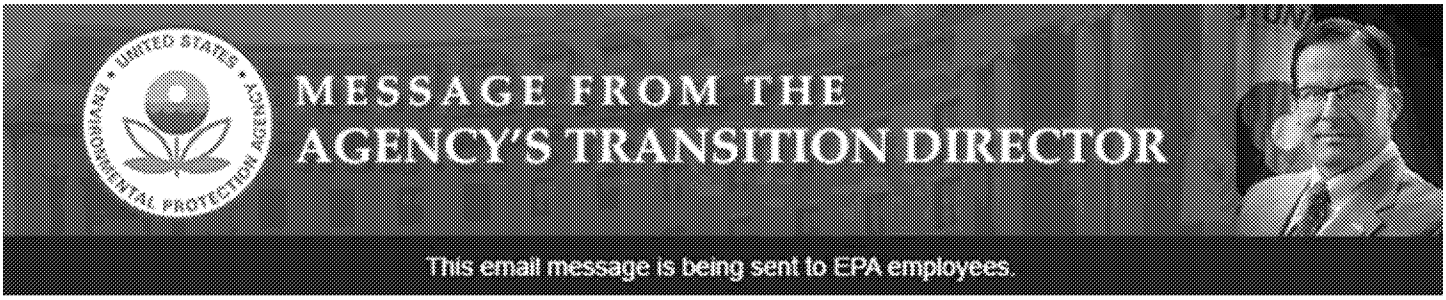
From: MassMailer <massmailer@epa.gov>
Sent: Wednesday, January 20, 2021 8:00 PM
To: MassMailer <massmailer@epa.gov>
Subject: Agency Leadership Announcement



Dear Colleagues,

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Shortly after being sworn in, President Biden signed an Executive Order naming acting heads of federal agencies, pending Senate confirmation of his nominees. For EPA, the President appointed Jane Nishida to serve as EPA's Acting Administrator until the new EPA Administrator is confirmed. Jane currently serves as the Principal Deputy Assistant Administrator for the Office of International and Tribal Affairs (OITA) where she is responsible for the full range of EPA's international and tribal programs. Jane has over 30 years of environmental experience working in federal and state government, and international and nongovernmental organizations. Prior to joining EPA in 2011, she served as the Senior Environmental Institutions Specialist at the World Bank, and from 1995 to 2002, she served as the Secretary of Maryland's Department of the Environment. Jane received a Bachelor of Arts in International Affairs from Lewis & Clark College in Portland, Oregon, and a Juris Doctorate from Georgetown Law Center in Washington, D.C.

I know that you all will join me in supporting Jane as she assumes this important responsibility.

We appreciate everyone's support of the agency's transition activities over the past several months. I am proud of our work with the Biden-Harris Agency Review Team and extend my gratitude to the AO, and the national program and regional offices who provided a substantial level of support to this transition effort.

Wes Carpenter
Agency Transition Director

Message

From: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
Sent: 1/25/2021 4:19:17 PM
To: Simons, Andrew [Simons.Andrew@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Lindsay Hamilton [lindsayhamilton@gmail.com]
Subject: RE: Revocation of an OECA/OGC memo on enforcement

Lindsay, Ex. 5 AC/DP

From: Hoffer, Melissa
Sent: Monday, January 25, 2021 11:16 AM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Revocation of an OECA/OGC memo on enforcement

Ex. 5 AC/DP

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Monday, January 25, 2021 10:37 AM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Revocation of an OECA/OGC memo on enforcement

Ex. 5 AC/DP

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

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Please consider the environment before printing this email.

From: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Sent: Sunday, January 24, 2021 6:51 PM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Revocation of an OECA/OGC memo on enforcement

With these edits, I think this is fine.

Ex. 5 AC/DP

Thanks.

Melissa

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Sunday, January 24, 2021 2:30 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Revocation of an OECA/OGC memo on enforcement

Jim:

Attached for your and Melissa's consideration are some suggestions. I'm also happy to provide additional context if that is helpful.

To your other question – Ex. 5 AC/DP

Ex. 5 AC/DP

I hope that is helpful.

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

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Please consider the environment before printing this email.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 7:30 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Fwd: Revocation of an OECA/OGC memo on enforcement

Ex. 5 AC/DP

Sent from my iPhone

Begin forwarded message:

From: "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>
Date: January 22, 2021 at 6:57:54 PM EST
To: "Hoffer, Melissa" <Hoffer.Melissa@epa.gov>
Cc: "Payne, James (Jim)" <payne.james@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Johnson, Kathleen" <Johnson.Kathleen@epa.gov>, "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>
Subject: Revocation of an OECA/OGC memo on enforcement

Melissa,

On January 20th, President Biden issued an Executive Order (EO) on *Revocation of Certain Executive Orders Concerning Federal Regulations*. That EO specifically revokes an executive order (no. 13892) issued by the Trump Administration, entitled *Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication.* President Biden's EO further states that the heads of agencies shall "promptly take steps to rescind any orders, rules, regulations, guidelines or policies" implementing that order.

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

If you have any questions, or would like to set up some time to discuss this matter, please contact me or Kathleen Johnson of my staff.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 505-0961 (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Conrad, Daniel [conrad.daniel@epa.gov]
Sent: 1/25/2021 7:45:55 PM
To: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
CC: Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: FW: Media Inquiry: Bloomberg re NRDC air pollution lawsuit

Ex. 5 AC/DP

Daniel H. Conrad
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
Office of General Counsel
Office: (202) 564-0903
Cell: (202) 507-2946

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From: Millett, John <Millett.John@epa.gov>
Sent: Monday, January 25, 2021 2:28 PM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: RE: Media Inquiry: Bloomberg re NRDC air pollution lawsuit

Thanks – Joe G approved.

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, January 25, 2021 1:53 PM
To: Millett, John <Millett.John@epa.gov>
Cc: Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Re: Media Inquiry: Bloomberg re NRDC air pollution lawsuit

Thank you — please insert "new:"

Ex. 5 Deliberative Process (DP)

On Jan 25, 2021, at 1:50 PM, Millett, John <Millett.John@epa.gov> wrote:

Thanks – we're going to get a lot of questions in this vein, not just about project emissions accounting, but about any action that is subject to review under the EO, Chief of Staff's memo, or DOJ stay/abeyance list.

Something like –

Ex. 5 Deliberative Process (DP)

I can run this by Joe, but we'll need time to get this reviewed and approved, because we need a catchall statement that's good with OGC, OP, OAR and the other program offices (as the case may be) that will serve us well going forward until decisions are made and plans take shape.

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, January 25, 2021 1:06 PM
To: Millett, John <Millett.John@epa.gov>
Cc: Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Re: Media Inquiry: Bloomberg re NRDC air pollution lawsuit

This one: https://www.federalregister.gov/documents/2020/11/24/2020-23784/prevention-of-significant-deterioration-psd-and-nonattainment-new-source-review-nnsr-project

On Jan 25, 2021, at 12:59 PM, Millett, John <Millett.John@epa.gov> wrote:

Ex. 5 Deliberative Process (DP)

One hour is way too tight on this.

Executive Orders and Chief of Staff Memo
Last week, President Biden issued an "Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." This EO has initiated a review of all agency actions from January 20, 2017 through January 20, 2021 that are or may be inconsistent with the policies outlined in the EO and identifies for swift action four specific categories: methane emissions in the oil and gas sector, fuel economy standards, appliance and building-efficiency standards and harmful air pollution.

Chief of Staff Ron Klain issued a memo asking for a regulatory freeze pending review. This includes freezing, withdrawing and postponing implementation of rules as they undergo review. The EPA sent a memo to the DOJ seeking stays/abeyances on pending litigation related to regulations issued under the prior administration.

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, January 25, 2021 12:45 PM
To: Conrad, Daniel <conrad.daniel@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Millett, John <Millett.John@epa.gov>; DeLuca, Isabel <DeLuca.Isabel@epa.gov>
Subject: Media Inquiry: Bloomberg re NRDC air pollution lawsuit

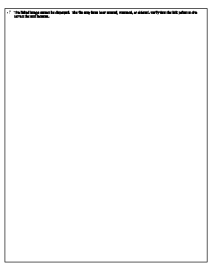
Hi all,

Please advise if "no comment on pending litigation" works here.

Thanks,
Enesta

. Any chance I can grab some comment on the lawsuit below in the next hour? Many thanks!

From: Elizabeth Heyd <eheyd@nrdc.org>
Sent: Monday, January 25, 2021 10:16 AM
To: Hijazi, Jennifer <jhijazi@bloombergindustry.com>
Subject: NRDC Sues to Block Trump's Air Pollution Loophole



FOR IMMEDIATE RELEASE
Contact: Jake Thompson, jthompson@nrdc.org,301-602-3627, or Elizabeth Heyd, eheyd@nrdc.org, 202-813-8315

NRDC Sues to Block Trump's Air Pollution Loophole

WASHINGTON (Jan. 25, 2021) – NRDC (Natural Resources Defense Council) and partners late Friday sued the Environmental Protection Agency to block a Trump-era policy allowing industrial facilities to significantly increase air pollution that endangers public health, including in communities of color overburdened by exposure to pollution.

This egregious policy would allow large industrial polluters to expand their facilities without adding pollution controls, as required by the Clean Air Act. It would greatly increase air pollution while enabling polluters to use accounting gimmicks to hide that increased pollution.

John Walke, Clean Air Director at NRDCmade the following statement:

"This is a free pass to pump more soot and smog into the air that would further endanger people with asthma, lung disease and heart ailments, especially people of color and low-income communities who live within eyesight of industrial facilities.

"We're urging the court to void this unlawful, harmful policy. We've also called on the Biden administration to repeal this rule, in keeping with its goals to restore public health and environmental safeguards that were vastly undermined in the Trump era, particularly in communities of color and low-income communities."

NRDC, Sierra Club and Environmental Defense Fund filed their lawsuit in the U.S. Court of Appeals for the District of Columbia Circuit.

# # #

NRDC (Natural Resources Defense Council) is an international nonprofit environmental organization with more than 3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Bozeman, MT, and Beijing. Visit us at www.nrdc.org and follow us on Twitter @NRDC.

ELIZABETH HEYD

Sr. Communications Program Asst

NRDC

NATURAL RESOURCES

DEFENSE COUNCIL

1152 15TH STREET NW, SUITE 300

WASHINGTON, DC 20005

T 202-289-2424
M Ex. 6 Personal Privacy (PP)
EHEYD@NRDC.ORG
@NRDCPRESS
NRDC.ORG

Please save paper.

Message

From: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Sent: 1/26/2021 2:20:46 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: OK, will hold ... RE: Information disconnect FW: OW leadership ...

Ex. 5 AC/AWP/DP

On a related point, I'm talking with Dorothy later this week to go through the content of GAO reports. Not surprisingly there are a lot.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 26, 2021 9:17 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: Information disconnect FW: OW leadership ...

Ex. 5 AC/AWP/DP

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Sent: Tuesday, January 26, 2021 9:14 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Information disconnect FW: OW leadership ...

Ex. 5 AC/AWP/DP

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 26, 2021 9:12 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: Information disconnect FW: OW leadership ...

Ex. 5 AC/AWP

Elise B. Packard

Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Sent: Tuesday, January 26, 2021 9:10 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: Information disconnect FW: OW leadership ...

Ex. 5 AC/AWP/DP

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, January 26, 2021 8:58 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: OGC WLO <OGC_WLO@epa.gov>
Subject: Re: OW leadership ... RE: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more

Ex. 5 AC/AWP/DP

Steven Neugeboren
Associate General Counsel for Water
Environmental Protection Agency
Mails code 2355A
1200 Pennsylvania Ave, NW
Washington DC 20460
202-564-5488

On Jan 26, 2021, at 8:48 AM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

Ex. 5 AC/AWP

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Monday, January 25, 2021 11:07 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: IMPORTANT UPDATES - Melissa coming to staff mtg tomorrow, and much more
Importance: High

Melissa's email and all other interactions I've had with her and Dimple all point to the same thing: It's a new day at EPA. 😊

I highlight 5 things below: our staff meeting tomorrow, hot issues meeting Thursday, OGC/AA nominee for water meeting Friday, ethics issues, and next steps in creation of a WLO litigation tracker.

Since we will not be able to get into this when Melissa as at staff meeting, I'm sending this to keep everyone informed. Also, I have provided some substantive suggestions on Thursday's hot issues meeting I'd like the Assistants and attorneys to take into account as they prepare materials tomorrow and Wednesday. So please read carefully.

Staff Meeting Tomorrow: Melissa is supposed to come to our staff meeting tomorrow. I was asked to forward the invite and don't know when she will arrive, **so let's all please sign on right at 1.** If she's not there then, we can discuss some of the matters below until she arrives.

There's no set plan. I assume we will have time to introduce ourselves – I suggest each of us share how long we've been with the water law office and one other thing - while the "easy" thing would be to say what you work on (which you are free to do if you wish of course), when she introduced herself to the ADDs she discussed how she raises goats (google Melissa Hoffer and goats and you'll learn more). So I encourage you to consider something that would help get her to know us (e.g., why you wanted to be an environmental lawyer or work at EPA, the thing you are proudest of which you worked on at the Agency, a thing you love in your spare time, etc.). Also, per her email, please come with any questions you'd like to ask.

Hot Issues Thursday: As you know our "hot issues" meeting is this Thursday. Since last Thursday, the WLO managers and I have been busy thinking about our plate of issues to decide what needs to be raised to them this week, and otherwise "put on their radar" for the near future. The Assistants have/will reach out to you if one of your projects is on the list. As with hot issues meetings in the past, however, you won't be asked to review/update the agenda and attendance should be the management team and those whose matters are on the agenda. Here is the tentative list of topics that we came up with in two "buckets." If you feel we are missing something, please let me and your Assistant know asap.

Ps. Before we get into the specific items below, we intend to highlight the high profile rules/actions that will be subject to reconsideration under Biden's Executive Order (WOTUS, 401 rule, lead/copper rule, Maui guidance etc) that will obviously be a focus of discussion going forward (consistent with any appropriate recusals – see below).

1. Issues for Priority Discussion – Matter with near term deadlines, in particular those potentially needing input/direction from the Front Office.

   This will be the focus of our meeting. The agenda will include a couple of bullets with high level overview of the issue and the Assistants have reached out to the relevant attorneys to provide one pagers by COB tomorrow. We are going to try to keep the issues precisely focused without having to do a deep dive into the substance as there is not time. The attorneys on these should attend and the Assistant/Attorney will decide who presents. Our current list of issues and my take on why it's on there/what the focus should be are as follows

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. For Your Information - Other significant litigation or policy matters likely to be of interest to new leadership or warranting near-term attention

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

OGC/AA Nominee for Water Meeting on Friday

John Goodin, now a Deputy AA for water, has scheduled a "meet and greet" between the WLO management team and the new AA for Friday afternoon. The OGC front office is scheduled to attend as well. Purpose is to introduce ourselves, talk about structure and role of WLO and highlight high priority issues (TBD). Don't think we will be needing attorney input for that but will share the agenda when we have it.

Ethics Issues/Recusals

Bottom line is Melissa is recused from any cases to which Mass. is a party, and Dimple for cases involving NRDC. We are working with Justina about WOTUS and 401 cases to which they are not a party and are hopeful they will be able to participate in those. Will keep those teams informed.

WLO Litigation Tracker

Dawn will send an update tomorrow. Bottom line is, based on the One Docket, we are populating a spreadsheet that I and the other managers will be using over the coming months to help us decide when/how to raise issues with the FO. Elise Odea has done a most of the work to populate it with what's in One Docket. Thank you Elise!!!! But we will need the attorneys to add some additional info not in one docket over the next couple of days.

Thanks all.

Steven Neugeboren
Associate General Counsel for Water
United States Environmental Protection Agency
Maildcode 2355A
1200 Penn. Ave., N.W.
Washington DC 20460
(202) 564-5488

Message

From: Williams, LaShawn [williams.lashawn@epa.gov]
Sent: 1/26/2021 7:00:11 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Tuesday Musings

Hi Elise,

Thanks for your musings, I always enjoy them. Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

1) Lord or Lady
2) Your oldest child's middle name
3) The last thing you ate or drank & add "ton" at the end
4) Of
5) Your car's model.

Thus, my name is Lady Tatyanna Waterton of Malibu. I think my name is rather cool. I'm thinking I may adopt it. 😊

I'm looking forward to Season 2.

Thanks,
LaShawn

LaShawn H. Williams
Legal Administrative Specialist
General Law Office
Office of General Counsel
(202) 564-3822

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 26, 2021 1:04 PM
To: OGC ALL USERS <OGC_ALL_USERS@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: Tuesday Musings

Happy Tuesday all,

First musings of the new Administration.

This Week

I wanted to start by welcoming our new OGC folk, Melissa Hoffer is the Principal Deputy General Counsel, and, by virtue of that, is Acting General Counsel. Dimple Chaudhary is the Deputy General Counsel for Nationwide Resource Protection Programs. Their bios were included in the e-mail from the Chief of Staff introducing them to you last Thursday. We are also anticipating the arrival of one more Deputy General Counsel next week. We are still determining who will specialize in what area, so you may see any one of them for a while in your meetings. If you need to be in touch with them, Monique Patrick is supporting Melissa and Lila Razor is supporting Dimple, and you should continue to e-mail OGC Immediate Office Support to set up meetings. Jim and I are excited to welcome our new team and are looking forward to an active period as everyone begins to implement the Biden agenda and learn about the Federal government, EPA and OGC in particular.

In further news, our former General Counsel, Avi Garbow had returned to EPA's Office of the Administrator on a short-term basis to help facilitate the transition. So you may find him back in some of your meetings!

For those of you who have not had a chance to listen, I commend to you President Biden's address to career employees. He talked about appreciating government core values of humility, trust, collegiality, diversity and competence, many of the same underlying principles of the OGC core values. He also said that "America is defined, in my view, by a single word, possibilities." For those of you who may remember my possibilities sign from the days when we were actually in the office, I particularly loved this one. I start each day with the question "who am I as a possibility today?" If you haven't had a chance to see it you can find it at: https://www.youtube.com/watch?app=desktop&v=4bZqMdkoFAE&feature=share&fbclid=IwAR1BMMQVKftzLU5d1mb04sWgCU1xVdIe2tga_Tk1FOrGkWcjCCkOXRHzTvw#dialog

In case you haven't had a chance to look, President Biden has rescinded both Executive Order 13950, *Combating Race and Sex Stereotyping,* and the Executive Order establishing a new Schedule F. There are two new Executive Orders in these areas: Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government and Executive Order on Protecting the Federal Workforce that we will be working to achieve in the coming months and I recommend reading. I greatly appreciate the consistent messages on the importance and value of the federal career employees.

As the Chief of Staff mentioned, there is also a new Executive Order on addressing COVID in the Federal workspace https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-the-federal-workforce-and-requiring-mask-wearing/ and a recent OMB memo with more guidance for agencies https://www.whitehouse.gov/wp-content/uploads/2021/01/M-21-15.pdf. We are beginning to work across the agency to address that guidance– more to come. In a nutshell though it encourages telework, requires masks and sets a 25% limit on building occupancy when there is high community prevalence or transmission, although there are exceptions.

A reminder that tomorrow at noon the agency will honor the life and legacy of Dr. Martin Luther King Jr. via a Teams Live Event. Our own Lilian Dorka, Director of the External Civil Rights Office will be on a panel discussing the current state of Civil Rights and its path forward. I invite you all to join!

Musings

I have to say that for the first time in COVID my family and I actually dove into Netflix series watching. With our son, we started Queen's Gambit – which is a little depressing for me (I really enjoy musicals and other "happy" pieces), but well done and interesting (Elliott and Bryan loved it). Bryan said "but it's about female empowerment" I said I prefer the empowerment without tranquilizers, but I do like it when she beats people at chess! Then Bryan and I started watching Bridgerton – much more my speed so far. Pretty costumes, strong characters and nothing too dismal yet. It was actually quite lovely to sit still and lose ourselves in television.

Have a great day.

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 1/28/2021 3:58:39 PM
To: Anderson, Shanquenetta [Anderson.Shanquenetta@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: People Plus is Due This Week!

Importance: High

Good morning Shan,

Please enter your time now so that I can review it for Elise's approval. Thank you.

Timesheet

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Actions

Select Another Timesheet

*View By Calendar Period

Previous Pay Period Next Pay Period

*Date 01/17/2021

Reported Hours 0.00

From 01/17/2021 to 01/30/2021

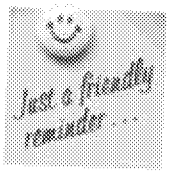
Add Comments	Day	Date	Reported Status	In	Lunch Out	Lunch In	Out	Punch Total	Time Reporting Code	Quantity	Work Code
	Sun	1/17	New						REGHR - Regular Basic		
	Mon	1/18	New						HOLDY - Holiday	8.00	
	Tue	1/19	New						REGHR - Regular Basic		
	Wed	1/20	New						REGHR - Regular Basic		
	Thu	1/21	New						REGHR - Regular Basic		
	Fri	1/22	New						REGHR - Regular Basic		
	Sat	1/23	New						REGHR - Regular Basic		
	Sun	1/24	New						REGHR - Regular Basic		
	Mon	1/25	New						REGHR - Regular Basic		
	Tue	1/26	New						REGHR - Regular Basic		
	Wed	1/27	New						REGHR - Regular Basic		
	Thu	1/28	New						REGHR - Regular Basic		
	Fri	1/29	New						REGHR - Regular Basic		
	Sat	1/30	New						REGHR - Regular Basic		

Attest and Submit? Verify and Submit? Time Card Locked

Period Total: 8.00 Direct Cost Total: 0.00

From: Patrick, Monique
Sent: Monday, January 25, 2021 5:06 PM
To: OGC Immediate Office All <OGC_Immediate_Office_All@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Fugh,

Justina <Fugh.Justina@epa.gov>; Lattimore, Kraig <lattimore.kraig@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Cc: OGC SUPPORT STAFF <OGC_SUPPORT_STAFF@epa.gov>
Subject: People Plus is Due This Week!



Good afternoon everyone,

Please don't forget to submit any change of schedule requests asap. **All leave slips and timecards must be submitted no later than 5 pm this Wednesday (1/27).** This will give me enough time to review all submitted info for accuracy before Elise and Jim approve time on Thursday afternoon. Please let me know if you have any questions. Thank you.

From: Sanvido, Linda (Diane) <sanvido.linda@epa.gov>
Sent: Thursday, January 21, 2021 11:12 AM
To: OGC ALL USERS <OGC_ALL_USERS@epa.gov>
Subject: FW: *CORRECTED* Early Payroll Closeout for Pay Period 3 and PPD 03/2021 T/A guidance

Good Morning,

Please see instructions for next pay period due no later than Jan 28th.

Many Thanks,
Diane

L. Diane Sanvido
Program Analyst/Administrative Officer/FAC-COR I
Resource Management Office (RMO)
Office of General Counsel (OGC)
Environmental Protection Agency (EPA)
sanvido.linda@epa.gov
"We are...a Customer Service Team – Working Together for Excellence"

From: PayrollTimeAttendanceStakeholder <PayrollTimeAttendanceStakeholder@epa.gov>
Sent: Thursday, January 21, 2021 11:07 AM
To: OCFO-OTS-PPL-COORDINATORS <OCFO-OTS-PPL-COORDINATORS@epa.gov>
Subject: *CORRECTED* Early Payroll Closeout for Pay Period 3 and PPD 03/2021 T/A guidance

PPL Coordinators,

UPDATED -- Instructions for Time and Attendance Early Closeout

for Pay Period 03, 2021

This is time and attendance guidance for Pay Period 03, 2021, January 17-30, 2021. We are implementing this early close out to ensure that everyone submits their time and attendance into PeoplePlus, Supervisors approve the time, and OCFO resolves any issues and submits our payroll file to the Agency's payroll provider on time.

Instructions for Pay Period 03, 2021 – All time and attendance for Agency employees must be input and attested to by the Employee and approved by their Supervisor as follows:

Timecard Corrections for Prior Pay Periods - by no later than 10:00 PM EST, Tuesday, January 26, 2021.

Time and Attendance for Pay Period 03, ending January 30, 2021 - by no later than 10:00 PM EST, Thursday 28, 2021. *Note: Employees should not modify their time and attendance after this date and time.* This schedule will allow OCFO payroll closeout support personnel to run missing timecard reports starting Tuesday, January 26, 2021, and to work with Timekeepers, PeoplePlus Coordinators, and Supervisors to ensure that time and attendance for Agency employees is included in the payroll file submission on Monday, February 1, 2021. The date for the time and attendance edit/correction process is Tuesday, February 2, 2021.

Note - On Wednesday, January 20, 2021, employees with official worksites in the statutorily defined inauguration day area were excused from duty to alleviate traffic delays and congestion. *For EPA, this is limited to employees who work at the Federal Triangle and Potomac Yard complexes.* Employees should consult the January 11, 2021, mass mailer at January 2021 Holiday Guidance for time and attendance instruction.

Reminder for Phased Reopening - This document includes guidance on time recordation for agency work locations in Phases 0-3 of reopening *as of Pay Period 17, 2020*. The table below provides guidance on the appropriate Time Reporting Codes (TRCs) for employees to use for each phase of reopening. For Phase 2, please be sure to use the appropriate time reporting codes as specified below.

Phase	TRC and Explanation
Phases 0 or 1	**Telework Regular – TREGW -** For use by employees who have regular telework days as part of their normal schedules. Regular Telework should be coded on your timecard.
	Telework Unscheduled – TWUSH - For use by agency employees in locations with maximum telework flexibility *still in place* (i.e., reopening Phases 0 or 1) and working unscheduled telework as a result of Coronavirus/COVID-19.
	Telework Medical Regular – TMREG - For use by employees under an approved Medical Regular telework agreement. *Only employees with a supervisor-approved medical telework agreement on file may use this code.*
	Telework Reasonable Accommodation – TWRAC - For use by employees under an approved Reasonable Accommodation telework agreement. *Only employees with an approved reasonable accommodation telework agreement on file may use this code.*
Phase 2	**Telework Episodic/Situational – TWEHR -** For use by employees in agency locations with expanded telework flexibility in place (i.e., Phase 2 or higher) and the telework isn't regular, medical or a reasonable accommodation.
	Telework Medical Regular – TMREG - For use by employees under an approved Medical Regular telework agreement. *Only employees with a supervisor-approved medical telework agreement on file may use this code.*

	Telework Reasonable Accommodation – TWRAC - For use by employees under an approved Reasonable Accommodation telework agreement. *Only employees with an approved reasonable accommodation telework agreement on file may use this code.*
Phase 3	Return to using regular TRCs
	Telework Episodic/Situational – TWEHR - For use by employees in agency locations with expanded telework flexibility in place (i.e., Phase 2 or higher) and the telework isn't regular, medical or a reasonable accommodation.

Employees who have questions about what Phase their work location is in should direct their questions to their local RHRO or PMO or they may go to the EPA facilities status dashboard at **EPA Facility Status Dashboard**.

UPDATE – Availability of FFCRA related leave ceased December 31, 2020. Employees who have questions on time and attendance recordation and or timecard correction guidance related to FFCRA should review the information on the Office of Mission Support's OHR website at:

- EPA FFCRA Q&As: https://workplace.epa.gov/covid19/personnelfaqs.html
- EPA FFCRA Leave Page: https://intranet.epa.gov/ohr/policy/FFCRAL.html

Thank you for your efforts to get time and attendance in early for Pay Period 03, 2021, and to ensure Agency employees continue to get paid on time! If you have any questions about this early closeout guidance or need assistance, please submit a helpdesk ticket to HRPAYHELP@epa.gov.

Message

From: Sisson, Ann [Sisson.Ann@epa.gov]
Sent: 1/28/2021 9:42:10 PM
To: Packard, Elise [Packard.Elise@epa.gov]
CC: Holden, Allison [Holden.Allison@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Rich, Stephanie [Rich.Stephanie@epa.gov]
Subject: RE: Ex. 5 AC/DP Question

Sorry – I meant to highlight the following portions of the email I just sent (just to emphasize that "something more" is needed).

Ann Sisson
U.S. EPA Office of General Counsel
1200 Pennsylvania Avenue, NW (Mail Code 2399A)
Washington, D.C. 20460
202-564-5469

From: Sisson, Ann
Sent: Thursday, January 28, 2021 4:37 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Holden, Allison <Holden.Allison@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Rich, Stephanie <Rich.Stephanie@epa.gov>
Subject: Ex. 5 AC/DP Question

Ex. 5 AC/DP

Ann Sisson
U.S. EPA Office of General Counsel
1200 Pennsylvania Avenue, NW (Mail Code 2399A)
Washington, D.C. 20460
202-564-5469

From: Packard, Elise
Sent: Thursday, January 28, 2021 12:41 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Sisson, Ann <Sisson.Ann@epa.gov>
Subject: Quick Ex. 5 AC/DP question

Ex. 5 AC/DP

Thanks!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/31/2021 9:42:39 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: Draft response to Blackburn LEtter

Ex. 5 AC/DP

Thanks for looking!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 4:24 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Ex. 5 AC/DP

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Sunday, January 31, 2021 3:41 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: Draft response to Blackburn LEtter

Already at WH but if you find something still would love to hear!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 31, 2021 2:02 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: Draft response to Blackburn LEtter

Reviewing

Sent from my iPhone

On Jan 28, 2021, at 5:23 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Hi all,

Attached is my draft – I welcome any and all comments, most of it is lifted from what you gave me, but I played with some things, hopefully not detrimentally!

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

<blackburn.response.1.28.21.docx>

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 10/22/2020 2:28:09 PM
To: Rhodes, Julia [Rhodes.Julia@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: RE: DOL published a more lenient definition of what implicit bias is prohibited by the EO

Great, thanks.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Rhodes, Julia <Rhodes.Julia@epa.gov>
Sent: Thursday, October 22, 2020 10:22 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: DOL published a more lenient definition of what implicit bias is prohibited by the EO

FYI: Sharing in case you haven't yet seen DOL's definition of prohibited unconscious bias. Ex. 5 AC/DP
Ex. 5 AC/DP

https://www.govexec.com/management/2020/10/trump-administration-requests-info-contractor-diversity-training-officials-seek-clarify-whats-allowed/169434/
https://www.dol.gov/agencies/ofccp/faqs/executive-order-13950#Q6

Julia Rhodes
Assistant General Counsel for the Civil Rights Law Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

Pronouns: she/her/hers

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Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 10/27/2020 9:00:42 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: FW: November 3 General Counsel Exchange Teleconference and October 27 Follow-ups + New Items
Attachments: 10-15-2020 GCX Employment Law Subgroup Notes.pdf; 10-22-2020 GCX Employment Law Subgroup Notes.pdf; Mary Gibert's Slides on Transition.pdf

Slides on transition

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Tina Sung <tsung@ourpublicservice.org>
Sent: Tuesday, October 27, 2020 4:50 PM
To: # General Counsel Exchange Teleconference Members <GeneralCounselExchangeTeleconference@ourpublicservice.org>
Cc: Umair Kapadia <UKapadia@ourpublicservice.org>; Claire LeCornu <CLeCornu@ourpublicservice.org>; Troy Cribb <TCribb@ourpublicservice.org>
Subject: November 3 General Counsel Exchange Teleconference and October 27 Follow-ups + New Items

Good afternoon General Counsel Exchange Members,

Thank you all for joining this morning's call. I hope you found the information Mary Gibert shared helpful as you continue preparing for transition. Our next call will be on Tuesday, November 3, from 9:00 a.m. to 9:45 a.m. on Microsoft Teams. Dan Hyman from the Partnership's Center for Presidential Transition will present to you all the results of our Agency COVID Operations survey of federal agencies, so we hope you can join us.

Below are the follow-up items from the past week, including the slides Mary Gibert shared this morning. For your convenience, the meeting times and dial-in information for all four weekly teleconference calls are listed at the end of this email.

1. Mary Gibert's presentation

2. Transition Lab podcast featuring Partnership president Max Stier

3. GSA's Return to Workplace Strategy book

4. GCX Employment Law subgroup notes (10-15-2020 & 10-22-2020)

Thank you for continuing to bring your questions and offer solutions to this group. We're glad these meetings can be such a valuable resource to you all. As always, I encourage you to reach out if there is any way that the Partnership can support you as we head into this election and transition period.

All the best,

Tina

Attachments

Follow Up Item	**Providing Member**	**Attachments and Links**
Mary Gibert's slides	Tina Sung (Partnership)	Mary Gibert's Slides on Transition
Transition Lab podcast	Tina Sung	Transition Lab
GSA Return to Workplace Strategy Book	Tina Sung	Return to Workplace Strategy Book
GCX Employment Law subgroup notes	India Pinkney (NEA)	10-15-2020 GCX Employment Law Subgroup Notes 10-22-2020 GCX Employment Law Subgroup Notes

Teleconference Information

1. GCX Teleconference Call: Tuesdays from 9:00 a.m. to 9:45 a.m.

Join Microsoft Teams Meeting

Dial-In Number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

2. GCX Contracts Subgroup Call (Nancy Eyl Lead): Wednesdays from 10:30 a.m. to 11:15 a.m.

Join Microsoft Teams Meeting

Dial-In Number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

3. GCX Grants Subgroup Call (Nancy Weiss Lead): Wednesdays from 3:30 p.m. to 4:30 p.m.

Join Microsoft Teams Meeting

Dial-In Number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

4. GCX Employment Law Subgroup Call (India Pinkney Lead): Thursdays from 2:00 p.m. to 3:00 p.m.

Join Microsoft Teams Meeting

Dial-In Number: Ex. 6 Personal Privacy (PP)

Conference ID: Ex. 6 Personal Privacy (PP)

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 11/11/2020 5:17:35 PM
To: Lattimore, Kraig [lattimore.kraig@epa.gov]
Subject: Re: Biden EPA Transition Team

Cool

Sent from my iPhone

On Nov 10, 2020, at 8:39 PM, Lattimore, Kraig <lattimore.kraig@epa.gov> wrote:

Former OGCer is the Team Lead and was a Environmental Law Professor at Howard. Also so former EPA folks on here.

Sent from my iPhone

Environmental Protection Agency

The Environmental Protection Agency team will also review the Chemical Safety Board.

Name	Most Recent Employment	Source of Funding
Ex. 6 Personal Privacy (PP)	Earthjustice	Volunteer
	Blue Crab Strategies	Volunteer
	Dell Technologies	Volunteer
	Latham & Watkins, LLP	Volunteer
	Grist Magazine, Inc.	Volunteer
	Harvard Environmental and Energy Law Program	Volunteer
	Harvard Law School	Volunteer
	American University, Washington College of Law	Volunteer
	Self-employed	Volunteer
	PA Democratic Party	Transition — PT Fund, Inc

Name	Most Recent Employment	Source of Funding
Ex. 6 Personal Privacy (PP)	The Sierra Club	Volunteer
	Self-employed	Volunteer

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 12/4/2020 2:34:24 PM
To: Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: FOIA question from OGC/Ethics

Nope sorry have not seen before. I don't believe I was involved in any ethics FOIAs with Matt.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 04, 2020 7:59 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: FOIA question from OGC/Ethics

Hi Elise,
I do not recall this FOIA from Ethics. Does this ring a bell to you? I wanted to start with you before I went to Shan.
Thank you. I am on compressed today. I can follow up with you on Monday.
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, December 3, 2020 6:36 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: FOIA question from OGC/Ethics

Hi Ariadne,
And now I must yank us both back from Cloud Nine where we are toasting ourselves for getting past OGC at 50.

Before you leave the front office, can you search your memory banks to recall this particular FOIA request and find out its status? We're ready on our end to close out this stale FOIA, but we're still waiting for the Front Office's review of Matt Leopold's records to see if there is anything there related to "Trump Ethics Pledge Violations." Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) So we asked for some front office help but haven't heard back. Can you check on this for us?
Thanks,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Griffo, Shannon
Sent: Friday, September 25, 2020 8:41 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: RE: FOIA question from OGC/Ethics

Thanks Ariadne. Although I'm not sure you copied Shan on the email below?

Please let me know if anyone has any questions about the request. Have a great weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, September 24, 2020 8:51 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: RE: FOIA question from OGC/Ethics

Hi Shannon,

I am copying Shan Anderson, a wonderful IO paralegal who is helping keep our IO assigned FOIAs on track. I was not aware of this so will need to check on where this is in the process.

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, September 23, 2020 3:58 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FOIA question from OGC/Ethics

Hi Ariadne and Sheena,

A while back we were instructed to assign a task in FOIA Online to Ariadne for an Ethics request (EPA-HQ-2020-000614). This request asks for Matt's documents (among others) related to the Agency's responses to Ethics Pledge violations on the Annual Ethics Questionnaire. Everything else has been completed for this request, and we are just waiting to hear whether Matt had anything responsive. Is it possible to get an update on this task? Or is there someone else I should ask?

Attached is correspondence related to the request and task assignment.

Thanks so much!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 12/8/2020 2:48:21 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: FW: FOIA question from OGC/Ethics

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>
Sent: Tuesday, December 08, 2020 9:13 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>
Subject: RE: FOIA question from OGC/Ethics

Good morning Ariadne, this request was never submitted through the IO. I submitted a search request on yesterday and e-discovery is currently conducting the search per our request.

v/r,

Shan Anderson
Paralegal Specialist
Office of General Counsel
(O) 202-564-8778
Room #4020B WJC

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 4, 2020 2:07 PM
To: Anderson, Shanquenetta <Anderson.Shanquenetta@epa.gov>
Subject: FW: FOIA question from OGC/Ethics

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Thursday, December 3, 2020 6:36 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
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Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Griffo, Shannon
Sent: Friday, September 25, 2020 8:41 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: RE: FOIA question from OGC/Ethics

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Please let me know if anyone has any questions about the request. Have a great weekend!

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

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Sent: Thursday, September 24, 2020 8:51 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: RE: FOIA question from OGC/Ethics

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I am copying Shan Anderson, a wonderful IO paralegal who is helping keep our IO assigned FOIAs on track. I was not aware of this so will need to check on where this is in the process.

Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel

Office of General Counsel
U.S. Enviromental Protection Agency
202-564-5471 *office*
202-505-0535 *cell*

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Wednesday, September 23, 2020 3:58 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: FOIA question from OGC/Ethics

Hi Ariadne and Sheena,

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Thanks so much!
Shannon

Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 12/9/2020 12:29:51 AM
To: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: Re: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

I think this would require approval - it's a training course on structural racism - isn't that institutional racism? In any case all D&i training needs to be approved by OPM before taking at this point. The cost is her time. If she'd like to take it she can do so on her own time and shift her hours. It might well be approved, but it would need to go through clearance and we don't have time to do that by tomorrow.

Sent from my iPhone

On Dec 8, 2020, at 5:46 PM, Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov> wrote:

Elise,

Ex. 6 Personal Privacy (PP) wants to join the structural racism presentation. There is no cost and given that the content is not about a hierarchy between races, I don't think approval is needed to participate. It would be on work time 11:45 – 1:00 (tomorrow) so I wanted to raise this.

Angelia Talbert-Duarte
Associate General Counsel
Civil Rights and Finance Law Office
(202) 564-8158 – Phone
(202) 564-5416 - Fax

From: Ex. 6 Personal Privacy (PP)
Sent: Friday, December 04, 2020 1:07 PM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: FW: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs

FYI

Ex. 6 Personal Privacy (PP)

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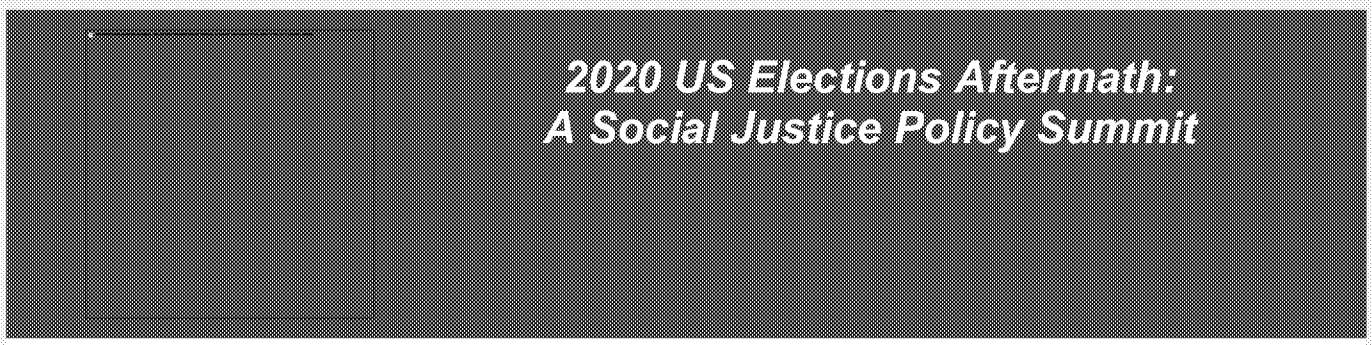
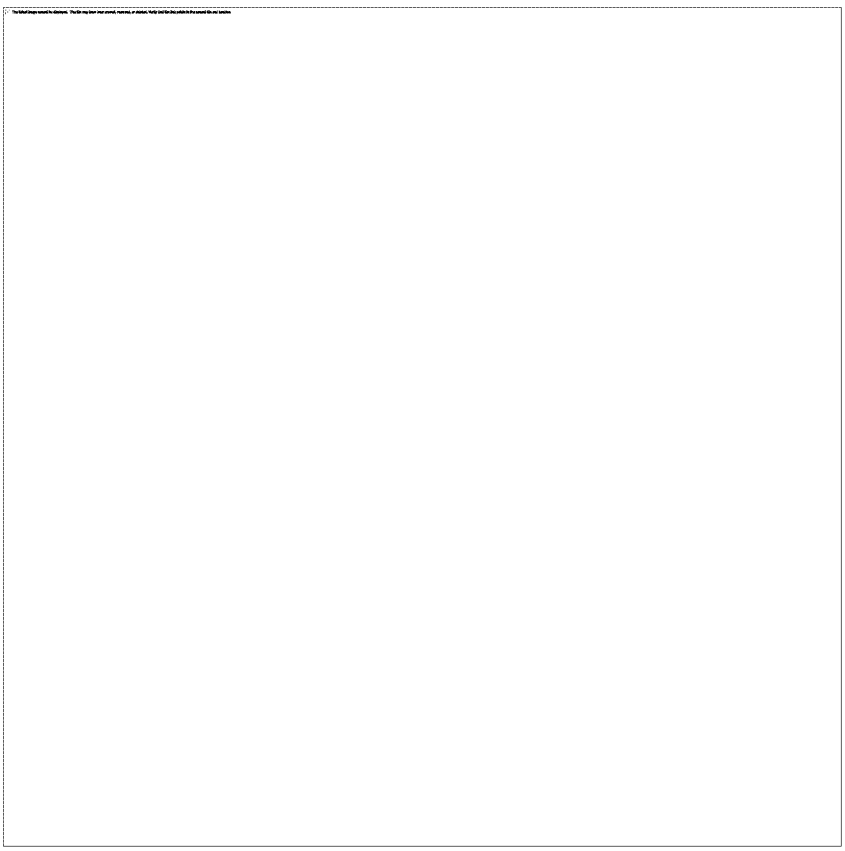
the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.

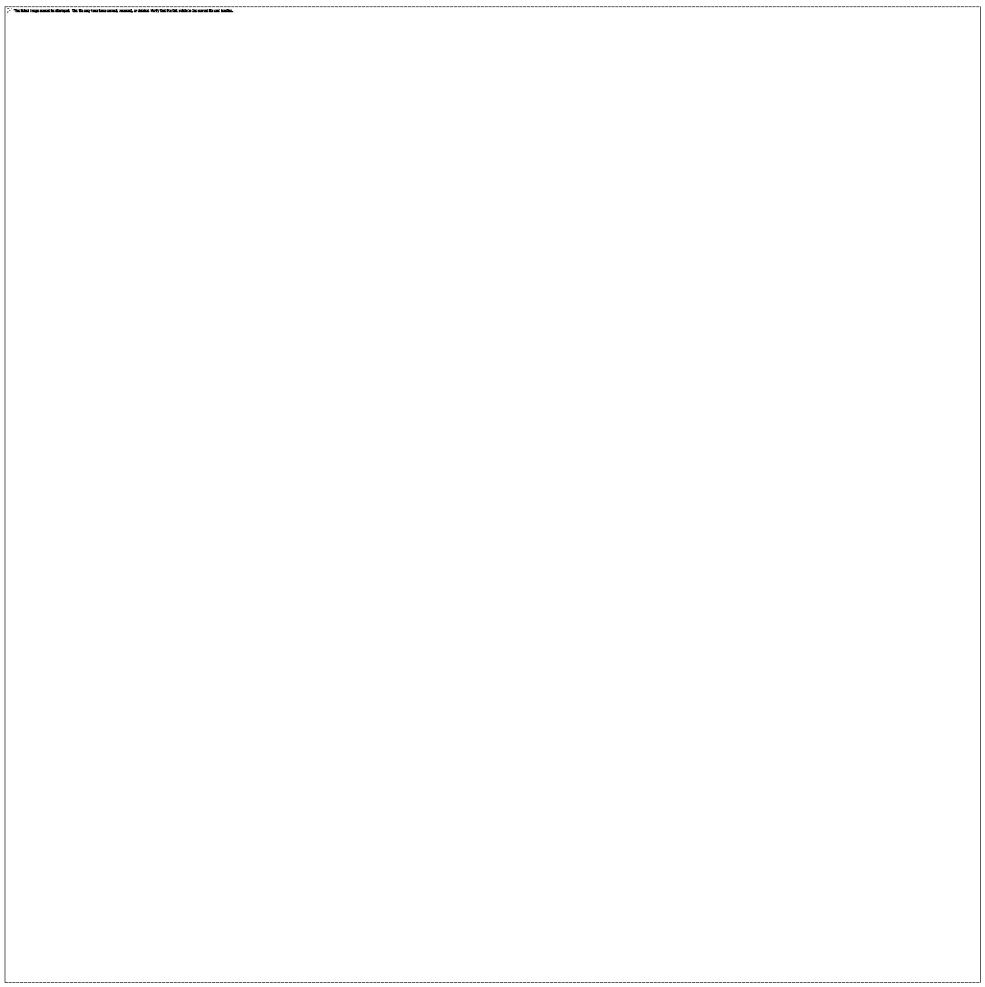
From: ABA Section of Civil Rights and Social Justice <crsj@americanbar.org>
Sent: Friday, December 04, 2020 8:06 AM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: 2020 US Elections Aftermath: A Social Justice Policy Summit & Upcoming CRSJ Programs





It's Giving Week! As we begin the holiday season, take a minute to think of all the wonderful ways that your ABA and ABA Section of Civil Rights and Social Justice membership enhances

your life, career, and professional opportunities. **Making a donation** can provide invaluable assistance to continue providing member benefits during a difficult year and even a small pledge of $25 or $50 can add up to a significant sum if every Section member participated.



In the wake of the 2020 US presidential elections, the **ABA Section of Civil Rights and Social Justice Rights of Immigrants Committee** – in strategic partnership with the **German Marshall Fund of the United States** (German Marshall Fund) – is hosting a policy summit designed to advance racial equity and social justice principles. Over the course of two days, the interdisciplinary conference will explore myriad manifestations of interpersonal, structural, and institutionalized discrimination to create enhanced awareness around these issues. The convening will also culminate in concrete community-driven policy recommendations to achieve positive social, political, and legal reform to ensure a better tomorrow for all.

German Marshall Fund President Dr. Karen Donfried will provide welcome remarks and ABA President Patricia Lee Refo will provide brief introductory remarks to kick off the 2020 US Elections Aftermath: A Social Justice Policy Summit on Wednesday, December 9 at 11:45 a.m. EST.

Thank you to the ABA Center for Human Rights, the ABA Coalition on Racial and Ethnic Justice, the ABA Commission on Hispanic Legal Rights & Responsibilities, the ABA

Commission on Homelessness & Poverty, the ABA Commission on Immigration, the ABA Commission on Sexual Orientation and Gender Identity, the ABA Council for Diversity in the Educational Pipeline, the ABA Government and Public Sector Lawyers Division, the ABA Section of State and Local Government Law, the ABA Standing Committee on Gun Violence, and the ABA Standing Committee on Pro Bono and Public Service for co-sponsoring the 2020 US Elections Aftermath: A Social Justice Policy Summit.

WEDNESDAY, DECEMBER 9

Structural Racism is Killing Us. Now What?

11:45 a.m. - 1:00 p.m. EST

Register

The pandemic's effect on marginalized racial, ethnic, and religious communities was exacerbated by - while concurrently worsening - minority socioeconomic status, health conditions, living conditions, and related inequities. The public health crisis not only created enhanced awareness about these social inequities, but it also revealed the potentially lethal consequences of structural discrimination, particularly among Black, Latinx, and indigenous populations.

For instance, 30 percent of coronavirus patients were African Americans even though the minority group comprises 13 percent of the US population. In a similar vein, the Navajo Nation had the highest per capita rate of infections in the United States. Additionally, Latinos constitute 18 percent of the national population but they accounted for 33 percent of all coronavirus cases. Moreover, Black, Hispanic, and Native American children make up 78 percent of all coronavirus youth fatalities. According to research, this is largely because racial and ethnic minorities are unable to shelter at home, live with preexisting conditions, and lacked access to healthcare for treatment.

Arguably, these jarring realities are merely symptomatic of a formidable crisis inadequately addressed in housing, employment, and healthcare, among other laws. This panel explores these vast inequalities while contemplating equitable solutions to eliminating structural barriers to equality for racial and ethnic minorities.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->Randall Akee, PhD – Chair, UCLA American Indian Studies; Associate Professor of Public Policy, UCLA Luskin School of Public Affairs
- <!--[if !supportLists]--><![endif]-->Carlos E. Rodriguez-Diaz, PhD, MPH – Associate Professor of Prevention and Community Health, The George Washington University Milken Institute School of Public Health

- <!--[if !supportLists]--><![endif]-->Rugaiijah Yearby, JD, MPH – Professor, Saint Louis University School of Law; Executive Director and Co-Founder, Institute for Healing Justice and Equity, Saint Louis University School of Law
- <!--[if !supportLists]--><![endif]-->Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Defund the Police? Dismantle the US Department of Homeland Security? Let's Discuss Policy Approaches to Institutional Reform

1:15 p.m. - 2:15 p.m. EST

Register

From law enforcement abuses in Portland, Oregon to institutionalized violence in immigration detention facilities, public demands for institutional reform have included calls to defund local police forces, abolish US Immigration and Customs Enforcement and dismantle the US Department of Homeland Security in its entirety. In response, some elected officials have responded with legislation that would effectively "defund the cities that defund the police". But, what does it all mean? Experts will identify, describe, and contextualize emerging trends in institutionalized violence. They will also assess recent legislative proposals on merit and discuss practical policy solutions that ensure safety for all.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->Raumesh Akbari, Esq. – State Senator, Tennessee General Assembly; TILN'18
- <!--[if !supportLists]--><![endif]-->Ajenai Clemmons – Truman National Security Fellow; PhD Candidate in Public Policy, Duke University Sanford School of Public Policy; TILN'15
- <!--[if !supportLists]--><![endif]-->Donald M. Jones, JD – Professor of Law, University of Miami School of Law
- <!--[if !supportLists]--><![endif]-->David Johns (Moderator) – Executive Director, National Black Justice Coalition; Former Executive Director, White House Initiative on Educational Excellence for African Americans; PhD Candidate, Columbia University; TILN'12

Hate Crimes are Growing More Violent: Realities, Challenges, Remedies

2:30 p.m. - 3:30 p.m. EST

Register

From prejudicial attitudes about racial, ethnic, and religious minority groups to verbal threats and physical assaults directed against them, the coronavirus crisis exacerbated interpersonal and individual-level discrimination in myriad contexts. Commonly scapegoated as carriers, for example, physical attacks and verbal harassment against Asian-Americans are now rampant. They are not the only minority community to experience the violent effects of social, political, and cultural othering, however.

Even prior to the pandemic, hate crimes involving physical violence – e.g., intimidation, assault, and homicide – had reached a 16-year high. Since the 2016 presidential elections, for instance, hate crimes against the Latinx community surged more than 50%. Further, anti-Black hate crimes make up approximately 47% of all race- or ethnicity-based hate crimes even though the minority community only comprises 13% of the population. Additionally, Muslim and Jewish Americans are also experiencing disproportionate rates of interpersonal violence.

Still, hate crimes are vastly underreported by and to law enforcement officials. While some states have not yet enacted hate crimes statutes, the remainder does not treat such crimes consistently. Whereas an act or threat of violence may qualify as a hate crime in one jurisdiction, victims may be excluded in another. Additionally, prosecutions are not uniformly pursued notwithstanding federal law.

This panel examines the manifestations of racial, ethnic, and religious bias while considering related policy proscriptions in light of the contemporary social, political, and legal landscape.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->Maya Berry – Executive Director, Arab American Institute
- <!--[if !supportLists]--><![endif]-->Domingo García, Esq. – National President, League of United Latin American Citizens (LULAC)
- <!--[if !supportLists]--><![endif]-->Brandon Golob, JD, PhD – Assistant Professor of Teaching in Criminology, Law and Society, University of California, Irvine
- <!--[if !supportLists]--><![endif]-->Brian Levin, JD – Professor of Criminal Justice, California State University, San Bernardino; Director, Center for the Study of Hate and Extremism, California State University, San Bernardino
- <!--[if !supportLists]--><![endif]-->Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

THURSDAY, DECEMBER 10

Do Minority Citizens (And Non-Citizens) Still Have Privacy Rights?

12:00 p.m. – 1:00 p.m. EST

Register

From federal surveillance of social movements to facial recognition technology that results in inordinately high false positives for certain demographic groups to tracking the social media activities of immigrant rights advocates, recent surveillance trends have deep historical roots and troubling future implications not only for traditionally marginalized group interests but core constitutional values, democratic principles and the rule of law. This panel considers related trends, relevant laws, and needed reform.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->Mizue Aizeki – Executive Director, Immigrant Defense Project
- <!--[if !supportLists]--><![endif]-->Margaret Hu, JD – Associate Dean for Non-JD Programs and Professor of Law and of International Affairs, Penn State Law; Faculty Fellow, Penn State Institute for Computational and Data Sciences
- <!--[if !supportLists]--><![endif]-->Jumana Musa, Esq. – Director, Fourth Amendment Center, National Association of Criminal Defense Lawyers
- <!--[if !supportLists]--><![endif]-->Julian Sanchez – Senior Fellow, Cato Institute; Founding Editor, Just Security
- <!--[if !supportLists]--><![endif]-->Elandre Dedrick, PhD (Moderator) – Program Officer, Leadership Programs, German Marshall Fund of the United States

---

Our Country is Full. True or False?

1:15 p.m. - 2:15 p.m. EST

Register

In addition to individual-level and structural discrimination, the coronavirus crisis inspired institutionalized discrimination – laws, policies, and practices excluding immigrants and other perceived cultural, racial, and ethnic outsiders.

Last April, for instance, the UN warned that the United States was using the pandemic to summarily expel asylum seekers. As part of a long-term strategy to slow the influx of newcomers, President Donald Trump has implemented additional restrictions. He also falsely claimed that the construction of a barrier wall on the border with Mexico will prevent further infections.

Still, from the Chinese Exclusion Act of 1882 to the recent Muslim and African Bans, barring racial, ethnic, and cultural minorities is not particularly innovative. Indeed, it is the same xenophobia but the subject of official derision simply evolves in response to the political, social,

and economic context. This panel will examine root causes, manifestations, and practical policy responses to such legal measures with an eye on the next four years.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->César Cuauhtémoc García Hernández, JD – Professor of Law, University of Denver Sturm College of Law
- <!--[if !supportLists]--><![endif]-->Erika Lee, PhD – Regents Professor of History and Asian American Studies; University of Minnesota; Distinguished McKnight University Professor, University of Minnesota; Rudolph J. Vecoli Chair in Immigration History, University of Minnesota; Director, Immigration History Research Center, University of Minnesota; Vice President, Organization of American Historians
- <!--[if !supportLists]--><![endif]-->Karla M. McKanders, JD – Clinical Professor of Law, Vanderbilt Law School; Director, Immigration Practice Clinic, Vanderbilt Law School; Advisory Committee Member, ABA Commission on Immigration
- <!--[if !supportLists]--><![endif]-->Faiza Patel, JD – Director, Liberty & National Security, Brennan Center for Justice
- <!--[if !supportLists]--><![endif]-->Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Pro-Tip: Antiracist Allyship

2:30 p.m. - 3:30 p.m. EST

Register

In the struggle against racism, xenophobia, and intolerance, we should avoid false divisions such as white people versus black people, Jews versus Muslims, and minority groups versus the majority population. Rather, all should work together to root out anti-black racism, anti-Semitism, Islamophobia, xenophobia, and other forms of bigotry. Any group experience with discrimination sets a negative precedent and threatens equality for everyone. This panel explores best practices for individuals, communities, and institutions to serve as effective allies.

PLEASE NOTE: THIS PROGRAM IS NOT FOR CLE CREDIT.

- <!--[if !supportLists]--><![endif]-->Wajahat Ali, Esq. – Playwright; Lawyer; Contributing Op-Ed Writer, The New York Times
- <!--[if !supportLists]--><![endif]-->Brie Jeanette Loskota – Executive Director, Center for Religion and Civic Culture, University of Southern California
- <!--[if !supportLists]--><![endif]-->Zeenat Rahman – Director, Inclusive America Project, Aspen Institute
- <!--[if !supportLists]--><![endif]-->Jasmine Roberts, M.A. – Lecturer, School of Communication, The Ohio State University
- <!--[if !supportLists]--><![endif]-->Engy Abdelkader, JD, LL.M. (Moderator) – Fellow, German Marshall Fund of the United States; Co-Chair, Rights of Immigrants Committee, ABA Section of Civil Rights and Social Justice; TILN'15

Upcoming Webinars

DEC. 4

The Future of Olmstead: 2020 and Beyond

Register

DEC. 8

ABA and the American Immigration Lawyers Association Partner for Free Legal Answers

Register

DEC. 9

Emerging Innovative Racial Equity Focused Initiatives for Youth: Spotlight on Los Angeles, CA

CO-SPONSORED

Register

DEC. 15

Preparing for 2021 and Beyond: The Outlook for Public Interest Lawyers Advocacy

Register

DEC. 16

Implicit Bias Training: Does it Help Combat "Racism" or is it Racist?

Register

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activities. Whatever your area of specialization, we have a home for you. **To get involved**, join us here.

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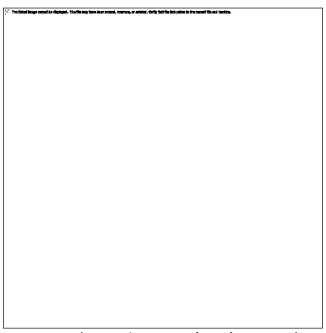

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Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/7/2021 1:44:04 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]; Goerke, Ariadne [Goerke.Ariadne@epa.gov]
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Totally agree – Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, January 06, 2021 8:22 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Just to be clear, though, we in ethics still need to find out how the idea got floated to have an external party fund the portrait.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Wednesday, January 06, 2021 5:25 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Hi Justina and Ariadne,

Jim and I conferred and we think the best course of action would be for your two offices to get with Yvette Jackson and come up with a course of action. Seems to us that going through Yvette's contacts at GSA would make sense, with maybe some handholding by OGC. Then once there is a plan you all can circle with Nancy.

Let us know if you need anything from us.

Elise

Elise B. Packard
Deputy General Counsel for Operations

U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 04, 2021 10:39 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Thanks Justina. Adding Elise, and we can confer.

Sent from my iPhone

On Jan 4, 2021, at 10:06 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,
Elise and/or Angelia will be able to provide information about those wretched portraits. I can just tell you, anecdotally, that they used to be done in oils under a GSA contract. They aren't cheap, and as I recall, "everyone" got torqued when Carol Browner insisted on having her portrait repainted not once but twice (at EPA expense). So then the idea was to get a really big portrait quality photo instead. I haven't looked closely at Lisa Jackson's portrait, so I can't recall if hers is the first photo or the last oil. Anyway, in 2018, President Trump signed the "Eliminating Government-funded Oil Painting Act" that now prohibits the use of federal funds for official portraits.

My problem, from an ethics perspective, is that the Administrator can't solicit the gift of the oil painting. We have no information about how this "idea" came to pass. Is there some sort of "portrait fund" that is going on because, if so, we have a lot of ethics issues about fundraising and not using anyone's title or position in connection with that fundraising.

I'm involved only because ethics gets dragged into how to address the disposition problem of unacceptable paintings, rugs, etc. For example, OITA has a Rauschenberg lithograph hanging in a conference room that someone wanted to take home (NO!). Using my handy dandy art history degree, I made an educated guess at the value and then alerted EPA Property and GSA. That's what Yvette is remembering when she referenced me.

You can't go blindly into GSA. We have to remind them that EPA does not have gift acceptance authority, which is unusual. If Lenny Loewentritt were still alive, I'd ask him. I do know some ethics people who may be able to help, but apart from ethics, GSA's OGC is probably a closer match to Angelia's group as this is really a property question.
Justina

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 04, 2021 9:25 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Is there a GSA OGC contact or other GSA contact who can assist here, as GSA would accept the gift?

Also, do you happen to know how the agency usually arranges portraits - eg, whether the agency has fiscal ability to pay directly?

Sent from my iPhone

Begin forwarded message:

> **From:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Date:** January 4, 2021 at 4:02:17 PM EST
> **To:** "Fugh, Justina" <Fugh.Justina@epa.gov>, "Jackson, Yvette" <Jackson.Yvette@epa.gov>
> **Cc:** "Vizian, Donna" <Vizian.Donna@epa.gov>, "Hitchens, Lynnann" <hitchens.lynnann@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>, "Payne, James (Jim)" <payne.james@epa.gov>, "Molina, Michael" <molina.michael@epa.gov>
> **Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc**
>
> Thanks – Elise and Jim – is there an email/letter that OGC can send to AAW – in coordination with OMS (Yvette's info below)?
>
> Thanks ng
>
> ---
>
> **From:** Fugh, Justina <Fugh.Justina@epa.gov>
> **Sent:** Monday, January 4, 2021 2:52 PM
> **To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Jackson, Yvette <Jackson.Yvette@epa.gov>
> **Cc:** Vizian, Donna <Vizian.Donna@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Molina, Michael <molina.michael@epa.gov>
> **Subject:** RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc
>
> EPA as an agency does not have gift acceptance authority, so we cannot wave a magic wand – like Interior – to accept any such gift. Instead, we would need to turn to GSA, which does have gift acceptance authority, to accept a gift of something like a portrait and then ask through Facilities that the GSA property be loaned to EPA for display.
> Justina
>
> Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Monday, January 04, 2021 1:28 PM
To: Jackson, Yvette <Jackson.Yvette@epa.gov>
Cc: Vizian, Donna <Vizian.Donna@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Hi --

Administrator Wheeler is looking for something in writing from the agency indicating that if he were to have an official portrait/painting done – the agency will definitely accept the painting (per the guidelines below). Who can provide that? We would need it prior to January 20, 2021.

Thanks ng

From: Jackson, Yvette <Jackson.Yvette@epa.gov>
Sent: Wednesday, December 9, 2020 4:19 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: could you give me a call -- I need information on the Administrator portrait oil painting issue -- donating to GSA etc

Hi Nancy,

I'll call you to discuss but the instructions are shown below.

1. The donor gifts the asset to the agency;
2. The Office Director or above notifies Justina Fugh and Steve Blankenship (RPSD);
3. RPSD researches/determines/verifies the netbook value;
4. RPSD notifies GSA and sends the title/appraisal;
5. GSA records it in their property records;
6. EPA asks for it back by completing the loan request and transfer it electronically back to the agency.

While this is happening, it is possible for the asset to remain in place.

Thanks,
Yvette

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)
202-253-7056 (cell)
grantham.nancy@epa.gov

<image001.png>

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 10/14/2020 8:54:00 PM
To: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: Draft memo to DAA/DRAs

Can you please review? Close hold but I think you can share with Julia and Ken P.

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/7/2021 4:34:34 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: some thoughts for you.

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, January 07, 2021 11:33 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

I agree.

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 11:16 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: some thoughts for you.

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 07, 2021 11:09 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: some thoughts for you.

Wow, this is really good

Sent from my iPhone

On Jan 7, 2021, at 11:06 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/11/2021 2:47:07 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: First day, week, month - decisions, briefing materials

Sounds good -- I sent you the format that Kevin used last week if you want folks to do the same format.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

-----Original Message-----
From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 11, 2021 9:37 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: First day, week, month - decisions, briefing materials

We could ask ADDs for:
- activities and events likely to call for a decision in first day, week and month
- briefing papers on them, to assist w possibly briefing new appointees for decision
- media/ethics papers to me, and ones from other OGC offices to you?

Ex. 5 Attorney Work Product (AWP)

Sent from my iPhone

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/12/2021 2:13:38 AM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: Draft musings -- what do you think?

Ex. 5 Deliberative Process (DP)

Have a great week.

Elise

Elise B. Packard

Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/14/2021 9:22:11 PM
To: Castro, Denise [Castro.Denise@epa.gov]
Subject: FW: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM

For Ex. 6 Personal Privacy (PP) who is not on telework, if he can't come in do I give him admin leave?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 14, 2021 1:43 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM

Agree, not for COOP. If incoming appointees will not be in the bldg, then never mind here.

Sent from my iPhone

> On Jan 14, 2021, at 1:40 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:
>
> I think only if other AA types would be on – hard to see why you'd have to go in for COOP, more likely not go in, but I can chck.
>
> Elise B. Packard
> Deputy General Counsel for Operations
> U.S. EPA Office of General Counsel, Rm. 4020A
> (202) 564-7729
>
> ---
>
> **From:** Payne, James (Jim) <payne.james@epa.gov>
> **Sent:** Thursday, January 14, 2021 1:32 PM
> **To:** Packard, Elise <Packard.Elise@epa.gov>
> **Subject:** FW: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM
>
> Include me for OGC? For unlikely event there'd be a sufficiently high need.
>
> ---
>
> **From:** Vizian, Donna <Vizian.Donna@epa.gov>
> **Sent:** Thursday, January 14, 2021 12:57 PM
> **To:** Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>
> **Cc:** Jackson, Yvette <Jackson.Yvette@epa.gov>; Bellerose, William <Bellerose.William@epa.gov>
> **Subject:** FW: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM

Hi Everyone, please see below. Do you need to have anyone in tomorrow through Wednesday? If you do, please send the names to Yvette and Bill Bellerose (copied here). If a name is not sent to the secret service, the person will ot be allowed in.

From: Jackson, Yvette <Jackson.Yvette@epa.gov>
Sent: Thursday, January 14, 2021 12:51 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Daniels, Alva <daniels.alva@epa.gov>
Subject: RE: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM

Tomorrow through inauguration day.

From: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Sent: Thursday, January 14, 2021 12:49 PM
To: Jackson, Yvette <Jackson.Yvette@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Daniels, Alva <daniels.alva@epa.gov>
Subject: RE: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM

What is the timeframe for the access? Tomorrow through Inauguration Day? Through the end of next week?

Thanks,

Lynnann

Lynnann Hitchens
Acting Deputy Assistant Administrator for
Administration and Resources Management
Office of Mission Support
US EPA
P: 202-564-3184
M: 202-617-0738

From: Jackson, Yvette <Jackson.Yvette@epa.gov>
Sent: Thursday, January 14, 2021 12:47 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Cc: Daniels, Alva <daniels.alva@epa.gov>
Subject: FW: Access lit for GSA and EPA -- IMPORTANT ACTION ITEM
Importance: High

Good afternoon Donna and Lynnann,

Bill Bellerose received a call from the USSS requesting a list of employees deemed essential and need access to the facility beyond tomorrow. The list was requested by this afternoon but we could possibly put it off until tomorrow morning. See Bill's short note below and let me know if you have questions.

Thanks,
Yvette

From: Bellerose, William <Bellerose.William@epa.gov>
Sent: Thursday, January 14, 2021 12:03 PM
To: Stewart, Neil <Stewart.Neil@epa.gov>; kevin.sheesley@gsa.gov; Karlton Chesson - WPM1D <karlton.chesson@gsa.gov>; Zanaya Donato - WPM1D <zanaya.donato@gsa.gov>;

james.duvall@gsa.gov
Cc: HQSECURITY <HQSECURITY@epa.gov>
Subject: Access lit for GSA and EPA
Importance: High

Neil and GSA Team,

I just received a call from Secret Service and they have requested a list of all the staff that are deemed essential and will require building access during the Inauguration. The Secret Service is requesting that this list be provided to them today, but it may be tomorrow.

They are looking to begin securing the building tomorrow and the list will be used by the Secret Service to determine who is supposed to be in the building.

Please send me the access lists so I can send them on to the Secret Service.

Thank you,

William "Bill" Bellerose
Security Specialist
Headquarters Operations Branch
Facilities Management and Services Division
Desk: (202) 566-2191
Cell phone: (202) 510-5831

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/15/2021 1:53:44 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Ex. 6 Personal Privacy (PP) ☺

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, January 15, 2021 8:52 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Ex. 6 Personal Privacy (PP)

++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 8:48 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

I had to think myself, everything going so fast.

Ex. 6 Personal Privacy (PP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Friday, January 15, 2021 8:47 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

PS- When I sent this, I think my brain thought it was Wednesday, so my reference to "tomorrow" was to your office hours. Clearly I need a break.

++++++++++++++++++++++++++++
(202) 564-5647 (o)

(202) 695-6287 (c)

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 14, 2021 10:15 PM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Thanks for looking out for me. I'll clarify, but I bet it means we've been told by GSA to close.

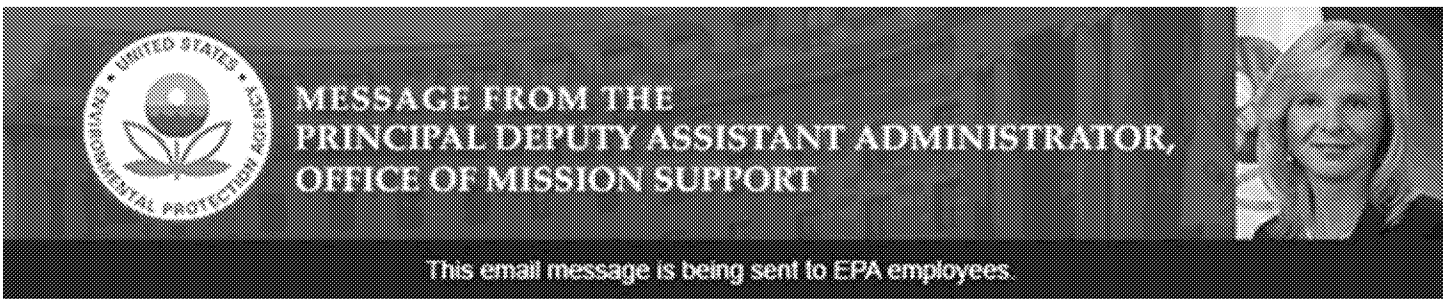
Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, January 14, 2021 6:21 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

This is a minor thing, so sorry to bug you, but since it has come up in office hours I note the message says "EPA will be closing all the Federal Triangle buildings…" That suggests the Agency controls building closure, which I didn't think was the case from your office hours. In other words, this seems like something someone could beat you up with tomorrow. ☺

++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

From: MassMailer <massmailer@epa.gov>
Sent: Thursday, January 14, 2021 6:06 PM
To: MassMailer <massmailer@epa.gov>
Subject: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration



From: Donna Vizian, Principal Deputy Assistant Administrator, Office of Mission Support

Today, the United States Secret Service (USSS) recommended the closure of multiple buildings in the National Capital Region through January 20, 2021. In accordance with this request, EPA will be closing all of the Federal Triangle buildings from the afternoon of January 15th through January 20th. The Ronald Reagan Building will also be closed to public access. Access to EPA buildings will be restricted to the employees on a list submitted to the USSS. For employees that are required to report on these days, please note that perimeter fencing is expected to be fully erected on January 15th further inhibiting vehicle and pedestrian access to the William Jefferson Clinton Buildings and the Ronald Reagan Building. It is also expected that

the USSS will implement further restrictions up to and on Inauguration Day as the Federal Triangle is located within a security zone for the Inauguration. The William Jefferson Clinton North and West main lobbies will be the only entrances open.

In addition, OPM issued a memorandum last night to all federal agencies updating the status of the Federal Government for Employees located in Washington, DC and the surrounding area. OPM strongly encourages agencies to allow employees to telework, where possible, to keep the Federal Government operating while helping to minimize traffic congestion and support law enforcement efforts during these events through January 22nd. Therefore, all employees should continue to telework through next Friday.

For those employees required to come into the office, information on Metro services through next week can be found at: https://www.wmata.com/service/status/details/Inauguration-Service-2021.cfm.

Stay safe and be well,
Donna

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/18/2021 4:37:33 PM
To: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
CC: Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Variable I suspect. I'm ok signing, everyone knows I'm not the actual supervisor!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Sent: Friday, January 15, 2021 2:35 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Who would be the actual supervisor? Doug Benevento? Whoever the Chief of Staff is?

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Friday, January 15, 2021 2:29 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Hi Elise,

You would sign the amendments as the supervisor.

Thanks!

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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please advise the sender immediately by using the reply facility in your mail software and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 1:42 PM
To: Dangler, Barbara <Dangler.Barbara@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

This looks fine, am I signing as the classifier or the supervisor?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Tuesday, January 12, 2021 6:16 AM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Good Morning,

Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, I did not include a PD amendment for Jennifer Orme-Zavaleta because her PD appears to include the first assistant language already, but please let me know if I need to draft a PD amendment for her as well. Below is a screen shot of the language included in her PD.

Jennifer Orme-Zavaleta-

and the Agency's goals are met. The subject position serves as the Deputy Assistant Administrator for Science and reports to the Assistant Administrator for ORD. The incumbent serves as principal deputy and first assistant to the Assistant Administrator for ORD in the management, operation, decision-making, planning, programming, policy development and implementation, and direction of the technical and administrative aspects of ORD. In the event of the death or resignation of the Assistant Administrator or in the event the Assistant Administrator is unable to perform the functions and duties of the position, the incumbent serves as the Acting Assistant Administrator and; assumes the full role, and performs the functions and duties of the Assistant Administrator's position on a temporary basis unless and until the President directs otherwise under the Federal Vacancies Reform Act.

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP

U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please f[**Ex. 5 Deliberative Process (DP)**]. Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 11, 2021 3:55 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations

U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara has also reached out to the programs and v[redacted] containing the first assistant language. As a result, and especially given how short the time is until inauguration we strongly recommend [redacted] Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

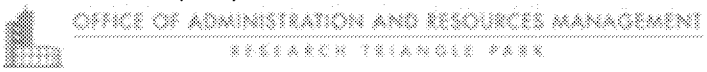
Hello,

I wanted to update you on what I've found regarding the PDs and personnel records for Donna Vizian, David Bloom, Barry Breen, Larry Starfield, and Jane Nishida i[redacted] that we discussed last week. David Bloom's PD i[redacted] provided last week after our call. As we discussed, t[redacted] was Barry Breen. He was reassigned on

1/8/17, however Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) during that time period for Donna Vizian, Larry Starfield, or Jane Nishida.

Thank you!

Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)



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Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/19/2021 7:17:17 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: FW: Leadership in PAS offices in the upcoming transition

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Sunday, January 17, 2021 1:27 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Leadership in PAS offices in the upcoming transition

Very clear and helpful. Thanks.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 12:17 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>
Cc: Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Carpenter, Wesley <Carpenter.Wesley@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: Leadership in PAS offices in the upcoming transition

All,

Hi all,

I wanted to capture in one place for everyone the Agency's arrangements for continuity of leadership functions as of the date of the Inauguration, and associated titles, subject to change, of course, when the new team arrives.

Acting AAs

Ex. 5 AC/DP

Ex. 5 AC/DP

Delegated Duties of the AA

Ex. 5 AC/DP

Acting Administrator

Ex. 5 AC/DP

Subject to Change

Ex. 5 AC/DP

Please let me know if I can answer any questions.

Thanks,

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/20/2021 1:11:15 PM
To: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Thank you – really appreciate the extra information.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Sent: Tuesday, January 19, 2021 11:37 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Elise – sorry for the late reply on this. We would only use Everbridge for an emergency, and there was time to issue a facility notice.

Ex. 5 Deliberative Process (DP)

This is probably more information than you wanted, but I probed a bit, in the interest of trying to improve the process.

Thanks,

Lynnann

Lynnann Hitchens
Acting Deputy Assistant Administrator for
Administration and Resources Management
Office of Mission Support
US EPA
P: 202-564-3184
M: 202-617-0738

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 19, 2021 9:23 AM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Also, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Sent: Monday, January 18, 2021 8:55 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Ex. 5 Deliberative Process (DP)

Thanks,

Lynnann

Lynnann Hitchens
Acting Deputy Assistant Administrator for
Administration and Resources Management
Office of Mission Support
US EPA
P: 202-564-3184
M: Ex. 6 Personal Privacy (PP)

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 18, 2021 12:21 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>
Subject: FW: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Just checking – Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Or if I have that wrong, what should I tell them tomorrow if it comes up?

Thanks.

And thank you for getting those delegations turned around so quickly!!! Really appreciate it.

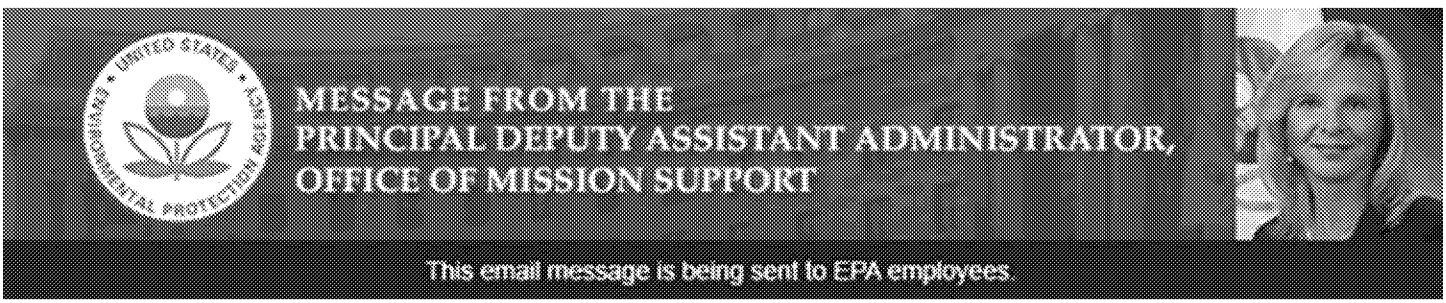
Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Sent: Thursday, January 14, 2021 6:21 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration

Ex. 5 Deliberative Process (DP)

++++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

From: MassMailer <massmailer@epa.gov>
Sent: Thursday, January 14, 2021 6:06 PM
To: MassMailer <massmailer@epa.gov>
Subject: Building Closures and Restricted Federal Triangle Access due to the Presidential Inauguration



From: Donna Vizian, Principal Deputy Assistant Administrator, Office of Mission Support

Today, the United States Secret Service (USSS) recommended the closure of multiple buildings in the National Capital Region through January 20, 2021. In accordance with this request, EPA will be closing all of the Federal Triangle buildings from the afternoon of January 15th through January 20th. The Ronald Reagan Building will also be closed to public access. Access to EPA buildings will be restricted to the employees on a list submitted to the USSS. For employees that are required to report on these days, please note that perimeter fencing is expected to be fully erected on January 15th further inhibiting vehicle and pedestrian access to the William Jefferson Clinton Buildings and the Ronald Reagan Building. It is also expected that the USSS will implement further restrictions up to and on Inauguration Day as the Federal Triangle is located within a security zone for the Inauguration. The William Jefferson Clinton North and West main lobbies will be the only entrances open.

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helping to minimize traffic congestion and support law enforcement efforts during these events through January 22nd. Therefore, all employees should continue to telework through next Friday.

For those employees required to come into the office, information on Metro services through next week can be found at: https://www.wmata.com/service/status/details/Inauguration-Service-2021.cfm.

Stay safe and be well,
Donna

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/21/2021 2:09:40 AM
To: Sweeney, Stephen [Sweeney.Stephen@epa.gov]
Subject: Re: For the OEM people -- vacancies table

Lol

Sent from my iPhone

On Jan 20, 2021, at 8:52 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

The guy for Interior is their ethics guy … presumably as a resume commendation for staying after years of ethics fatigue.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Wednesday, January 20, 2021 8:49 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: Re: For the OEM people -- vacancies table

Hey I know the UStr one - we had kids in daycare together- getting old.

Sent from my iPhone

On Jan 20, 2021, at 8:44 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

I think Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/president-joe-biden-announces-acting-federal-agency-leadership/

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Wednesday, January 20, 2021 8:39 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: Re: For the OEM people -- vacancies table

We have some acting's so let's touch base tomorrow- can you send me the exec order in Jane? I was looking all day but must have missed it.

Thanks!

Sent from my iPhone

On Jan 20, 2021, at 8:27 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

Attached is a draft I would be sending around tomorrow.

Quick questions –

Ex. 5 Deliberative Process (DP)

Thanks,

Steve

Stephen J. Sweeney
Attorney-Advisor
Water Law Office
Office of General Counsel
U.S. Environmental Protection Agency
sweeney.stephen@epa.gov
202-564-5491 (desk)

<image001.png>

<Table January 21st 2021.docx>

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/19/2021 7:25:28 PM
To: Smith, Kathryn [Smith.Kathryn@epa.gov]; Dangler, Barbara [Dangler.Barbara@epa.gov]
CC: Carr, Dorothy [Carr.Dorothy@epa.gov]; Sweeney, Stephen [Sweeney.Stephen@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; May, Tonja [May.Tonja@epa.gov]; O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached
Attachments: PD Amendment_Bloom_1st Assistant.pdf; PD Amendment_Breen_1st Assistant.pdf; PD Amendment_Nishida_1st Assistant.pdf; PD Amendment_Starfield_1st Assistant.pdf; PD Amendment_Vizian_1st Assistant.pdf

Here you go!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 18, 2021 2:07 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Please see attached, edited per your request.

Kathryn Smith
Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 18, 2021 12:30 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>;

O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

OK, are you going to get those to me tomorrow? I would suggest that the second sentence read:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Friday, January 15, 2021 2:29 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Hi Elise,

You would sign the amendments as the supervisor.

Thanks!

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
RESEARCH TRIANGLE PARK

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 15, 2021 1:42 PM
To: Dangler, Barbara <Dangler.Barbara@epa.gov>; Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

This looks fine, am I signing as the classifier or the supervisor?

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Tuesday, January 12, 2021 6:16 AM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up- PD Amendments Attached

Good Morning,

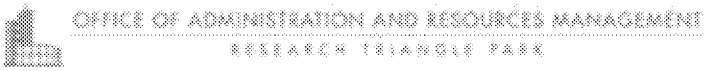
Attached are the PD amendments to document the first assistant language for Donna Vizian, David Bloom, Barry Breen, Jane Nishida and Lawrence Starfield. As we mentioned on the call, this is just draft language, so please feel free to change the wording as you see fit.

Please note, **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Below is a screen shot of the language included in her PD.

Jennifer Orme-Zavaleta-

and the Agency's goals are met. The subject position serves as the Deputy Assistant Administrator for Science and reports to the Assistant Administrator for ORD. The incumbent serves as principal deputy and first assistant to the Assistant Administrator for ORD in the management, operation, decision-making, planning, programming, policy development and implementation, and direction of the technical and administrative aspects of ORD. In the event of the death or resignation of the Assistant Administrator or in the event the Assistant Administrator is unable to perform the functions and duties of the position, the incumbent serves as the Acting Assistant Administrator and; assumes the full role, and performs the functions and duties of the Assistant Administrator's position on a temporary basis unless and until the President directs otherwise under the Federal Vacancies Reform Act.

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)



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and delete it from your computer. "Information in this message may be subject to the Privacy Act (5 USC 552a) and should be treated accordingly."

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thank you. Barbara, please **Ex. 5 Deliberative Process (DP)** Elise, are you ok to sign them?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

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From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Monday, January 11, 2021 3:55 PM
To: Smith, Kathryn <Smith.Kathryn@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Yes, go ahead.

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Smith, Kathryn <Smith.Kathryn@epa.gov>
Sent: Monday, January 11, 2021 3:38 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Carr, Dorothy <Carr.Dorothy@epa.gov>; Dangler, Barbara <Dangler.Barbara@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; May, Tonja <May.Tonja@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: First Assistant Language Classification Proposal Meeting Follow-up

Thanks, Barbara.

Elise,

To confirm, Barbara has Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP). As a result, and especially given how short the time is until inauguration we strongly recommend Ex. 5 Deliberative Process (DP) Do you agree, or would you like to discuss further?

Kathryn Smith
Acting Supervisor
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
Office: 919-541-4216
Cell: 919-698-0014

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
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From: Dangler, Barbara <Dangler.Barbara@epa.gov>
Sent: Monday, January 11, 2021 3:30 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; May, Tonja <May.Tonja@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Smith, Kathryn <Smith.Kathryn@epa.gov>; Carr, Dorothy <Carr.Dorothy@epa.gov>
Subject: First Assistant Language Classification Proposal Meeting Follow-up

Hello,

I wanted to update you on what I've found regarding the PDs and personnel records for Donna Vizian, David Bloom, Barry Breen, Larry Starfield, and Jane Nishida in relation Ex. 5 Deliberative Process (DP) to their PDs that we discussed last week. David Bloom's PD is Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP). As we discussed, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP). When I went through the employees' records, the only employee who had a reassignment during the time period discussed, July 2016 to March 2017, was Barry Breen. He was reassigned on 1/8/17, however there is no record of the PD he was placed on for this reassignment. I don't see a copy of the matching PD or reassignment action during that time period for Donna Vizian, Larry Starfield, or Jane Nishida.

Thank you!
Barbara E. Dangler, MBA
Human Resources Specialist
Executive Resources, OARM-RTP
U.S. Environmental Protection Agency
Research Triangle Park, NC
919-541-5218
919-541-2186 (FAX)

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Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/22/2021 9:05:08 PM
To: Conrad, Daniel [conrad.daniel@epa.gov]
Subject: FW: Elise Agenda of things to Discuss this afternoon

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Packard, Elise
Sent: Friday, January 22, 2021 10:11 AM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; dimplechaudhary@gmail.com; Payne, James (Jim) <payne.james@epa.gov>
Subject: Elise Agenda of things to Discuss this afternoon

I thought it might be useful to give you a list of things I have to discuss so if there are items of particular interest we can start with those.

Thanks!

Process

Ex. 5 Deliberative Process (DP)

Non-Media Substantive Matters

Ex. 5 Deliberative Process (DP)

Staff Morale Issues that you are likely to hear about very quickly

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/23/2021 12:08:03 AM
To: Garbow, Avi [Garbow.Avi@epa.gov]
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Absolutely!

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 6:55 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Thanks so much. Nice to have the opportunity to help, even for a short time. Hope all's well. Look forward to finding a time to catch up.
avi

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Friday, January 22, 2021 6:23 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Lovely to have you back, even if for a short time. ☺

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 4:21 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Thx. I have another call at 4:30 but will try to join you all if it concludes prior to your 5PM with DOJ.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 4:19 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

I have sent to us a 4:30pm for an agency premeet before 5pm call with DOJ.

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 4:15 PM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Perhaps we can circle up after you all have connected with DOJ and ORD?
avi

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Friday, January 22, 2021 3:58 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

I'm supposed to meet with Jennifer and ORD to discuss their thoughts on next steps at 4PM, but can try to see if I can delay that. Just let me know what you need. I just set up a meeting with DOJ for 5 PM.

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

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Please consider the environment before printing this email.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 3:54 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Avi – **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Andy – would you be available to confer with Avi and me shortly?

Jim
202-672-3727 cell

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 3:17 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Jim,

Hope all's well. Look forward to re-connecting. Let me know if you (or Andy Simons) has a minute to discuss this – see below. My cell is 703-577-4556.

Avi

From: Cassady, Alison <Cassady.Alison@epa.gov>
Sent: Friday, January 22, 2021 2:25 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Avi,

Ex. 5 Deliberative Process (DP)

Thanks,

Alison

From: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Sent: Friday, January 22, 2021 2:16 PM
To: Cassady, Alison <Cassady.Alison@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Hi Alison, we haven't had a chance to meet yet. I received this from Michal (whom I've known for a few years) who wanted to alert new leadership on this issue. She asked that I share with you. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

Thanks for your help

Jennifer

Jennifer Orme-Zavaleta, PhD
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620
Cell 919-699-1564

From: Jennifer Orme-Zavaleta <jormezavaleta@att.net>
Sent: Friday, January 22, 2021 2:05 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: Fwd: As described. This needs quick attention.

Sent from my iPhone

Begin forwarded message:

> **From:** "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>
> **Date:** January 22, 2021 at 1:37:37 PM EST
> **To:** Jennifer Orme-Zavaleta <jormezavaleta@att.net>
> **Subject: As described. This needs quick attention.**
>
> We understand that EPA's Acting General Counsel has requested that USDOJ immediately seek to hold in abeyance any litigation concerning EPA rules listed in President Biden's *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, including EPA's recent rule entitled*Strengthening Transparency in Regulatory Science*, 86 Fed. Reg. 469 (Jan. 6, 2021). That rule is presently subject to challenge in federal district court in Montana, *see Environmental Defense Fund v. EPA*, Case No. 21-cv-00003-BMM. Plaintiffs in that case have moved that the district court enter judgment on or before January 28, 2021, invalidating ex-Administrator Wheeler's decision to make this rule immediately effective upon publication in the Federal Register. On January 19, 2021, EPA filed a response in opposition to plaintiffs' motion, and that motion is now fully briefed. If the district court sides with plaintiffs, the rule will not take effect until Friday, February 5, 2021. In that event, EPA will have the option to postpone the effective date under Section 705 of the APA, and/or freeze the rule's effective date pursuant to President Biden's memorandum*Regulatory Freeze Pending Review*. Further, the legal issue at the heart of the pending motion before the district court--whether this rule is a "substantive rule"--bears on the question whether the rule is subject to the Congressional Review Act, and whether the rule itself is valid. However the district court disposes of the pending motion next week, it will provide needed clarity and likely expand the options available to EPA in complying with the recent Executive Order. Conversely, an abeyance in the Montana litigation would permanently foreclose EPA from postponing the rule because it will be allowed to take effect without challenge. Under these unique circumstances, we urge EPA to allow this litigation to proceed to disposition of plaintiffs' motion, after which time the agency can assess the appropriate path forward.
>
> Sent from my iPhone

Message

From: Packard, Elise [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6D4AD4C6ABB24F54A2C8C16FA17BA0FD-PACKARD, EL]
Sent: 1/28/2021 11:38:58 PM
To: Patrick, Monique [Patrick.Monique@epa.gov]; Razor, Lila [Razor.Lila@epa.gov]
CC: Conrad, Daniel [conrad.daniel@epa.gov]
Subject: RE: Time sheets for Ex. 6 Personal Privacy (PP)

Done, thanks

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Patrick, Monique <Patrick.Monique@epa.gov>
Sent: Thursday, January 28, 2021 6:17 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Razor, Lila <Razor.Lila@epa.gov>
Cc: Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: Time sheets for Ex. 6 Personal Privacy (PP)

We added LWOP for their timecards on 1/20. Please approve when you can.

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 28, 2021 5:47 PM
To: Patrick, Monique <Patrick.Monique@epa.gov>; Razor, Lila <Razor.Lila@epa.gov>
Subject: Time sheets for Ex. 6 Personal Privacy (PP)

Hi Monique and Lila,

Thanks for all the hard work this week. For these three timesheets more changes are needed. None of them get paid for the entire inauguration day and none of them get inauguration admin leave.

Ex. 6 Personal Privacy (PP)

Can we please fix these three slips.

tHanks!

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 1/18/2021 8:49:03 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: Re: Leadership in PAS offices in the upcoming transition

Excellent email

Sent from my iPhone

On Jan 15, 2021, at 12:16 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

All,

Hi all,

I wanted to capture in one place for everyone the Agency's arrangements for continuity of leadership functions as of the date of the Inauguration, and associated titles, subject to change, of course, when the new team arrives.

Acting AAs

Ex. 5 AC/DP

Delegated Duties of the AA

Ex. 5 AC/DP

Ex. 5 AC/DP

Acting Administrator

Ex. 5 AC/DP

Subject to Change

Ex. 5 AC/DP

Please let me know if I can answer any questions.

Thanks,

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: payne.james@epa.gov [payne.james@epa.gov]
Sent: 11/9/2020 7:44:51 PM
To: Askew, Wendel [Askew.Wendel@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: ascertainment letter - background
Attachments: 636ca6ad-3b3e-41c7-a7c4-e30866f99dc2..pdf; ATT00001.htm

FYSA

https://www.govexec.com/management/2020/11/gsa-faces-pressure-recognize-biden-election-winner-hand-over-keys-formally-start-transition/169888/

Sent from my iPhone

Begin forwarded message:

From: "Payne, James (Jim)" <payne.james@epa.gov>
Date: November 9, 2020 at 12:29:00 PM EST
To: "David Fotouhi (fotouhi.david@epa.gov)" <fotouhi.david@epa.gov>
Cc: "Packard, Elise" <Packard.Elise@epa.gov>
Subject: ascertainment letter - background

Attached FYI is GSA Administrator's 2008 ascertainment letter, sent pursuant to sec 3 of the 1963 Presidential Transition Act, which is excerpted below.

Ex. 5 AC/DP

1963 PRESIDENTIAL TRANSITION ACT – excerpt

Sec. 3, SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO PRESIDENTS-ELECT AND VICE PRESIDENTS-ELECT

(a) The Administrator of General Services, referred to hereafter in this Act as "the Administrator," is authorized to provide, upon request, to each President-elect and each Vice President-elect, for use in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including ....

* * *

(c) The terms "President-elect" and "Vice-President-elect" as used in this Act shall mean such persons as are the apparent successful candidates for the office

of the President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of the President and Vice-President in accordance with title 3, United States code, sections 1 and 2.

* * *

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/11/2021 6:28:49 PM
To: Schmidt, Lorie [Schmidt.Lorie@epa.gov]
Subject: RE: EPA Order of Succession EO signed

Thanks. Let's touch base on this at ADD.

From: Schmidt, Lorie <Schmidt.Lorie@epa.gov>
Sent: Monday, January 11, 2021 9:52 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: EPA Order of Succession EO signed

Thanks, Jim.

Ex. 5 Deliberative Process (DP)

Lorie J. Schmidt
Associate General Counsel
Solid Waste and Emergency Response Law Office
Office of General Counsel
US Environmental Protection Agency
(202)564-1681

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, January 11, 2021 9:18 AM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: EPA Order of Succession EO signed

Ensuring awareness that on Jan 8, 2021, the President signed an updated Order of Succession for EPA. And attaching FYI a personnel announcement last month.

https://www.whitehouse.gov/presidential-actions/executive-order-providing-order-succession-within-environmental-protection-agency/.

Jim
202-672-3727 cell

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/7/2021 7:18:40 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: some thoughts for you.

Excellent. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 2:09 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

Looks good to me

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, January 07, 2021 2:04 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

Please let me know your thoughts and provide any edits or suggestions:

Ex. 5 Attorney Work Product (AWP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 11:47 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, January 07, 2021 11:33 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: some thoughts for you.

I agree.

Ex. 5 Deliberative Process (DP)

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Thursday, January 7, 2021 11:16 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: some thoughts for you.

Forgot that Monique Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 07, 2021 11:09 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: some thoughts for you.

Wow, this is really good

Sent from my iPhone

On Jan 7, 2021, at 11:06 AM, Packard, Elise <Packard.Elise@epa.gov> wrote:

Ex. 5 Attorney Work Product (AWP)

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/8/2021 12:00:40 AM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: Statement on Yesterday's Events

Sent from my iPhone

Begin forwarded message:

From: Message from the Administrator <messagefromtheadministrator@epa.gov>
Date: January 7, 2021 at 11:43:08 AM EST
To: Message from the Administrator <messagefromtheadministrator@epa.gov>
Subject: Statement on Yesterday's Events

Dear Colleagues,

As an American and as a 14 year veteran Senate staffer, I was completely disgusted by yesterday's events. There is no place for violence in settling political disputes. During my entire career I have upheld the rule of law and the Constitution of the United States. I take my oath of office, my obligation to the Agency and to the American People very seriously.

In my first speech to you, the Agency employees, I vowed to leave the Agency stronger than I found it. To date, we have provided the Biden transition team with hundreds of documents and over fifty briefings. My intention is to continue to honor the mission of the Agency, to protect public health and the environment, until January 20th in order to provide as smooth a transition for the Agency as possible.

Andrew Wheeler
Administrator

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/20/2021 7:09:50 PM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: PEOPLE: Here's who is running EPA -- Wednesday, January 20, 2021 -- www.eenews.net

Sent from my iPhone

Begin forwarded message:

> **From:** "Giblin, Pam" <pam.giblin@bakerbotts.com>
> **Date:** January 20, 2021 at 1:55:01 PM EST
> **To:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Subject: PEOPLE: Here's who is running EPA -- Wednesday, January 20, 2021 -- www.eenews.net**
>
> So thrilled to see you on this list! You're the best!
>
> https://www.eenews.net/greenwire/2021/01/20/stories/1063723009?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

Here's who is running EPA

Kevin Bogardus, E&E News reporter
Published: Wednesday, January 20, 2021

Charlotte Bertrand, EPA's deputy associate administrator for programs, has worked at the agency for over two decades. Senate Environment and Public Works Committee

EPA has named a number of career officials to run its program and regional offices until the incoming Biden administration's appointees arrive at the agency.

Charlotte Bertrand, a newly promoted career official at EPA, will serve at the top of the agency as administrator, according to an internal email obtained by E&E News. Last month, she was named associate deputy administrator for programs, leaving the agency's water office to join the administrator's office.

President Trump then issued an executive order changing the order of succession at EPA, adding Bertrand's new position to the line of power at the agency. A longtime career official, Bertrand is considered close to Trump's political appointees and worked on several controversial rules during his administration (*Greenwire*, Jan. 11).

In the final days of the Obama administration, EPA also named career officials to manage the agency until Trump's team came on board (*E&E News PM*, Jan. 12, 2017).

Some EPA career officials will serve in leadership again for posts they once held four years ago as they waited for Trump's appointees. Those officials include David Bloom for the financial office, Sarah Dunham for the air office, Barry Breen for the solid waste office and Larry Starfield for the enforcement office.

Career officials can be at the top of EPA for weeks as they wait for a new president's nominees to be confirmed by the Senate. Catherine McCabe, then deputy regional administrator for EPA Region 2, spent nearly a month as acting administrator until Scott Pruitt's arrival in February 2017.

"During the transition period starting the afternoon of January 20, 2021, the agency leadership team will be as follows until otherwise superseded," outgoing EPA Chief of Staff Mandy Gunasekara said in the email sent yesterday to agency employees.

"Thank you to the leadership team for taking on this important responsibility and continuing the work of the agency."

Those EPA officials are as follows:

Administrator: Charlotte Bertrand

Office of the Chief Financial Officer: David Bloom

Office of Air and Radiation: Sarah Dunham

Office of Water: Andrew Sawyers

Office of Land and Emergency Management: Barry Breen

Office of Chemical Safety and Pollution Prevention: Tala Henry

Office of Research and Development: Jennifer Orme-Zavaleta

Office of General Counsel: Jim Payne

Office of Enforcement and Compliance Assurance: Larry Starfield

Office of International and Tribal Affairs: Jane Nishida

Office of Mission Support: Donna Vizian

Office of Policy: Helena Woods-Aguilar

Office of Congressional and Intergovernmental Relations: Robin Richardson

Office of Public Engagement and Environmental Education: Lee Tanner

Office of Public Affairs: Nancy Grantham

Region 1: Deb Szaro

Region 2: Walter Mugdan

Region 3: Diana Esher

Region 4: John Blevins

Region 5: Cheryl Newton

Region 6: David Gray

Region 7: Ed Chu

Region 8: Deb Thomas

Region 9: Deb Jordan

Region 10: Michelle Pirzadeh

Pamela M. Giblin
Office (512) 322-2509
Cell (512) 422-6821

Confidentiality Notice:

Please note that I have retired from the practice of law at Baker Botts. Any information contained herein does not constitute legal advice of Baker Botts L.L.P.

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/20/2021 10:04:24 PM
To: drew.bergman@epa.ohio.gov
CC: Ex. 6 Personal Privacy (PP)
Subject: Re: The Lorax

Yes, for about 19 hours! Thanks for note and hoping you, Sam (?) and rest of family are well.

Sent from my iPhone

On Jan 20, 2021, at 4:52 PM, drew.bergman@epa.ohio.gov wrote:

Hi Jim: Did I see correctly that you are heading up USEPA's Office of General Counsel until a Biden appointee takes over? If so, congratulations!

From: Payne, James <payne.james@epa.gov>
Sent: Friday, November 9, 2018 10:17 AM
To: Bergman, Drew <drew.bergman@epa.ohio.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: The Lorax

Hey Drew! Would be wonderful to see you, whether in Columbus or Chicago. Hope this finds you and family well. Jim

---

From: drew.bergman@epa.ohio.gov <drew.bergman@epa.ohio.gov>
Sent: Friday, November 09, 2018 8:51 AM
To: Payne, James <payne.james@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: The Lorax

Hi Jim. Don't remember if I ever got back to you so thanks for reaching out. And congratulations on your appointment as acting deputy regional administrator in Region 5! Welcome back to the Midwest! I was talking to a prominent big firm air lawyer just the other day about your career trajectory. Hopefully you'll find a reason to come and visit us at Ohio EPA sometime soon.

Drew
(work: 614-644-2120)
(cell: 614-370-0386)

From: Payne, James <payne.james@epa.gov>
Sent: Friday, April 27, 2018 8:56 PM
To: Bergman, Andrew <drew.bergman@epa.ohio.gov>; Bergman, Andrew <drew.bergman@epa.ohio.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: The Lorax

Hello Drew! Been a long time. Hope you and family are well. Want to let you know my offices throughout have had the fine The Lorax book pictured below, including on my desk at USEPA Dallas office where I've been since 2016. Cathleen and I get to Columbus from time to time, though it's usually during holidays. I plan to be there next month for OSU Law graduation for my oldest son Jay. I might try to stop by Ohio EPA then or another time. Our other kid is Brian who is doing IT business in Philly. Best, Jim Payne 214-665-8170, 214-490-6707 cell

.

Sent from my iPhone

Did You Know: Children of parents who talk to their teens about drugs are
up to 50% less likely to use. Start the conversation: StartTalking.Ohio.Gov

This email is intended for the sole use of the intended recipient and may contain privileged, sensitive or protected information. If you are not the intended recipient, be advised that the unauthorized use, disclosure, copying, distribution, or action taken in reliance on the contents of this communication is prohibited. If you have received this email in error, please notify the sender via telephone or return email and immediately delete this email.

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/20/2021 10:41:24 PM
To: Conrad, Daniel [conrad.daniel@epa.gov]
Subject: Fwd: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Sent from my iPhone

Begin forwarded message:

> **From:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Date:** January 20, 2021 at 2:33:59 PM EST
> **To:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: Fwd: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW**

> Sent from my iPhone
>
> Begin forwarded message:

> > **From:** "Rodrigues, Cecil" <rodrigues.cecil@epa.gov>
> > **Date:** January 20, 2021 at 12:50:05 PM EST
> > **To:** "Payne, James (Jim)" <payne.james@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
> > **Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW**
>
> > Please see below. From BidenHarris press release on Agency Actions for review.
>
> > Heads up. Ex. 5 Deliberative Process (DP)
> > Ex. 5 Deliberative Process (DP)
>
> > **From:** Rachel Felver <rfelver@chesapeakebay.net>
> > **Sent:** Wednesday, January 20, 2021 9:39 AM
> > **To:** Aunkst, Dana <aunkst.dana@epa.gov>; Jenkins, Bill <jenkins.bill@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; McDonnell, Lee <McDonnell.Lee@epa.gov>; Power, Lucinda <power.lucinda@epa.gov>; Barranco, Gregory <barranco.greg@epa.gov>; Damm, Thomas <Damm.Thomas@epa.gov>
> > **Subject:** FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW
>
> > FYI—I'm not sure personally, so wanted to see how you'd like me to respond (he's not media).
>
> > **From:** John Surrick - ext. 2045 <JSurrick@cbf.org>
> > **Sent:** Wednesday, January 20, 2021 8:27 AM

To: Rachel Felver <rfelver@chesapeakebay.net>
Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

See item 37 under EPA. Any thoughts about why MD was singled out, not PA?

John Surrick
Director of Media Relations
Chesapeake Bay Foundation
6 Herndon Avenue
Annapolis, MD 21403
410-271-0907 (cell)
jsurrick@cbf.org

CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

From: Annie Snider <asnider@politico.com>
Sent: Wednesday, January 20, 2021 7:31 AM
To: John Surrick - ext. 2045 <JSurrick@cbf.org>; Lisa Caruso <LCaruso@cbf.org>
Subject: Fwd: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Any idea why a Biden is revising EPA's approval of Maryland's phase 3 WIP? And nothing re: PA, unless I'm missing it?

Sent from my iPhone

Begin forwarded message:

> **From:** Biden Transition Press <press@bidentransition.org>
> **Date:** January 20, 2021 at 5:01:37 AM EST
> **To:** Annie Snider <asnider@politico.com>
> **Subject: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW**
> **Reply-To:** Biden Transition Press <press@bidentransition.org>

EXTERNAL SENDER: Use caution with links and attachments.

View this email in your browser

FOR IMMEDIATE RELEASE
January 20, 2021

FACT SHEET:
LIST OF AGENCY ACTIONS FOR REVIEW

Actions Address the COVID-19 Pandemic, Provide Economic Relief, Tackle Climate Change, and Advance Racial Equity

This is a non-exclusive list of agency actions that heads of the relevant agencies will revie in accordance with the Executive Order: "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." Additional agency actions also will b reviewed to determine consistency with Section 1 of the Executive Order.

Note that actions published in the January 20 Federal Register will be added to this lis on January 20.

COUNCIL ON ENVIRONMENTAL QUALITY

1. "Guidance Document Procedures," 86 Fed. Reg. 1279 (January 8, 2021).
2. "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act," 85 Fed. Reg. 43304 (July 16, 2020).

U.S. DEPARTMENT OF AGRICULTURE

1. "Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska," 85 Fed. Reg. 68688 (October 29, 2020).

U.S. DEPARTMENT OF COMMERCE

1. "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico," 86 Fed. Reg. 5322 (January 19, 2021).

2. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat," 85 Fed. Reg. 81411 (December 16, 2020).

3. National Oceanic and Atmospheric Administration, Biological Opinion on Long Term Operation of the Central Valley Project and the State Water Project (Octobe 21, 2019).

4. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Specie and Designating Critical Habitat," 84 Fed. Reg. 45020 (August 27, 2019).

5. "Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation," 84 Fed. Reg. 44976 (August 27, 2019).

U.S. DEPARTMENT OF DEFENSE

1. "Reissuance and Modification of Nationwide Permits," 86 Fed. Reg. 2744 (Janua 13, 2021).

2. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).

U.S. DEPARTMENT OF ENERGY

1. "Energy Conservation Program: Energy Conservation Standards for Small Electri Motors," 86 Fed. Reg. 4885 (January 19, 2021).

2. "Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers," 85 Fed. Reg. 81359 (December 16, 2020).

3. "Test Procedure Interim Waiver Process," 85 Fed. Reg. 79802 (December 11, 2020).

4. "Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers," 85 Fed. Reg. 68723 (October 30, 2020).

5. "Energy Conservation Program for Appliance Standards: Procedures for Evaluati Statutory Factors for Use in New or Revised Energy Conservation Standards," 85 Fed. Reg. 50937 (August 19, 2020).

6. "Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consum Products and Commercial/Industrial Equipment," 85 Fed. Reg. 8626 (February 2020).

7. "Energy Conservation Program: Energy Conservation Standards," 85 Fed. Reg. 1378 (January 10, 2020).

8. "Energy Conservation Program: Energy Conservation Standards for General Service Incandescent Lamps," 84 Fed. Reg. 71626 (December 27, 2019).

9. "Final Determination Regarding Energy Efficiency Improvements in the 2018 International Energy Conservation Code (IECC)," 84 Fed. Reg. 67435 (December 10, 2019).

10. "Final Determination Regarding Energy Efficiency Improvements in ANSI/ASHRAE/IES Standard 90.1–2016: Energy Standard for Buildings, Except Low-Rise Residential Buildings," 83 Fed. Reg. 8463 (February 27, 2018).

U.S. ENVIRONMENTAL PROTECTION AGENCY

1. "Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984," 86 Fed. Reg. 5013 (January 19, 2021).

2. "National Primary Drinking Water Regulations: Lead and Copper Rule Revisions," 86 Fed. Reg. 4198 (January 15, 2021).

3. "Pollutant-Specific Significant Contribution Finding for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, and Process for Determining Significance of Other New Source Performance Standards Source Categories," 86 Fed. Reg. 2542 (January 13, 2021).

4. "Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures," 86 Fed. Reg. 2136 (January 11, 2021).

5. "Review of Dust-Lead Post Abatement Clearance Levels," 86 Fed. Reg. 983 (January 7, 2021).

6. "Hexachlorobutadiene (HCBD); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 922 (January 6, 2021).

7. "Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 911 (January 6, 2021).

8. "Phenol, Isopropylated Phosphate (3:1) (PIP 3:1); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 8 (January 6, 2021).

9. "Decabromodiphenyl Ether (DecaBDE); Regulation of Persistent, Bioaccumulativ and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 880 (January 6, 2021).

10. "2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 8 (January 6, 2021).

11. "Strengthening Transparency in Pivotal Science Underlying Significant Regulator Actions and Influential Scientific Information," 86 Fed. Reg. 469 (January 6, 202

12. "Review of the Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 872 (December 31, 2020).

13. "Increasing Consistency and Transparency in Considering Benefits and Costs in t Clean Air Act Rulemaking Process," 85 Fed. Reg. 84130 (December 23, 2020).

14. "Review of the National Ambient Air Quality Standards for Particulate Matter," 8 Fed. Reg. 82684 (December 18, 2020).

15. "Reclassification of Major Sources as Area Sources Under Section 112 of the Clea Air Act," 85 Fed. Reg. 73854 (November 19, 2020).

16. "Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments," 85 Fed. Reg. 72506 (November 12, 2020).

17. "NPDES Electronic Reporting Rule—Phase 2 Extension," 85 Fed. Reg. 69189 (November 2, 2020).

18. "Pesticides; Agricultural Worker Protection Standard; Revision of the Applicatio Exclusion Zone Requirements," 85 Fed. Reg. 68760 (October 30, 2020).

19. "EPA Guidance; Administrative Procedures for Issuance and Public Petitions," 8 Fed. Reg. 66230 (October 19, 2020).

20. "Steam Electric Reconsideration Rule," 85 Fed. Reg. 64650 (October 13, 2020).

21. U.S. Environmental Protection Agency, Memorandum Regarding Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans (October 9, 2020).

22. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," 85 Fed. Reg. 57398 (September 15, 2020).

23. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," 85 Fed. Reg. 57018 (September 14, 2020).

24. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadlin To Initiate Closure," 85 Fed. Reg. 53516 (August 28, 2020).

25. "Streamlining Procedures for Permit Appeals," 85 Fed. Reg. 51650 (August 21, 2020).

26. "Drinking Water: Final Action on Perchlorate," 85 Fed. Reg. 43990 (July 21, 202

27. "Clean Water Act Section 401 Certification Rule," 85 Fed. Reg. 42210 (July 13, 2020).

28. "Methylene Chloride (MC); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability," 85 Fed. Reg. 37942 (June 24, 2020).

29. "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Findi and Residual Risk and Technology Review," 85 Fed. Reg. 31286 (May 22, 2020).

30. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).

31. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).

32. "Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards," Fed. Reg. 19096 (April 6, 2020).

33. "Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes," 85 Fed. Reg. 14150 (March 11, 2020).

34. "On-Site Civil Inspection Procedures," 85 Fed. Reg. 12224 (March 2, 2020).

35. "Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program," 85 Fed. Reg. 8411 (February 14, 2020).

36. "Accidental Release Prevention Requirements: Risk Management Programs Und the Clean Air Act," 84 Fed. Reg. 69834 (December 19, 2019).

37. U.S. Environmental Protection Agency, Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP) (December 19, 2019).

38. "Findings of Failure To Submit a Clean Air Act Section 110 State Implementation Plan for Interstate Transport for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)," 84 Fed. Reg. 66612 (December 5, 2019).

39. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One Nationa Program," 84 Fed. Reg. 51310 (September 27, 2019).

40. "Adopting Requirements in Emission Guidelines for Municipal Solid Waste Landfills," 84 Fed. Reg. 44547 (August 26, 2019).

41. "Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 84 Fed. Reg. 36728 (July 29, 2019).

42. "Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order," 84 Fed. Reg. 35555 (July 24, 2019).

43. "Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint," 84 Fed. Reg. 32632 (July 9, 2019).

44. "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emissio Guidelines Implementing Regulations," 84 Fed. Reg. 32520 (July 8, 2019).

45. "Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Us Under TSCA Section 6(a)," 84 Fed. Reg. 11420 (March 27, 2019).

46. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteri (Phase One, Part One)," 83 Fed. Reg. 36435 (July 30, 2018).

47. "Financial Responsibility Requirements Under CERCLA Section 108(b) for Class of Facilities in the Hardrock Mining Industry," 83 Fed. Reg. 7556 (February 21, 2018).

48. "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act," 82 Fed. Reg. 33726 (July 20, 2017).

U.S. DEPARTMENT OF JUSTICE

1. "Prohibition on Settlement Payments to Non-Governmental Third Parties," 85 Fe Reg. 81409 (December 16, 2020).

U.S. DEPARTMENT OF THE INTERIOR

1. "Endangered and Threatened Wildlife and Plants; Revised Designation of Critica Habitat for the Northern Spotted Owl," 86 Fed. Reg. 4820 (January 15, 2021).

2. U.S. Department of the Interior, National Greater Sage-Grouse Land Use Plannin Page (NEPA No. DOI-BLM-WO-WO2100-2017-0003-RMP-EIS) (last updated January 11, 2021).

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31. U.S. Department of the Interior, Order No. 3348: Concerning the Federal Coal Moratorium (March 29, 2017).

U.S. DEPARTMENT OF LABOR

1. "Financial Factors in Selecting Plan Investments," 85 Fed. Reg. 72846 (Novembe 13, 2020).

U.S. DEPARTMENT OF TRANSPORTATION

1. "Hazardous Materials: Liquefied Natural Gas by Rail," 85 Fed. Reg. 44994 (July 2020).

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3. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One Nationa Program," 84 Fed. Reg. 51310 (September 27, 2019).

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Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/20/2021 10:42:21 PM
To: Rodrigues, Cecil [rodrigues.cecil@epa.gov]
Subject: Re: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Thanks for sending!

Sent from my iPhone

Begin forwarded message:

From: "Rodrigues, Cecil" <rodrigues.cecil@epa.gov>
Date: January 20, 2021 at 12:50:05 PM EST
To: "Payne, James (Jim)" <payne.james@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Please see below. From BidenHarris press release on Agency Actions for review.

Heads up. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

From: Rachel Felver <rfelver@chesapeakebay.net>
Sent: Wednesday, January 20, 2021 9:39 AM
To: Aunkst, Dana <aunkst.dana@epa.gov>; Jenkins, Bill <jenkins.bill@epa.gov>; Bisland, Carin <bisland.carin@epa.gov>; McDonnell, Lee <McDonnell.Lee@epa.gov>; Power, Lucinda <power.lucinda@epa.gov>; Barranco, Gregory <barranco.greg@epa.gov>; Damm, Thomas <Damm.Thomas@epa.gov>
Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

FYI—I'm not sure personally, so wanted to see how you'd like me to respond (he's not media).

From: John Surrick - ext. 2045 <JSurrick@cbf.org>
Sent: Wednesday, January 20, 2021 8:27 AM
To: Rachel Felver <rfelver@chesapeakebay.net>
Subject: FW: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Ex. 5 Deliberative Process (DP)

John Surrick
Director of Media Relations
Chesapeake Bay Foundation
6 Herndon Avenue
Annapolis, MD 21403
410-271-0907 (cell)
jsurrick@cbf.org

<image001.png>

From: Annie Snider <asnider@politico.com>
Sent: Wednesday, January 20, 2021 7:31 AM
To: John Surrick - ext. 2045 <JSurrick@cbf.org>; Lisa Caruso <LCaruso@cbf.org>
Subject: Fwd: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW

Any idea why a Biden is revising EPA's approval of Maryland's phase 3 WIP? And nothing re: PA, unless I'm missing it?

Sent from my iPhone

Begin forwarded message:

> **From:** Biden Transition Press <press@bidentransition.org>
> **Date:** January 20, 2021 at 5:01:37 AM EST
> **To:** Annie Snider <asnider@politico.com>
> **Subject: FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW**
> **Reply-To:** Biden Transition Press <press@bidentransition.org>

EXTERNAL SENDER: Use caution with links and attachments.

View this email in your browser

<image002.jpg>

FOR IMMEDIATE RELEASE
January 20, 2021

FACT SHEET:
LIST OF AGENCY ACTIONS FOR REVIEW

Actions Address the COVID-19 Pandemic, Provide Economic Relief, Tackle Climate Change, and Advance Racial Equity

This is a non-exclusive list of agency actions that heads of the relevant agencies will revie in accordance with the Executive Order: "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis." Additional agency actions also will b reviewed to determine consistency with Section 1 of the Executive Order.

Note that actions published in the January 20 Federal Register will be added to this lis on January 20.

COUNCIL ON ENVIRONMENTAL QUALITY

1. "Guidance Document Procedures," 86 Fed. Reg. 1279 (January 8, 2021).
2. "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act," 85 Fed. Reg. 43304 (July 16, 2020).

U.S. DEPARTMENT OF AGRICULTURE

1. "Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska," 85 Fed. Reg. 68688 (October 29, 2020).

U.S. DEPARTMENT OF COMMERCE

1. "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico," 86 Fed. Reg. 5322 (January 19, 2021).
2. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat," 85 Fed. Reg. 81411 (December 16, 2020).
3. National Oceanic and Atmospheric Administration, Biological Opinion on Long Term Operation of the Central Valley Project and the State Water Project (Octobe 21, 2019).
4. "Endangered and Threatened Wildlife and Plants; Regulations for Listing Specie and Designating Critical Habitat," 84 Fed. Reg. 45020 (August 27, 2019).
5. "Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation," 84 Fed. Reg. 44976 (August 27, 2019).

U.S. DEPARTMENT OF DEFENSE

1. "Reissuance and Modification of Nationwide Permits," 86 Fed. Reg. 2744 (Janua 13, 2021).
2. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).

U.S. DEPARTMENT OF ENERGY

1. "Energy Conservation Program: Energy Conservation Standards for Small Electri Motors," 86 Fed. Reg. 4885 (January 19, 2021).
2. "Energy Conservation Program: Establishment of New Product Classes for Residential Clothes Washers and Consumer Clothes Dryers," 85 Fed. Reg. 81359 (December 16, 2020).
3. "Test Procedure Interim Waiver Process," 85 Fed. Reg. 79802 (December 11, 2020).

4. "Energy Conservation Program: Establishment of a New Product Class for Residential Dishwashers," 85 Fed. Reg. 68723 (October 30, 2020).

5. "Energy Conservation Program for Appliance Standards: Procedures for Evaluati Statutory Factors for Use in New or Revised Energy Conservation Standards," 85 Fed. Reg. 50937 (August 19, 2020).

6. "Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consum Products and Commercial/Industrial Equipment," 85 Fed. Reg. 8626 (February 1 2020).

7. "Energy Conservation Program: Energy Conservation Standards," 85 Fed. Reg. 1378 (January 10, 2020).

8. "Energy Conservation Program: Energy Conservation Standards for General Service Incandescent Lamps," 84 Fed. Reg. 71626 (December 27, 2019).

9. "Final Determination Regarding Energy Efficiency Improvements in the 2018 International Energy Conservation Code (IECC)," 84 Fed. Reg. 67435 (December 10, 2019).

10. "Final Determination Regarding Energy Efficiency Improvements in ANSI/ASHRAE/IES Standard 90.1–2016: Energy Standard for Buildings, Except Low-Rise Residential Buildings," 83 Fed. Reg. 8463 (February 27, 2018).

U.S. ENVIRONMENTAL PROTECTION AGENCY

1. "Standards of Performance for Volatile Organic Liquid Storage Vessels (Includin Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984," 86 Fed. Reg. 5013 (January 19, 2021).

2. "National Primary Drinking Water Regulations: Lead and Copper Rule Revisions 86 Fed. Reg. 4198 (January 15, 2021).

3. "Pollutant-Specific Significant Contribution Finding for Greenhouse Gas Emissio From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units, and Process for Determining Significance of Other New Source Performance Standards Source Categories," 86 Fed. Reg. 2542 (January 13, 2021

4. "Control of Air Pollution From Airplanes and Airplane Engines: GHG Emission Standards and Test Procedures," 86 Fed. Reg. 2136 (January 11, 2021).

5. "Review of Dust-Lead Post Abatement Clearance Levels," 86 Fed. Reg. 983 (January 7, 2021).

6. "Hexachlorobutadiene (HCBD); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 922 (January 6, 2021).

7. "Pentachlorothiophenol (PCTP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 911 (January 6, 2021).

8. "Phenol, Isopropylated Phosphate (3:1) (PIP 3:1); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 8 (January 6, 2021).

9. "Decabromodiphenyl Ether (DecaBDE); Regulation of Persistent, Bioaccumulati and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 880 (January 6, 2021).

10. "2,4,6-tris(tert-butyl)phenol (2,4,6-TTBP); Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 86 Fed. Reg. 8 (January 6, 2021).

11. "Strengthening Transparency in Pivotal Science Underlying Significant Regulato Actions and Influential Scientific Information," 86 Fed. Reg. 469 (January 6, 202

12. "Review of the Ozone National Ambient Air Quality Standards," 85 Fed. Reg. 872 (December 31, 2020).

13. "Increasing Consistency and Transparency in Considering Benefits and Costs in t Clean Air Act Rulemaking Process," 85 Fed. Reg. 84130 (December 23, 2020).

14. "Review of the National Ambient Air Quality Standards for Particulate Matter," 8 Fed. Reg. 82684 (December 18, 2020).

15. "Reclassification of Major Sources as Area Sources Under Section 112 of the Clea Air Act," 85 Fed. Reg. 73854 (November 19, 2020).

16. "Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments," 85 Fed. Reg. 72506 (November 12, 2020).

17. "NPDES Electronic Reporting Rule—Phase 2 Extension," 85 Fed. Reg. 69189 (November 2, 2020).

18. "Pesticides; Agricultural Worker Protection Standard; Revision of the Applicatio Exclusion Zone Requirements," 85 Fed. Reg. 68760 (October 30, 2020).

19. "EPA Guidance; Administrative Procedures for Issuance and Public Petitions," 8 Fed. Reg. 66230 (October 19, 2020).

20. "Steam Electric Reconsideration Rule," 85 Fed. Reg. 64650 (October 13, 2020).

21. U.S. Environmental Protection Agency, Memorandum Regarding Inclusion of Provisions Governing Periods of Startup, Shutdown, and Malfunctions in State Implementation Plans (October 9, 2020).

22. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration," 85 Fed. Reg. 57398 (September 15, 2020).

23. "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review," 85 Fed. Reg. 57018 (September 14, 2020).

24. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; A Holistic Approach to Closure Part A: Deadlin To Initiate Closure," 85 Fed. Reg. 53516 (August 28, 2020).

25. "Streamlining Procedures for Permit Appeals," 85 Fed. Reg. 51650 (August 21, 2020).

26. "Drinking Water: Final Action on Perchlorate," 85 Fed. Reg. 43990 (July 21, 202

27. "Clean Water Act Section 401 Certification Rule," 85 Fed. Reg. 42210 (July 13, 2020).

28. "Methylene Chloride (MC); Final Toxic Substances Control Act (TSCA) Risk Evaluation; Notice of Availability," 85 Fed. Reg. 37942 (June 24, 2020).

29. "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Findi and Residual Risk and Technology Review," 85 Fed. Reg. 31286 (May 22, 2020).

30. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks," 85 Fed. Reg. 24174 (April 30, 2020).

31. "The Navigable Waters Protection Rule: Definition of 'Waters of the United States,'" 85 Fed. Reg. 22250 (April 21, 2020).

32. "Air Plan Approval; Texas; Dallas-Fort Worth Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards," Fed. Reg. 19096 (April 6, 2020).

33. "Protection of Stratospheric Ozone: Revisions to the Refrigerant Management Program's Extension to Substitutes," 85 Fed. Reg. 14150 (March 11, 2020).

34. "On-Site Civil Inspection Procedures," 85 Fed. Reg. 12224 (March 2, 2020).

35. "Air Plan Approval; Texas; Houston-Galveston-Brazoria Area Redesignation and Maintenance Plan for Revoked Ozone National Ambient Air Quality Standards; Section 185 Fee Program," 85 Fed. Reg. 8411 (February 14, 2020).

36. "Accidental Release Prevention Requirements: Risk Management Programs Und the Clean Air Act," 84 Fed. Reg. 69834 (December 19, 2019).

37. U.S. Environmental Protection Agency, Evaluation of Maryland's Phase III Watershed Implementation Plan (WIP) (December 19, 2019).

38. "Findings of Failure To Submit a Clean Air Act Section 110 State Implementation Plan for Interstate Transport for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)," 84 Fed. Reg. 66612 (December 5, 2019).

39. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One Nationa Program," 84 Fed. Reg. 51310 (September 27, 2019).

40. "Adopting Requirements in Emission Guidelines for Municipal Solid Waste Landfills," 84 Fed. Reg. 44547 (August 26, 2019).

41. "Regulation of Persistent, Bioaccumulative, and Toxic Chemicals Under TSCA Section 6(h)," 84 Fed. Reg. 36728 (July 29, 2019).

42. "Chlorpyrifos; Final Order Denying Objections to March 2017 Petition Denial Order," 84 Fed. Reg. 35555 (July 24, 2019).

43. "Review of the Dust-Lead Hazard Standards and the Definition of Lead-Based Paint," 84 Fed. Reg. 32632 (July 9, 2019).

44. "Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emissior Guidelines Implementing Regulations," 84 Fed. Reg. 32520 (July 8, 2019).

45. "Methylene Chloride; Regulation of Paint and Coating Removal for Consumer Us Under TSCA Section 6(a)," 84 Fed. Reg. 11420 (March 27, 2019).

46. "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Amendments to the National Minimum Criteri (Phase One, Part One)," 83 Fed. Reg. 36435 (July 30, 2018).

47. "Financial Responsibility Requirements Under CERCLA Section 108(b) for Class of Facilities in the Hardrock Mining Industry," 83 Fed. Reg. 7556 (February 21, 2018).

48. "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act," 82 Fed. Reg. 33726 (July 20, 2017).

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31. U.S. Department of the Interior, Order No. 3348: Concerning the Federal Coal Moratorium (March 29, 2017).

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3. "The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One Nationa Program," 84 Fed. Reg. 51310 (September 27, 2019).

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Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/22/2021 8:53:51 PM
To: Garbow, Avi [Garbow.Avi@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office
Attachments: EPA OGC Abeyance Letter to DOJ 01-21-20docx.pdf

Avi – Ex. 5 AC/DP

Ex. 5 AC/DP

Andy – would you be available to confer with Avi and me shortly?

Jim
202-672-3727 cell

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 3:17 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Jim,

Hope all's well. Look forward to re-connecting. Let me know if you (or Andy Simons) has a minute to discuss this – see below. My cell is Ex. 6 Personal Privacy (PP)

Avi

From: Cassady, Alison <Cassady.Alison@epa.gov>
Sent: Friday, January 22, 2021 2:25 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Avi,

Do you have advice on how to respond or refer?

Thanks,

Alison

From: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Sent: Friday, January 22, 2021 2:16 PM
To: Cassady, Alison <Cassady.Alison@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Hi Alison, we haven't had a chance to meet yet. I received this from Michal (whom I've known for a few years) who wanted to alert new leadership on this issue. She asked that I share with you. Its my understanding that Melissa H is recused from this matter. Copying Andy Simons and Jim Payne in OGC who are familiar with this issue.

Thanks for your help

Jennifer

Jennifer Orme-Zavaleta, PhD
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620
Cell 919-699-1564

From: Jennifer Orme-Zavaleta <jormezavaleta@att.net>
Sent: Friday, January 22, 2021 2:05 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: Fwd: As described. This needs quick attention.

Sent from my iPhone

Begin forwarded message:

> **From:** "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>
> **Date:** January 22, 2021 at 1:37:37 PM EST
> **To:** Jennifer Orme-Zavaleta <jormezavaleta@att.net>
> **Subject: As described. This needs quick attention.**
>
> We understand that EPA's Acting General Counsel has requested that USDOJ immediately seek to hold in abeyance any litigation concerning EPA rules listed in President Biden's *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, including EPA's recent rule entitled*Strengthening Transparency in Regulatory Science*, 86 Fed. Reg. 469 (Jan. 6, 2021). That rule is presently subject to challenge in federal district court in Montana, *see Environmental Defense Fund v. EPA*, Case No. 21-cv-00003-BMM. Plaintiffs in that case have moved that the district court enter judgment on or before January 28, 2021, invalidating ex-Administrator Wheeler's decision to make this rule immediately effective upon publication in the Federal Register. On January 19, 2021, EPA filed a response in opposition to plaintiffs' motion, and that motion is now fully briefed. If the district court sides with plaintiffs, the rule will not take effect until Friday, February 5, 2021. In that event, EPA will have the option to postpone the effective date under Section 705 of the APA,

and/or freeze the rule's effective date pursuant to President Biden's memorandum*Regulatory Freeze Pending Review*. Further, the legal issue at the heart of the pending motion before the district court--whether this rule is a "substantive rule"--bears on the question whether the rule is subject to the Congressional Review Act, and whether the rule itself is valid. However the district court disposes of the pending motion next week, it will provide needed clarity and likely expand the options available to EPA in complying with the recent Executive Order. Conversely, an abeyance in the Montana litigation would permanently foreclose EPA from postponing the rule because it will be allowed to take effect without challenge. Under these unique circumstances, we urge EPA to allow this litigation to proceed to disposition of plaintiffs' motion, after which time the agency can assess the appropriate path forward.

Sent from my iPhone

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/22/2021 9:29:05 PM
To: Garbow, Avi [Garbow.Avi@epa.gov]
Subject: Hi Avi, call me? Ex. 6 Personal Privacy (PP) cell. I don't see a phone number for you

---

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 4:21 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Thx. I have another call at 4:30 but will try to join you all if it concludes prior to your 5PM with DOJ.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 4:19 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

I have sent to us a 4:30pm for an agency premeet before 5pm call with DOJ.

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 4:15 PM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Perhaps we can circle up after you all have connected with **Ex. 5 AC/DP**
avi

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Friday, January 22, 2021 3:58 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

I'm supposed **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP) Just let me know what you need. I just set up a meeting with DOJ for 5 PM.

Andrew Simons

Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

CONFIDENTIALITY NOTICE: This message may contain deliberative, attorney-client, or otherwise privileged material. Do not release this message under FOIA without appropriate review. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, please contact the sender and delete all copies.

Please consider the environment before printing this email.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 3:54 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Avi – Ex. 5 AC/DP

Ex. 5 AC/DP

Andy – would you be available to confer with Avi and me shortly?

Jim
202-672-3727 cell

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 3:17 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Jim,

Hope all's well. Look forward to re-connecting. Let me know if you (or Andy Simons) has a minute to discuss this – see below. My cell is Ex. 6 Personal Privacy (PP)

Avi

From: Cassady, Alison <Cassady.Alison@epa.gov>
Sent: Friday, January 22, 2021 2:25 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Avi,

Do you have advice on how to respond or refer?

Thanks,

Alison

From: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Sent: Friday, January 22, 2021 2:16 PM
To: Cassady, Alison <Cassady.Alison@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Hi Alison, we haven't had a chance to meet yet. I received this from Michal (whom I've known for a few years) who wanted to alert new leadership on this issue. She asked that I share with you. Its my understanding that Melissa H is recused from this matter. Copying Andy Simons and Jim Payne in OGC who are familiar with this issue.

Thanks for your help

Jennifer

Jennifer Orme-Zavaleta, PhD
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620
Cell 919-699-1564

From: Jennifer Orme-Zavaleta <jormezavaleta@att.net>
Sent: Friday, January 22, 2021 2:05 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: Fwd: As described. This needs quick attention.

Sent from my iPhone

Begin forwarded message:

> **From:** "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>
> **Date:** January 22, 2021 at 1:37:37 PM EST
> **To:** Jennifer Orme-Zavaleta <jormezavaleta@att.net>
> **Subject: As described. This needs quick attention.**
>
> We understand that EPA's Acting General Counsel has requested that USDOJ immediately seek to hold in abeyance any litigation concerning EPA rules listed in President Biden's *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, including EPA's recent rule entitled*Strengthening Transparency in Regulatory Science*, 86 Fed. Reg. 469 (Jan. 6, 2021). That rule is presently subject to challenge in federal district court in Montana, *see Environmental Defense Fund v. EPA*, Case No. 21-cv-00003-

BMM. Plaintiffs in that case have moved that the district court enter judgment on or before January 28, 2021, invalidating ex-Administrator Wheeler's decision to make this rule immediately effective upon publication in the Federal Register. On January 19, 2021, EPA filed a response in opposition to plaintiffs' motion, and that motion is now fully briefed. If the district court sides with plaintiffs, the rule will not take effect until Friday, February 5, 2021. In that event, EPA will have the option to postpone the effective date under Section 705 of the APA, and/or freeze the rule's effective date pursuant to President Biden's memorandum*Regulatory Freeze Pending Review*. Further, the legal issue at the heart of the pending motion before the district court--whether this rule is a "substantive rule"--bears on the question whether the rule is subject to the Congressional Review Act, and whether the rule itself is valid. However the district court disposes of the pending motion next week, it will provide needed clarity and likely expand the options available to EPA in complying with the recent Executive Order. Conversely, an abeyance in the Montana litigation would permanently foreclose EPA from postponing the rule because it will be allowed to take effect without challenge. Under these unique circumstances, we urge EPA to allow this litigation to proceed to disposition of plaintiffs' motion, after which time the agency can assess the appropriate path forward.

Sent from my iPhone

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/23/2021 2:40:42 AM
To: Marks, Matthew [Marks.Matthew@epa.gov]
CC: Conrad, Daniel [conrad.daniel@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: Re: TIME SENSITIVE - pls review and edit by 1pm

Just saw this, thanks Matt.

And agree that the usual process for briefing that you describe works very well. Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

As to contents of the list, it is defensive cases for rules adopted Jan 2017 to Jan 2021 and rule deadline cases.

Sent from my iPhone

On Jan 21, 2021, at 11:32 AM, Marks, Matthew <Marks.Matthew@epa.gov> wrote:

Hi Jim,

We connected with Dan.

Ex. 5 AC/DP

That aside, in the spirit of getting this spreadsheet in more useful shape for DOJ, I plan to direct our assistants to do the following unless instructed otherwise:

- Ex. 5 AC/DP

Thanks!

Matt

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency

1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
E: marks.matthew@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 21, 2021 11:01 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Pls connect w Dan.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, January 21, 2021 11:00 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Hi Jim,

Ex. 5 AC/DP

Matt

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
E: marks.matthew@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 21, 2021 10:40 AM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: TIME SENSITIVE - pls review and edit by 1pm

With Dan's assistance including Sharepoint, **Ex. 5 Deliberative Process (DP)**
(**Ex. 5 Deliberative Process (DP)**

DRAFT CORRESPONDENCE TO BRUCE GELBER, DOJ

To: Bruce Gelber, Deputy Assistant Attorney General, Environment and Natural Resources Division, USDOJ

Bruce,

Ex. 5 AC/DP

If there are questions, feel free to contact me or Jim Payne, payne.james@epa.gov, 202-672-3727, or the OGC Associate General Counsel for the case.

Thank you,

Melissa Hoffer
Acting General Counsel
US Environmental Protection Agency
[if this is a letter, then could add your email]
[add phone number]

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/23/2021 2:44:39 AM
To: Ex. 6 Personal Privacy (PP)
Subject: Fwd: The Lorax

Sent from my iPhone

Begin forwarded message:

> **From:** drew.bergman@epa.ohio.gov
> **Date:** January 21, 2021 at 8:59:04 AM EST
> **To:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Cc** Ex. 6 Personal Privacy (PP)
> **Subject: RE: The Lorax**
>
> 19 hours is long enough for me to let the current management at the Ohio AG's environmental enforcement section that they have quite an accomplished alum. ☺ Must be an exciting time to be in the federal government. Finally.
>
> Everyone is well here (though I did lose both my parents in 2020 after moving them here from Philly in 2019; they led long and happy lives). How about your family?
>
> ---
>
> **From:** Payne, James (Jim) <payne.james@epa.gov>
> **Sent:** Wednesday, January 20, 2021 5:04 PM
> **To:** Bergman, Drew <drew.bergman@epa.ohio.gov>
> **Cc:** Ex. 6 Personal Privacy (PP)
> **Subject:** Re: The Lorax
>
> Yes, for about 19 hours! Thanks for note and hoping you, Sam (?) and rest of family are well.
>
> Sent from my iPhone
>
>> On Jan 20, 2021, at 4:52 PM, drew.bergman@epa.ohio.gov wrote:
>>
>> Hi Jim: Did I see correctly that you are heading up USEPA's Office of General Counsel until a Biden appointee takes over? If so, congratulations!
>>
>> ---
>>
>> **From:** Payne, James <payne.james@epa.gov>
>> **Sent:** Friday, November 9, 2018 10:17 AM
>> **To:** Bergman, Drew <drew.bergman@epa.ohio.gov>
>> **Cc:** Ex. 6 Personal Privacy (PP)
>> **Subject:** RE: The Lorax

Hey Drew! Would be wonderful to see you, whether in Columbus or Chicago. Hope this finds you and family well. Jim

---

From: drew.bergman@epa.ohio.gov <drew.bergman@epa.ohio.gov>
Sent: Friday, November 09, 2018 8:51 AM
To: Payne, James <payne.james@epa.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: RE: The Lorax

Hi Jim. Don't remember if I ever got back to you so thanks for reaching out. And congratulations on your appointment as acting deputy regional administrator in Region 5! Welcome back to the Midwest! I was talking to a prominent big firm air lawyer just the other day about your career trajectory. Hopefully you'll find a reason to come and visit us at Ohio EPA sometime soon.

Drew
(work: 614-644-2120)
(cell: 614-370-0386)

From: Payne, James <payne.james@epa.gov>
Sent: Friday, April 27, 2018 8:56 PM
To: Bergman, Andrew <drew.bergman@epa.ohio.gov>; Bergman, Andrew <drew.bergman@epa.ohio.gov>
Cc: Ex. 6 Personal Privacy (PP)
Subject: The Lorax

Hello Drew! Been a long time. Hope you and family are well. Want to let you know my offices throughout have had the fine The Lorax book pictured below, including on my desk at USEPA Dallas office where I've been since 2016. Cathleen and I get to Columbus from time to time, though it's usually during holidays. I plan to be there next month for OSU Law graduation for my oldest son Jay. I might try to stop by Ohio EPA then or another time. Our other kid is Brian who is doing IT business in Philly. Best, Jim Payne 214-665-8170, 214-490-6707 cell

.

Sent from my iPhone

Did You Know: Children of pare
who talk to their teens about dr
are
up to 50% less likely to use. Star
conversation: StartTalking.Ohio.

This email is intended for the sole use of the intended recipient and may contain privileged, sensitive or protected information. If you are not the intended recipient, b
that the unauthorized use, disclosure, copying, distribution, or action taken in reliance on the contents of this communication is prohibited. If you have received this e
error, please notify the sender via telephone or return email and immediately delete this email.

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov or click the Phish Alert Button if available.

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/24/2021 11:37:34 PM
To: Hoffer, Melissa [Hoffer.Melissa@epa.gov]; Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Patrick, Monique [Patrick.Monique@epa.gov]
Subject: Re: Implementation of President Biden's Executive Orders
Attachments: Executive Actions and Orders 1-21-21.docx; Rules Identified for Review.docx

And in case helpful here, sharing Dan Conrad's attached summaries of selected Executive Actions and Executive Orders issued Jan 20, and of a transition team announcement earlier that day identifying EPA rules for review.

Sent from my iPhone

On Jan 24, 2021, at 6:30 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Hi all,

Please review the EOs.

Monique, will you please find 30 minutes Tuesday for this group to discuss OGC's role.

Thanks,
Melissa

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Saturday, January 23, 2021 7:08 PM
To: Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Nishida, Jane21 <ActAdmJ21Nishida@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>
Subject: Implementation of President Biden's Executive Orders

TO: Current and Acting EPA Leadership
FR: Dan Utech, Chief of Staff
RE: Implementation of President Biden's Executive Orders

This past week, President Biden issued a set of Executive Orders, several of which require EPA to take action with urgent deadlines. Many of you likely have already read and started developing implementation plans for the components of the orders relevant to your programs and offices. To ensure that we stay on pace agencywide to meet our obligations, I ask that each office review the following and develop a plan to meet the urgent and longer-term deadlines.

URGENT DEADLINES

Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

Ex. 5 Deliberative Process (DP)

Internal Deadlines

Ex. 5 Deliberative Process (DP)

To assist in the development of lists of agency actions, the Office of Policy will distribute an initial list during the week of January 25.

Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing

January 27, 2021: Administrator must report on progress of implementation of mask mandate and COVID protocols across EPA campuses.

EXECUTIVE ORDERS AND MEMOS FOR REVIEW

Please review the following and develop a plan for meeting the given deadlines and completing the tasks in your purview. Additional details on process and timelines will follow.

Ex. 5 Deliberative Process (DP)

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 10/21/2020 2:07:34 AM
To: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: Fwd: President Trump's political appointees' job negotiations while at EPA

Nicely done

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** October 20, 2020 at 10:03:43 PM EDT
> **To:** "Willey, Katharine" <willey.katharine@epa.gov>, "Block, Molly" <block.molly@epa.gov>
> **Cc:** "Fugh, Justina" <Fugh.Justina@epa.gov>, "Hewitt, James" <hewitt.james@epa.gov>, "Payne, James (Jim)" <payne.james@epa.gov>
> **Subject: RE: President Trump's political appointees' job negotiations while at EPA**
>
> I'm comfortable with this. Thanks very much for everyone's work on this.
>
> **David Fotouhi**
>
> Acting General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> ---
>
> **From:** Willey, Katharine <willey.katharine@epa.gov>
> **Sent:** Tuesday, October 20, 2020 10:02 PM
> **To:** Block, Molly <block.molly@epa.gov>
> **Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
> **Subject:** Re: President Trump's political appointees' job negotiations while at EPA
>
> I'm a fan of Molly's edit, David?
>
> Sent from my iPhone
>
> > On Oct 20, 2020, at 9:46 PM, Block, Molly <block.molly@epa.gov> wrote:
> >
> > My two cents. I would just send this as a proposed response: Ex. 5 Deliberative Process (DP)
> >
> > Ex. 5 Deliberative Process (DP)
> >
> > Sent from my iPhone

On Oct 20, 2020, at 9:42 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Thanks Justina. This looks good to me, if we need to cut it down I'd say that your proposed response to the reporters questions provides the most critical info.

David, any thoughts?

On Oct 20, 2020, at 9:37 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi,
I was notified by Katharine, who asked that I send the proposed response to her for review. I have to start by giving some background to put this request into context.

BACKGROUND
Under the STOCK Act (and now codified in the Ethics In Government Act), public financial disclosure filers may not directly negotiate or have any agreement of future employment or compensation unless they notify the Ethics Office within 3 business days of commencing negotiations. Their statement must be signed and include the name of the prospective employer and the date that negotiations commenced. *See* Pub. L. 112-105, § 17(a) and 5 C.F.R. § 2635.607(a). In addition, filers must recuse themselves whenever there is a conflict of interest or appearance of a conflict of interest with the prospective employer and also notify the Ethics Office. *See* Pub. L. 112-105, § 17(b) and 5 C.F.R. § 2635.607(b). At EPA, we incorporated the recusal statement requirement onto the notification form itself.

REPORTER'S QUESTIONS

- While at EPA, did Jackson recuse himself and not participate in "any particular matter" related to the non-federal entities he entered job negotiations with? If so, what were those EPA matters? I ask because he indicated on his notifications of job negotiations that he would not participate in EPA matters that would affect those entities.

- While at EPA, did Baptist, Lyons, Ferguson, Greaves and/or Konkus recuse themselves and not participate in "any particular matter" related to the non-federal entities they entered job negotiations with? If so, what were those EPA matters? I ask because they indicated on their notifications of job negotiations that they would not participate in EPA matters that would affect those entities.

PROPOSED RESPONSE

Ex. 5 Deliberative Process (DP)

Let me know if you have any questions.
Cheers,
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Tuesday, October 20, 2020 6:08 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Block, Molly <block.molly@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: President Trump's political appointees' job negotiations while at EPA

Justina and I conferred. She's planning to send a potential response shortly, including highlighting that

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Tuesday, October 20, 2020 4:09 PM
To: Block, Molly <block.molly@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: President Trump's political appointees' job negotiations while at EPA

These folks almost certainly would have filed STOCK Act notifications with our Ethics office upon engaging in such negotiations. Copying DAEO Jim Payne for his help.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Block, Molly <block.molly@epa.gov>
Sent: Tuesday, October 20, 2020 4:02 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: FW: President Trump's political appointees' job negotiations while at EPA

Who's the best POC on a response for this?

From: Kevin Bogardus <kbogardus@eenews.net>
Sent: Tuesday, October 20, 2020 3:59 PM
To: Hewitt, James <hewitt.james@epa.gov>; Block, Molly <block.molly@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Press <Press@epa.gov>
Subject: President Trump's political appointees' job negotiations while at EPA

Hey everyone,

It's Kevin Bogardus with E&E News. I hope all is well.

I'm working on a story about President Trump's political appointees at EPA entering job negotiations for employment outside EPA while still at EPA. My story will focus on former EPA Chief of Staff Ryan Jackson but it will mention other former political appointees from EPA as well. I'm quoting from and linking to notifications of job negotiations they filed while at EPA that I obtained

under the Freedom of Information Act (please see below).

Those records are as follows:

-- Ryan Jackson's notifications of job negotiations on March 19 and March 29, 2018 (please see https://www.eenews.net/assets/2020/10/19/document_gw_01.pdf); on March 21, 2018 (please see https://www.eenews.net/assets/2020/10/19/document_gw_02.pdf); on Sept. 26, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_04.pdf); with the National Mining Association on Dec. 9, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_05.pdf); and on Jan. 10, 2020 (please see https://www.eenews.net/assets/2020/10/19/document_gw_06.pdf)

-- Erik Baptist's notifications of job negotiations on Jan. 10, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_08.pdf); on Jan. 16, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_07.pdf); and with Wiley Rein LLP on Jan. 22, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_09.pdf)

-- Troy Lyons' notifications of job negotiations on March 29, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_11.pdf); and with Massie Partners on April 15, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_12.pdf)

-- Lincoln Ferguson's notification of job negotiations with Continental Resources on June 22, 2018 (please see https://www.eenews.net/assets/2019/07/02/document_pm_02.pdf)

-- Holly Greaves' notification of job negotiations with the Public Company Accounting Oversight Board on July 22, 2019 (please see https://www.eenews.net/assets/2019/11/05/document_gw_07.pdf)

-- John Konkus' notification of job negotiations with AECOM on May 23, 2019 (please see https://www.eenews.net/assets/2020/10/19/document_gw_10.pdf)

I have a few questions about this, which are:

-- While at EPA, did Jackson recuse himself and not participate in "any particular matter" related to the non-federal entities he entered job negotiations with? If so, what were those EPA matters? I ask because he

indicated on his notifications of job negotiations that he would not participate in EPA matters that would affect those entities.

-- While at EPA, did Baptist, Lyons, Ferguson, Greaves and/or Konkus recuse themselves and not participate in "any particular matter" related to the non-federal entities they entered job negotiations with? If so, what were those EPA matters? I ask because they indicated on their notifications of job negotiations that they would not participate in EPA matters that would affect those entities.

For your information, I have also asked Jackson, Baptist, Lyons, Ferguson, Greaves and Konkus if they did not participate in matters at EPA related to their job negotiations for employment outside EPA while still at EPA and if so, what were those EPA matters. I wanted to check with EPA to see if EPA had any thoughts as well.

Please get back to me as soon as possible. My deadline is close of business Wednesday, Oct. 21, but the sooner you get back to me, the more it helps my reporting. Also, since I'm working from home, please email me here or call my cell phone at 202-247-7844. Thank you for your help and stay safe, stay healthy!

Kevin Bogardus
E&E News Reporter
kbogardus@eenews.net
202-446-0401 (p)
202-247-7844 (c)
202-737-5299 (f)

Follow me @KevinBogardus

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 10/22/2020 10:24:27 PM
To: Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: FOR REVIEW: Questions about Wheeler's travel
Attachments: RE: For EPA Approval- Andrew Wheeler Attendance at RNC Convention Event with POTUS- 8/27/20

Connected w Justina, who is reviewing along with Jennie Keith who handles Adm'r travel. Justina believes Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) Attached is Ethics approval for Adm'r and RNC. Jennie is Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP). The reporter said a deadline of tomorrow/Fri aft.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, October 22, 2020 5:09 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: FOR REVIEW: Questions about Wheeler's travel

Jim, could you please confirm the accuracy of this with Ethics?

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 5:05 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: FOR REVIEW: Questions about Wheeler's travel

Fotouhi –

Please see draft response below on an E&E inquiry about campaign related travel.

DRAFT Response: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Inquiry: I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year? And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 5:01 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Yes – cross check. Also, with regard to her second question, the Administrator has only taken official travel related to EPA announcements.

We followed all ethical requirements for his attendance, which included Justina approving it. I can forward that message along as well.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 4:59 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Am I good to share that? Do **Ex. 5 Deliberative Process (DP)**

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 4:58 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

He attended the RNC convention, but that is it.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 3:03 PM
To: Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: FW: Questions about Wheeler's travel

Ex. 5 Deliberative Process (DP)

From: Jean Chemnick <jchemnick@eenews.net>
Sent: Thursday, October 22, 2020 3:02 PM
To: Press <Press@epa.gov>
Subject: Questions about Wheeler's travel

Hello,

For a deadline of tomorrow afternoon, I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year?

And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

Thanks!

Jean Chemnick
Climatewire

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 10/22/2020 11:28:23 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Keith, Jennie [Keith.Jennie@epa.gov]
Subject: Re: FOR REVIEW: Questions about Wheeler's travel

Thank you. I too like Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Oct 22, 2020, at 7:11 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

QUESTIONS FROM PRESS:
How many campaign-related events Administrator Wheeler has attended this year?
And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

DRAFT RESPONSE FROM OPA:

Ex. 5 Deliberative Process (DP)

JUSTINA'S PROPOSED RESPONSE:

Ex. 5 Deliberative Process (DP)

MY REASONS:

- Ex. 5 Deliberative Process (DP)

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, October 22, 2020 5:19 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Fwd: FOR REVIEW: Questions about Wheeler's travel

Let's touch base?

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** October 22, 2020 at 5:09:14 PM EDT
> **To:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Subject: FW: FOR REVIEW: Questions about Wheeler's travel**
>
> Jim, could you please confirm the accuracy of this with Ethics?
>
> **David Fotouhi**
>
> Acting General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> ---
>
> **From:** Block, Molly <block.molly@epa.gov>
> **Sent:** Thursday, October 22, 2020 5:05 PM
> **To:** Fotouhi, David <Fotouhi.David@epa.gov>
> **Cc:** Hewitt, James <hewitt.james@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
> **Subject:** FOR REVIEW: Questions about Wheeler's travel
>
> Fotouhi –
>
> Please see draft response below on an E&E inquiry about campaign related travel.
>
> DRAFT Response: **Ex. 5 Deliberative Process (DP)**
>
> **Ex. 5 Deliberative Process (DP)**
>
> Inquiry: I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year? And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 5:01 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Yes – cross check. Also, with regard to her second question, the Administrator has only taken official travel related to EPA announcements.

We followed all ethical requirements for his attendance, which included Justina approving it. I can forward that message along as well.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 4:59 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Am I good to share that? Do **Ex. 5 Deliberative Process (DP)**

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 4:58 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

He attended the RNC convention, but that is it.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 3:03 PM
To: Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: FW: Questions about Wheeler's travel

Ex. 5 Deliberative Process (DP)

From: Jean Chemnick <jchemnick@eenews.net>
Sent: Thursday, October 22, 2020 3:02 PM
To: Press <Press@epa.gov>
Subject: Questions about Wheeler's travel

Hello,

For a deadline of tomorrow afternoon, I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year?

And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

Thanks!

Jean Chemnick
Climatewire

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/24/2020 12:05:37 AM
To: Jim and Cathleen Payne Ex. 6 Personal Privacy (PP)

https://www.fws.gov/news/ShowNews.cfm?ref=trump-administration-returns-management-and-protection-of-gray-wolves-to-&_ID=36801

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/24/2020 8:45:46 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: NDA and financial interest form
Attachments: WH MOU on Transition 10-1-2020 (signed).pdf

And attaching 2020 MOU, and flagging

Ex. 5 Deliberative Process (DP)

provided

Ex. 5 Deliberative Process (DP)

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Tuesday, November 24, 2020 2:55 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: RE: NDA and financial interest form

Hi Wendy,
Thanks! I've got some work on this as it doesn't reflect the additional commitments I the Biden-Harris Transition Team Code of Ethical Conduct. Will turn it around tonight.
Justina

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Tuesday, November 24, 2020 9:52 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: NDA and financial interest form

Justina – I reviewed the 2020 WH transition memo that Jim sent in late September. On the non-public information side, it seems to largely track the 2016 transition memo. I made a minor edit to the attached document.

Could you take a look at the attached and make any revisions? If you have already done that, let me know, and I can add my one small change to your document.

Thanks,

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel

U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/27/2020 11:43:02 PM
To: Carpenter, Wesley [Carpenter.Wesley@epa.gov]
Subject: RE: transition team forms
Attachments: Non-Disclosure and Financial Interest Agreement FINAL TO SIGN.pdf; Record of Disclosure Form - for Electronic Databases and Websites FINAL TO SIGN.pdf

And attached as discussed are pdf versions of the two forms for up front signing that were provided under 4:51pm email below.

From: Payne, James (Jim)
Sent: Friday, November 27, 2020 4:51 PM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: transition team forms

Wes,

As discussed, attached are the following two forms for upfront signing, with Ex. 5 Attorney Work Product (AWP)

Ex. 5 Attorney Work Product (AWP)

Also attached, without any revision requested or made, is the following form for any later request for nonpublic information:

Ex. 5 Attorney Work Product (AWP)

Finally, attached are briefing slides called "Federal Information Law & the EPA."

Jim
202-672-3727 cell

[ ]

From: Patrice Simms <psimms@ptt.gov>
Sent: Friday, November 27, 2020 10:53 AM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Transition Team Code of Conduct

Wes,

Thank you for your time this morning.

I am forwarding you the redline from our GC seeking to conform the NDA to the PTA and the MOU. Per our discussion this is necessary to allow the agency review team (ART) to effectively do its work to inform the appropriate internal transition-related processes. As we discussed, the 2019 amendments to the PTA strengthen the ethic requirements, and should obviate the need for overly strict agency by agency NDAs (the Transition Code of Conduct linked below includes non-disclosure obligations that manifest the new PTA requirements).

Our GC did not specifically address it, but we may also want to conform the language in the Record of Disclosure form to be consistent with the language of the final EPA-specific NDA. (I think only clause (3) in the second bullet under 'Steps Taken to Protect Non-Public Information').

Also, here is the code of conduct that every member of the Transition has signed.
https://www.gsa.gov/cdnstatic/Biden-Harris_Transition_Ethics_Plan_and_Code_of_Conduct.pdf

I look forward to working with you.

-patrice

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 11/28/2020 2:01:59 AM
To: David Fotouhi (fotouhi.david@epa.gov) [fotouhi.david@epa.gov]
Subject: RE: Signed Record of Disclosure and Proposed Addition to NDA

Actually believe I like this revision better and will plan to send it. And believe it's part of what we discussed before.

OUR 5PM PROPOSAL W REDLINE

Ex. 5 AC/AWP/DP

From: Payne, James (Jim)
Sent: Friday, November 27, 2020 8:50 PM
To: David Fotouhi (fotouhi.david@epa.gov) <fotouhi.david@epa.gov>
Subject: FW: Signed Record of Disclosure and Proposed Addition to NDA

On further consideration, I believe the Ex. 5 Deliberative Process (DP)

Ex. 5 Attorney Work Product (AWP)

I'll likely plan to propose this revision to Wes shortly, though glad to confer further.

OUR 5PM PROPOSAL W REDLINE

Ex. 5 AC/AWP/DP

From: Payne, James (Jim)
Sent: Friday, November 27, 2020 8:19 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Fwd: Signed Record of Disclosure and Proposed Addition to NDA

I'm reviewing and might try calling.

Sent from my iPhone

Begin forwarded message:

> **From:** "Carpenter, Wesley" <Carpenter.Wesley@epa.gov>
> **Date:** November 27, 2020 at 8:02:03 PM EST
> **To:** "Payne, James (Jim)" <payne.james@epa.gov>
> **Subject: Signed Record of Disclosure and Proposed Addition to NDA**
>
> Jim:
>
> Good evening. Here is the latest from Patrice. Please let me know if you are okay with the revised NDA language. Secondly, I assume I can provide the transition team members access to the SharePoint site now that the records form has been signed. Please advise. Thanks.
>
> Wes
>
> **From:** Patrice Simms <psimms@ptt.gov>
> **Sent:** Friday, November 27, 2020 7:56 PM
> **To:** Carpenter, Wesley <Carpenter.Wesley@epa.gov>
> **Subject:** Signed Record of Disclosure and Proposed Addition to NDA
>
> Wes,
>
> As we discussed. Here is the signed Record of Disclosure. I hope that is enough to get us into the share files.
>
> Also, my OGC asked for just a few additional words in the NDA. It relates to some language differences between the Code of Ethical Conduct as provided by the Presidential Transition Enhancement Act of 2019 and the code of conduct that team members sign.
>
> I am really sorry about the extra round of back and forth on the NDA. As I noted on the phone, it adds "or a substantially similar document", because the Biden Transition version added some additional content so is not exactly identical to the Code of Ethical Conduct.
>
> -p

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 12/3/2020 12:49:22 AM
To: Askew, Wendel [Askew.Wendel@epa.gov]
Subject: Fwd: Signed Record of Disclosure and Proposed Addition to NDA
Attachments: Non-Disclosure and Financial Interest Agreement FINAL TO SIGNa.docx; Non-Disclosure and Financial Interest Agreement FINAL TO SIGNa.pdf

THIS IS FINAL EPA NDA, SIGNED BY TRANSITION TEAM MEMBERS.

Sent from my iPhone

Begin forwarded message:

From: "Payne, James (Jim)" <payne.james@epa.gov>
Date: November 27, 2020 at 9:05:00 PM EST
To: "Carpenter, Wesley" <Carpenter.Wesley@epa.gov>
Subject: RE: Signed Record of Disclosure and Proposed Addition to NDA

Wes – **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP). Jim 202-672-3727 cell

REDLINE AGAINST AGENCY'S 5PM PROPOSAL

Ex. 5 AC/AWP/DP

From: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Sent: Friday, November 27, 2020 8:02 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: Signed Record of Disclosure and Proposed Addition to NDA

Jim:

Good evening. Here is the latest from Patrice. Please let me know if you are okay with the revised NDA language. Secondly, I assume I can provide the transition team members access to the SharePoint site now that the records form has been signed. Please advise. Thanks.

Wes

From: Patrice Simms <psimms@ptt.gov>
Sent: Friday, November 27, 2020 7:56 PM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Signed Record of Disclosure and Proposed Addition to NDA

Wes,

As we discussed. Here is the signed Record of Disclosure. I hope that is enough to get us into the share files.

Also, my OGC asked for just a few additional words in the NDA. It relates to some language differences between the Code of Ethical Conduct as provided by the Presidential Transition Enhancement Act of 2019 and the code of conduct that team members sign.

I am really sorry about the extra round of back and forth on the NDA. As I noted on the phone, it adds "or a substantially similar document", because the Biden Transition version added some additional content so is not exactly identical to the Code of Ethical Conduct.

-p

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 12/3/2020 12:52:08 AM
To: Askew, Wendel [Askew.Wendel@epa.gov]
Subject: Fwd: transition team forms
Attachments: Non-Disclosure and Financial Interest Agreement FINAL.docx; Record of Disclosure Form - for Electronic Databases and Websites FINAL.docx; Information Access Request Form - for Individual Requests.docx; PETT Info Law Overview_Short Form 11-27-2020.pptx

ATTACHED ARE THE FINAL FORMS FOR TWO FORMS BELOW:

- Record of Disclosure Form – for Electronic Databases and Websites (includes SharePoint transition site with briefing docs) (for signing by a transition team representative)

- Information Access Request – for Individual Requests

THE FINAL NDA WAS SENT TO YOU SEPARATELY.

Sent from my iPhone

Begin forwarded message:

From: "Payne, James (Jim)" <payne.james@epa.gov>
Date: November 27, 2020 at 4:50:00 PM EST
To: "Carpenter, Wesley" <Carpenter.Wesley@epa.gov>
Subject: transition team forms

Wes,

As discussed, attached are the following two forms for upfront signing, with revisions proposed below by the transition team and our Ex. 5 AC/DP

Ex. 5 AC/DP

Also attached, without any revision requested or made, is the following form for any later request for nonpublic information:

Ex. 5 AC/DP

Finally, attached are briefing slides called "Federal Information Law & the EPA."

Jim

202-672-3727 cell

[ ]

From: Patrice Simms <psimms@ptt.gov>
Sent: Friday, November 27, 2020 10:53 AM
To: Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Transition Team Code of Conduct

Wes,

Thank you for your time this morning.

I am forwarding you the redline from our GC seeking to conform the NDA to the PTA and the MOU. Per our discussion this is necessary to allow the agency review team (ART) to effectively do its work to inform the appropriate internal transition-related processes. As we discussed, the 2019 amendments to the PTA strengthen the ethic requirements, and should obviate the need for overly strict agency by agency NDAs (the Transition Code of Conduct linked below includes non-disclosure obligations that manifest the new PTA requirements).
Our GC did not specifically address it, but we may also want to conform the language in the Record of Disclosure form to be consistent with the language of the final EPA-specific NDA. (I think only clause (3) in the second bullet under 'Steps Taken to Protect Non-Public Information').

Also, here is the code of conduct that every member of the Transition has signed.
https://www.gsa.gov/cdnstatic/Biden-Harris_Transition_Ethics_Plan_and_Code_of_Conduct.pdf

I look forward to working with you.

-patrice

Message

From: Payne, James (Jim) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]
Sent: 1/6/2021 7:22:01 PM
To: Askew, Wendel [Askew.Wendel@epa.gov]
Subject: Re: Transition - Updating OGC Selected Legal deadlines (Jan - April 2021)

Nice note and approach, thanks Wendel.

Ex. 5 Attorney Work Product (AWP)

Sent from my iPhone

On Jan 6, 2021, at 2:00 PM, Askew, Wendel <Askew.Wendel@epa.gov> wrote:

Hi Everyone,

It is me again. We are a couple of weeks from the inauguration, and inching closer to a time when I will no longer bug you with transition related activities. But, that time has not yet arrived.

I am asking that you provide any updates from your office to the OGC Selected legal deadlines document. By separate email, you will receive access to the current version I have placed in OneDrive. Please provide updates by COB 1/12 or let me know if you need additional time. Thanks.

Wendel Askew
Assistant General Counsel for Assistance Law
Office of General Counsel
Mail Code 2399A
202-564-3987
7454H WJCN

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 1/19/2021 3:22:21 AM
To: OGC Ethics [OGC_Ethics@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]; Razor, Lila [Razor.Lila@epa.gov]
Subject: No DAEO meeting this week but you're invited to attend the onboarding of the P46 politicals

Hi there,
I am scheduled to provide the initial ethics training for the incoming P46 political appointees, or at least all of the ones who have cleared personnel security by 1/21/21. The time for that session is Thursday, 1/21 at 2 pm. As Jim will be attending too, we can't have the DAEO meeting then. If you want, though, you may attend just to see how it goes. Don't feel obliged, though. Right now, I still don't know if I will have any info about a Biden pledge by then. Here is the link to the meeting:

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting
Or call in (audio only)
Ex. 6 Personal Privacy (PP) United States, Raleigh
Phone Conference ID: Ex. 6 Personal Privacy (PP)
Find a local number | Reset PIN

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

Message

From: Jim and Cathleen Payne Ex. 6 Personal Privacy (PP)
Sent: 1/19/2021 6:41:59 AM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: Biden to tighten restrictions on lobbyists and revolving door government workers. - The Washington Post

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.washingtonpost.com%2Fpolitics%2Fbiden-ethics-administration%2F2021%2F01%2F18%2F56a9a97a-59bd-11eb-a976-bad6431e03e2_story.html&data=04%7C01%7Cpayne.james%40epa.gov%7C90955380e3c54abe6a3f08d8bc455573%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637466353437853762%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=smUB6a3RDZxE70xbwAJFZ%2F0d6s9msDYWLLx3Ffrymd4%3D&reserved=0

Sent from my iPhone

Message

From: Gustafson, Adam [Gustafson.Adam@epa.gov]
Sent: 1/19/2021 4:35:46 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: Personal effects

Many thanks, Elise!

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

From: Packard, Elise <Packard.Elise@epa.gov>
Sent: Tuesday, January 19, 2021 11:34 AM
To: Gustafson, Adam <Gustafson.Adam@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: RE: Personal effects

Hi Adam,

So sorry you went through that. David and I worked out last week that folks would not be able to get into the building, so the thought is that when it again becomes safe to go into the building, you can set up a time to meet with Dan Conrad to get your stuff. I think he will be at the building generally on Weds. and Thursdays going forward. I will ask him to reach out to you next week to schedule a time that works.

Best of luck to you and thanks for the contact information!

And condolences on your loss.

Elise

Elise B. Packard
Deputy General Counsel for Operations
U.S. EPA Office of General Counsel, Rm. 4020A
(202) 564-7729

From: Gustafson, Adam <Gustafson.Adam@epa.gov>
Sent: Tuesday, January 19, 2021 10:07 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Personal effects

Jim and Elise,

On returning from a funeral Sunday night, I tried without success to get into the building to move out my personal effects. They are still in my office, and I have not boxed them up. I'm available to come in post-inauguration whenever there is someone who can escort me.

After 12pm tomorrow I can be reached at Ex. 6 Personal Privacy (PP) and Ex. 6 Personal Privacy (PP)

I would appreciate any advice. Sorry for the inconvenience.

Adam

Adam Gustafson
Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202-564-7263
Cell: 202-836-3570

Message

From: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 1/21/2021 5:04:57 PM
To: Conrad, Daniel [conrad.daniel@epa.gov]; Marks, Matthew [Marks.Matthew@epa.gov]; Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Ex. 5 AC/DP

++++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

From: Conrad, Daniel <conrad.daniel@epa.gov>
Sent: Thursday, January 21, 2021 11:42 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Jim,
I'd note the EO states "Review of Agency Actions Taken Between January 20, 2017, and January 20, 2021" so can we
Ex. 5 AC/DP Thanks
-Dan

Daniel H. Conrad
Acting Associate Deputy General Counsel
U.S. Environmental Protection Agency
Office of General Counsel
Office: (202) 564-0903
Cell: (202) 507-2946

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From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, January 21, 2021 11:33 AM
To: Payne, James (Jim) <payne.james@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Hi Jim,

We connected with Dan.

Ex. 5 AC/DP

That aside, in the spirit of getting this spreadsheet in more useful shape for DOJ, I plan to direct our assistants to do the following unless instructed otherwise:

Ex. 5 AC/DP

Thanks!

Matt

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276
E: marks.matthew@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 21, 2021 11:01 AM
To: Marks, Matthew <Marks.Matthew@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Pls connect w Dan.

From: Marks, Matthew <Marks.Matthew@epa.gov>
Sent: Thursday, January 21, 2021 11:00 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: RE: TIME SENSITIVE - pls review and edit by 1pm

Hi Jim,

Ex. 5 AC/DP

Matt

Matthew C. Marks
Deputy Associate General Counsel
Air and Radiation Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
T: 202-564-3276

E: marks.matthew@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, January 21, 2021 10:40 AM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Subject: TIME SENSITIVE - pls review and edit by 1pm

With Dan's assistance including Sharepoint, pls review and comment on this draft communication to DOJ, including attached list of rule defensive cases, by 1pm.

DRAFT CORRESPONDENCE TO BRUCE GELBER, DOJ

To: Bruce Gelber, Deputy Assistant Attorney General, Environment and Natural Resources Division, USDOJ

Bruce,

Ex. 5 AC/DP

If there are questions, feel free to contact me or Jim Payne, payne.james@epa.gov, 202-672-3727, or the OGC Associate General Counsel for the case.

Thank you,

Melissa Hoffer
Acting General Counsel
US Environmental Protection Agency
[if this is a letter, then could add your email]
[add phone number]

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 10/13/2020 5:40:15 PM
To: All National Ethics Officials [All_National_Ethics_Officials@epa.gov]
Subject: REMINDER: monthly ethics call today
Attachments: Flexibilities during the 2020 Election.pdf; New Legal Advisory: Guidance on Additional Book Deals Issues Relevant to Incoming and Outgoing Employees; New Legal Advisory: Answers to Frequently Asked Questions for Federal Employees Engaged in Crowdsourced Fundraising; The New OGE Website Is Now Live; New Hatch Act FAQ on serving at the polls on election day; Hatch Act and Social Media FAQs for Further Restricted Employees (October 2020).docx; Hatch Act and Social Media FAQs for lesser restricted employees - September 2020.docx; HA-20-000394-Closure-Letter-to-CREW.pdf; Navy Employee Fined, Debarred from Federal Service for Numerous Hatch Act Violations

If you're able to join us for the monthly ethics meeting today, here's the agenda (with the Teams link) and all of the attachments. If you can't make the call but wonder what happened, then send me an email after the meeting.

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Updates from the EPA Ethics Program (OGC/Ethics)

1. Annual Ethics Training – it's launched (!) and we hear that there are some issues (sigh). Remember, we need YOU to distribute the annual ethics training to your employees, please.
   a. Tracking training completion and other glitches (Margaret)
   b. Any questions about distributing the annual ethics training to employees?

c. Initial Ethics Training – the updated training module is now part of the New Employee Onboarding Program

3. 450 Program Management
   a. Confirming who is a 450 filer for the next filing season
   b. Setting up intermediate reviewers
   c. Type 1 vs. Type 3 licenses – update

4. Administrative Leave and Flexibilities for Election Day (see attached)

5. Ethics Travel Update
   a. Distribution of fillable ethics travel form
   b. Process initiated for development of new web-based form

Updates from the Office of Government Ethics (OGE)

6. OGE updates
   a. Updated guidance on book deals (see attached)
   b. New guidance on crowdsourced fundraising (see attached)
   c. New OGE website is live (see attached)

Updates on the Hatch Act

7. Hatch Act Updates
   a. OSC FAQ on poll workers (further and lesser restricted) (see attached)
   b. Revised EPA Ethics guidance on FAQs for Hatch Act Social Media Guidance for Further Restricted Employees (and lesser restricted is also attached)
   b. Secretary of Agriculture violated Hatch Act (see attached)
   c. Recent disciplinary case settled (see attached)

Open Forum – Anything You Want to Discuss?

8. If you have anything to share or ask, please use the chat feature to raise the issue and we'll incorporate it into the discussion.

Question of the Month

9. Question of the Month

Before joining federal service, an employee co-authored a textbook entitled, *"The Clean Air Act for Lazy Thinkers."* The employee receives book royalties from the publisher (all of which is properly reported on his financial disclosure report). Well, now the employee says that the publisher has approached him with plans to print a second edition. They want the employee to update his book to include new regulatory changes implementing the Clean Air Act. The employee asks you for guidance. Can he engage in this writing activity? If so, may the employee accept royalties for the sale of the second edition?

10. Answer to Last Month's Question of the Month

a. Last Month's Question:
   An EPA employee called to say that, yes, he will be retiring at the end of September. He tells you that he's particularly excited to be retiring because, at last, he will be free of the confines of the Hatch Act. He has a particular interest in the November election, so wants to hit the ground running as soon as he's retired. His preferred political party offers online courses on how to be an effective campaign staffer, and he asks whether he can take those courses now, while he's still an EPA employee, on his own time and using his own computer, of course. Can you advise him to take the classes now or should he wait?
b. ANSWER to last month's question:
   You need to know whether the employee is lesser restricted or further restricted. If he's *lesser restricted,* then he can participate in the online courses on his own time and using his own personal equipment or device. He cannot use any EPA equipment. In addition, because the activity is associated with a partisan political party, he cannot ask for nor receive an excused absence.

   By contrast, if the employee is *further restricted,* then he cannot take courses or training sessions offered by the political party or campaign in preparation for what he might do after retirement. Doing so is a violation of the Hatch Act and its implementing regulations, specifically 5 CFR 734.408 that

precludes *further restricted* employees from taking "an active part in political management or in a political campaign."

Message

From: Garbow, Avi [Garbow.Avi@epa.gov]
Sent: 1/22/2021 9:03:40 PM
To: Payne, James (Jim) [payne.james@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Happy to jump on a call or wait for it to conclude and circle up. I am coming at this fresh.
avi

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 4:02 PM
To: Simons, Andrew <Simons.Andrew@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Am on phone w DOJ atty now – can we expand to include at least some of you now?

From: Simons, Andrew <Simons.Andrew@epa.gov>
Sent: Friday, January 22, 2021 3:58 PM
To: Payne, James (Jim) <payne.james@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

I'm supposed to Ex. 5 AC/DP but can try to see if I can delay that. Just let me know what you need. I just set up a meeting with DOJ for 5 PM.

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

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Please consider the environment before printing this email.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Friday, January 22, 2021 3:54 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: TIME SENSITIVE - science transparency rule case and call shortly w Adm'r Office

Ex. 5 AC/DP

Ex. 5 AC/DP

Andy – would you be available to confer with Avi and me shortly?

Jim
202-672-3727 cell

From: Garbow, Avi <Garbow.Avi@epa.gov>
Sent: Friday, January 22, 2021 3:17 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Jim,

Hope all's well. Look forward to re-connecting. Let me know if you (or Andy Simons) has a minute to discuss this – see below. My cell is Ex. 6 Personal Privacy (PP)

Avi

From: Cassady, Alison <Cassady.Alison@epa.gov>
Sent: Friday, January 22, 2021 2:25 PM
To: Garbow, Avi <Garbow.Avi@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Avi,

Do you have advice on how to respond or refer?

Thanks,

Alison

From: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Sent: Friday, January 22, 2021 2:16 PM
To: Cassady, Alison <Cassady.Alison@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: As described. This needs quick attention.
Importance: High

Hi Alison, we haven't had a chance to meet yet. I received this from Michal (whom I've known for a few years) who wanted to alert new leadership on this issue. She asked that I share with you. Its my understanding that Melissa H is recused from this matter. Copying Andy Simons and Jim Payne in OGC who are familiar with this issue.

Thanks for your help

Jennifer

Jennifer Orme-Zavaleta, PhD
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620
Cell 919-699-1564

From: Jennifer Orme-Zavaleta <jormezavaleta@att.net>
Sent: Friday, January 22, 2021 2:05 PM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: Fwd: As described. This needs quick attention.

Sent from my iPhone

Begin forwarded message:

> **From:** "Freedhoff, Michal (EPW)" <Michal_Freedhoff@epw.senate.gov>
> **Date:** January 22, 2021 at 1:37:37 PM EST
> **To:** Jennifer Orme-Zavaleta <jormezavaleta@att.net>
> **Subject: As described. This needs quick attention.**
>
> We understand that EPA's Acting General Counsel has requested that USDOJ immediately seek to hold in abeyance any litigation concerning EPA rules listed in President Biden's *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, including EPA's recent rule entitled*Strengthening Transparency in Regulatory Science*, 86 Fed. Reg. 469 (Jan. 6, 2021). That rule is presently subject to challenge in federal district court in Montana, *see Environmental Defense Fund v. EPA*, Case No. 21-cv-00003-BMM. Plaintiffs in that case have moved that the district court enter judgment on or before January 28, 2021, invalidating ex-Administrator Wheeler's decision to make this rule immediately effective upon publication in the Federal Register. On January 19, 2021, EPA filed a response in opposition to plaintiffs' motion, and that motion is now fully briefed. If the district court sides with plaintiffs, the rule will not take effect until Friday, February 5, 2021. In that event, EPA will have the option to postpone the effective date under Section 705 of the APA, and/or freeze the rule's effective date pursuant to President Biden's memorandum*Regulatory Freeze Pending Review*. Further, the legal issue at the heart of the pending motion before the district court--whether this rule is a "substantive rule"--bears on the question whether the rule is subject to the Congressional Review Act, and whether the rule itself is valid. However the district court disposes of the pending motion next week, it will provide needed clarity and likely expand the options available to EPA in complying with the recent Executive Order. Conversely, an abeyance in the Montana litigation would permanently foreclose EPA from postponing the rule because it will be allowed to take effect without challenge. Under these unique circumstances, we urge EPA to allow this litigation to proceed to disposition of plaintiffs' motion, after which time the agency can assess the appropriate path forward.
>
> Sent from my iPhone

Message

From: Jim and Cathleen Payne Ex. 6 Personal Privacy (PP)
Sent: 1/24/2021 6:28:23 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: Ex-DOJ Official Called 'Radioactive' After Alleged Election Plot - Bloomberg

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bloomberg.com%2Fnews%2Farticles%2F2021-01-23%2Fex-doj-official-called-radioactive-after-alleged-election-plot&data=04%7C01%7Cpayne.james%40epa.gov%7C782418ee57984bcbb1e108d8c095d740%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637471097222032431%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=Zoy2GbTHecJ0q9YzEPbmTPklLJu8qMRfh2iloJILZNw%3D&reserved=0

Sent from my iPhone

Message

From: Simons, Andrew [Simons.Andrew@epa.gov]
Sent: 1/25/2021 3:44:41 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Hoffer, Melissa [Hoffer.Melissa@epa.gov]
CC: Payne, James (Jim) [payne.james@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: Revocation of an OECA/OGC memo on enforcement
Attachments: EO 13892 Section 6 revocation 1 22 21.ajs cmts.docx

Larry:

This looks good. Ex. 5 AC/DP Thanks again for your attention to this and it seems like we should be able to close this out quickly.

Andrew Simons
Acting Associate General Counsel
Cross-Cutting Issues Law Office
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7526E

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Please consider the environment before printing this email.

From: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Sent: Friday, January 22, 2021 6:58 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Cc: Payne, James (Jim) <payne.james@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: Revocation of an OECA/OGC memo on enforcement

Melissa,

On January 20th, President Biden issued an Executive Order (EO) on *Revocation of Certain Executive Orders Concerning Federal Regulations*. That EO specifically revokes an executive order (no. 13892) issued by the Trump Administration, entitled *Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication.* President Biden's EO further states that the heads of agencies shall "promptly take steps to rescind any orders, rules, regulations, guidelines or policies" implementing that order.

Ex. 5 AC/DP

Ex. 5 AC/DP

If you have any questions, or would like to set up some time to discuss this matter, please contact me or Kathleen Johnson of my staff.

Thank you.

Larry

Larry Starfield
Acting Assistant Administrator
Office of Enforcement and Compliance Assurance
(202) 505-0961 (cell)

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 1/27/2021 2:14:57 AM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: Initial Transition Materials

From: Talty, Mark <Talty.Mark@epa.gov>
Sent: Tuesday, January 12, 2021 9:33 AM
To: Payne, James (Jim) <payne.james@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Initial Transition Materials

Jim,

I've attached the regulatory freeze memos from the past three incoming administrations and some examples of the FR notices used to implement those memos.

Each memo divides regulatory actions into three buckets Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) Each incoming administration has treated the first two buckets the same by prohibiting agencies from sending any new proposed or final rules to OFR and withdrawing from the OFR any proposed or final rule that has not yet been published. However, each of the past three administrations treated the third bucket a little differently, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)

Bush Administration (2001 Card Memo)

- Directed agencies to temporarily postpone for 60 days the effective date of final rules published but not yet effective, subject to exceptions for rules promulgated pursuant to statutory or judicial deadlines.
- EPA implemented Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Obama Administration (2009 Emanual Memo)

- Directed agencies to consider extending for 60 days the effective date of final rules that were published but not yet effective, subject to exceptions for rules promulgated pursuant to statutory or judicial deadlines. The memo further directed agencies to "immediately reopen the notice-and-comment period for 30 days to allow interested parties to provide comments about issues of law and policy raised by those rules." OMB issued immediate guidance to agencies (attached) that stated: "If you determine that you want to extend the effective date for purposes of enabling further review, you should promptly provide a 30-day notice-and-comment period, seeking public comment about both your contemplated extension of the effective date and the rule in question." The guidance also stated that "if the rule will take effect before there is sufficient time to solicit and review comments on the extension of the effective date, you should consult immediately with OLC and OIRA about the appropriate course of action."
- EPA implemented Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)

Trump Administration (2017 Priebus Memo)

- Directed agencies to temporarily postpone the effective dates of final rules published but not yet effective 60 days from the date of the freeze memo. This requirement was subject to the same exemptions for statutory and judicial deadlines.

- Because period of delay was tied to the date of the freeze memo, EPA implemented this

Ex. 5 Deliberative Process (DP)

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

Message

From: Talty, Mark [Talty.Mark@epa.gov]
Sent: 1/27/2021 2:28:54 AM
To: Payne, James (Jim) [payne.james@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]
Subject: RE: Initial Transition Materials

Jim. The consolidated FR notice to delay effective dates did not seek comment. It simply cited to the freeze memo and invoked the APA's good cause exemption. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Tuesday, January 26, 2021 9:17 PM
To: Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Re: Initial Transition Materials

Thank you. Did Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Jan 12, 2021, at 9:33 AM, Talty, Mark <Talty.Mark@epa.gov> wrote:

Jim,

I've attached the regulatory freeze memos from the past three incoming administrations and some examples of the FR notices used to implement those memos.

Each memo divides regulatory actions into three buckets: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Each incoming administration has treated the first two buckets the same by prohibiting agencies from sending any new proposed or final rules to OFR and withdrawing from the OFR any proposed or final rule that has not yet been published. However, each of the past three administrations treated the third bucket a little differently, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Bush Administration (2001 Card Memo)

- Directed agencies to temporarily postpone for 60 days the effective date of final rules published but not yet effective, subject to exceptions for rules promulgated pursuant to statutory or judicial deadlines.

- EPA implemented [redacted]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Obama Administration (2009 Emanual Memo)

- Directed agencies to consider extending for 60 days the effective date of final rules that were published but not yet effective, subject to exceptions for rules promulgated pursuant to statutory or judicial deadlines. The memo further directed agencies to "immediately reopen the notice-and-comment period for 30 days to allow interested parties to provide comments about issues of law and policy raised by those rules." OMB issued immediate guidance to agencies (attached) that stated: "If you determine that you want to extend the effective date for purposes of enabling further review, you should promptly provide a 30-day notice-and-comment period, seeking public comment about both your contemplated extension of the effective date and the rule in question." The guidance also stated that "if the rule will take effect before there is sufficient time to solicit and review comments on the extension of the effective date, you should consult immediately with OLC and OIRA about the appropriate course of action."
- EPA implemented [redacted]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Trump Administration (2017 Priebus Memo)

- Directed agencies to temporarily postpone the effective dates of final rules published but not yet effective 60 days from the date of the freeze memo. This requirement was subject to the same exemptions for statutory and judicial deadlines.
- Because period of delay was tied to the date of the freeze memo, EPA implemented

Ex. 5 Deliberative Process (DP)

Mark C. Talty
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-1262
talty.mark@epa.gov

<Card Memo.pdf>
<Card Memo Example FR (1).pdf>
<Card Memo Example FR (2).pdf>
<Emanuel Memo Freeze Memo.pdf>
<OrszagMemo09-08 (Implementing Emanuel Memo).pdf>
<Emanuel Memo FR Example.pdf>
<Priebus Freeze Memo.pdf>
<60-day Delay Template.docx>

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 10/15/2020 5:58:05 PM
To: Payne, James (Jim) [payne.james@epa.gov]; OGC Ethics [OGC_Ethics@epa.gov]
Subject: 2:00PM - AGENDA for DAEO Meeting
Attachments: annual OIG letter 2020 for digital signature.pdf; Flexibilities during the 2020 Election.pdf; HA-20-000394-Closure-Letter-to-CREW.pdf

Link to agenda

Agenda follows below the Teams access information

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Standing Agenda Items

1. **Budget:** updates from Margaret, if any

2. **FOIA Updates:**

FOIA Status	Totals
FOIA Requests Assigned to OGC/Ethics	24 (3 in AN)
In Litigation	0
Closed in FY21	3
Closed in FY20	55
Closed in FY19	70
Closed in FY18	95
Closed in FY17	23

3. **Senior Official Updates:**
   a. New Employees:

i. Micah Meadowcroft, ASAP start date as the White House Liaison, Schedule C GS-12 *vice* Kaitlyn Shimmin on detail as senior advisor; Acting WHL is Brock Terwilleger

b. Administrator's Travel Schedule:
   i. Hatch Act reminder for Administrator's Office
   ii. Suffolk, VA – earlier this week, on Tuesday
   iii. Philadelphia,PA – today
   iv. Florida-Michigan – trip starting Sunday

c. Other updates:
   i. Administrator Wheeler: in-person annual ethics training scheduled for October 30 at 11am; Jim is welcome to attend
   ii. Michael Molina fee deadline, Monday, October 19

Additional Program Updates

4. **Annual OIG Letter:** see attached, ready for Jim's signature. OIG would like it returned, tomorrow, Friday, October 16.

5. **Hatch Act Updates:**
   a. Rumors circulating about use of Admin Leave to work on campaigns (see attached memo on Leave)
   b. Secretary of Agriculture violated Hatch Act (see attached)

6. **OGE Program Review Tracker** (items in red indicate changes from last week)

Task	OGE Recommendations	Progress	Notes
Ex. 5 Deliberative Process (DP)			

7. **OGE Form 450 Program Management:** updates from Margaret, if any

Ex. 5 Deliberative Process (DP)

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-3412 | fax 202-564-1772

Message

From: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
Sent: 1/30/2021 6:16:26 PM
To: Payne, James (Jim) [payne.james@epa.gov]; Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Implementation of President Biden's Executive Orders

This is very helpful! If we have not already, should we send some version of these to the law offices?

Thanks,
Melissa

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Sunday, January 24, 2021 6:38 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Patrick, Monique <Patrick.Monique@epa.gov>
Subject: Re: Implementation of President Biden's Executive Orders

And in case helpful here, sharing Dan Conrad's attached summaries of selected Executive Actions and Executive Orders issued Jan 20, and of a transition team announcement earlier that day identifying EPA rules for review.

Sent from my iPhone

On Jan 24, 2021, at 6:30 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Hi all,

Please review the EOs.

Monique, will you please find 30 minutes Tuesday for this group to discuss OGC's role.

Thanks,
Melissa

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Saturday, January 23, 2021 7:08 PM
To: Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Nishida, Jane21 <ActAdmJ21Nishida@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>
Subject: Implementation of President Biden's Executive Orders

TO: Current and Acting EPA Leadership
FR: Dan Utech, Chief of Staff
RE: Implementation of President Biden's Executive Orders

This past week, President Biden issued a set of Executive Orders, several of which require EPA to take action with urgent deadlines. Many of you likely have already read and started developing implementation plans for the components of the orders relevant to your programs and offices. To ensure that we stay on pace agencywide to meet our obligations, I ask that each office review the following and develop a plan to meet the urgent and longer-term deadlines.

URGENT DEADLINES

Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

Ex. 5 Deliberative Process (DP)

Internal Deadlines

Ex. 5 Deliberative Process (DP)

To assist in the development of lists of agency actions, the Office of Policy will distribute an initial list during the week of January 25.

Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing

January 27, 2021: Administrator must report on progress of implementation of mask mandate and COVID protocols across EPA campuses.

EXECUTIVE ORDERS AND MEMOS FOR REVIEW

Please review the following and develop a plan for meeting the given deadlines and completing the tasks in your purview. Additional details on process and timelines will follow.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Hoffer, Melissa [Hoffer.Melissa@epa.gov]
Sent: 1/30/2021 7:51:16 PM
To: Payne, James (Jim) [payne.james@epa.gov]
CC: Chaudhary, Dimple [Chaudhary.Dimple@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: Implementation of President Biden's Executive Orders

Excellent, thank you.

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Saturday, January 30, 2021 1:24 PM
To: Hoffer, Melissa <Hoffer.Melissa@epa.gov>
Cc: Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: Implementation of President Biden's Executive Orders

Yes, and OGC managers and Regional Counsel have them too.

Sent from my iPhone

> On Jan 30, 2021, at 1:16 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:
>
> This is very helpful! If we have not already, should we send some version of these to the law offices?
>
> Thanks,
> Melissa
>
> ---
>
> **From:** Payne, James (Jim) <payne.james@epa.gov>
> **Sent:** Sunday, January 24, 2021 6:38 PM
> **To:** Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Chaudhary, Dimple <Chaudhary.Dimple@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
> **Cc:** Patrick, Monique <Patrick.Monique@epa.gov>
> **Subject:** Re: Implementation of President Biden's Executive Orders
>
> And in case helpful here, sharing Dan Conrad's attached summaries of selected Executive Actions and Executive Orders issued Jan 20, and of a transition team announcement earlier that day identifying EPA rules for review.
>
> Sent from my iPhone
>
> > On Jan 24, 2021, at 6:30 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:
> >
> > Hi all,

Please review the EOs.

Monique, will you please find 30 minutes Tuesday for this group to discuss OGC's role.

Thanks,
Melissa

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Saturday, January 23, 2021 7:08 PM
To: Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Nishida, Jane21 <ActAdmJ21Nishida@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>
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Ex. 5 Deliberative Process (DP)

Internal Deadlines

Ex. 5 Deliberative Process (DP)

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January 27, 2021: Administrator must report on progress of implementation of mask mandate and COVID protocols across EPA campuses.

EXECUTIVE ORDERS AND MEMOS FOR REVIEW

Please review the following and develop a plan for meeting the given deadlines and completing the tasks in your purview. Additional details on process and timelines will follow.

Ex. 5 Deliberative Process (DP)

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 2/1/2021 5:51:56 PM
To: Payne, James (Jim) [payne.james@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Conrad, Daniel [conrad.daniel@epa.gov]
CC: Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]
Subject: RE: Implementation of President Biden's Executive Orders: Draft list of regulatory actions

Thanks Jim and you are correct re ADP.

Cheryl and Rett – I am meeting with my team (Bill N et al) to discuss your points below and will work with folks re next steps.

Helena Wooden-Aguilar
Deputy Associate Administrator
Office of Policy
U.S. Environmental Protection Agency
202-564-0792 (Work)
202-302-6846 (Cell)
wooden-aguilar.helena@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Monday, February 1, 2021 11:22 AM
To: Nelson, Leverett <nelson.leverett@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Conrad, Daniel <conrad.daniel@epa.gov>
Cc: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Newton, Cheryl <Newton.Cheryl@epa.gov>
Subject: Re: Implementation of President Biden's Executive Orders: Draft list of regulatory actions

Thanks Rett. Adding Helena from Office of Policy. My understanding is that OP's Action Development Process, which includes the spreadsheet attached to email below, is a standard, evergreen tracker of planned activities. Helena or her office might be able to elaborate.

Sent from my iPhone

> On Feb 1, 2021, at 9:47 AM, Nelson, Leverett <nelson.leverett@epa.gov> wrote:
>
> KC/ Jim:
>
> We might want a nationally consistent approach on this. Are all the regions expected, by this Friday, to generate lists of:
>
> 1. actions (rulemaking?) under development, any new actions planned for this year, and
> 2. any guidance documents (including those on https://www.epa.gov/guidance) from the last four years that could be reviewed by this December.
>
> If Office of Policy wants to know about RCRA state authorization approvals, CAA SIPs, UIC primacy package updates, etc., in the next 11 months, this is a heavy lift. We certainly can do it, but I don't want to make the client collect information outside the scope of the request if it's not wanted.
>
> Any direction on this? Thanks.

-Rett

From: Newton, Cheryl <Newton.Cheryl@epa.gov>
Sent: Friday, January 29, 2021 5:08 PM
To: Nelson, Leverett <nelson.leverett@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Korleski, Christopher <korleski.christopher@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>; Harris, Michael <harris.michael@epa.gov>; Fong, Tera <Fong.Tera@epa.gov>; Schupp, George <schupp.george@epa.gov>; Mooney, John <Mooney.John@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>
Cc: Kaplan, Robert <kaplan.robert@epa.gov>
Subject: FW: Implementation of President Biden's Executive Orders: Draft list of regulatory actions

Hi everyone – I just got off the phone with Rett n this one and he has agreed to take the lead. Its likely (hopeful) there may be further guidance from OGC to help focus the collection. While we don't have any items on the current list, the instruction asks that we consider and provide a list of any new regulatory actions expected this year which could be quite substantial. More to come hopefully, but wanted to share right away especially given the short turn around. Thanks

---

From: Arroyo, Victoria <Arroyo.Victoria@epa.gov>
Sent: Friday, January 29, 2021 4:37 PM
To: Utech, Dan <Utech.Dan@epa.gov>; Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Nishida, Jane21 <ActAdmJ21Nishida@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>
Cc: Fine, Philip <Fine.Philip@epa.gov>; Garbow, Avi <Garbow.Avi@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>
Subject: RE: Implementation of President Biden's Executive Orders: Draft list of regulatory actions

Dear Current and Acting EPA Leadership,

Following up on the message below from Chief of Staff Dan Utech, please see the attached spreadsheet that provides an initial list of regulatory actions that are intended to be signed this year and that OMB will review. The eight EPA actions explicitly mentioned in the **Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis** have already been added to the spreadsheet. Please review all of your program's or region's actions on the spreadsheet and make a determination about whether they should be reviewed pursuant to the Executive Order. The attached list may not be complete so we encourage each office and region to look comprehensively at all of their actions under development, any new actions planned for this year, and any guidance documents (including those on https://www.epa.gov/guidance) from the last four years that could be reviewed by this December.

The internal deadlines for this as outlined below are:

Ex. 5 Deliberative Process (DP)

Thank you all, and hope you are heading into a good weekend.

Best,
Vicki Arroyo
Associate Administrator, Office of Policy

From: Utech, Dan <Utech.Dan@epa.gov>
Sent: Saturday, January 23, 2021 7:08 PM
To: Career Deputy Assistant Administrators <Career_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Nishida, Jane21 <ActAdmJ21Nishida@epa.gov>; Goffman, Joseph <Goffman.Joseph@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Arroyo, Victoria <Arroyo.Victoria@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Cassady, Alison <Cassady.Alison@epa.gov>; Blythers, Dorien <Blythers.Dorien@epa.gov>
Subject: Implementation of President Biden's Executive Orders

TO: Current and Acting EPA Leadership
FR: Dan Utech, Chief of Staff
RE: Implementation of President Biden's Executive Orders

This past week, President Biden issued a set of Executive Orders, several of which require EPA to take action with urgent deadlines. Many of you likely have already read and started developing implementation plans for the components of the orders relevant to your programs and offices. To ensure that we stay on pace agencywide to meet our obligations, I ask that each office review the following and develop a plan to meet the urgent and longer-term deadlines.

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Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis

Ex. 5 Deliberative Process (DP)

Internal Deadlines

Ex. 5 Deliberative Process (DP)

To assist in the development of lists of agency actions, the Office of Policy will distribute an initial list during the week of January 25.

Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing

January 27, 2021: Administrator must report on progress of implementation of mask mandate and COVID protocols across EPA campuses.

EXECUTIVE ORDERS AND MEMOS FOR REVIEW

Please review the following and develop a plan for meeting the given deadlines and completing the tasks in your purview. Additional details on process and timelines will follow.

Ex. 5 Deliberative Process (DP)

<Rules that OMB will review and are projected to be signed this year.xlsx>

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 10/22/2020 10:28:02 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: FOR REVIEW: Questions about Wheeler's travel

Thank you. OPA would like to respond to reporter by 11am tomorrow if possible.

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Thursday, October 22, 2020 6:24 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOR REVIEW: Questions about Wheeler's travel

Connected w Justina, who is reviewing along with Jennie Keith who handles Adm'r travel. Justina believes Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) Attached is Ethics approval for Adm'r and RNC. Ex. 6 Personal Privacy (PP) might be in the morning to hear more. The reporter said a deadline of tomorrow/Fri aft.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, October 22, 2020 5:09 PM
To: Payne, James (Jim) <payne.james@epa.gov>
Subject: FW: FOR REVIEW: Questions about Wheeler's travel

Jim, could you please confirm the accuracy of this with Ethics?

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 5:05 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Subject: FOR REVIEW: Questions about Wheeler's travel

Fotouhi –

Please see draft response below on an E&E inquiry about campaign related travel.

DRAFT Response: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Inquiry: I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year? And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 5:01 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Yes – cross check. Also, with regard to her second question, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP).

We followed all ethical requirements for his attendance, which included Justina approving it. I can forward that message along as well.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 4:59 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

Am I good to share that? Do I Ex. 5 Deliberative Process (DP)

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Thursday, October 22, 2020 4:58 PM
To: Block, Molly <block.molly@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Questions about Wheeler's travel

He attended the RNC convention, but that is it.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, October 22, 2020 3:03 PM
To: Molina, Michael <molina.michael@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>
Subject: FW: Questions about Wheeler's travel

Ex. 5 Deliberative Process (DP)

From: Jean Chemnick <jchemnick@eenews.net>
Sent: Thursday, October 22, 2020 3:02 PM
To: Press <Press@epa.gov>
Subject: Questions about Wheeler's travel

Hello,

For a deadline of tomorrow afternoon, I wondered if you could tell me how many campaign-related events Administrator Wheeler has attended this year?

And has any of the travel he has done this year on EPA business been partially paid for by the Trump campaign, RNC, or another political campaign or committee?

Thanks!

Jean Chemnick
Climatewire

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 10/28/2020 10:08:57 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: RE: Call

Thank you

David Fotouhi

Acting General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----
From: Payne, James (Jim) <payne.james@epa.gov>
Sent: Wednesday, October 28, 2020 5:53 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Call

Talked w Mandy.

Ex. 5 AC/DP

Ex. 5 AC/DP She also plans to talk w you. Also talked re tone.

Sent from my iPhone

> On Oct 28, 2020, at 5:29 PM, Payne, James (Jim) <payne.james@epa.gov> wrote:
>
> Further update is that Mandy said that she would call back.
>
>
> -----Original Message-----
> From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
> Sent: Wednesday, October 28, 2020 5:28 PM
> To: Payne, James (Jim) <payne.james@epa.gov>
> Subject: Call
>
> Will ring back
>
> Sent from my iPhone

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 11/5/2020 7:03:26 PM
To: Payne, James (Jim) [payne.james@epa.gov]; OGC Ethics [OGC_Ethics@epa.gov]
Subject: 3:00PM - DAEO Meeting Agenda
Attachments: New Legal Advisory: OGE Issues New Guidance on E.O. 13770; The Hatch Act & Activities after Election Day

Link to Agenda or look below the Teams access information

Jennie will not be on the call today.

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Standing Agenda Items

1. Placeholder: **Monthly ELMs Huddle** (if not taken at 2:00pm with Elise)

2. **Budget:** updates from Margaret, if any

3. **FOIA Updates:**

   - Crew Failure to File 278 FOIA Request

FOIA Status	Totals
FOIA Requests Assigned to OGC/Ethics	18
In Litigation	0
Closed in FY21	9
Closed in FY20	55
Closed in FY19	70
Closed in FY18	95
Closed in FY17	23

4. **Senior Official Updates:**
   a. New Employees / Personnel Changes:
      i. New hires in the OIG
         1. Stephanie Wright, Career SES Assistant IG for Management, started 10/25
         2. Eric Hanger, Acting IG Counsel, started 10/25
         3. Rashmi Bartlett, Acting AIG for Evaluation, started 10/07 (*vice* Katie Butler)
      ii. Marek Grabowski, GS-15 Schedule C, Senior Advisor for OEX/OA, start date 11/08
   b. Administrator's Travel Schedule: FYI – Ex. 5 Deliberative Process (DP)
      Ex. 5 Deliberative Process (DP)
   c. Other updates:
      i. Ex. 5 Deliberative Process (DP)

Additional Program Updates

5. **Hatch Act Updates:**
   a. OSC sent out guidance about the Hatch Act *after* Election Day (see attached)
   b. Ex. 5 Deliberative Process (DP)

6. **OGE Legal Advisory:** new legal advisory about post-employment restrictions under the Trump Ethics Pledge

7. **Open Letter Signed by OGC Staff Attorneys**: just to report that there are no ethics issues with the "open letter" staff attorneys sign on the diversity and inclusion executive order. Here's the HuffPost article on the subject.

8. **OGE Program Review Tracker** (items in red indicate changes from last week)

Task	OGE Recommendations	Progress	Notes
Ex. 5 Deliberative Process (DP)			

Ex. 5 Deliberative Process (DP)

9. **OGE Form 450 Program Management:** updates from Margaret, if any

Ex. 5 Deliberative Process (DP)

Jennie Keith | Ethics Officer | Office of General Counsel | US EPA | Mail Code 2311A | Room 4312 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-3412 | fax 202-564-1772

Message

From: Keith, Jennie [Keith.Jennie@epa.gov]
Sent: 11/10/2020 6:06:00 PM
To: All National Ethics Officials [All_National_Ethics_Officials@epa.gov]
CC: Keith, Jennie [Keith.Jennie@epa.gov]
Subject: 3:00PM - AGENDA for Monthly Ethics Officials Meeting
Attachments: New Legal Advisory: OGE Issues New Guidance on 18 U.S.C. § 205(a)(2); The Hatch Act & Activities after Election Day

AGENDA – Monthly Ethics Official Meeting

Tuesday, November 10 at 3:00pm, EST

Agenda follows below the Teams access information

Join Microsoft Teams Meeting

Ex. 6 Personal Privacy (PP) United States, Washington DC (Toll)
Conference ID: Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options
By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

AGENDA

Updates from the EPA Ethics Program (OGC/Ethics)

1. Post-Election: Hatch Act and Transition

2. 450 Updates
   a. Demo on how to check your list of 450 filers
   b. Demo on how to add new filers or delete existing filers
   c. NEW: How to change your intermediate review method (starting 11/16)
   d. Testing Update to the e450

3. Annual Ethics Training
   a. How many people trained
   c. Navigating tracking (troubleshooting)
   d. Navigating access to the course

4. Trending Topic: Virtual Events and Application of Gifts Rules
   a. Annual Events that were WAGs (widely attended gatherings), but are now held virtually
   b. Annual Conferences, with registration fees, now held virtually

Updates from the Office of Government Ethics (OGE)

5. OGE updates: Legal Advisory issued on 18 U.S.C. 205 (see attached email)

Updates on the Hatch Act

6. Hatch Act Updates: OSC issued guidance about application of Hatch Act after election (see attached email)

Open Forum – Anything You Would Like to Discuss?

7. If you have anything to share or ask, please use the chat feature to raise the issue and we'll incorporate it into the discussion.

Question of the Month

8. Question of the Month

An employee emails you seeking guidance about an offer for complimentary registration to an annual conference. One of the Agency's stakeholders – a trade association – is hosting its annual conference and has extended complimentary registration not just to your employee, but a couple others in your division as well. According to the conference website, a single registration costs $129. There are discounts for buying registrations in bulk, but no other advertised discounts. The employee has presented to this trade association before, but is not speaking at this particular conference. The other employees who also received this offer are not speaking either. There are some conference sessions of particular interest to these employees. May the employees accept the complimentary registration?

9. Answer to Last Month's Question of the Month

a. Last Month's Question:
Before joining federal service, an employee co-authored a textbook entitled, *"The Clean Air Act for Lazy Thinkers."* The employee receives book royalties from the publisher (all of which is properly reported on his financial disclosure report). Well, now the employee says that the publisher has approached him with plans to print a second edition. They want the employee to update his book to include new regulatory changes implementing the Clean Air Act. The employee asks you for guidance. Can he engage in this writing activity? If so, may the employee accept royalties for the sale of the second edition?

b. ANSWER to last month's question:
Yes and no. Because we know from the title of the textbook that it deals in significant part with EPA official duties, the employee will need to seek prior approval of this outside activity consistent with 5 CFR 2635.803 and EPA supplemental ethics rules at 5 CFR 6401.103. The teaching, speaking, and writing regulations at 5 CFR 2635.807 provide that the employee may not receive any compensation for this activity because it relates to EPA official duties. These rules do not prohibit the writing activity itself, just accepting compensation for the activity.

As set forth in two OGE advisories [Legal Advisory 20-06 "Recurring Book Deal Issues for Incoming and Outgoing Government Employees" (9/24/20) and Legal Advisory 08 x 3 "Book Deals Involving Government Employees" (3/6/08)], employees may not receive compensation for updates or modifications to the book made during government service. Under section 2635.807, such compensation includes future royalties, which are attributable to the time of the writing. As a result, any compensation, including royalties earned through the sale of the edition of the book that was updated during government service, will be prohibited under section 2635.807. Because section 2635.807 applies only to writing related to an employee's official duties, it would not restrict royalties earned through the sale of a book that is updated by the employee during government service, provided that it's on a topic unrelated to official duties.

Should the employee decide to update the textbook, he may do so only without compensation and can't use non-public information, government time or the official time of a subordinate. The employee also can't refer to his official title other than as general biographical information giving it no more prominence than other aspects of his professional or academic credentials. *See* 5 CFR 2635, Subpart G.

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Message

From: Jim and Cathleen Payne Ex. 6 Personal Privacy (PP)
Sent: 12/5/2020 1:59:36 PM
To: Payne, James (Jim) [payne.james@epa.gov]
Subject: Pentagon blocked Biden's intelligence transition team from meeting with agencies - CNNPolitics

https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cnn.com%2F2020%2F12%2F04%2Fpolitics%2Fpentagon-biden-transition-intelligence%2Findex.html&data=04%7C01%7Cpayne.james%40epa.gov%7C1d8e7a6dfa1d4793178408d89926022f%7C88b378b367484867acf976aacbeca6a7%7C0%7C1%7C637427735812729153%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=GwlSeiQTTEGTTw9m1S%2FDziLYmRpeC7ovie3sVo0ifBU%3D&reserved=0

Sent from my iPhone