To: Smith, Claudia[Smith.Claudia@epa.gov]
From: Wasem, Russell
Sent: Mon 9/19/2016 9:20:33 PM
Subject: RE: FOIA from FrackTracker

Thank you again!!

From: Smith, Claudia
Sent: Monday, September 19, 2016 5:19 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty,

We have not yet proposed this rule.

Thanks,

Claudia

From: Wasem, Russell
Sent: Monday, September 19, 2016 3:11 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Hello Claudia,

Thank you again. Can you please confirm the attached has not already been published

in the docket? I am sending to my BC for review and he will ask me given the file name.

Best,

Rusty

From: Smith, Claudia
Sent: Wednesday, July 20, 2016 5:41 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty,

Attached are the analyses I believe are internal draft deliberative, because they were used in developing a proposed rulemaking that is still in draft stages (not yet made publicly available or published in the FR).

Thus far, I estimate the time spent (not including initial review) is:

Claudia Smith (GS-13): 2 hours

Alexas Gilbert (GS-13): 30 mins

Thanks,

Claudia

From: Wasem, Russell
Sent: Wednesday, July 20, 2016 10:10 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Good Morning Claudia,

All of those document/records types are responsive if they contain geolocation information from the DrillingInfo data.

My apologies for not answering your question yesterday about the best way to send records. Email is fine. If the file size is too large to send via email then we can consider Onedrive.

Best,

Rusty

From: Smith, Claudia
Sent: Wednesday, July 20, 2016 12:02 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Boydston, Michael <Boydston.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty,

Can you help clarify, would documents, such as technical support narratives or notices of proposed rulemakings that cite analyses done using DrillingInfo data be responsive, or just the analyses (i.e. spreadsheets) themselves be what the requestor is interested in?

Thanks,

Claudia

From: Wasem, Russell
Sent: Tuesday, July 19, 2016 2:34 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: FOIA from FrackTracker

Thank You again Claudia,

Let me know if I can help.

Best,

Rusty

From: Smith, Claudia
Sent: Tuesday, July 19, 2016 3:37 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty,

I've pulled together Region 8 air emissions analyses that I am aware of that used DrillingInfo data (not including enforcement). I believe most of it will be internal draft deliberative until we officially propose our Reservation-specific FIP, but I am awaiting concurrence from a couple of colleagues and our ORC. Once we concur, I could share them either via email, one drive, or some other method. Let me know your preference.

It will probably take more time to figure out if any of the other programs have responsive documents. I believe the previous email contained all of the Region 8 folks who could potentially have responsive documents.

Thanks,

Claudia

From: Wasem, Russell
Sent: Tuesday, July 19, 2016 7:22 AM
To: Smith, Claudia <Smith.Claudia@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Reynolds, Cynthia <reynolds.cynthia@epa.gov>; Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>; Campbell, Gwen <Campbell.Gwen@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Fronczak, David <Fronczak.David@epa.gov>; Rothery, Deirdre <Rothery.Deirdre@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: FOIA from FrackTracker

Hello Claudia,

You are correct to point out that this is quite a bear of a FOIA request. On the bright side, they are not asking for emails. I included my previous response to discussing how to handle draft and internal/deliberative docs since many on the email chain were not included. Please remember, we do not need to create any analysis here only provide previously conducted analysis that falls under the broad request. When the requested analysis can be found in the docket, we just need to refer the requestor to the analysis in the docket.

I will link up with an OGC contact for FOIAs. If you have more specific legal questions, I will work with OGC to get you those answers.

Ultimately, if we need more time, I will request more time.

Best

Rusty

From: Wasem, Russell
Sent: Monday, July 18, 2016 4:27 PM
To: Stoneman, Chris <Stoneman.Chris@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>
Subject: RE: FOIA from FrackTracker

Hello Chris,

Pre-decisional or draft work products may be claimed exempt. Any analysis that was considered but ultimately not used in the final agency action (memo, decision, decision not to formally make a decision, etc.). Draft work products = things that are being shared for review, comment, or approval by superiors. The docs still need to be submitted regardless of whether you make the claim. So, if you feel the documents are draft or predeicional, mark them as such or indicate when you provide them to me. We still need to account for the existence of such work products and this is a decision that someone in the OECA FOIA office or OGC FOIA office will make.

Upon a closer reading of the FOIA's "For EPA-derived products, we are only interested in the geolocation information from DrillingInfo on the wells." Hopefully sticking to this will make it easier.

Best,

Rusty

From: Smith, Claudia
Sent: Monday, July 18, 2016 4:37 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Bahrman, Sarah <Bahrman.Sarah@epa.gov>; Reynolds, Cynthia <reynolds.cynthia@epa.gov>; Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>; Campbell, Gwen <Campbell.Gwen@epa.gov>; Strobel, Philip <Strobel.Philip@epa.gov>; Fronczak, David <Fronczak.David@epa.gov>; Rothery, Deirdre <Rothery.Deirdre@epa.gov>; McKean, Deborah <mckean.deborah@epa.gov>; Bloom, Judy <Bloom.Judy@epa.gov>
Subject: RE: FOIA from FrackTracker

Russell,

This is an extremely broad FOIA upon my reading of it. Any responsive documents the Region has (potentially voluminous) would be region, state, and/or Reservation-specific, and that is speaking just for Air Emissions on the Air Program side. I noticed there is a water element as well, which would likely pull in the Water Program. The Region 8 Offices of Enforcement, Compliance, and Environmental Justice, and Ecosystems Protection and Remediation are also likely to have responsive documents, and I believe any responsive documents would be similarly region/state/reservation-specific. Regarding analysis done for region/state/Reservation-specific rulemakings or permits, many of the analyses should be publicly available in the dockets on regulations.gov or on the regional web pages. However, there may be many records that would traditionally be considered internal deliberative, so some guidance on that would be appreciated. Given the prevalence of oil and natural gas development in the Region, this FOIA could be very time consuming for us unless the requestor is only looking for analyses that were done for the 10,000-foot national view.

Thanks,

Claudia

From: Wasem, Russell
Sent: Monday, July 18, 2016 1:10 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Please find the FOIA attached.

From: Smith, Claudia
Sent: Monday, July 18, 2016 3:09 PM
To: Stoneman, Chris <Stoneman.Chris@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

That's probably correct, then. However, based just on the information in Chris Stoneman's forward to us, it is difficult to determine the scope of the FOIA beyond analyses done using data from DrillingInfo. There was reference to an attached FOIA, but it was not actually attached. All we had was the email chain.

Thanks,

Claudia

From: Stoneman, Chris
Sent: Monday, July 18, 2016 12:45 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty said that it's no limited to the InfoDrilling database so you have some that is responsive but may be deliberative as well.

From: Smith, Claudia
Sent: Monday, July 18, 2016 2:43 PM
To: Stoneman, Chris <Stoneman.Chris@epa.gov>; Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Beeler, Cindy <Beeler.Cindy@epa.gov>; Gilbert, Alexas <Gilbert.Alexas@epa.gov>; Dresser, Chris <Dresser.Chris@epa.gov>
Subject: RE: FOIA from FrackTracker

Hi, Chris,

I think all I would have is anything you may have cc'd me on in development of the national Indian country oil and natural gas FIP. There may be a few emails where we provided responses/comments to documents ERG prepared.

Cindy or Alexas,

Would you have anything responsive related to development of the draft proposed U&O FIP? We didn't use ERG, but did consult the DrillingInfo database, correct?

Thanks,

Claudia

From: Stoneman, Chris
Sent: Monday, July 18, 2016 11:56 AM
To: Wasem, Russell <Wasem.Russell@epa.gov>

Cc: Mckelvey, Laura <Mckelvey.Laura@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: FOIA from FrackTracker

Rusty –

I hope you got my earlier email – I'll continue searching. I'm cc'ing my colleague Laura McKelvey and our O&NG partners in R8 as they may have responsive materials as well.

Thanks.

Chris

From: Wasem, Russell
Sent: Wednesday, July 13, 2016 1:29 PM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Goehl, Eric <Goehl.Eric@epa.gov>; Thompson, Lisa <Thompson.Lisa@epa.gov>; Stoneman, Chris <Stoneman.Chris@epa.gov>; Thoma, Eben <Thoma.Eben@epa.gov>; Ridley, Caroline <Ridley.Caroline@epa.gov>; Snyder, Jennifer <Snyder.Jennifer@epa.gov>; Biddle, Lisa <Biddle.Lisa@epa.gov>; Eyth, Alison <Eyth.Alison@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>
Subject: FW: FOIA from FrackTracker

Good Afternoon,

You are receiving this email because ERG has identified you as someone who has requested tailored queries of the DrillingInfo database. EPA recently received the attached FOIA from the environmental advocacy group FracTracker Alliance requesting agency conducted analysis using the DrillingInfo database. You are welcome to read the attached FOIA request. To make it easier I will ask that you send me any analysis you have either conducted personally or commissioned ERG to conduct using the DrillingInfo database with a sentence or two description of what the analysis contains and I can decide whether it is responsive. Please ensure anything that should be

withheld from release due to a sensitive designation (attorney work product, CBI, enforcement sensitive, internal/deliberative, pre-decisional, etc.) is clearly marked.

Please either confirm you have nothing responsive or send me your analysis by Friday July 22nd. Contact me with questions.

Best,

Rusty

Russell Wasem

Office of Compliance

U.S. Environmental Protection Agency

(202) 564-7096

From: Casey Pickering [mailto:Casey.Pickering@erg.com]
Sent: Monday, July 11, 2016 3:16 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Jessica Gray <Jessica.Gray@erg.com>
Subject: RE: FOIA from FrackTracker

Rusty,

Sorry for the delay in reply. We've spoken to the leads for ERG projects to try to figure out what general topics from the FrackTracker FOIA request may already be generated or something of similar scope already generated.

Ex. 5 - Deliberative Process

Jessica is out of the office today, but let us know if you'd like to set up a time to further discuss this week.

Thanks,

Casey

Casey Pickering

Eastern Research Group, Inc. (ERG)

1600 Perimeter Park Dr. Ste. 200

Morrisville, NC 27560

(919) 468-7885

From: Casey Pickering
Sent: Friday, July 01, 2016 3:15 PM
To: 'Wasem, Russell' <Wasem.Russell@epa.gov>; Jessica Gray <Jessica.Gray@erg.com>
Subject: RE: FOIA from FrackTracker

Rusty,

Thanks for this follow up clarification. We're checking internally around ERG to be able to summarize which requests we might have covered with previous analyses, and will follow up with you early next week. Have a good July 4th weekend!

Casey

Casey Pickering

Eastern Research Group, Inc. (ERG)

1600 Perimeter Park Dr. Ste. 200

Morrisville, NC 27560

(919) 468-7885

From: Wasem, Russell [mailto:Wasem.Russell@epa.gov]
Sent: Friday, July 01, 2016 10:14 AM
To: Jessica Gray <Jessica.Gray@erg.com>; Casey Pickering <Casey.Pickering@erg.com>
Subject: RE: FOIA from FrackTracker

Hello Jessica, Casey,

Ex. 5 - Deliberative Process

Best,

Rusty

From: Wasem, Russell
Sent: Thursday, June 30, 2016 9:34 AM
To: 'Jessica Gray' <Jessica.Gray@erg.com>
Subject: FW: FOIA from FrackTracker

I started the email before I called, so you have heard most of this.

Good Morning Jessica,

We recently received a FOIA from an environmental advocacy group requesting analysis based on data pulls from the DrillingInfo database. I need to determine if ERG (on behalf of any part of EPA) has ever conducted the analysis requested in the FOIA. Once we determine the existence of the requested record or not, we can consult with DrillingInfo legal to determine whether releases existing records will violation the subscription/license agreement. I have highlighted the analysis that Jim Kenney believes ERG has conducted for him in the past.

Please keep track of how much time you spend on this request and let me know if you think this will take you or your colleagues more than 2 hours. If responding to this FOIA will impact our ability to fund planned maintenance and refreshes the O&G knowledge base, I need to let my management know ASAP.

Our due date is 7/18 (extensions can be granted).

Enjoy your weekend!!

Rusty

202-564-7096

From: Kenney, James
Sent: Wednesday, June 29, 2016 5:11 PM
To: Wasem, Russell <Wasem.Russell@epa.gov>
Cc: Johnston, Carey <Johnston.Carey@epa.gov>; Lischinsky, Robert <Lischinsky.Robert@epa.gov>; Miller, Mamie <Miller.Mamie@epa.gov>; Barrette, Michael <Barrette.Michael@epa.gov>
Subject: RE: FOIA from FrackTracker

Hi Rusty,

I'm a little out of the loop on recent requests by OCE and the Regions but in the past we had asked ERG to pull similar data sets from DrillingInfo or the EPA datasets that integrated DrillingInfo data and our own data/thresholds. For example, looking under the heading: Onshore Active or Plugged Oil/Gas/Coalbed Methane Wells:

1-3, generally yes, ERG provided us this information in the past.

4, no.

5, yes but for smaller geographic area.

6, yes but for a smaller geographic area.

7, yes but for a smaller geographic area.

We generally found ways to limit the data for targeting purposes by using things like non-attainment status, production greater than zero for the current year, etc. so that may be the difference between the FOIA and what we asked of ERG.

Keep in mind that OAR, OW, and others have used this data set over the years so they too could have asked ERG for national data pulls more in line with the FOIA so I think looping in ERG on what they have done for other programs and region, under the OC contract or not, would be worth asking about.

I hope this helps. Happy to discuss in more detail.

Thanks,

Jim