Appointment

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 4/26/2019 2:07:44 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]

Subject: Next Steps on NRDC v. EPA, 17-cv-1243 (D.D.C.)- Clarification Letter Case
Attachments: 2019.04.22 - Mem. Op. - NRDC.pdf
Location: DCRoomARN7500/DC-Ariel-Rios-OGC

Start: 5/3/2019 3:00:00 PM
End: 5/3/2019 3:30:00 PM
Show Time As: Tentative

RESCHEDULED TO NEXT WEEK

Ex. 5 Deliberative Process (DP), AWP, ACP

DECISION SUMMARY:

On April 19, 2019, EPA received a decision in *Natural Resources Defense Council v. EPA*, 17-cv-1243 (D.D.C.). Judge Randolph D. Moss denied NRDC's motion for summary judgment and denied EPA's motion to dismiss and motion for summary judgment all without prejudice.

The Court's decision addressed NRDC's policy or practice claim, which is the only claim remaining. NRDC challenged EPA's alleged practice of sending a request for clarification letter that indicates EPA will consider the FOIA request voluntarily withdrawn if the requestor does not respond within ten days. EPA argued that NRDC had not demonstrated an injury and had no standing to bring a claim, and further, that this was not a proper policy or practice claim upon

which relief could be granted. The Court found that NRDC has Article III standing to bring the claim, but that questions remained on whether NRDC could properly bring a policy or practice claim.

The Court's Article III standing analysis focused on injury in fact. EPA argued that there was no injury in fact because NRDC was unaffected by EPA's "ten-day" letter. In the request at issue, EPA did not deny or close a request after NRDC's failure to respond. Rather, NRDC responded to the outreach within ten days and brought this lawsuit shortly thereafter. However, the Court accepted NRDC's argument that NRDC was sufficiently harmed because the organization claimed EPA's ten-day deadline required NRDC to divert resources from urgent matters.

The Court raised three issues on whether NRDC has demonstrated a policy or pattern claim. First, the Court questioned whether the injury alleged could constitute a policy or practice claim under the seminal case, *Payne Enters., Inc. v. United States*, 837 F.2d 486 (D.C. Cir. 1988). The Court explained that *Payne* requires a plaintiff to allege interference with their right under FOIA to *promptly obtain non-exempt records from the agency*. NRDC's resource-based harm does not fit under *Payne*. The Court explained that "unlike every policy or practice case that the D.C. Circuit has considered to date, NRDC does not seek relief relating to the improper withholding or delay in releasing agency records."

Next, the Court questioned whether it had jurisdiction under the FOIA to enjoin EPA from using the ten-day letters. The Court explained that district courts do not have the equitable power to enjoin just any FOIA violation without some statutory basis for the claim. Lastly, the Court held that, even assuming jurisdiction, NRDC failed to demonstrate it meets the four factor test for an injunction ((1) irreparable injury, (2) inadequate remedy at law, (3) balance of hardships tips in favor of injunctive relief, and (4) public interest).

The Court concluded that "until the parties have had the opportunity to address these questions – including questions whether the Court has statutory jurisdiction to entertain NRDC's policy or practice claim and whether injunctive or similar relief is appropriate in these circumstances – the Court cannot resolve the case."

EPA will discuss next steps with the US Attorney's office.

Peter Bermes is the contact on this case for OGC. For any questions, he can be reached at 312-886-6631.

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 6:07:33 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]

Subject: Phase I of FOIA Regulation Package
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 11/30/2018 6:00:00 PM
End: 11/30/2018 7:30:00 PM
Show Time As: Tentative

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 6:07:35 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]

Subject: Phase I of FOIA Regulation Package
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 11/30/2018 6:00:00 PM
End: 11/30/2018 7:30:00 PM
Show Time As: Tentative

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/17/2018 4:38:34 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]

Subject: FOIA Regulation Review
Location: DCRoomARN7500/DC-Ariel-Rios-OGC

Start: 10/19/2018 4:00:00 PM
End: 10/19/2018 6:00:00 PM
Show Time As: Tentative

Appointment

From: Shaffer, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47CE854437AF49DAB8AB700A46837FD5-PSHAFFER]
Sent: 10/12/2018 1:39:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]

Subject: Procedure for a FOIA on a FOIA
Location: 5315H

Start: 10/18/2018 3:00:00 PM
End: 10/18/2018 3:30:00 PM
Show Time As: Busy

Appointment

From: Shaffer, Patricia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=47CE854437AF49DAB8AB700A46837FD5-PSHAFFER]
Sent: 10/10/2018 2:43:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]

Subject: FOIA Policy Review
Location: 5315H

Start: 10/12/2018 2:00:00 PM
End: 10/12/2018 2:30:00 PM
Show Time As: Busy

Appointment

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/7/2018 5:04:24 PM
To: FOIA Coordinators [FOIA_Coordinators@epa.gov]; FOIA Coordinators Alt [FOIA_Coordinators_Alt@epa.gov]; FOIA Officers Alt [FOIAOfficers-Alt@epa.gov]; Info Attys [Info_Attys@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; OGC NFO [OGC-NFO@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Espinoza, Ana [Espinoza.Ana@epa.gov]; Zipf, Lynn [Zipf.Lynn@epa.gov]

Subject: FOIA Coordinators/Officers meeting
Attachments: FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx
Location: DCRoomARN6500PolyPCTB/DC-ARN-OAR

Start: 12/18/2018 6:00:00 PM
End: 12/18/2018 8:00:00 PM
Show Time As: Tentative

We are having a joint FOIA Coordinators and Offices meeting for the month of December.

The focus of this meeting will be to discuss and answer any questions you have concerning the attached documents.

The call in number will be **Conference Line/Code / Ex. 6**

Please feel free to share this invite with your FOIA professionals.

Please let me know if you have any questions.

Thank you.

Larry Gottesman

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/20/2018 7:41:48 PM
To: Clausen, Rebecca [Clausen.Rebecca@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Routt, Christiane [Routt.Christiane@epa.gov]; McPherson, Mark [McPherson.Mark@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Who Sends the Awareness Notification Identification E-Mails to the DAAs?
Attachments: FOIA Efficiency Memo.pdf

Rebecca-

Linda Person has been sending out the initial emails, on my behalf, making your DAA and FOIA Coordinator aware of which FOIA requests are subject to the Awareness Notification Process.

Let me know if you need anything further.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Clausen, Rebecca
Sent: Thursday, December 20, 2018 10:49 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Routt, Christiane <Routt.Christiane@epa.gov>; McPherson, Mark <McPherson.Mark@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Who Sends the Awareness Notification Identification E-Mails to the DAAs?

Good Morning, Timothy, and Larry,

ORD is figuring out a way to ensure these are not lost in shuffle of the hundreds of e-mails our DAA gets every day. Knowing who exactly these e-mails will be coming from will help us set up an e-mail Agent to assist is distribution within ORD.

Thanks much, and Merry Christmas to you and yours.
Rebecca

Rebecca Clausen
ORD Deputy National FOIA Officer
U.S. EPA | ORD | OPARM
109 TW Alexander Dr., RTP, NC 27711
Ph: (919) 541-3002; Alt: (919) 451-0404

Wake up. Be awesome. Be kind. Repeat.

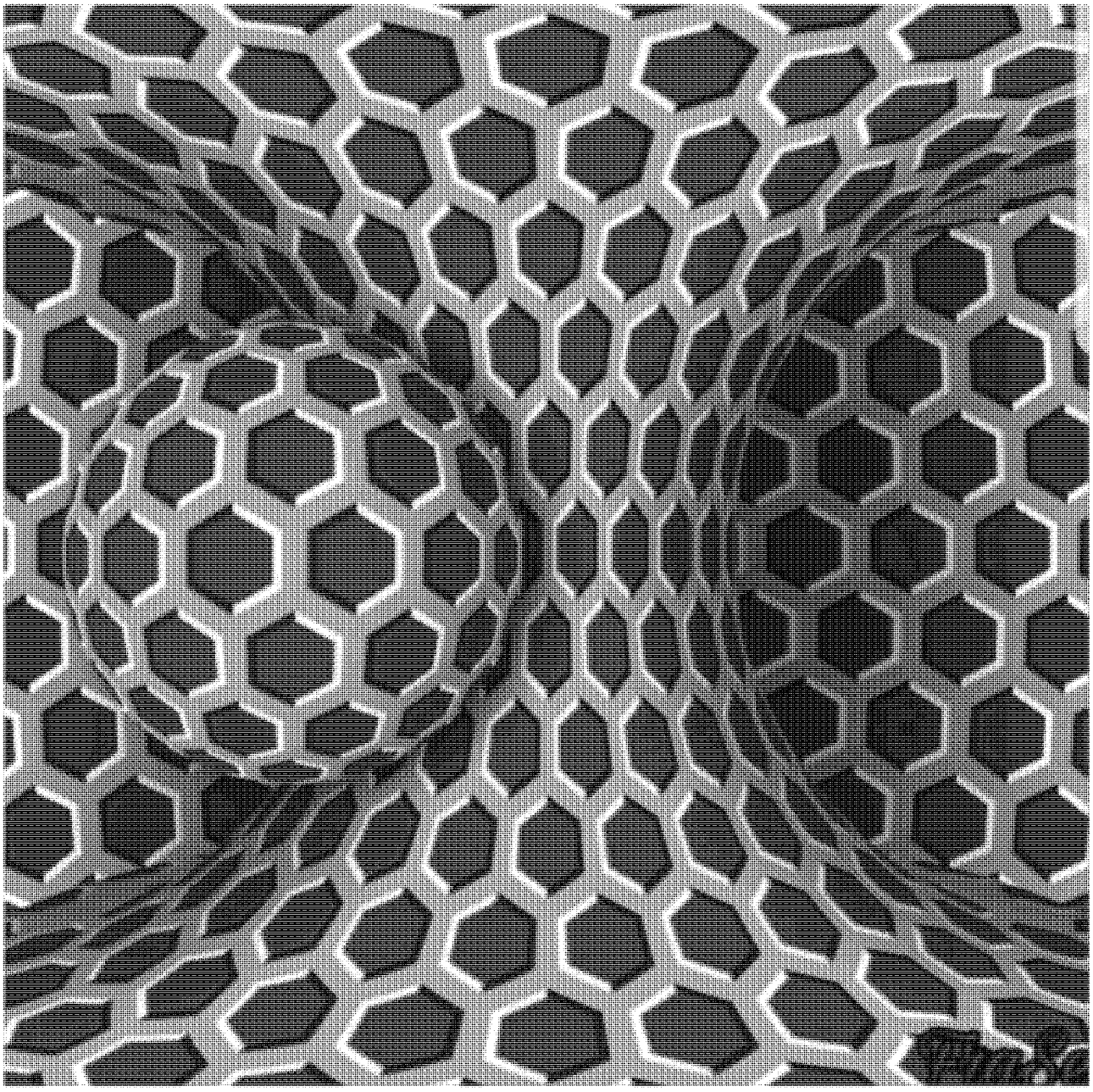
Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/27/2018 6:50:30 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: FEAT Weekly Agenda 11/27/2018

Call in
EPA CALL IN - DENISE LINE

Conference Line/Code / Ex. 6

1. Listening Minute
2. Administrivia
    a. Ethics Training reminder
    b. Flu Shots available at RRB
    c. Becky's old office.
3. FEAT work
    a. Awareness Notification Process
    b. Priorities and work load discussion- Upcoming to-dos…
        i. Checklist for OGC procedures (Elise)
        ii. Policy and procedures
        iii. Meeting with OEX and ILPG and FEAT re coordination
        iv. Draft the reg update package 1
        v. New request for help from R1
        vi. AO4 work- new control box assignments
        vii. Lean Events
        viii. FOIA requests assigned to the FEAT
        ix. Other priorities
4. Leadership Lesson:
    a. Do you really know what you think you know?
    Check out the image below. Fact: It isn't actually moving.
    Your brain hallucinates your conscious reality https://www.youtube.com/watch?v=lyu7v7nWzfo



Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/27/2018 11:06:49 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Awareness Notification e-mail template 11272018 Final.docx
Attachments: Awareness Notification e-mail template 11272018 Final.docx

All:
Everything should be final in this version.
I did switch the font back to Calibri since our e-mails (as you see) are all in Calibri and I scrubbed out the track changes.

Larry: I will work with you on the email to go out to those who need this tomorrow!

Best,

Denise

Appointment

From: Hilosky, Nick [Hilosky.Nick@epa.gov]
Sent: 11/20/2018 9:50:07 PM
To: Benjamin, Kent [Benjamin.Kent@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Lloyd, David [Lloyd.DavidR@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Barolo, Mark [Barolo.Mark@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Smith, Susan [Smith.Susan@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Overmeyer, Patricia [Overmeyer.Patricia@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Manges, Ellen [Manges.Ellen@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; McLendon, Wanda [McLendon.Wanda@epa.gov]
CC: Burchette, John [Burchette.John@epa.gov]

Subject: OLEM Office Directors Meeting - TOPIC: EPA FOIA Improvements
Attachments: Administrator FOIA memo 2018.pdf; EPA FOIA EMC presentation Final.pptx
Location: DCRoomWest4144GCIVTCPolycom/OLEM

Start: 12/17/2018 8:30:00 PM
End: 12/17/2018 9:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Monday from 3:30 PM to 4:30 PM

Additional information concerning this meeting, please contact 202-566-0200.

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/30/2018 1:42:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification Process rollout

Tim,

Would you like to use November numbers? I can run them on Monday and produce a new tabbed report.

If not, it'll only take a few minutes for me to convert the tabbed backlog report for October into a graphic.

Wendy

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Friday, November 30, 2018 2:44 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: Awareness Notification Process rollout

Hi all,

As a result of my presentation to the Agency's Executive Management Council meeting, I am getting requests from program offices to talk with their management teams about the FOIA backlog reduction effort and relatedly the Awareness Notification Process. I could use help generating talking points to speak to the common issues/questions that are arising in the early implementation – what are the problems and what solutions are we devising.

The first of these meetings is on Tuesday to OITA. Fortunately, the first office does not have a significant backlog.

For these presentations, I will also need to use accurate graphs showing the current state of FOIA backlog, rather than the graphs that I used for EMC, which apparently were not accurate.

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Lubetsky, Jonathan
Sent: Thursday, November 29, 2018 1:05 PM

To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Thompson, BrianK <Thompson.BrianK@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: EPA-HQ-2018-008646

Thank you for sharing this. This is the first we have seen the template form and happy to have a further clarified set of instructions. I have many questions but let me start here.

Deliberative Process / Ex. 5

Thank you,
Jonathan

From: Gottesman, Larry
Sent: Thursday, November 29, 2018 12:44 PM
To: Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: EPA-HQ-2018-008646

Please follow the process set out in the attached email.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Appointment

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/29/2018 6:14:11 PM
To: FOIA Coordinators [FOIA_Coordinators@epa.gov]; FOIA Coordinators Alt [FOIA_Coordinators_Alt@epa.gov]; FOIA Officers [FOIAOfficers@epa.gov]; FOIA Officers Alt [FOIAOfficers-Alt@epa.gov]; OGC NFO [OGC-NFO@epa.gov]

Subject: FW: FOIA meeting
Attachments: FOIA Efficiency Memo.pdf
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 12/12/2018 6:00:00 PM
End: 12/12/2018 7:30:00 PM
Show Time As: Tentative

This month we are having a joint FOIA Officers and FOIA Coordinator's meeting. I will send out an adobe connect next week, so you can join in that way.

Call in number is:
Conf code:

Conference Line/Code / Ex. 6

For those of you in the DC area please join us in WJCN 6013. This is in the connecting wing between the North and South Buildings.

New Meeting Agenda:

The topics for the meeting is the Awareness Notification Process as set out in Ryan Jackson's memorandum of November 16, 2018. We will also be providing a demonstration of how to run reports in FOIAonline using the advanced search function.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Sent: 11/28/2018 8:46:25 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

Already in the news…

https://www.eenews.net/greenwire/2018/11/28/stories/1060107609

Breanne Vander Naald
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
Washington, D.C. | WJCN 7409E
(202) 564-1154

From: Moumbleaux, Joan
Sent: Wednesday, November 28, 2018 3:42 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Re: EIP v. EPA (18-cv-01952) - Important update

Denise, that is fantastic news!!!! Well done 👍

Sent from my iPhone

On Nov 28, 2018, at 1:55 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> Folks:
>
> Please see below. EIP is dismissing its policy or practice claim (Count 3) in the EIP litigation, in light of the Agency's issuance of its awareness notification process.
>
> Best,
> Denise
>
> **From:** Blake, Wendy
> **Sent:** Wednesday, November 28, 2018 1:32 PM
> **To:** Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
> **Cc:** Kaminer, Joan <Kaminer.Joan@epa.gov>
> **Subject:** FW: EIP v. EPA (18-cv-01952) - Important update
>
> FYI.
>
> 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

From: Brazauskas, Joseph
Sent: Wednesday, November 28, 2018 1:23 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

That's fantastic news, will pass along to Matt, great work everyone!

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Blake, Wendy
Sent: Wednesday, November 28, 2018 1:21 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update
Importance: High

Elise and Joe –

AWP and Attorney Client / Ex. 5

Finally, as we mentioned at reg review yesterday, we briefed the FOIA litigation team (including regional attorneys) yesterday on the new awareness notification procedures to ensure the procedures are understood and properly implemented.

Joan – Please send your email below to Beth, Brian and Victoria. Many thanks and great work!!

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

From: Kaminer, Joan
Sent: Wednesday, November 28, 2018 10:57 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: EIP v. EPA (18-cv-01952)

Wendy,

AWP and Attorney Client / Ex. 5

I will keep you posted as we move forward.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/28/2018 9:07:03 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

FYI-
I highlight for your attention that Becky was interviewed for this article.

https://www.eenews.net/greenwire/2018/11/28/stories/1060107609

EPA

Under pressure, officials to speed up document releases

Kevin Bogardus, E&E News reporter
Published: Wednesday, November 28, 2018

EPA headquarters in Washington, D.C. Photo credit: Maxine Joselow/E&E News
EPA officials have released new guidance that could speed up the public release of agency documents. Maxine Joselow/E&E News

EPA's top political aides could soon speed up their release of sensitive records requested under the Freedom of Information Act.

Ryan Jackson, the agency's chief of staff, issued new guidance earlier this month that sets tight timelines for political officials to examine agency documents before their public release. So-called awareness reviews — in which officials examine documents whose disclosure could prove politically troublesome ahead of their release — have long been controversial. But scrutiny has intensified as critics complain about the Trump administration's sluggishness in releasing documents, and EPA's document review practice is facing challenges in court and from Democratic lawmakers.

In Jackson's memo, dated Nov. 16, he said the new deadlines for the review process are "an effort to ensure consistency and provide clarity."

Now top EPA officials at the Office of the Executive Secretariat as well as the public affairs and congressional relations offices will have five business days to identify FOIA requests they want to review from a select list shared with them by the agency's national FOIA office. Once the records are prepared for release for their designated requests, those officials will receive a notification and then have up to three business days to review those documents. After that time period ends, EPA will have no more than one business day to issue its determination on that request.

Jackson stressed in his memo that the awareness review does not change what EPA releases to the public under FOIA.

"This awareness notification process is not an approval process, nor does this process alter or eliminate any part of the agency's existing procedures for collecting, reviewing or redacting documents, or preparing responses FOIA requests," he said.

Jackson said the practice had spanned several administrations at the agency.

"This 'awareness notification process' is intended to inform senior officials of the release of information through FOIA that may be of particular interest to the press, the public and/or Congress. Indeed, having such awareness has allowed agency senior leadership to respond efficiently to inquiries about such releases," Jackson said.

The review process described in Jackson's memo was "effective immediately" and "controls and supersedes" any prior procedures at the agency related to the awareness notices.

Becky Dolph, who led EPA's FOIA Expert Assistance Team before retiring from the agency earlier this year, told E&E News that Jackson's memo would improve the process.

"The memo clarifies rules and responsibilities as well as puts specific parameters on both the scope and time allowed for awareness notification. From my perspective, it is an improvement to the process previously in place," Dolph said.

Those requesting records from EPA may have them sooner, too.

"I would anticipate that it would lead to quicker responses to FOIA requests," Dolph said, "because it puts those parameters on the timeline for the politicals to review the documents. Before, there were no specific timelines, so the responses could be delayed because we would not have the green light."

Another former EPA official who worked on FOIA at the agency said staff will not have to wait for approval to release records.

"Most importantly, it is explicit that the office responsible for the FOIA production need not wait until they are given a green light from those receiving awareness notification, but rather directs that the office 'shall issue' the FOIA response after the awareness window ends," said the ex-official.

The publication Inside EPA reported yesterday on Jackson's memo.

The memo followed acting EPA Administrator Andrew Wheeler's own message sent earlier this month, in which he urged agency staff to help respond to the flood of FOIA requests pouring into EPA (Greenwire, Nov. 14).

Public records requests have surged at EPA during the Trump administration. FOIA lawsuits piled up as well under former Administrator Scott Pruitt, as the agency was slow to release Pruitt's calendars and other records. Pruitt resigned in July while battling ethics allegations.

Legal, congressional scrutiny

EPA disclosed Jackson's memo as part of a court filing last week in litigation challenging the review process. The agency said the new policy voids any concerns that the reviews will stall the release of records.

"Even if the complaint can reasonably be read to plausibly allege that, prior to November 16, 2018, the EPA had in place an awareness review policy that intentionally and/or unduly delayed responses to FOIA requests (which it cannot), or even to raise questions about awareness review at the EPA, the issuance of the Awareness Notification Process clearly moots any claims arising out of such allegations or questions," said the filing.

The Environmental Integrity Project and Chesapeake Climate Action Network sued EPA in August over their FOIA requests for Pruitt's and other officials' travel records. As part of their lawsuit, they also argued that EPA's awareness review policy should be overturned for slowing down the release of records.

"Plaintiffs also seek an end to Defendant's FOIA policy or practice of 'political awareness review,' which results in the unlawful delay of the disclosure of public documents deemed 'politically charged' or potentially embarrassing by the current Administration," they said.

Sanghyun Lee, an attorney with the Environmental Integrity Project, said in a statement shared with E&E News, "This new EPA policy is good news."

"It makes clear that the agency can't use political reviews to hold up responses to Freedom of Information Act requests," Lee said, noting that the group's lawsuit cited evidence that the reviews were being used to stall FOIA responses to environmental and public health organizations this administration doesn't like very much.

"The new guidance gives the agency's Chief of Staff and other political managers a three day advance notice before sensitive documents are released, but no power to block those disclosures."

EPA also shared Jackson's memo with lawmakers who have scrutinized the agency's handling of FOIA requests.

Troy Lyons, head of EPA's congressional relations office, said in a Nov. 16 letter obtained by E&E News that the awareness review process had been formalized and would not delay processing of FOIA requests.

He noted that awareness review had long been a standard process at EPA and in the rest of the federal government.

"It should be tacitly understood that for senior officials to effectively meet their responsibilities, they need to know when information of significant interest will be released to the public," Lyons said.

"If the press calls for comment or a member of Congress has a question about records contained in a release, common sense tells us that the senior official fielding that inquiry needs to know what has been released."

Lyons also included EPA records from the Trump and Obama administrations to show that "awareness notification is not new and is, in fact, necessary for efficient and effective agency operations."

EPA's review policy has also been blasted by its critics on Capitol Hill.

Rep. Elijah Cummings (D-Md.), ranking member for the House Oversight and Government Reform Committee, requested in July that the panel file a subpoena for records on EPA's handling of FOIA requests (Greenwire, July 13). The lawmaker said the awareness reviews led EPA to slow-walk its FOIA responses.

"Responses to FOIAs are at times deliberately delayed, and political appointees review responses to FOIA requests before they are released," Cummings said in his letter requesting the subpoena.

EPA may have to turn over more information on its review policy. Cummings is expected to be chairman of the Oversight panel starting next year and will have subpoena power.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 28, 2018 2:06 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy

<Epp.Timothy@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

You too! This is a welcome result.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Walker, Denise
Sent: Wednesday, November 28, 2018 2:04 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

A great result, indeed!

Go team! Awesome work, Joan!!

Best,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, November 28, 2018 1:32 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: FW: EIP v. EPA (18-cv-01952) - Important update

FYI.

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

From: Brazauskas, Joseph
Sent: Wednesday, November 28, 2018 1:23 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

That's fantastic news, will pass along to Matt, great work everyone!

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Blake, Wendy
Sent: Wednesday, November 28, 2018 1:21 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update
Importance: High

Elise and Joe –

AWP and Attorney Client / Ex. 5

Finally, as we mentioned at reg review yesterday, we briefed the FOIA litigation team (including regional attorneys) yesterday on the new awareness notification procedures to ensure the procedures are understood and properly implemented.

Joan – Please send your email below to Beth, Brian and Victoria. Many thanks and great work!!

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

From: Kaminer, Joan
Sent: Wednesday, November 28, 2018 10:57 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>

Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: EIP v. EPA (18-cv-01952)

Wendy,

A-C / Attorney Work Product / Ex. 5

I will keep you posted as we move forward.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/28/2018 9:43:36 PM
To: Walker, Denise [Walker.Denise@epa.gov]; OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

That is great news.

From: Walker, Denise
Sent: Wednesday, November 28, 2018 2:55 PM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: EIP v. EPA (18-cv-01952) - Important update

Folks:

Please see below. EIP is dismissing its policy or practice claim (Count 3) in the EIP litigation, in light of the Agency's issuance of its awareness notification process.

Best,
Denise

From: Blake, Wendy
Sent: Wednesday, November 28, 2018 1:32 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: FW: EIP v. EPA (18-cv-01952) - Important update

FYI.

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

From: Brazauskas, Joseph
Sent: Wednesday, November 28, 2018 1:23 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update

That's fantastic news, will pass along to Matt, great work everyone!

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Blake, Wendy
Sent: Wednesday, November 28, 2018 1:21 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: EIP v. EPA (18-cv-01952) - Important update
Importance: High

Elise and Joe –

AWP and Attorney Client / Ex. 5

Finally, as we mentioned at reg review yesterday, we briefed the FOIA litigation team (including regional attorneys) yesterday on the new awareness notification procedures to ensure the procedures are understood and properly implemented.

Joan – Please send your email below to Beth, Brian and Victoria. Many thanks and great work!!

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

From: Kaminer, Joan
Sent: Wednesday, November 28, 2018 10:57 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: EIP v. EPA (18-cv-01952)

Wendy,

AWP and Attorney Client / Ex. 5

AWP and Attorney Client / Ex. 5

I will keep you posted as we move forward.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/28/2018 2:55:54 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Awareness notification 11/27
Attachments: image2018-11-28-071653.pdf; ATT00001.htm

Larry please add yourself as a reviewer to the checked items.

Sent from my iPhone

Begin forwarded message:

> **From:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **To:** "Walker, Denise" <Walker.Denise@epa.gov>
> **Cc:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "White, Elizabeth" <white.elizabeth@epa.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Subject: Fwd: my foia highlights**

> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "DC-WJCN-3407-M@epa.gov" <DC-WJCN-3407-M@epa.gov>
> > **To:** "Grantham, Nancy" <Grantham.Nancy@epa.gov>

Appointment

From: Hawley, Alison [Hawley.Alison@epa.gov]
Sent: 6/10/2019 2:57:15 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Costa, Karen [Costa.Karen@epa.gov]; Green-Goldsborough, Kimberly [Green-Goldsborough.Kimberly@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]

Subject: FOIA Flow Board Toolkit Discussion
Attachments: FW: Follow-up to Request to See FOIA Flow Board Kit; FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx
Location: WJCN 7309B

Start: 6/13/2019 2:00:00 PM
End: 6/13/2019 2:30:00 PM
Show Time As: Tentative

Appointment

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 6/3/2019 5:48:28 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]

Subject: OAR FOIA Energizer OGC Refresher Session
Attachments: OAR FOIA Retreat Agenda.docx
Location: WJCN 1332

Start: 6/5/2019 1:15:00 PM
End: 6/5/2019 2:15:00 PM
Show Time As: Tentative

The OAR FOIA Team is organizing the second annual "OAR FOIA Energizer" and would like to invite your office to join us once again. In the spirit of following up on last year's Meet & Greet, OAR envisions this session as a refresher for the team on the roles & responsibilities our colleagues in OGC contribute to the processing of OAR requests. Please feel free to forward this invite to fellow attendees. Prior to the session, we will provide you with a few questions and/or topics of interest that would allow your team to demonstrate the part your office plays in successful FOIA compliance. The Energizer is going to be held all day June 4th & half day June 5th, this session has been rescheduled to 9:15am to 10:15am.

Message

From: Cunningham, Bisa [cunningham.bisa@epa.gov]
Sent: 6/13/2019 6:40:59 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]
CC: Logan, Shanita [logan.shanita@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Good afternoon Tim and Allison:

Shanita and I met a few minutes ago. She recommends Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

r/s

Bisa Cunningham
Senior Advisor to the Director/Deputy Director
National FOIA Office
Office of General Counsel
WJC North (Room 5315H)
Office: 202-564-6635
Email: Cunningham.Bisa@epa.gov

From: Epp, Timothy
Sent: Thursday, June 13, 2019 8:47 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>; Logan, Shanita <logan.shanita@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Allison, See below for the edited statement and budget. I'm sending this to you now so that you can see our progress and because I don't know your due time. I have an open question:

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Wednesday, June 12, 2019 12:52 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim and Bisa,

Here's a current excerpt from our WCF Business case. Can you please fill in the table, edit any inaccurate information, and add anything you think necessary? Elise has asked for this as soon as possible. Thank you!!

NATIONAL FOIA SERVICES

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, June 11, 2019 5:08 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! Do you happen to already have any narrative justification for the numbers you sent to Shanita for FY2020 **Deliberative Process / Ex. 5** in addition to this? Heads up that we may ask you to write something in the next couple of days. Thank you!!

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

- The National FOIA Office (NFO) serves as the Agency's national program office, under the direction of the Chief FOIA Officer, for implementing and establishing policy, procedures, and directives to implement the Freedom of Information Act (FOIA) to coordinate FOIA response processing in each of the Agency's Regional and Program Offices.
- The NFO reviews and recommends changes and updates to the Agency's FOIA regulations, policies, and procedures – in FY2019, the NFO is publishing a regulation update and updates to the Agency's national FOIA Policy and Procedures. In FY2019, the NFO anticipates taking public comment on and publishing a second update to the Agency's FOIA regulations and further updates to the Agency's national FOIA Policy and Procedures.
- The NFO provides policy guidance and training to EPA's FOIA Officers, Coordinators, and professions located in each of the Agency's Regional and Program Offices, including providing interpretive statement updates, monthly training meetings, and response to questions.
- The NFO developed a web-based (FedTalent) training for all EPA staff on FOIA responsibilities, and the NFO developed and is delivering in person training to supervisors on their FOIA review responsibilities.
- The NFO provides the FOIA Expert Assistance Team (FEAT) of expert attorneys and government information specialists to assist Regional and Program Offices respond to particularly complicated FOIA requests, including multiple FOIA requests regarding the same or similar circumstances and that require response from multiple offices and involve litigation. In FY2019, the NFO is providing FEAT FOIA response assistance on more than 15 complex circumstances, and the NFO is providing FEAT consultation, management, and assistance to the

Administrator's Office on its backlog of more than 1,300 FOIA requests. The NFO is currently in discussions with a program office and two regional offices regarding the NFO providing similar services to those offices to help them address those office's overdue FOIA backlogs.

- The NFO issues monthly reports to the Regions and Program Offices on their FOIA backlog and the NFO provides reports for the Agency's Bowling Charts and tracks and implements corrective actions for missed goals and targets regarding FOIA response.
- The NFO developed a Lean Management Flowboard toolkit for FOIA processing and is providing training to offices in the regions and programs regarding use of FOIA processing flowboards, and the NFO is developing a national pulseboard of data regarding FOIA response processing at the Agency.
- The NFO currently receives, reviews, and assigns all FOIA requests submitted for response by EPA Headquarters Programs and the NFO will perform these functions for the whole agency beginning in July 2019 when EPA's regulation update is effective. The NFO is enhancing its FOIA intake functions to include: 1) issuing an initial letter to requesters on all FOIA requests; 2) assigning FOIA requests to the simple and complex processing tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for waiver of processing fees. In FY2018, the NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications. In FY2019
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Appointment

From: Vizian, Donna [Vizian.Donna@epa.gov]
Sent: 6/25/2019 1:45:40 AM
To: Vizian, Donna [Vizian.Donna@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Epp, Timothy [Epp.Timothy@epa.gov]; DCROOMWJCN3330Q [DCROOMWJCN3330Q@epa.gov]

Subject: Directives Process Discussion
Attachments: FW: Question on benefits of directives clearance process
Location: DCROOMWJCN3330Q

Start: 6/25/2019 7:00:00 PM
End: 6/25/2019 7:15:00 PM
Show Time As: Tentative

Appointment

From: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]
Sent: 6/10/2019 2:57:21 PM
To: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
CC: Costa, Karen [Costa.Karen@epa.gov]; Green-Goldsborough, Kimberly [Green-Goldsborough.Kimberly@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]

Subject: FOIA Flow Board Toolkit Discussion
Attachments: FW: Follow-up to Request to See FOIA Flow Board Kit; FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx
Location: WJCN 7309B

Start: 6/17/2019 7:00:00 PM
End: 6/17/2019 7:30:00 PM
Show Time As: Busy

Good morning all,

I apologize for the late notice for rescheduling this meeting. A conflict came up yesterday, so we're rescheduling for Monday 6/17.

Best,
Alison

Appointment

From: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]
Sent: 6/10/2019 2:57:21 PM
To: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
CC: Costa, Karen [Costa.Karen@epa.gov]; Green-Goldsborough, Kimberly [Green-Goldsborough.Kimberly@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]

Subject: FOIA Flow Board Toolkit Discussion
Attachments: FW: Follow-up to Request to See FOIA Flow Board Kit; FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx
Location: WJCN 7309B

Start: 6/13/2019 2:00:00 PM
End: 6/13/2019 2:30:00 PM
Show Time As: Busy

Appointment

From: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]
Sent: 6/10/2019 2:57:21 PM
To: Martiyan, Stefan [MARTIYAN.STEFAN@EPA.GOV]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Costa, Karen [Costa.Karen@epa.gov]; Green-Goldsborough, Kimberly [Green-Goldsborough.Kimberly@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]

Subject: FOIA Flow Board Toolkit Discussion
Attachments: FW: Follow-up to Request to See FOIA Flow Board Kit; FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx
Location: WJCN 7309B

Start: 6/13/2019 2:00:00 PM
End: 6/13/2019 2:30:00 PM
Show Time As: Busy

Appointment

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 5/15/2019 5:44:01 PM
To: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Krallman, John [krallman.john@epa.gov]

Subject: OAR FOIA Energizer OGC Refresher Session
Attachments: OAR FOIA Retreat Agenda.docx
Location: WJCN 1332

Start: 6/5/2019 1:15:00 PM
End: 6/5/2019 2:15:00 PM
Show Time As: Tentative

The OAR FOIA Team is organizing the second annual "OAR FOIA Energizer" and would like to invite your office to join us once again. In the spirit of following up on last year's Meet & Greet, OAR envisions this session as a refresher for the team on the roles & responsibilities our colleagues in OGC contribute to the processing of OAR requests. Please feel free to forward this invite to fellow attendees. Prior to the session, we will provide you with a few questions and/or topics of interest that would allow your team to demonstrate the part your office plays in successful FOIA compliance. The Energizer is going to be held all day June 4th & half day June 5th, this session has been rescheduled to 9:15am to 10:15am.

Appointment

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 5/15/2019 5:44:01 PM
To: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]

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Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/16/2019 3:55:32 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: one-on-one with Tim

Start: 5/16/2019 8:00:00 PM
End: 5/16/2019 8:30:00 PM
Show Time As: Tentative

Agenda:

1. Office structure
2. Awards
3. Front office FOIA project
4. ILPG meeting agenda items
    a. Supervisor training and training coordination generally
    b. New Relativity 9.5 Guidance Document
    c. Enhancing Intake update

Appointment

From: Bhatt, Krishna [bhatt.krishna@epa.gov]
Sent: 5/15/2019 7:05:33 PM
To: Collazo, Beatriz [collazo.beatriz@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]

Subject: FOIA Guidance Documents Brainstorming Session
Location: Skype Meeting

Start: 5/28/2019 6:00:00 PM
End: 5/28/2019 7:00:00 PM
Show Time As: Tentative

Join Skype Meeting

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Appointment

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 5/15/2019 5:44:01 PM
To: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Krallman, John [krallman.john@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]

Subject: OAR FOIA Energizer OGC Refresher Session
Attachments: OAR FOIA Retreat Agenda.docx
Location: WJCN 1332

Start: 6/5/2019 1:15:00 PM
End: 6/5/2019 2:15:00 PM
Show Time As: Tentative

→ Join Skype Meeting

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Join by phone

Toll number: +1 [Ex 6] access code: [Ex 6] (Dial-in Number) English (United States)

Find a local number

Conference ID: [Ex. 6] (same as access code above)

Forgot your dial-in PIN? | Help

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To: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Krallman, John [krallman.john@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]

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Appointment

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/1/2019 6:55:52 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]

Subject: FOIA Regs Preamble Review
Attachments: PREAMBLE_Phase I Preamble Redlining.docx
Location: NFO Conference Room

Start: 2/1/2019 7:00:00 PM
End: 2/1/2019 8:00:00 PM
Show Time As: Busy

Attached is a redlined version. I will make a clean version for everyone tomorrow morning, as well.

Hello All,

I wanted to take some time tomorrow to review my redlining of the FOIA Regs Preamble. I hope to have a draft ready for you by COB. The preamble is an adjustment to Dan's original draft and shouldn't require substantial changes. As a reminder, our current timeline has a draft of the regs going to GLO and NFO for review next week.

Thank you and please let me know if another date or time works better for you.

Best,
Chris

Appointment

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 12/10/2018 3:41:59 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]

Subject: OGC FOIA Equity Review Checklist
Attachments: DRAFT _OGC Equity FOIA Review Checklist.pdf; DRAFT _OGC Equity FOIA Review Checklist.docx
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 12/10/2018 8:00:00 PM
End: 12/10/2018 8:30:00 PM
Show Time As: Busy

This is the only time that seems to work best.

Peter we can call you in!

Appointment

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/7/2018 5:04:27 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; FOIA Coordinators [FOIA_Coordinators@epa.gov]; FOIA Coordinators Alt [FOIA_Coordinators_Alt@epa.gov]; FOIA Officers Alt [FOIAOfficers-Alt@epa.gov]; Info Attys [Info_Attys@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; OGC NFO [OGC-NFO@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Espinoza, Ana [Espinoza.Ana@epa.gov]; Zipf, Lynn [Zipf.Lynn@epa.gov]

Subject: FOIA Coordinators/Officers meeting
Attachments: FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx
Location: DCRoomARN6500PolyPCTB/DC-ARN-OAR

Start: 12/18/2018 6:00:00 PM
End: 12/18/2018 8:00:00 PM
Show Time As: Tentative

We are having a joint FOIA Coordinators and Offices meeting for the month of December.

The focus of this meeting will be to discuss and answer any questions you have concerning the attached documents.

The call in number will be Conference Line/Code / Ex. 6

Please feel free to share this invite with your FOIA professionals.

Please let me know if you have any questions.

Thank you.

Larry Gottesman

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 11/30/2018 7:23:45 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: reminder to raise at A3 coaching

Start: 12/5/2018 12:00:00 PM
End: 12/5/2018 12:30:00 PM
Show Time As: Busy

From: Epp, Timothy
Sent: Friday, November 30, 2018 2:23 AM
To: Walker, Denise; James, Kimberly M (Jones)
Cc: Gottesman, Larry; Costa, Karen; Poole, Laura
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Hi Denise, thanks much for these suggested edits.

It would be nice if we had the space to include so much – unfortunately, as I understand we have a limited number of bullets and are supposed to stay close to what was reported up to Henry Darwin through the Q4 A3 report.

We do need to consider Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Let's take this up with Laura and Karen at the next A3 coaching session. **I'm adding Wendy, Joan, Laura, and Karen as FYI on this point** – perhaps we should schedule a separate meeting on it.

Tim

Timothy R. Epp

Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Walker, Denise
Sent: Thursday, November 29, 2018 4:45 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

If you want to message this more in line with this tone/ connect with the strategic plan.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Denise A. Walker

U.S. Environmental Protection Agency

Acting Assistant Director, OGC FOIA Expert Assistance Team

Washington, D.C. |7308A WJCN

Office: 202-564-6520

EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: James, Kimberly M (Jones)
Sent: Thursday, November 29, 2018 11:25 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Tim,

Please see my note below to OAS who is compiling the accomplishments for objective 2.2 for the OMB submittal. We discussed this tasker last week. You may have a few edits, please provide them by COB today. As a reminder this will go to OMB and the public.

FYI: the original ask is the last email of this thread.

Sincerely,

Kimberly M. James (Jones)

Management Analyst and Federal Professional Coach

U.S. Environmental Protection Agency, HQ

Office of General Counsel- Resource Management Office

(202) 564-3001

james.kimberly@epa.gov

From: James, Kimberly M (Jones)
Sent: Monday, November 26, 2018 10:13 AM
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Lance,

Here is the draft language for Objective 2.2.1. This language may change as it is still awaiting final review.

Objective 2.2 (Increase Transparency and Public Participation)

Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)

Management Analyst and Federal Professional Coach

U.S. Environmental Protection Agency, HQ

Office of General Counsel- Resource Management Office

(202) 564-3001

james.kimberly@epa.gov

From: McCluney, Lance
Sent: Thursday, November 15, 2018 1:14 PM
To: Kime, Robin <Kime.Robin@epa.gov>; Teplitzky, Andy <Teplitzky.Andy@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Gutshall, Renee <Gutshall.Renee@epa.gov>; Firestone, Michael <Firestone.Michael@epa.gov>; James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Cc: Benton, Michael <benton.michael@epa.gov>; Logan, Shanita <logan.shanita@epa.gov>
Subject: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2
Importance: High

Hello All,

For the EOY Performance Measures, we (OA), along with OCG are responsible for Objective 2.2 Increase Transparency and Public Participation: Listen to and collaborate with impacted stakeholders and provide effective platforms for public participation and meaningful engagement. The objective directly supports the long-term performance goal in the FY 2018-2022 EPA Strategic Plan: By September 30, 2022, eliminate the backlog and meet statutory deadlines for responding to Freedom of Information Act (FOIA) requests. This falls under OGC's purview.

However, in the narrative we discuss how we would leverage recommendations provided by federal advisory committees such as NEJAC, LGAC, and CHPAC. We also say EPA will strengthen its community-driven approach, which emphasizes public participation to better partner with states, tribes, and communities and to maximize the support and resources of the entire Agency to create tangible environment results.

What I need from OGC, OP, OEJ, OCIR and OCHP are a few bullets on the summary of progress toward the objective in FY 2018 and any significant challenges. For the bullets use clear and concise plain language for the general public to understand. If you can get this back to me know later than Wednesday, November 21 I would greatly appreciate. If your office only have a bullet for progress and a bullet for significant challenges that is fine. Below you will find a little more information from OCFO on what they are looking for. Thank you in advance for your support.

a. Summary of progress toward strategic objective

i. Identify specific accomplishments that may help EPA achieve the objective

ii. Cite evidence including key annual performance goal results

iii. Address performance trends as appropriate

b. Significant challenges

i. Identify specific, actionable challenges that may prevent EPA from achieving the objective

ii. Include internal and external risks

iii. Cite evidence including key annual performance goal results

iv. Address performance trends as appropriate

Thanks,
Lance

Lance O. McCluney

Assistant Director, Resource Management Staff

Office of Administrative and Executive Services

Office of the Administrator

202-564-2944
mccluney.lance@epa.gov

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 6:07:35 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]

Subject: Phase I of FOIA Regulation Package
Attachments: Straight to Final Preamble and Reg Text_10.30.18.docx
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 11/30/2018 6:00:00 PM
End: 11/30/2018 7:30:00 PM
Show Time As: Tentative

All:
From Dan, attached is file of the current regulations (as copied and pasted from the GPO site), along with an initial redline edit to start working on Phase I of the regulations package.

Summarizing from the options paper, Deliberative Process / Attorney Client Ex. 5 public comment.

We will also need to discuss the requests for additional legal analysis Deliberative Process / Attorney Client Ex. 5

Best,
Denise

Discretionary

Deliberative Process / Attorney Client Ex. 5

Statutory

Deliberative Process / Attorney Client Ex. 5

Appointment

From: Breen, Barry [Breen.Barry@epa.gov]
Sent: 11/20/2018 6:43:24 PM
To: Breen, Barry [Breen.Barry@epa.gov]; Benjamin, Kent [Benjamin.Kent@epa.gov]; Brooks, Becky [Brooks.Becky@epa.gov]; Hilosky, Nick [Hilosky.Nick@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Lloyd, David [Lloyd.DavidR@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Barolo, Mark [Barolo.Mark@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Smith, Susan [Smith.Susan@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Overmeyer, Patricia [Overmeyer.Patricia@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Manges, Ellen [Manges.Ellen@epa.gov]; Wright, Peter [wright.peter@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; McLendon, Wanda [McLendon.Wanda@epa.gov]
CC: Burchette, John [Burchette.John@epa.gov]

Subject: Canceled: TO BE RESCHEDULED OLEM Office Directors Meeting - TOPIC: EPA FOIA Improvements
Attachments: Administrator FOIA memo 2018.pdf; EPA FOIA EMC presentation Final.pptx
Location: DCRoomWest4144GCIVTCPolycom/OLEM

Start: 12/17/2018 8:30:00 PM
End: 12/17/2018 9:30:00 PM
Show Time As: Free

Importance: High

Recurrence: Weekly
every Monday from 3:30 PM to 4:30 PM

Additional information concerning this meeting, please contact 202-566-0200.

This meeting is now scheduled for January 28, 2019. Cancelling the 12/17/18 calendar entry.

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 11/8/2018 2:24:49 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]

Subject: Regional FOIA Office reorg
Attachments: Region 9 FOIA Centralization Project 3.19.18.pdf; R8 FOIA Centralization Suggestion for Creating a More Efficient EPA 07June2016.docx; Reorganization Org Chart.docx; Region 10 roles.docx; Region 3 FOIA Office Proposal 9.28.18.docx; Regional FOIA Officer GS-0306-14 Position Descrption_DRAFT (003).DOCX; Reorganization Org Chart.docx
Location: Phone call

Start: 11/13/2018 5:00:00 PM
End: 11/13/2018 6:00:00 PM
Show Time As: Busy

Conference Line/Code / Ex. 6

Sharing various FOIA Officer roles descriptions.

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/29/2018 4:08:33 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]

Subject: Follow up on 10/26 Ethics/FOIA meeting
Location: Tim's Office- 5th Floor NFO offices

Start: 11/2/2018 5:00:00 PM
End: 11/2/2018 5:30:00 PM
Show Time As: Busy

Recap meeting and next steps:

- Attorney Client / Ex. 5
- Regulation discussion Attorney Client / Ex. 5 Attorney Client / Ex. 5
- Desire from Front Office for Training for Politicals
- 2014-00184 Appeal/ redacting names of potential employers- appeal from Chris Hamby- discussion/ follow up with Miller & Schwarz

*Matt- I know you're out Friday. Adding you FYSA.

dw

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/17/2018 4:38:34 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]

Subject: FOIA Regulation Review
Location: DCRoomARN7500/DC-Ariel-Rios-OGC

Start: 10/19/2018 4:00:00 PM
End: 10/19/2018 6:00:00 PM
Show Time As: Tentative

I'm going to read through the draft FOIA regulations on Friday afternoon.

You are all welcome to join me.
Linda and Judith, I know you're out tomorrow. We'll loop you in when we can.

Denise

Appointment

From: Shaffer, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47ce854437af49dab8ab700a46837fd5-PShaffer]
Sent: 10/12/2018 1:39:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]

Subject: Procedure for a FOIA on a FOIA
Location: 5315H

Start: 10/18/2018 3:00:00 PM
End: 10/18/2018 3:30:00 PM
Show Time As: Busy

Appointment

From: Shaffer, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=47ce854437af49dab8ab700a46837fd5-PShaffer]
Sent: 10/10/2018 2:43:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]

Subject: FOIA Policy Review
Location: 5315H

Start: 10/12/2018 2:00:00 PM
End: 10/12/2018 2:30:00 PM
Show Time As: Busy

Appointment

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 9/26/2018 9:34:17 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]

Subject: FOIA Regs Next Steps
Attachments: Options Selection Prebrief_9.7.18.docx
Location: DCRoomARN7428/DC-Ariel-Rios-OGC

Start: 10/4/2018 7:00:00 PM
End: 10/4/2018 8:00:00 PM
Show Time As: Busy

*****Thursday at 3 is the next best time.**

To keep conversation moving on the FOIA regs and discuss next steps. It looks like some managers may have a possible conflict at this time. If so, let me know and I will move it – likely to sometime next Thursday, 10/4.

I cannot meet before next Wednesday afternoon due to some litigation deadlines early next week.

Attached is the briefing paper in current form.

Dan

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 10/3/2018 1:40:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Start: 9/28/2018 7:00:00 PM
End: 9/28/2018 7:30:00 PM
Show Time As: Busy

Importance: High

From: Sigel, Jeremy
Sent: Friday, September 28, 2018 12:53 PM
To: Stewart, Sabrena; Larsen, Elena; Ellis, John; Townsend, Charleen; Moser, Rebecca; Johnston, Robert; Hallum, Carrie; Kelly, Lynn; Blake, Wendy; Albores, Richard; Shenefiel, Pam; Bigioni, Neil; Monson, Mahri; Judd, Jennifer; Gottesman, Larry; Epp, Timothy
Cc: Boxton, Troy; Standifer, Juanita; Kaufman, Michael
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text*

Messages as Federal Records (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

Follow-up Requests:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262

1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.

   a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
   b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.

2. Please provide the name(s) of EPA's FOIA Public Liaison(s).

   a. If the person is in an "Acting" capacity, please provide the timeframe that they have been

acting.

b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.

3. What was the last version of FOIAonline, and when did it expire?

4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

-

-

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart

Senior IT Auditor, Office of Audit and Evaluation

Information Resources Management Directorate

Office of Inspector General

Environmental Protection Agency

202-566-2889

stewart.sabrena@epa.gov

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 10/2/2018 2:16:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: RE: Chief FOIA Officers' Meeting - October 4th 10am to noon

Start: 10/4/2018 2:00:00 PM
End: 10/4/2018 4:00:00 PM
Show Time As: Busy

From: Packard, Elise
Sent: Friday, September 28, 2018 9:33 AM
To: Rementer, Nicole; Epp, Timothy; Walker, Denise; Brazauskas, Joseph
Cc: Patrick, Monique
Subject: RE: Chief FOIA Officers' Meeting - October 4th 10am to noon

Thank you.

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

From: Rementer, Nicole
Sent: Friday, September 28, 2018 9:24 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Patrick, Monique <Patrick.Monique@epa.gov>
Subject: Chief FOIA Officers' Meeting - October 4th 10am to noon
Importance: High

AGENCY:

Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION:

Notice of Chief FOIA Officers Council meeting.

SUMMARY:

OGIS and the Office of Information Policy (OIP), U.S. Department of Justice, announce a second 2018 meeting of the Chief FOIA Officers Council.

DATES:

The meeting will be Thursday, October 4, 2018, from 10:00 a.m. to 12 p.m. EDT. Please register for the meeting no later than October 2, at 5:00 p.m. EDT (registration information below).

Location: National Archives and Records Administration (NARA); 700 Pennsylvania Avenue NW; William G. McGowan Theater; Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT:

Martha Murphy, by mail at National Archives and Records Administration; Office of Government Information Services; 8601 Adelphi Road—OGIS; College Park, MD 20740-6001, by telephone at 202-741-5772, or by email at *martha.murphy@nara.gov,* with the subject line "Chief FOIA Officers Council." To request additional accommodations (*e.g.,* a transcript), email *ogis@nara.gov*or call 202-741-5770.

SUPPLEMENTARY INFORMATION:

This meeting is open to the public in accordance with the Freedom of Information Act (5 U.S.C. 552(k)). The Chief FOIA Officers Council is co-chaired by the Directors of OIP and OGIS. Among the purposes of the Chief FOIA Officers Council is developing Start Printed Page 48458recommendations to increase compliance and efficiency and sharing best practices and innovative approaches. Additional details about the meeting are available on OGIS's website at *https://archives.gov/ogis/about-ogis/Chief-FOIA-Officers-Council* and OIP's website at *https://www.justice.gov/oip/chief-foia-officers-council.*

Procedures: Due to security requirements, you must register in advance if you wish to attend the meeting. You will also go through security screening when you enter the building. To register for the meeting, please do so at the following Eventbrite link: *https://www.eventbrite.com/e/chief-foia-officers-council-meeting-100418-tickets-49346272028.*

We will also live-stream this program on the U.S. National Archives' YouTube channel, at *https://www.youtube.com/user/usnationalarchives/.* The webcast will include a captioning option.

Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Martha Murphy at the phone number, mailing address, or email address listed above.

Alina M. Semo,

Director, Office of Government Information Services.

[FR Doc. 2018-20746 Filed 9-24-18; 8:45 am]

BILLING CODE 7515-01-P

Nicole M. Rementer

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)

U.S. Environmental Protection Agency | Office of General Counsel

7426NN WJCN | 202.564.3692

rementer.nicole@epa.gov

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/13/2018 4:45:29 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Annual FOIA Report Training

Start: 10/8/2018 6:00:00 PM
End: 10/8/2018 8:00:00 PM
Show Time As: Tentative

Tim:
Matt Leopold is our new Chief FOIA Officer and responsible for submitting this report.
I'm planning to attend this training. I believe Wendy and Larry are too.

Tue, October 9, 2018
2:00 PM – 4:00 PM EDT

https://www.eventbrite.com/e/annual-foia-report-training-tickets-50004885960

DESCRIPTION

Please Note: This event is open to government employees and contractors only. Please use your government email address to register. We will send you course materials in advance.

This course provides an overview of your agency's Annual FOIA Report including:

- **Requirements for completing and submitting agency's Annual FOIA Reports in accordance with the FOIA and DOJ guidance.**

This course is intended for:

- FOIA professionals who are responsible for completing or contributing to their agency's Annual FOIA Report.

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 8/24/2018 5:14:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]

Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process
Location: call-in number **Conference Line/Code / Ex. 6**

Start: 8/28/2018 7:30:00 PM
End: 8/28/2018 8:00:00 PM
Show Time As: Busy

Moving this meeting because too much is on our plate today.

Does this work for both of you?

From: Bigioni, Neil
Sent: Friday, August 24, 2018 10:21 AM
To: Epp, Timothy
Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process
Attachments: OGC FOIA Monthly Update 2018 0815.docx

We need to discuss this at some point. I am off today but finally back in the country and we can chat today or next week.

Neil

From: Silzer, Stefan
Sent: Wednesday, August 15, 2018 3:38 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: Monthly Update – ORD's Improvement of its FOIA Review Process

Neil,

Attached and set out below is ORD's monthly status report on our FOIA process improvements.

If you have any questions, let me know.

Steve

-

-

MEMORANDUM

DATE: August 15, 2018

SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process

FROM: Stefan Silzer, Director

Office of Program Accountability and Resource Management

Office of Research and Development

TO: Neil R. Bigioni, Acting Director

National FOIA Office

Office of General Counsel

ORD has made significant progress in ensuring quality control over its FOIA process. ORD has significantly strengthened its FIOA review and approval process. As previously noted, responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review. Furthermore, ORD's

Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD released its first FIOA under this new process on August 8, 2018. ORD. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. We have already initiated the development of the final FOIA policy which should be completed in the first quarter of FY19.

ORD continues to strengthen its FOIA skills and abilities. ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker. The training was very well received. Additional training is under development. ORD is in the process of developing refresher training for senior managers to ensure that FOIA training is an ongoing activity. The refresher training will be will be finalized by the end of FY18 and utilized in the next fiscal year. Furthermore, a FOIA-professional oriented training is under development, with the first round of training to occur in September for all ORD FOIA liaisons. This is anticipated to be an all-day training. A more comprehensive, interactive face-to-face meeting/training session is also under development, using a similar model developed by the Office of Air and Radiation. This training is expected to occur in the earlier part of calendar year 2019. Additionally, ORD's FOIA lead is making progress in reviewing OPM classification standards for possible reclassification of ORD FOIA professionals into the 0306 series (developed for FOIA professionals). We anticipate completing consultation with Human Resources and having a decision by mid-October 2018.

ORD has made significant strides in strengthening our FOIA process through centralization, improving oversight, increased training and professionalism, and better internal controls. We will continue to keep you apprised through monthly updates as we move forward.

Stefan Silzer, Director

Office of Program Accountability and Resource Management

Office of Research and Development

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW (8102R)

Washington, DC 20460

202-564-5389

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/18/2018 1:34:27 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
CC: Seaton, Tom [Seaton.Tom@epa.gov]; Reeder, Melissa [Reeder.Melissa@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Subject: Updating: FEAT and NFO Awareness Notification Review List
Attachments: FEAT and NFO Awareness Review Prepared FOIA Releases 06142018.docx

Importance: High

FEAT/ OECA/ OCFO/ R10:

I am updating the FEAT portion of the awareness review notification list, which I have been meaning to do for some time now!!

Please send me any FOIA requests responses that the FEAT has sent forward and you are currently waiting on Beth's authorization to release.
Please also include the date that you sent it for review so I can update my list.
The most recent one I prepared in June is attached.

OCFO and OECA: please let me know if the travel items on this list can now be removed (I hope so!)

Please send by COB today.

Thank you!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/18/2018 10:03:08 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
CC: Seaton, Tom [Seaton.Tom@epa.gov]; Reeder, Melissa [Reeder.Melissa@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Subject: RE: Updating: FEAT and NFO Awareness Notification Review List

I didn't receive any updates from anyone.
I hope this means that nothing is currently waiting for review.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, September 18, 2018 9:34 AM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Cc: Seaton, Tom <Seaton.Tom@epa.gov>; Reeder, Melissa <Reeder.Melissa@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Updating: FEAT and NFO Awareness Notification Review List
Importance: High

FEAT/ OECA/ OCFO/ R10:

I am updating the FEAT portion of the awareness review notification list, which I have been meaning to do for some time now!!

Please send me any FOIA requests responses that the FEAT has sent forward and you are currently waiting on Beth's authorization to release.
Please also include the date that you sent it for review so I can update my list.
The most recent one I prepared in June is attached.

OCFO and OECA: please let me know if the travel items on this list can now be removed (I hope so!)

Please send by COB today.

Thank you!
Denise

Denise A. Walker

U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Appointment

From: Hawley, Alison [Hawley.Alison@epa.gov]
Sent: 6/13/2019 1:17:44 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Coxen, Carrie [coxen.carrie@epa.gov]
CC: Costa, Karen [Costa.Karen@epa.gov]; Green-Goldsborough, Kimberly [Green-Goldsborough.Kimberly@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]

Subject: FOIA Flow Board Toolkit Discussion
Attachments: FW: Follow-up to Request to See FOIA Flow Board Kit; FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx
Location: WJCN 7309B

Start: 6/17/2019 7:00:00 PM
End: 6/17/2019 7:30:00 PM
Show Time As: Tentative

Good morning all,

I apologize for the late notice for rescheduling this meeting. A conflict came up yesterday, so we're rescheduling for Monday 6/17.

Best,
Alison

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/26/2019 10:26:38 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]
CC: Thompson, Heather [Thompson.Heather@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: Review Requested (Staff-Level) - Policy and Procedures Updates
Attachments: DRAFT_EPA FOIA Policy_Clean (06.17.2019).docx; DRAFT_EPA FOIA Procedures_Clean (06.17.2019).docx; DRAFT_ FOIA Policy_Changes Explanation (06.17.2019).docx; DRAFT_ FOIA Procedures_Changes Explanation (06.17.2019).docx; CIO FOIA Policy.pdf; CIO FOIA Procedurs.pdf

Hi Kevin,

I wanted to put this at the top of your inbox. We are going to brief Elise on Tuesday, and it would be great to have your initial impressions before then.

Also, did you have a recommendation for a staff contact in the Employment Law side of your shop?

Thanks, again,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Monday, June 17, 2019 2:00 PM
To: Kelly, Lynn <Kelly.Lynn@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Krishna Bhatt (bhatt.krishna@epa.gov) <bhatt.krishna@epa.gov>; Person, Linda <Person.Linda@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Review Requested (Staff-Level) - Policy and Procedures Updates

Hello Kevin and Lynn,

As you may know, we are updating the FOIA Policy and Procedures to reflect the updates to the FOIA Regulations (which were signed on Friday).

For your initial review, I have attached:

1. A draft of the Policy
2. A draft of the Procedures
3. An explanation of changes to the Policy
4. An explanation of changes to the Procedures
5. Copies of the old CIO Policy and Procedures

We are asking that you give your preliminary feedback. Joe and Elise are yet to review these drafts, but we want your insight before we move the ball forward. We will provide Wendy/Charlotte/and your team an additional review once we get closer to finalizing. This is intended to be a staff-level review.

Would you be able to provide us feedback by Monday next week? Thank you for your help and thoughtfulness.

One additional question, would you be able to point us in the right direction for a staff contact in labor and employment law? There are some references to performance agreements that need to be considered.

Thank you, again,

Christopher T. Creech
Attorney–Adviser, National FOIA Office
Office of General Counsel, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A), Washington, DC 20460
WJCN 7353E | (202) 564-4286 | creech.christopher@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/17/2018 2:09:21 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: Fwd: Schramm, Daniel has shared 'FOIA Regulations_8.15.18_DRAFT_workgroup'
Attachments: image001.png; ATT00001.htm; image002.png; ATT00002.htm; image003.png; ATT00003.htm; image004.png; ATT00004.htm; FOIA Regulations_8.15.18_DRAFT_workgroup_clean.docx; ATT00005.htm

Team: let's convene to discuss ASAP

Sent from my iPhone

Begin forwarded message:

From: "Schramm, Daniel" <Schramm.Daniel@epa.gov>
Date: October 17, 2018 at 10:06:26 AM EDT
To: "Walker, Denise" <Walker.Denise@epa.gov>
Subject: FW: Schramm, Daniel has shared 'FOIA Regulations_8.15.18_DRAFT_workgroup'

Denise -

Resending the shared version of the FOIA preamble/regs along with a clean copy attached. Reg text starts at 33. I really recommend giving the full, re-written reg text a read and see what you think. I re-read it this morning and thought my handiwork stood up after a few months of not looking at it.

Remember that one principle we had been operating under is Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

However, I appreciate that there may be Deliberative Process / Attorney Client Ex. 5 Deliberative Process / Attorney Client Ex. 5 That is a policy call.

As drafted, I think Deliberative Process / Ex. 5

Deliberative Process / Attorney Client Ex. 5

Happy to continue the dialogue - Dan

From: Schramm, Daniel [mailto:no-reply@sharepointonline.com]
Sent: Wednesday, August 15, 2018 1:45 PM
To: Gardner, Allison <Gardner.Allison@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Schramm, Daniel has shared 'FOIA Regulations_8.15.18_DRAFT_workgroup'

FOIA Regulations Workgroup -

Thank you for your patience while I undertook a review and re-draft of the notice of proposed rulemaking. I have completed my edits and would welcome your review, comment, and feedback.

There are a number of outstanding policy questions to be resolved, which could affect the content in some places of the draft. We are still working on moving the options selection paper forward to OGC front office. Charlotte and I expect that to happen in a couple weeks.

In the meantime, I think Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am sharing this in red line strike out. I considered doing a clean copy, but I thought it would be important to see the original language in comparison to what I have drafted, in case I may have misunderstood or missed a key point or issue. I have also included comments explaining my reasoning. It will probably be easier to read in "no markup" view, but you can switch to the red line if you want to see whether/how language has been changed.

I don't have a firm deadline for you to complete your review, but I will suggest the end of the month as a reasonable ask. Based on the comments back, we can set up time to discuss outstanding issues on a call.

Please let me know if you have questions, thanks!

Dan

Open FOIA Regulations_8.15.18_DRAFT_workgroup.docx

See more related to Schramm, Daniel in Delve.

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 6/13/2019 9:36:51 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: Re: EIP v. EPA, 1:18-cv-01952

Ok- thanks.

Tim- should I be waiting for further weigh-in from you on this, or is the draft below ready for me to send to DOJ?

Thanks,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

On Jun 13, 2019, at 5:35 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> Happy to help and thanks for the opportunity to comment.
>
> We do hold a standing meeting where people are able to ask questions and we have begun incorporating the information about the ANP into our supervisor training. I believe that it was discussed on Kevin Miller's monthly Info Law calls as well.
>
> After speaking with Tim, I don't believe there are other items to share.
>
> Denise
>
> On Jun 13, 2019, at 5:16 PM, Youngblood, Charlotte <Youngblood.Charlotte@epa.gov> wrote:
>
>> Thanks, Denise. What do you think of the following revisions?
>
> **Ex. 5 ACP DPP AWP**
>
> Thanks for your help with this,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Straus Harris, Julie (CIV) <Julie.StrausHarris@usdoj.gov>
Sent: Thursday, June 13, 2019 3:40 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA, 1:18-cv-01952

Wendy, Charlotte, and Joan –

Ex. 5 ACP DPP AWP

Attorney Client / Ex. 5 AWP

From: Sanghyun Lee <slee@environmentalintegrity.org>
Sent: Wednesday, June 12, 2019 10:51 AM
To: Straus Harris, Julie (CIV) <julharri@CIV.USDOJ.GOV>
Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>
Subject: re: EIP v. EPA, 1:18-cv-01952

Hi Julie,

I hope you've been well. We have almost completed our review of the records produced by EPA, and expect to follow-up regarding proposed next steps sometime next week. I apologize this has taken me much longer than projected, my other cases have been very active lately.

I wanted to touch base with you in the meantime, however, on a pressing issue that's recently come to our attention regarding EPA's "political awareness review" policy.

As you know, on November 16, 2018, EPA Chief of Staff Ryan Jackson issued an agency-wide memorandum to all staff detailing a new "awareness notification process" which purported to immediately supersede all prior or contrary FOIA policies. This memo explicitly stated that awareness review "is not an approval process," and that reviewing officials are **not** authorized to alter determinations made by EPA's FOIA staff. Furthermore, under the new policy, any such opportunity for "awareness review" – which is to run concurrently with processing by FOIA staff – is limited to a maximum of three days, after which a determination must be issued regardless of whether the EPA officials in question have actually reviewed the records.

As you can see below in the forwarded email chain, Sylvia was recently informed by EPA FOIA staff that one of our FOIA requests (unrelated to this matter) would likely be significantly delayed to undergo mandatory review by political staff at EPA HQ – a review process occurring after review by FOIA staff and management of the relevant offices. When asked whether this was EPA's "awareness notification process," the staff member confirmed that it was, and stated that in his experience, it usually takes longer than three days for political staff at EPA HQ to approve requests. All of this, if true, would contradict the policy set forth in the November 16, 2018 memorandum.

As you know, Plaintiffs amended their original complaint based on a good faith acceptance that EPA's new "awareness notification process" would adequately ensure compliance with FOIA's requirements. So naturally, we are concerned that EPA's political staff may not, in fact, be adhering to the new policy at all.

So I wanted to reach out to you to clarify a few things:

1. Could you please confirm with EPA whether any of the three FOIA requests at issue in our case here underwent any form of "awareness review" – either under the November 16, 2018 memo's procedures, or otherwise?

2. As you can see in the forwarded email, we have asked EPA whether there is a new political awareness review policy that superseded the November 2018 policy. We would appreciate your help in getting this answer.

3. Can EPA describe any additional steps that it has taken to ensure compliance with the policy in the November 16, 2018 memorandum, aside from the memorandum itself?

I appreciate all your help and good-faith efforts to work with us to resolve this matter. As indicated by the forwarded email, we have also reached out to Wendy Blake, EPA's associate general counsel, who we have worked with to resolve FOIA matters in the past (and is CC'd here along with Charlotte, her deputy). If you or your client have any further questions, or would like to set up a time for us to discuss this further, please let us know.

Thanks,
Sunny

Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 263-4441<Outlook-w2dggyez.png>

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From: Sylvia Lam
Sent: Tuesday, June 11, 2019 12:44 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood.charlotte@Epa.gov
Cc: Sanghyun Lee <slee@environmentalintegrity.org>; Eric Schaeffer <eschaeffer@environmentalintegrity.org>
Subject: FW: FOIA follow-up

Hi Wendy and Charlotte,

I wanted to bring to your attention a concern about an open EIP FOIA request and EPA's current political awareness review process. As you are aware, EPA released a memo in November 2018 that set out the Agency's new political awareness review process that "supersedes any prior process, procedure, guidance or instruction, either formal or informal, to the extent such is inconsistent with the awareness notification process described in" Ryan Jackson's November 16, 2018 memo. *See* Ryan Jackson's Nov. 16, 2018 memo, pg. 1-2, accessible here: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf. According to the memo, political staff "will have up to three business days...to review the documents to be released." *Id.* at 4. The memo explicitly states that "[t]his awareness notification process is not an approval process. . . ." *Id.* at 1.

I've been working with EPA staff on getting responses to a FOIA request (tracking number: EPA-HQ-2019-003729). The EPA staff assigned to this FOIA request have been extremely helpful, diligent, and transparent. However, given recent communications (see below), I am concerned that political staff may not be adhering to the political awareness review policy espoused in Ryan Jackson's November 16, 2018 memo.

Could you please confirm that EPA's response to this FOIA request will not include a political awareness review that (1) requires the FOIA production to be approved by political staff prior to release; and (2) a period longer than three business days for political staff to review the documents to be released?

Alternatively, if there is a new political awareness review policy that has superseded the November 2018, could you please share that policy with us?

Thank you for considering this concern. I look forward to your response. If you would like to set up a call to discuss this matter further, please let me know.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:41 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Gotcha. I'll check with Mike to see what we can do to make sure that transmission to you happens as quickly as is possible.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:38 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Thanks, Ahmar. I will have to stress though that the memo is quite clear (see the 6th paragraph under "Process"):

> After 4 p.m. on the third business day after transmission of the awareness notification email, the Action Office shall issue the Agency's FOIA determination. The determination should be issued promptly, **but in no event later than one business day following completion of the three-day awareness notification period.**

This awareness review is required to "run concurrently with the Action Office's preparation of the FOIA response."

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:32 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

That's right, I'm referring to the awareness process. Between the production and awareness processes, my limited (one case ☺) experience suggests that it, practically, takes several days longer than the three days of the awareness review before things are actually released.

I'll follow up internally to make sure that the FOIA is marked as being in awareness review as soon as it happens.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:25 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the update. I had one clarification question I was hoping you could help me answer. You mentioned that FOIA responses now have to be cleared by the highest levels of EPA. Are you referring to the political awareness notification process?

According to a November 2018 memo released by Ryan Jackson, EPA has an "awareness notification process: that is intended to inform senior leaders of

information released through FOIA. However, this memo explicitly states that this awareness notification process is not an approval process, and should not alter any part of the agency's existing procedures for responding to FOIA requests. Instead, recipients of the awareness email have three business days to review the documents to be released, but cannot otherwise stop or delay production.

Further, the memo states that any FOIAs that have been identified for awareness review must be marked as such on FOIAonline.

Here is a link to the memo: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf

Thanks for helping to clarify things.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:06 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope everything is going well. I just wanted to let you know that Mike will be conducting management-level review of a chunk of the e-mails that are potentially responsive to your FOIA request either tomorrow or early next week, depending on how things go here. Once that process has been completed, we'll be able to send them out to you within a couple of weeks thereafter (FOIA responses now have to be cleared by the highest levels of EPA and *that* takes some time). I thought you'd be interested to know where we were and I'll keep sharing as much information about our progress as I can.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Monday, May 20, 2019 10:21 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the follow-up. This sounds good to me.

Have a great week!

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Monday, May 20, 2019 9:28 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope you had a great weekend. I Just wanted to follow up with you, as promised in my note from Friday. Mike and I just talked about getting a batch of responsive material to you, as we talked about in late April. Our expectation is to have a sizable chunk through staff review by the end of this week. Mike will then review the staff-reviewed records when we get back after Memorial Day, with the goal being to get you the batch in early June (there is some high-level process that has to be done once Mike approves material for release, which will take a few days). The remainder would then, hopefully, follow a couple of weeks after. Does that sound alright to you?

Ahmar

From: Siddiqui, Ahmar
Sent: Friday, May 17, 2019 11:35 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I'm doing well and hope the same is true for you and your family. To your question, I believe the correct answer is that review will start next week. Mike and Brian had to hash out staffing, but someone is now assigned to the records review and she should start very soon. It is a bit later than we hoped, but we're still going to shoot to get all the review done by mid-June. From what I understand, upon completion of staff review, it takes 10 days-two weeks to get

responses out, due to the review and approval required from our political leadership. Given that, we'll shoot for the end of June to get material to you.

I am at home today and Mike is off, but I will talk to him on Monday morning to see if he's OK with us trying to get small batches to you, if that can get you material to look at sooner. If you don't hear from me by Monday afternoon, please remind me ☺.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Friday, May 17, 2019 11:17 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Hope you are well! I wanted to check in on this FOIA request. When do you think EIP will start receiving responsive records?

Thanks,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Tuesday, April 23, 2019 11:30 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: FOIA follow-up

Hi Sylvia,

It was very nice chatting with you this morning about your FOIA request. As promised, I followed up with Mike about the number of e-mail records in the database that need to be reviewed. The number of records that need to be reviewed is, in fact, around 1,500. Mike will chat w/Brian to figure out staffing for the review and get it going as soon as possible thereafter. I think a reasonable target for us to shoot for is to get our review done by mid-June. As we discussed, we'll try to get responsive e-mails to you in batches every two weeks (I hedge only because we're not the only ones that need to review e-mail before releasing them: there are other parts of EPA that will be involved).

As for other physical records, we'll also start looking through those very shortly. I don't know how much CBI was generated in any of the reviews of the MPP industry, but will keep you posted as the process moves forward.

Finally, if you need to get in touch with me, please feel free to e-mail or call. My phone number is (202) 566-1044<Outlook-w2dggyez.png>.

Thanks and have a great day!

Ahmar

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/13/2019 9:35:06 PM
To: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: Re: EIP v. EPA, 1:18-cv-01952

Happy to help and thanks for the opportunity to comment.

We do hold a standing meeting where people are able to ask questions and we have begun incorporating the information about the ANP into our supervisor training. I believe that it was discussed on Kevin Miller's monthly Info Law calls as well.

After speaking with Tim, I don't believe there are other items to share.

Denise

On Jun 13, 2019, at 5:16 PM, Youngblood, Charlotte <Youngblood.Charlotte@epa.gov> wrote:

Thanks, Denise. What do you think of the following revisions?

AWP, ACP, Deliberative Process / Ex. 5

Thanks for your help with this,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Straus Harris, Julie (CIV) <Julie.StrausHarris@usdoj.gov>
Sent: Thursday, June 13, 2019 3:40 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA, 1:18-cv-01952

Wendy, Charlotte, and Joan –

AWP, ACP, DPP - Ex. 5

AWP, ACP, DPP - Ex. 5

From: Sanghyun Lee <slee@environmentalintegrity.org>
Sent: Wednesday, June 12, 2019 10:51 AM
To: Straus Harris, Julie (CIV) <julharri@CIV.USDOJ.GOV>
Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>
Subject: re: EIP v. EPA, 1:18-cv-01952

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approve requests. All of this, if true, would contradict the policy set forth in the November 16, 2018 memorandum.

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Thanks,
Sunny

Attorney
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1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 263-4441<Outlook-w2dggyez.png>

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From: Sylvia Lam
Sent: Tuesday, June 11, 2019 12:44 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood.charlotte@Epa.gov
Cc: Sanghyun Lee <slee@environmentalintegrity.org>; Eric Schaeffer

<eschaeffer@environmentalintegrity.org>
Subject: FW: FOIA follow-up

Hi Wendy and Charlotte,

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Alternatively, if there is a new political awareness review policy that has superseded the November 2018, could you please share that policy with us?

Thank you for considering this concern. I look forward to your response. If you would like to set up a call to discuss this matter further, please let me know.

Best,
Sylvia

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Attorney
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(202) 888-2701<Outlook-w2dggyez.png>

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701<Outlook-w2dggyez.png>

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:41 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Gotcha. I'll check with Mike to see what we can do to make sure that transmission to you happens as quickly as is possible.

Ahmar

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This awareness review is required to "run concurrently with the Action Office's preparation of the FOIA response."

Sylvia Lam
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some time). I thought you'd be interested to know where we were and I'll keep sharing as much information about our progress as I can.

Have a great day!

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To: Sylvia Lam <slam@environmentalintegrity.org>
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Ahmar

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Sent: Friday, May 17, 2019 11:35 AM

To: Sylvia Lam <slam@environmentalintegrity.org>
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Have a great day!

Ahmar

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To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

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Thanks,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
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From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Tuesday, April 23, 2019 11:30 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: FOIA follow-up

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Thanks and have a great day!

Ahmar

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 11/8/2018 1:52:35 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Williamson, Timothy [Williamson.Tim@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Cozad, David [Cozad.David@epa.gov]
Subject: RE: Regional FOIA Workgroup
Attachments: FOIA Office Proposal 9.28.18 (003).docx

Here are some materials we have put together in Region III, that may help advance our Tuesday discussions.

Neil

Neil R. Bigioni
Deputy Regional Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

From: Stern, Allyn
Sent: Wednesday, November 07, 2018 7:49 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: Regional FOIA Workgroup

If this is helpful, here are the roles we identified in Region 10:

- FOIA Officer: Receive incoming requests, review case file for completeness, begin close out process, train staff, coordinate with OGC, ORC and Programs.
- Case Manager: Triage incoming requests, Close many requests before you see them, prepare correspondence, coordinate with requester, manage collection directories, provide status updates,

track due dates and remind SMEs and Attorneys, train staff, upload records into FO, document communications, assign tasks, coordinate with FOIA Manager

- Lead SME: Appointed by the office FOIA Manager or Unit Manager as the program technical/site project/subject matter expert who is most familiar with FOIA request subject and likely to hold the majority of records responsive to the request. They are the lead point of contact for other SMEs assigned to the request to coordinate search and collection of responsive records
- Coordinating SMEs: Is identified by lead office SME, Unit Manager, case attorney, etc., as a holder of records potentially responsive to Request and assigned a Task to coordinate processing of the request
- FOIA Manager: A Program Office supervisor designated to oversee the timeliness of the processing of FOIAs assigned to their office
- Unit Manager: The immediate supervisor of the SME staff. A Unit Manager may receive a Task assignment for access and review of a FOIA request description to determine whether request subject pertains their program records.
- Case Attorney: The attorney assigned by ORC management to provide legal guidance/assistance to media program case or subject specific issues. ORC Unit Manager, FOIA Manager and/or Program SME will identify attorney to receive a Task assignment
- FOIA Attorney: The designated regional counsel knowledgeable on the FOIA statute, agency's FOIA regulations, policies and DOJ guidance. Provides legal advice on FOIA matters, and assist OGC and DOJ on FOIA litigation
- Office Admin/Records Contacts: Administrative and/or clerical staff with responsibilities for filing and managing office program records and files
- Office Director: Review and sign disclosure determination letters on behalf of the Agency

Allyn L. Stern
Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue, Seattle, WA 98101
206-553-1223

From: Epp, Timothy
Sent: Wednesday, November 07, 2018 9:39 AM
To: Stern, Allyn <Stern.Allyn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: RE: Regional FOIA Workgroup

Hi all,

It looks like we lose at least two people during any timeslot on Thursday and Friday. What do your Tuesday and Wednesday look like?

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel

U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Stern, Allyn
Sent: Wednesday, November 07, 2018 11:03 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: Re: Regional FOIA Workgroup

I'm not free between 8:30-9:30 Pacific on Friday. But it's ok with me to meet early. I can call in from home. Or I'm available after 9:30.

Allyn Stern
Regional Counsel

US EPA Region 10

206-553-1223

stern.allyn@epa.gov

On Nov 7, 2018, at 5:42 AM, Bigioni, Neil <bigioni.neil@epa.gov> wrote:

> Tim, et al., I had a family matter come up that may take me out of the office Friday afternoon. Would Friday at noon Eastern be too early for those on the West Coast, rather than 1? 11 AM eastern would be even better, but I don't want to inconvenience those West of the Continental Divide.
>
> Neil
>
> **From:** Epp, Timothy
> **Sent:** Tuesday, November 06, 2018 5:38 PM
> **To:** Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
> **Cc:** Cozad, David <Cozad.David@epa.gov>
> **Subject:** RE: Regional FOIA Workgroup
>
> Hi Tim, Brian, Gretchen, Neil, Allyn, and Nancy,
>
> Would you have time this Thursday or Friday, November 8 or 9, for an initial organizing meeting? Neil and I are both working on Friday and we have available time 1:00 to 3:30 on Thursday.
>
> For our first meeting, we would like everyone to share with each other any information you have already created regarding functions to be served by the ORC FOIA offices. If you send to me what you have, I can attach it to the meeting invitation.
>
> Thanks,

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Cozad, David
Sent: Monday, November 05, 2018 12:20 PM
To: Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: Regional FOIA Workgroup

Hi Tim, Brian, Gretchen, Tim, Neil, Allyn, and Nancy,

You are the folks who have volunteered to be part of a short-term workgroup to look at how we can best stand up the FOIA offices that are moving to ORC as part of the regional realignment. Thank you.

The move of regional FOIA programs to ORC is a huge opportunity for improvement. For the first time, all the regional FOIA programs will be housed in the same organizational unit in the regions, and will be directly aligned with the FOIA office in HQ. This is a chance to establish expectations, be consistent, and have accountability across all ten regions in ways that weren't possible before.

The charge for this workgroup is to come up with recommendations for regions to follow as they set up their revamped FOIA programs in ORC. The task is four-fold: (1) take what we collectively have learned about how to run a good FOIA program and identify those best practices and processes; (2) identify what functions should be handled in ORC and what functions should still be expected to be performed by offices elsewhere in the region; (3) identify how the regional FOIA offices will interface with the national FOIA office; and (4) develop a PD for the Regional FOIA Officer.

The recommendations you come up with will establish a common set of expectations for all regional FOIA programs, so that we get it right as we set up these new offices.

I have asked Tim Epp and Neil Bigioni to co-lead this group. Tim and Neil, thank you for agreeing to do so. I would like this group to complete its work in 4-6 weeks. I believe that's doable. There is considerable existing work and experience to draw from, including what OGC and Region 9 ORC have learned in standing up FOIA offices.

You can expect to hear shortly from Tim and Neil on next steps. And feel free to reach out to me at any time if you have questions or concerns.

Thanks again for agreeing to help with this-

Dave

Message

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 6/26/2019 9:30:11 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA
Attachments: Draft Correcting the Narrative Letter Template.ebp.docx

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

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 10/16/2018 11:55:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: AO4 eDiscovery Search SOP
Attachments: DRAFT_AO4 eDiscovery Search SOP_20181016.docx

Tim:

This document is ROUGH, but I think it gets at the mass-tagging technique we use and outlines the brainstormed solution that Denise and I spoke with Brian Thompson about this summer. It's also good to get this out of my head and into a document, even if EDD chews it up and sets it on fire. ☺

Happy reading!
Nicole

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692
rementer.nicole@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/13/2019 8:48:21 PM
To: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: EIP v. EPA, 1:18-cv-01952

Thanks, Charlotte!

My edits are below in red. Adding Tim.

Denise

From: Youngblood, Charlotte
Sent: Thursday, June 13, 2019 4:14 PM
To: Walker, Denise
Cc: Blake, Wendy
Subject: FW: EIP v. EPA, 1:18-cv-01952

Denise,

Can you please take a look at the note DOJ plans to send to EIP below and let me know if you have any concerns/edits? Wendy and I are also reviewing. I believe Julie hopes to send this today, or early tomorrow, if possible.

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Straus Harris, Julie (CIV) <Julie.StrausHarris@usdoj.gov>
Sent: Thursday, June 13, 2019 3:40 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA, 1:18-cv-01952

Wendy, Charlotte, and Joan –

AWP, ACP, and Deliberative Process / Ex. 5

AWP, ACP, and Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Sanghyun Lee <slee@environmentalintegrity.org>
Sent: Wednesday, June 12, 2019 10:51 AM
To: Straus Harris, Julie (CIV) <julharri@CIV.USDOJ.GOV>
Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>
Subject: re: EIP v. EPA, 1:18-cv-01952

Hi Julie,

I hope you've been well. We have almost completed our review of the records produced by EPA, and expect to follow-up regarding proposed next steps sometime next week. I apologize this has taken me much longer than projected, my other cases have been very active lately.

I wanted to touch base with you in the meantime, however, on a pressing issue that's recently come to our attention regarding EPA's "political awareness review" policy.

As you know, on November 16, 2018, EPA Chief of Staff Ryan Jackson issued an agency-wide memorandum to all staff detailing a new "awareness notification process" which purported to immediately supersede all prior or contrary FOIA policies. This memo explicitly stated that awareness review "is not an approval process," and that reviewing officials are **not** authorized to alter determinations made by EPA's FOIA staff. Furthermore, under the new policy, any such opportunity for "awareness review" – which is to run concurrently with processing by FOIA staff – is limited to a maximum of three days, after which a determination must be issued regardless of whether the EPA officials in question have actually reviewed the records.

As you can see below in the forwarded email chain, Sylvia was recently informed by EPA FOIA staff that one of our FOIA requests (unrelated to this matter) would likely be significantly delayed to undergo mandatory review by political staff at EPA HQ – a review process occurring after review by FOIA staff and management of the relevant offices. When asked whether this was EPA's "awareness notification process," the staff member confirmed that it was, and stated that in his experience, it usually takes longer than three days for political staff at EPA HQ to approve requests. All of this, if true, would contradict the policy set forth in the November 16, 2018 memorandum.

As you know, Plaintiffs amended their original complaint based on a good faith acceptance that EPA's new "awareness notification process" would adequately ensure compliance with FOIA's requirements. So naturally, we are concerned that EPA's political staff may not, in fact, be adhering to the new policy at all.

So I wanted to reach out to you to clarify a few things:

1. Could you please confirm with EPA whether any of the three FOIA requests at issue in our case here underwent any form of "awareness review" – either under the November 16, 2018 memo's procedures, or otherwise?

2. As you can see in the forwarded email, we have asked EPA whether there is a new political awareness review policy that superseded the November 2018 policy. We would appreciate your help in getting this answer.

3. Can EPA describe any additional steps that it has taken to ensure compliance with the policy in the November 16, 2018 memorandum, aside from the memorandum itself?

I appreciate all your help and good-faith efforts to work with us to resolve this matter. As indicated by the forwarded email, we have also reached out to Wendy Blake, EPA's associate general counsel, who we have worked with to resolve FOIA matters in the past (and is CC'd here along with Charlotte, her deputy). If you or your client have any further questions, or would like to set up a time for us to discuss this further, please let us know.

Thanks,
Sunny

Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 263-4441

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From: Sylvia Lam
Sent: Tuesday, June 11, 2019 12:44 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood.charlotte@Epa.gov
Cc: Sanghyun Lee <slee@environmentalintegrity.org>; Eric Schaeffer <eschaeffer@environmentalintegrity.org>
Subject: FW: FOIA follow-up

Hi Wendy and Charlotte,

I wanted to bring to your attention a concern about an open EIP FOIA request and EPA's current political awareness review process. As you are aware, EPA released a memo in November 2018 that set out the Agency's new political awareness review process that "supersedes any prior process, procedure, guidance or instruction, either formal or informal, to the extent such is inconsistent with the awareness notification process described in" Ryan Jackson's November 16, 2018 memo. *See* Ryan Jackson's Nov. 16, 2018 memo, pg. 1-2, accessible here: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf. According to the memo, political staff "will have up to three business days...to review the documents to be released." *Id.* at 4. The memo explicitly states that "[t]his awareness notification process is not an approval process. . . ." *Id.* at 1.

I've been working with EPA staff on getting responses to a FOIA request (tracking number: EPA-HQ-2019-003729). The EPA staff assigned to this FOIA request have been extremely helpful, diligent, and transparent. However, given recent communications (see below), I am concerned that political staff may not be adhering to the political awareness review policy espoused in Ryan Jackson's November 16, 2018 memo.

Could you please confirm that EPA's response to this FOIA request will not include a political awareness review that (1) requires the FOIA production to be approved by political staff prior to release; and (2) a period longer than three business days for political staff to review the documents to be released?

Alternatively, if there is a new political awareness review policy that has superseded the November 2018, could you please share that policy with us?

Thank you for considering this concern. I look forward to your response. If you would like to set up a call to discuss this matter further, please let me know.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:41 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Gotcha. I'll check with Mike to see what we can do to make sure that transmission to you happens as quickly as is possible.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:38 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Thanks, Ahmar. I will have to stress though that the memo is quite clear (see the 6th paragraph under "Process"):

> After 4 p.m. on the third business day after transmission of the awareness notification email, the Action Office shall issue the Agency's FOIA determination. The determination should be issued promptly, **but in no event later than one business day following completion of the three-day awareness notification period.**

This awareness review is required to "run concurrently with the Action Office's preparation of the FOIA response."

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:32 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

That's right, I'm referring to the awareness process. Between the production and awareness processes, my limited (one case ☺) experience suggests that it, practically, takes several days longer than the three days of the awareness review before things are actually released.

I'll follow up internally to make sure that the FOIA is marked as being in awareness review as soon as it happens.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:25 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the update. I had one clarification question I was hoping you could help me answer. You mentioned that FOIA responses now have to be cleared by the highest levels of EPA. Are you referring to the political awareness notification process?

According to a November 2018 memo released by Ryan Jackson, EPA has an "awareness notification process: that is intended to inform senior leaders of information released through FOIA. However, this memo explicitly states that this awareness notification process is not an approval process, and should not alter any part of the agency's existing procedures for responding to FOIA requests. Instead, recipients of the awareness email have three business days to review the documents to be released, but cannot otherwise stop or delay production.

Further, the memo states that any FOIAs that have been identified for awareness review must be marked as such on FOIAonline.

Here is a link to the memo: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf

Thanks for helping to clarify things.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:06 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope everything is going well. I just wanted to let you know that Mike will be conducting management-level review of a chunk of the e-mails that are potentially responsive to your FOIA request either tomorrow or early next week, depending on how things go here. Once that process has been completed, we'll be able to send them out to you within a couple of weeks thereafter (FOIA responses now have to be cleared by the highest levels of EPA and *that* takes some time). I thought you'd be interested to know where we were and I'll keep sharing as much information about our progress as I can.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Monday, May 20, 2019 10:21 AM

To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the follow-up. This sounds good to me.

Have a great week!

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Monday, May 20, 2019 9:28 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope you had a great weekend. I Just wanted to follow up with you, as promised in my note from Friday. Mike and I just talked about getting a batch of responsive material to you, as we talked about in late April. Our expectation is to have a sizable chunk through staff review by the end of this week. Mike will then review the staff-reviewed records when we get back after Memorial Day, with the goal being to get you the batch in early June (there is some high-level process that has to be done once Mike approves material for release, which will take a few days). The remainder would then, hopefully, follow a couple of weeks after. Does that sound alright to you?

Ahmar

From: Siddiqui, Ahmar
Sent: Friday, May 17, 2019 11:35 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I'm doing well and hope the same is true for you and your family. To your question, I believe the correct answer is that review will start next week. Mike and Brian had to hash out staffing, but someone is now assigned to the records review and she should start very soon. It is a bit later than we hoped, but we're still going to shoot to get all the review done by mid-June. From what I understand, upon completion of staff review, it takes 10 days-two weeks to get responses out, due to the review and approval required from our political leadership. Given that, we'll shoot for the end of June to get material to you.

I am at home today and Mike is off, but I will talk to him on Monday morning to see if he's OK with us trying to get small batches to you, if that can get you material to look at sooner. If you don't hear from me by Monday afternoon, please remind me ☺.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Friday, May 17, 2019 11:17 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Hope you are well! I wanted to check in on this FOIA request. When do you think EIP will start receiving responsive records?

Thanks,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Tuesday, April 23, 2019 11:30 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: FOIA follow-up

Hi Sylvia,

It was very nice chatting with you this morning about your FOIA request. As promised, I followed up with Mike about the number of e-mail records in the database that need to be reviewed. The number of records that need to be reviewed is, in fact, around 1,500. Mike will chat w/Brian to figure out staffing for the review and get it going as soon as possible thereafter. I think a reasonable target for us to shoot for is to get our review done by mid-June. As we discussed, we'll try to get responsive e-mails to you in batches every two weeks (I hedge only because we're not the only ones that need to review e-mail before releasing them: there are other parts of EPA that will be involved).

As for other physical records, we'll also start looking through those very shortly. I don't know how much CBI was generated in any of the reviews of the MPP industry, but will keep you posted as the process moves forward.

Finally, if you need to get in touch with me, please feel free to e-mail or call. My phone number is (202) 566-1044.

Thanks and have a great day!

Ahmar

Message

From: Thompson, Heather [Thompson.Heather@epa.gov]
Sent: 6/26/2019 8:10:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: FOIA Policy and Procedure Draft Communications
Attachments: Draft Email distributing FOIA Policy and FOIA Procedures for review and comment.pdf

Hi Tim,

The Policy and Procedures team has been working on some draft communications to distribute the FOIA Policy and FOIA Procedures documents for review and comment. Below is a link to a draft briefing paper outlining potential options for outreach to the regional and headquarters FOIA programs for your consideration. Please let us know if you have any thoughts on the best approach (note that the team recommends option 3) and whether we should raise this with Elise during the next Reg Review.

Options for Regional and Headquarters FOIA Program Outreach

I have attached a draft of the email communication for distributing the documents to the FOIA Programs. As drafted, the email would be distributed by you to the FOIA Programs. Please let us know if you think that the communication should come from the Front Office. We also would like your input on the distribution list. Should we distribute the documents only to FOIA Officers and Coordinators or expand the distribution list to include identified information law attorneys and FOIA supervisors?

Regards,

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/2/2018 4:14:35 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Final Draft FOIA Memo for Admin
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 11.1 docx.docxwlb.docx

Importance: High

Attached are Charlotte's, Kevin's and my comments on the memo. I have a concern with Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 that I would like to discuss tomorrow morning.

I should be in the office by 8 or 8:15 am. 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

From: Blake, Wendy
Sent: Thursday, November 01, 2018 3:49 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Final Draft FOIA Memo for Admin

Tim and Joe – I do have some comments on the memo. I have been in PARS and other meetings most of the day. I will work to get you my comments as soon as I can, but it will likely not be before 5 pm. I am in back-to-back PARS meetings from now through 5 pm.

Tim – I will get back to you as soon as I can.

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

From: Epp, Timothy
Sent: Thursday, November 01, 2018 3:21 PM

To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Final Draft FOIA Memo for Admin

Hi Joe,

Here is a redline and clean version of the updated draft FOIA memo for the Administrator – for you to discuss with Matt at 5:00 pm. As we just discussed, this does not yet include comments/edits from Wendy this afternoon.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 10/16/2018 2:48:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw.docx
Attachments: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw_dps.docx

Attorney Client DPP / Ex. 5

Should the three of us find some time to talk this week?

From: Epp, Timothy
Sent: Monday, October 15, 2018 9:11 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw.docx

Hi Dan,

Could you take a look at what Denise has pulled together **Attorney Client DPP / Ex. 5**

Attorney Client DPP / Ex. 5

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Walker, Denise
Sent: Friday, October 12, 2018 4:37 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw.docx

Tim:

Here you go. As requested, I wrote up the vision for FOIA perfection. This is what I would like to see the National FOIA office do with a centralized intake process.
Bonus: I drafted the corresponding regulations to implement it that also conform to the 2016 FOIA updates.

Enjoy,
Denise

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/2/2018 3:29:10 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: comments on power point
Attachments: OGC FOIA Improvement Initiatives 2018 - updated Nov 1.wb.pptx

Tim – Attached are a few suggestions on the power point. I am sorry I wasn't able to get you something earlier today. I was in meetings since the FEAT meeting, and my one free spot from 2 to 2:30 became booked with another meeting.

Please let me know if you have any questions. I will be in the office by 8 tomorrow.

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/1/2018 9:57:20 PM
To: OGC NFO [OGC-NFO@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: FOIA Regulations_11.01.18_DRAFT_workgroup_clean NFO.docx
Attachments: FOIA Regulations_11.01.18_DRAFT_workgroup_clean NFO.docx

More progress…

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 11/1/2018 5:39:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: Re: Draft FOIA memo

Yes, a copy of the slides would be great. Thanks Tim.

Sent from my iPhone

On Nov 1, 2018, at 1:32 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thanks Joe – Wendy wants until 2:30 today to review and possibly offer edits. I am making myself available at 2:30 to do any updates and generate the redline. I will then send it to you electronically with a copy to Pat so that she can print it for you.
>
> Would you also like a copy of the slides to discuss with Matt?
>
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> ---
>
> **From:** Brazauskas, Joseph
> **Sent:** Thursday, November 01, 2018 1:29 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Cc:** Blake, Wendy <Blake.Wendy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
> **Subject:** RE: Draft FOIA memo
>
> I am good with this, will you send me the redlined version and I will discuss with Matt. Thanks
>
> **Joseph A. Brazauskas**
> Associate Deputy General Counsel
> U.S. Environmental Protection Agency
> (202) 564-5189
>
> ---
>
> **From:** Epp, Timothy
> **Sent:** Thursday, November 1, 2018 11:52 AM
> **To:** Brazauskas, Joseph <brazauskas.joseph@epa.gov>
> **Cc:** Blake, Wendy <Blake.Wendy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
> **Subject:** RE: Draft FOIA memo
>
> Joe and Wendy,
>
> One more fix to the memo – tone issue on the sentence asking programs and regions to work on backlog to recognize prior efforts. Here is the edit:

Deliberative Process / Ex. 5

Elise looked at this on the margins of the Senior Staff meeting and is ok with it.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Packard, Elise
Sent: Thursday, November 01, 2018 11:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft FOIA memo

I agree on the policy, I tripped a little reading there.

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

From: Epp, Timothy
Sent: Thursday, November 01, 2018 11:06 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft FOIA memo

Here is an updated, clean copy (no redlining) with Elise's changes along with a few other cosmetic and editorial changes.

Please note: I have deleted the last paragraph of the section we have been working on – it spoke to the effort to update the policy and regulations, which seemed to me to be too much in the weeds in relation to the other topics in the section.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Packard, Elise
Sent: Thursday, November 01, 2018 10:50 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft FOIA memo

What about this? I find the sentence about leading from the top to be odd where it's placed, and perhaps better here as in intro sentence to the paragraph on AO4

Deliberative Process / Attorney Client Ex. 5

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

From: Epp, Timothy
Sent: Thursday, November 01, 2018 10:30 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft FOIA memo

Thanks Joe,

Here is another option to replace the sentence on data from the AO4 project: Deliberative Process / Attorney Client Ex. 5

Deliberative Process / Attorney Client Ex. 5

I've asked my team to prepare a draft of what this report could look like. The first report would include a narrative paragraph describing the accomplishments in the AO4.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Brazauskas, Joseph
Sent: Thursday, November 01, 2018 7:07 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Re: Draft FOIA memo

Tim, I like the edits you made here, the only concern I might have is Deliberative Process / Attorney Client Ex. 5
Deliberative Process / Attorney Client Ex. 5 Thanks, Joe

Sent from my iPhone

On Oct 31, 2018, at 6:44 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Elise and Joe,

Attached are my first cut at editing the FOIA memo to meet Matt's request – I've invited comments and filling in data by NFO and GLO folks. Recognizing that time will be short for finalizing tomorrow and Friday morning, I'm sending this now so that you can give early reactions if you want to. (A PDF is attached as well for easier IPhone reading.)

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Wednesday, October 31, 2018 6:37 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Draft FOIA memo
Importance: High

Hi Denise, Nicole, Wendy, Charlotte, and Kevin,

Joe gave me some feedback regarding the draft Administrator's FOIA memo that he got from Matt. Attached are my edits to meet Matt's request. Nicole and Denise, there are XXX identifying data on the AO4 project that we need to add. All, please review for everything from content to style – I did choose a somewhat more breezy style to make the results punchy.

Here is what Joe wrote: "In the FOIA memo he suggested that you include some language that addresses how we are going to tackle the backlog of the AO, i.e. Tiger Team, etc. in a leading by example fashion for the Administrator."

Obviously, we need to get this wrapped and up to Joe and Elise for review early tomorrow – I will send them a heads up on this draft, so that they can cut early if they want to.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

<Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).docx>

<Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy (002).pdf>

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/31/2018 11:31:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: Draft FOIA memo
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.31.2018 TE DWdocx.docx

My edits are attached.
We're working on the numbers. Missing a few key pieces of intel but will get there in the am!

Here's where we are so far:

1. AO4 Requests closed out since Implementation April 30, 2018 – October 31, 2018
~ 200 AO4 is going to meet and determine the exact number on Friday.
(42 in the last week!)

2. AO4 Interim releases April 30, 2018 – October 31, 2018
387+
(We could send the 162 for the Sierra Club release and the 52 from the "Project Red" production that are ready to go and up that number to over 600! We're right there…just need a green light from Beth.)

3. AO4 Tiger Team documents reviewed August 14, 2018 to October 31, 2018

Tiger Team 1st Pass:
15,985 (Nicole's Beachhead and Transition workspaces)
4,938 (Victor's Air workspace)
Xxxxx (Breanne's Definers workspace)
Total

Tiger Team 2nd Pass:
16,414 (Nicole's Beachhead and Transition workspace)

Tiger Team Final Pass:
3,615 (Nicole's Beachhead)

Total Tiger Team Activity:
(Add 3 totals for full number of "document actions" completed by the Tiger Team.)

****

Best,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Wednesday, October 31, 2018 6:37 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Draft FOIA memo
Importance: High

Hi Denise, Nicole, Wendy, Charlotte, and Kevin,

Joe gave me some feedback regarding the draft Administrator's FOIA memo that he got from Matt. Attached are my edits to meet Matt's request. Nicole and Denise, there are XXX identifying data on the AO4 project that we need to add. All, please review for everything from content to style – I did choose a somewhat more breezy style to make the results punchy.

Here is what Joe wrote: "In the FOIA memo he suggested that you include some language that addresses how we are going to tackle the backlog of the AO, i.e. Tiger Team, etc. in a leading by example fashion for the Administrator."

Obviously, we need to get this wrapped and up to Joe and Elise for review early tomorrow – I will send them a heads up on this draft, so that they can cut early if they want to.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 10/11/2018 12:31:50 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: FW: Awareness Notification Procedures
Attachments: Awareness notification process BB edits 10.5.18.docxWB.docx

Denise and Tim – I thought I hadn't sent my comments on the ANP, but I did send them Friday. Please bring a copy of the attached to our 9:30 am meeting in 7346 so we can discuss issues with Beth.

I have a hard stop at 10 am with another meeting

Agenda for today's 9:30 am meeting:

1. ANP follow-up (our comments, USDA version, litigation strategy)
2. Production deadline issues
3. Other? Kevin/Tim/Denise please add.

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

From: Blake, Wendy
Sent: Friday, October 05, 2018 1:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Procedures

All – I also had a chance to go through Beth's document. I accepted several edits. The edits that remain are ones that I would like to discuss with NEO. I have concerns with AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

See also my thoughts in bold to Tim's comments.

Also, didn't Beth AWP/ACP/DPP Ex. 5

Wendy

From: Epp, Timothy
Sent: Friday, October 05, 2018 9:13 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Awareness Notification Procedures

Deliberative; attorney-client privilege.

Hi all,

Some thoughts on Beth's edits to the Awareness Notification Procedure:

AWP/ACP/DPP Ex. 5

What do you all think?

What is the current timing need for this and litigation settlement? **I explained to Joe my strong desire to finalize this as soon as possible.**

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Friday, October 05, 2018 7:49 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Awareness Notification Procedures

Hi Denise – did you intend to attach a document with your comments? If so, please forward it when you get a chance.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Walker, Denise
Sent: Thursday, October 04, 2018 5:46 PM

To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Procedures

I have a few comments related to AWP/ACP/DPP Ex. 5

Thank you for the opportunity to review,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Youngblood, Charlotte
Sent: Thursday, October 04, 2018 12:49 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Awareness Notification Procedures

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: White, Elizabeth
Sent: Monday, October 1, 2018 5:00 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification Procedures

I apologize for the delay. Attached are my thoughts/edits. Let me know when you would like to discuss.

Beth

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Blake, Wendy
Sent: Wednesday, September 12, 2018 12:59 PM
To: Tran, Victoria <tran.victoria@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Awareness Notification Procedures

Victoria, Beth, and Brian,

As we discussed at our GLO/NFO/OEX meeting last week, attached is the current version of the awareness notification procedures. Could you review the attached and let me know if you have any additional revisions? I would like to discuss next steps with regard to finalizing and implementing the attached. 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: Talty, Mark [Talty.Mark@epa.gov]
Sent: 10/29/2018 11:59:38 AM
To: McConkey, Diane [Mcconkey.Diane@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]
Subject: FW: Procedural rules/FEAT options paper
Attachments: Options Selection Prebrief_10.24.18_NandCsplit (CCILO comments).docx

Sorry, Diane. Here is the version that contains my 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: Talty, Mark
Sent: Friday, October 26, 2018 3:03 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Procedural rules/FEAT options paper

Tim,

Andy indicated that you needed quick feedback from CCILO on the attached options paper; specifically,

Deliberative Process / Attorney Client Ex. 5

I will be in the office early on Monday and am happy to address any additional questions or concerns that you have.

Have a great weekend.

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

Message

From: Stewart, Sabrena [Stewart.Sabrena@epa.gov]
Sent: 10/10/2018 3:56:14 PM
To: Hallum, Carrie [hallum.carrie@epa.gov]; Sigel, Jeremy [Sigel.Jeremy@epa.gov]; Larsen, Elena [Larsen.Elena@epa.gov]; Ellis, John [Ellis.john@epa.gov]; Townsend, Charleen [Townsend.Charleen@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Johnston, Robert [Johnston.Robert@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Albores, Richard [Albores.Richard@epa.gov]; Shenefiel, Pam [shenefiel.pam@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]; Judd, Jennifer [Judd.Jennifer@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Boxton, Troy [Boxton.Troy@epa.gov]; Standifer, Juanita [Standifer.Juanita@epa.gov]; Kaufman, Michael [Kaufman.Michael@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Thank you Carrie, I didn't receive a return call from you and wasn't aware that you left a message. However, I just checked your message from 11:13AM today and will check with the Office of General Counsel for a response.

Thanks again for your response,

Sabrena

Sabrena Stewart
IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

From: Hallum, Carrie
Sent: Wednesday, October 10, 2018 11:46 AM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Sabrena,

As I stated in my return voicemail to you this morning, it is my understanding that questions 1 and 2 should be addressed by the Office of General Counsel, where the FOIA program is currently housed.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow

OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Stewart, Sabrena
Sent: Wednesday, October 10, 2018 11:44 AM
To: Hallum, Carrie <hallum.carrie@epa.gov>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Good Morning Carrie,

Thank you for your October 4, 2018 responses to our last follow-up email requests, that had a due date of October 9, 2018. It is much appreciated.

However, I am following up on the voice mail that I left you this morning at 9:00 AM. The OIG would appreciate a written response on the remainder 2 follow-up questions (questions 1 and 2) today. If there is an additional delay (beyond the close of business today) in responding, please inform us with a requested extension date.

Thank you,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

From: Hallum, Carrie
Sent: Thursday, October 4, 2018 2:59 PM
To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael

<Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena and Jeremy,

Below are the responses from OEI regarding questions #3-6 in your information request.

3. What was the last version of FOIAonline, and when did it expire?

RESPONSE: The current version of FOIAonline in production is 3.1.3. We are currently deploying updates every 2-3 weeks depending on the functionality or system improvements needed. The legacy system was taken off-line on July 3, 2018 (close of business 6:00 pm EST)

4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

RESPONSE: FOIAonline 3.0 was deployed on July 9, 2018; and made available for the public and agency users. While there is an new url for the upgraded site, a redirect from the old url is being maintained to ensure continuity of access. The new url for public access is https://foiaonline.gov. Agencyusers have unique variations of the url to fit their authentication process.

5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

RESPONSE: Data for all agency partners to complete their FY18 Annual Reports have been migrated into FOIAonoline 3.0. For most of the partners, all of their data are in FOIAonline 3.0. For 5 of the 19 agencies with data in the system, their data migration will restart once the year end annual report efforts have been completed, which we roughly estimate to begin December 1, 2018, and continue thru February 15, 2019.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

RESPONSE: The majority of case level information is currently available in FOIAonline. If agencies have particular cases that have not been migrated but to which they need access (e.g., for litigation), they can submit a request to the help desk to have the migration of these cases expedited. The expedited migration of specific cases can usually be completed within the same week that the request is made.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Sigel, Jeremy
Sent: Friday, September 28, 2018 12:53 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217
Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

Follow-up Requests:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262
  1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
     a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.

b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.

2. Please provide the name(s) of EPA's FOIA Public Liaison(s).
   a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
   b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.

3. What was the last version of FOIAonline, and when did it expire?

4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 10/26/2018 8:06:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: NFO meeting at 4pm Monday 10/29

Got it! Many thanks!

From: Epp, Timothy
Sent: Friday, October 26, 2018 3:56 PM
To: Blake, Wendy
Cc: Youngblood, Charlotte
Subject: RE: NFO meeting at 4pm Monday 10/29

Yes – I've sent that email to the immediate office support staff (last time I forwarded a meeting without asking Monique to do it, she scolded me).

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Blake, Wendy
Sent: Friday, October 26, 2018 3:55 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: NFO meeting at 4pm Monday 10/29

Tim - Could you invite Charlotte and me to the meeting?

Wendy

From: Epp, Timothy
Sent: Friday, October 26, 2018 3:32 PM
To: Packard, Elise; Brazauskas, Joseph
Cc: OGC NFO; Schramm, Daniel; Talty, Mark; Simons, Andrew; Blake, Wendy; Youngblood, Charlotte; OGC Immediate Office Support
Subject: NFO meeting at 4pm Monday 10/29

Hi all,

For the Monday 4:00 pm NFO Meeting with Elise and Joe, attached are three documents. The agenda will be:

1) Seeking decision authorizing redirecting of site-specific FOIA requests to MyProperty (Wendy/Larry)

2) Draft Memo on interim extension of OEI FOIA Policy and Procedure & process (Chris)
3) Draft Options Selection Memo for Regulations (Dan & Mark Talty/Andrew Simons)

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/10/2018 1:22:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Policy/Procedure review

Hi Tim,

Yes, I would be interested in leading the Policy and Procedure interim review and update. I agree with your path forward. To keep the review/update apace, I would imagine the initial review could be done with the rest of this week, and we could meet Friday or Monday (step 1) to get on the same page and confer about the scope of the update.

I am happy to begin ASAP given the accelerated timeframe. Thanks, Tim. This is a very exciting opportunity.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Wednesday, October 10, 2018 8:01 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Policy/Procedure review

Hi Chris,
Denise mentioned that you expressed interest in leading the FOIA Policy and Procedure interim review/update. Are you interested? The path that I would like taken on it would be as follows: 1) your review and discussion with me; 2) solicit views on your draft from others in NFO, followed by a check-in with me; 3) solicit GLO's legal review, followed by a check-in with me; and 4) briefing up to Elise/Joe and then to Matt – all, if possible, within 4 weeks.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: White, Elizabeth [white.elizabeth@epa.gov]
Sent: 10/31/2018 2:56:04 PM
To: Hill, Kevin W. [hill.kevinw@epa.gov]
CC: Tran, Victoria [tran.victoria@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Yes, please release. Thank you.

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Hill, Kevin W.
Sent: Wednesday, October 31, 2018 10:26 AM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Beth,

Just following up on this Awareness Review to see if this one is ready to go. Barry Breen did not review these records. But they were reviewed by Victor, Rob, and I (for OGC or AO equities). Please let me know when we can release these records.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: White, Elizabeth
Sent: Monday, October 29, 2018 10:15 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Kevin- I'm fine with this. I assume someone let Barry Breen see it?

Beth White
Director, Office of the Executive Secretariat

U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Hill, Kevin W.
Sent: Monday, October 29, 2018 9:13 AM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Good Morning Beth,

Upon your approval, the Office of Land & Emergency Management / Office of Resource Conservation and Recovery (OLEM/ORCR) is planning to release the files at the link below to Amanda Goodin of EarthJustice (EPA-HQ-2018-004659). Please see the additional details below and let us know when we can release these records.

For OLEM's CERCLA 108(b) FOIA (hard rock mining regulations), OLEM processed these documents through two reviews by OLEM staff. These documents were also reviewed by Victor for AO equities and by Rob Stachowiack and I for OGC equities.

The documents are attached. The records are for the following custodian.

- **Stage 2:** All records for which *Barry Breen* is the responsive custodian, using search terms (1) through (4).

Search Item No.	Search Terms:
(1)	"Financial assurance rule"; "Financial assurance regulation"; "FA rule"; "FA regulation"
(2)	"Financial responsibility rule"; "Financial responsibility regulation"; "FR rule"; "FR regulation"
(3)	"hardrock mining rule"; "hard rock mining rule"; "hardrock mining regulation"; "hard rock mining regulation"; "HRM rule"; "HRM regulation";
(4)	"CERCLA rule"; "CERCLA regulation" "CERCLA 108"

If you need anything else, please let me know. Thank you.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel

1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Hill, Kevin W.
Sent: Thursday, October 18, 2018 4:29 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>
Subject: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Good Afternoon Beth,

Upon your approval, the Office of Land & Emergency Management / Office of Resource Conservation and Recovery (OLEM/ORCR) is planning to release the files at the link below to Amanda Goodin of EarthJustice (EPA-HQ-2018-004659). Please see the additional details below and let us know when we can release these records.

For OLEM's CERCLA 108(b) FOIA (hard rock mining regulations), OLEM processed these documents through two reviews by OLEM staff. Because of the subject matter, the reviewers determined that these documents did not need review by any other offices outside of OLEM. Note---an additional 600+ documents were determined to have some sort of non-OLEM equity, so those have been sent out separately for equity reviews.

The documents are available here in three parts:
C:\Users\KHill03\OneDrive - Environmental Protection Agency (EPA)\Awareness Review\EPA-HQ-2018-004659\Stage 3+4

The records pertain to the following custodians:

- **Stage 3:** All records for which *David Kreutzer, Douglas Ericksen, Layne Bangerter, Byron Brown, David Fotouhi, George Sugiyama, Justin Schwab,* and *Sarah Rees* are the responsive custodians, using search terms (1) through (4).
- **Stage 4:** All records for which *Charles Munoz, David Schnare, Donald Benton, Holly Greaves, John Konkus, Kevin Minoli,* and *Patrick Davis* are the responsive custodians, using search terms (1) through (4).

Search Item No.	Search Terms:
(1)	"Financial assurance rule"; "Financial assurance regulation"; "FA rule"; "FA regulation"
(2)	"Financial responsibility rule"; "Financial responsibility regulation"; "FR rule"; "FR regulation"
(3)	"hardrock mining rule"; "hard rock mining rule"; "hardrock mining regulation"; "hard rock mining regulation"; "HRM rule"; "HRM regulation";
(4)	"CERCLA rule"; "CERCLA regulation" "CERCLA 108"

If you need anything else, please let me know. Thank you.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: White, Elizabeth
Sent: Friday, October 5, 2018 3:56 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: OLEM documents (no equities set)

Yes, could you send me and Victoria the documents? Thank you!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Hill, Kevin W.
Sent: Friday, October 5, 2018 3:50 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: OLEM documents (no equities set)

Beth,

Could you please advise if these records are ready for your awareness review, or require further steps beforehand?

For OLEM's CERCLA 108(b) FOIA (hard rock mining regulations), OLEM has about ***1,500 documents upcoming*** that went through two reviews by OLEM staff. These were tagged as not having any equities except their own, so they were determined to not need review by any other offices. (Note---an additional 600+ documents were determined to have some sort of equity, so those have been sent out separately for equity reviews).

The documents are from the following custodians:

- **Stage 3:** All records for which *David Kreutzer, Douglas Ericksen, Layne Bangerter, Byron Brown, David Fotouhi, George Sugiyama, Justin Schwab,* and *Sarah Rees* are the responsive custodians, using search terms (1) through (4).
- **Stage 4:** All records for which *Charles Munoz, David Schnare, Donald Benton, Holly Greaves, John Konkus, Kevin Minoli,* and *Patrick Davis* are the responsive custodians, using search terms (1) through (4).

Search Item No.	Search Terms:
(1)	"Financial assurance rule"; "Financial assurance regulation"; "FA rule"; "FA regulation"
(2)	"Financial responsibility rule"; "Financial responsibility regulation"; "FR rule"; "FR regulation"
(3)	"hardrock mining rule"; "hard rock mining rule"; "hardrock mining regulation"; "hard rock mining regulation"; "HRM rule"; "HRM regulation";
(4)	"CERCLA rule"; "CERCLA regulation" "CERCLA 108"

OLEM management has been periodically briefed on the topic of this FOIA request and is aware of their processing team's efforts. The FEAT conducted the document review kickoff training and has occasionally provided redaction guidance when asked. OLEM has informed me that they could provide you with more specifics about their processes if necessary.

Would you like me to send these ***1,500 documents upcoming*** for awareness review?

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/22/2018 9:25:04 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: FOIA Regulations_8.15.18_DRAFT_workgroup_clean NFO.docx
Attachments: FOIA Regulations_8.15.18_DRAFT_workgroup_clean NFO.docx

Hi all!

We got about halfway through editing this last time.
I'll find some time to pick this back up.
Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/22/2018 7:47:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: Environmental Integrity Project v. EPA, 18-cv-1952 (D.D.C.): draft partial motion to dismiss (DUE TUESDAY) (1 of 2)
Attachments: FEAT and NFO Awareness Review Prepared FOIA Releases 04302018.docx; FEAT and NFO Awareness Review List 04302018.xlsx

Joan & Tim

Some background on each of these requests for your/ DOJ's information.

- EIP's request EPA-HQ-2018-005878 was, in fact, on my list, but not for very long (see below/attached)
- EPA-HQ-2018-005041 was identified for an interim release- I'll forward you an e-mail about that one next.
- EPA-HQ-2018-006648 – I don't have any supplemental information.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Wednesday, May 02, 2018 11:07 AM
To: Seaton, Tom <Seaton.Tom@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Reeder, Melissa <Reeder.Melissa@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: FW: FEAT and NFO Awareness Notification Review List 4/30/2018

Good news & heads up!

I heard from Marcella/Wendy Blake that all 50 of the releases on the attached awareness review list will be released by Friday.

Tom, I'll touch base with you later today.

Thank you!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520

EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/22/2018 5:23:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA processing in the Office of the Administrator
Attachments: AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx; AO FOIA Centralization Pilot Project. Cover Memo for Employee Communicat....docx; AO FOIA Centralization Project. Qs and As. 07.21.2017.docx; AO FOIA Centralization Pilot Project. Direction. 07.21.2017.docx; AO FOIA Centralization Pilot Project. Initial Implementation Plan.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Dolph, Becky
Sent: Monday, March 26, 2018 6:59 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: FOIA processing in the Office of the Administrator

FYI

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

From: Jackson, Ryan
Sent: Monday, July 24, 2017 11:46 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Fine, Steven <fine.steven@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Darwin, Henry <darwin.henry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: FOIA processing in the Office of the Administrator

Due to the large amount of FOIA requests we are receiving, I am concerned that we are getting flooded without a new process to address this new problem. Working with the OGC, I am issuing the memo detailing a new process within the Office of the Administrator for responding to FOIAs with attachments on Q&A, next steps for the specific offices involved, and a general description of the new process. The attachments also include a memo for you to send to your offices regarding the new process.

I believe this will streamline the process and achieve a consistent process among the offices in the OA. Additionally, I believe this will help best inform FOIA improvement work throughout the agency as we are working on improving that system. This will be a good test case.

Please issue the memo from you offices at your convenience today, and I believe this will help you and relieve some of the added burdens from outside groups abusing the FOIA process.

I would like to especially thank Becky for her consistent work to inform us of new FOIAs and her work in organizing this project and taking on this added workload. She's a hero for this.

Thank you,

Ryan.

MEMORANDUM

FROM: Ryan Jackson, Chief of Staff

TO: Kevin Minoli, Acting General Counsel
Steve Fine, Acting Assistant Administrator, Office of Environmental Information
Samantha Dravis, Associate Administrator for Policy
Troy Lyons, Associate Administrator for OCIR
Liz Bowman, Acting Associate Administrator for Public Affairs
Brian Hope, Acting Director, Office of the Executive Secretariat

SUBJECT: Office of the Administrator FOIA Centralization Pilot Project

By this memorandum, I am asking you to implement a pilot project centralizing all incoming Freedom of Information Act requests directed to the Immediate Office of the Office of the Administrator, the Office of Public Affairs (OPA), the Office of Policy (OP) and the Office of Congressional and Intergovernmental Relations (OCIR) consistent with the attached project description.

This pilot project is anticipated to enhance the Agency's ability to provide effective and efficient FOIA production in response to the many FOIA requests directed to these four offices. Additionally, the pilot project will generate information on the benefits of increased centralization of FOIA processing responsibilities at the EPA and the resources necessary for such centralization. This information will be used in making near-term decisions regarding the potential increased centralization of FOIA at the Agency.

While I realize that the project will take time for full implementation, I ask that your offices begin those implementation efforts immediately. I have attached a cover memo and attachments for you to use to communicate this project with your staff and ask that you disseminate this information Monday.

Thank you for your willingness to assist in our efforts aimed at enhancing the overall efficacy of the Agency's FOIA program.

Attachments

cc: Henry Darwin
Byron Brown

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/22/2018 5:19:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).pdf
Attachments: AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).pdf

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 10/10/2018 10:52:36 AM
To: OGC ALL USERS [OGC_ALL_USERS@epa.gov]; OGC RCs and DRCs [OGC_RCs_and_DRCs@epa.gov]
Subject: OGC Senior Staff Notes: October 4
Attachments: ELPC order Oct 3 2018.pdf; Doc 82 Order.pdf; Doc 83 Mem Opinion.pdf

We have lots to report today, including a big thank you to all who helped close 40 administrative FOIA appeals . And at the very end of the email you'll see a description of next week's Conflict Resolution Week events.

Matt Leopold began the meeting by reminding everyone that Dave Cozad, Region 7 Regional Counsel, will join OGC on Tuesday October 9. Dave will serve as a Deputy General Counsel in the Front Office on an acting basis. Among his duties, Dave will coordinate with and manage the Regional Counsels.

Eric Schaaf (Region 2) reported that on September 27, Region 2 RA Pete Lopez and staff participated in a formal consultation meeting with the Seneca Nation of Indians (SNI) to discuss the Nation's concerns about the potential impact of treated oil and gas wastewaters on its tribal waters in the Allegheny watershed. The SNI had asked EPA for assistance in understanding the potential implications of several high-profile projects planned in Pennsylvania that have potential downstream impacts to NY and the SNI. R3 is the technical lead for project review, while R2 is the lead on the formal consultation request that the SNI initiated several months ago. R3 representatives also participated in this consultation meeting.

Bert Frey (Region 5) & Steve Neugeboren (WLO) reported Bert Frey (Region 5) reported that on October 3, 2018, the court in ELPC v Ohio issued a favorable decision in the Ohio/Lake Erie 303(d) litigation. In short, the court:
granted our counter-motion for summary judgment, denied leave to plaintiffs to supplement the complaint, and denied leave to the Lucas County Board of Commissioners to intervene.

The court states that "[a]lthough I appreciate plaintiffs' frustration with Ohio's possible continuation of its inaction, I agree with defendants on the law." The legal bases for the court's decision are summarized below:

1. The court found that EPA's approval of Ohio's amended 303(d) list including Lake Erie assessment units as impaired is not a final agency action approving Ohio's decision to not develop TMDLs for the lake and cannot, therefore, be challenged under the Administrative Procedures Act. Importantly, the court recognized that Section 303(d) is a two-step process: first a state identifies a water as impaired on its 303(d) list; and second it establishes a TMDL for that impaired water. Those two steps are distinct and nothing in the CWA requires Ohio to simultaneously identify impaired waters and develop TMDLs for those waters.

2. The court also found that Ohio's statement that it will not immediately develop a TMDL for the lake while other activities (e.g., Annex 4 of the Water Quality Agreement) are implemented does not constitute a constructive submission of no TMDLs triggering EPA's mandatory duty to disapprove and itself develop a TMDL for the lake. The court states: "[d]espite all that Ohio has done, especially recently, to ignore the problem of farmland phosphorous runoff and to evade its obligations to the citizens of Northwest Ohio, its inattention and indifference have not been

with regard to the duty to develop TDMLs. The fact remains that it has been but a few months since Ohio first declared Lake Erie's open waters impaired on May 4, 2018. Years of inaction following an impaired listing may reasonably prompt a court to consider whether a state has [']clearly and unambiguously[‘] abandoned its TMDL obligations."

3. In addition, the court's decision requires EPA to respond by October 20th to ELPC's request for attorneys' fees.

It is important to note that while the court expressed great pessimism that Ohio's will actually take action any time soon to address HABs, Ohio recently met with the Office of Water and has had subsequent meetings with the Region 5 Water Division to discuss a nutrient reduction plan it has termed a "far-field TMDL" for the Maumee River watershed, which is the largest source of nutrients into Lake Erie. Ohio EPA plans to roll the plan out to the public sometime in the next few months.

Wendy Blake (GLO) Wendy Blake reported on the tremendous success of the administrative appeals volunteer effort. Wendy said: "We want to thank our team of OGC/ORC volunteers. Due to their substantial efforts, we closed 40 administrative appeals in less than eight weeks, and we have an additional ten that should be closed in the next few weeks. These numbers do not include the number of appeals closed by the General Law Office's Information Law Practice Team (ILPG), but rather reflect the results of our terrific volunteer corps. Thanks all!"

Wendy Blake also reported on a favorable decision concerning withholding deliberative documents in *Hunton and Williams v. EPA et al.*, No. 15-203 (RC) (and consolidated cases) (D.D.C.), a Freedom of Information Act (FOIA) case. The decision is attached. Hunton and Williams sued EPA, the Army, and the Army Corps of Engineers concerning records related to an Approved Jurisdictional Determination (AJD) for the DMB Redwood City Saltworks site in California. In February 2016, the parties moved for summary judgment. In March 2017, the Court granted, in part, and denied, in part, the parties' motions, upholding the agencies' search for records, but denying summary judgment as to withholdings on the basis that the *Vaughn* indices were too vague.

Consistent with the Court's order, in September 2017, the agencies submitted a representative sample of documents for *in camera* review. The parties also provided supplemental briefing. As part of that briefing, EPA revised its *Vaughn* index of withholdings to ensure that each entry described (1) the nature of the specific deliberative process involved, (2) the function and significance of the document in that process, and (3) the nature of the decision-making authority vested in the document's author and recipient, as required by the Court's March 2017 opinion.

The Court granted summary judgment as to all of EPA's withholdings. The Court also upheld the vast majority of withholdings by Army and Army Corps of Engineers, but found that two of the documents submitted to the Court by Army Corps were not subject to Exemption 5. The Court did not order the Army Corps to re-review their entire production, determining that the error rate here was "similarly minuscule" to other cases declining to order agencies to re-process entire productions following identification of errors in an *in camera* review.

As to EPA, the Court found that the Agency correctly redacted documents pursuant to the Deliberative Process Privilege, including EPA's decision to withhold in full a copy of draft AJD prepared by the Army Corps and transmitted to EPA during the inter-agency decision-making process. Plaintiff specifically challenged that document as a final decision not subject to the Deliberative Process Privilege. The Court

found that the draft AJD did not constitute a final decision, and that "in effect, the document served as a proposal to EPA".

The Court also reviewed the documents for evidence of "secret law" which Plaintiff argued pierced the privilege if the documents were comprised of orders and interpretations that the agency actually applies to cases before it and which are routinely used by agency staff as guidance. The opinion states:

"When reviewing the EPA's documents in camera, the Court did not identify any portion of the EPA's documents that contained what appeared to be secret law concerning its decision to exercise its special case authority. Indeed, each redaction submitted to the Court is clearly both predecisional and deliberative."

Lynn Kelly handled the case for GLO with assistance from Rich Campbell (ORC) in Region 9.

Dave Moora (ADRLO) talked about the 12th annual Conflict Resolution Week, October 15-19. ADRLO has organized the following events:

Engaging Stakeholders for Program Success: Senior Leadership Panel
Date: Oct. 16 from 1-2 p.m. (EDT)
WJC South Room 6226 or Ex. 6 Personal Privacy (PP)
Description: Learn from a panel of EPA leaders how you can use conflict resolution techniques to collaborate with stakeholders and advance your mission. **Featured Panelists:**

- **Benita Best-Wong**, Acting Principal Deputy Assistant Administrator, Office of Water
- **Barry Breen**, Acting Assistant Administrator, Office of Land and Emergency Management
- **Felicia Wright**, Acting Director, American Indian Environmental Office

Negotiate Better: An Interest-Based Approach
Date: Oct. 17: 9 a.m. - 4:30 p.m. and Oct. 18: 9 a.m. - 12:30 p.m.
Description: In this interactive 1.5-day training, participants will learn to use an interest-based approach to negotiation and improve your chances of reaching lasting agreements.
Registration: Sign into Skillport and select instructor led trainings sessions.

Carol Ann Siciliano
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
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siciliano.carolann@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/6/2018 8:13:37 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Policy and procedure memo
Attachments: DRAFT MEMO Policy and Procedure Update 10.25.2018 tre wlb.docx

Sorry. Here are my quick thoughts on the draft memo. I will call you on the other email I sent you recently. I wanted to explain what I discussed with Joe and Joe's next steps.

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

From: Epp, Timothy
Sent: Tuesday, November 06, 2018 1:09 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Policy and procedure memo

Thanks – given the supposed 1 pm deadline, I'm going to send as is; we can deal with any edits if necessary.

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Blake, Wendy
Sent: Tuesday, November 06, 2018 12:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Policy and procedure memo

I haven't had a chance to review this yet. Will do so after my meetings, **Deliberative Process / Ex. 5**

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

From: Epp, Timothy
Sent: Tuesday, November 06, 2018 9:22 AM

To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Policy and procedure memo

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/6/2018 8:06:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: means to disseminate the awareness notification process
Attachments: DRAFT MEMO wb.docx

Hi Tim,

Thanks for pulling the attached together. I was thinking AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Let me know if you want to discuss further. Perhaps, we can circle on some potential language to include up front.

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

From: Epp, Timothy
Sent: Tuesday, November 06, 2018 9:33 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: means to disseminate the awareness notification process

Hi all,

Here is a mock-up of a memo form for disseminating the awareness notification process. I've sent a note to Nancy Grantham asking for her recommendations for the dissemination. If we get approvals in time, we could add this to tomorrow's NFO meeting with Matt.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Miller, Kevin [Miller.Kevin@epa.gov]
Sent: 11/6/2018 7:49:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: means to disseminate the awareness notification process

Deliberative Process / Ex. 5

From: Epp, Timothy
Sent: Tuesday, November 6, 2018 9:33 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: means to disseminate the awareness notification process

Hi all,

Here is a mock-up of a memo form for disseminating the awareness notification process. I've sent a note to Nancy Grantham asking for her recommendations for the dissemination. If we get approvals in time, we could add this to tomorrow's NFO meeting with Matt.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Veney, Carla [Veney.Carla@epa.gov]
Sent: 11/6/2018 6:21:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Read-ahead material for Matt's meeting with NFO tomorrow

Ok, thank you

From: Epp, Timothy
Sent: Tuesday, November 6, 2018 1:17 PM
To: Veney, Carla <Veney.Carla@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Read-ahead material for Matt's meeting with NFO tomorrow

Hi Carla, Tia and Rob,

Attached for Matt's binder are the read-ahead materials for the NFO meeting tomorrow morning. Our agenda will be:

1) Update on the FY2018 Annual Report to DOJ OIP (Wendy S/Larry)
2) Recommendation for updating the Agency FOIA Policy & Procedure (Chris)
3) Options for updating the Agency FOIA Regulations (Dan)

We might add an additional item regarding the mechanics of issuing the awareness notification procedure.

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Kaminer, Joan [Kaminer.Joan@epa.gov]
Sent: 10/22/2018 1:07:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Environmental Integrity Project v. EPA, 18-cv-1952 (D.D.C.): draft partial motion to dismiss (DUE TUESDAY)
Attachments: draft brief 20OCT2018.docx; EIP v. EPA Complaint.pdf

Importance: High

Good morning,

AWP/ Deliberative Process / AC Ex. 5

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Straus Harris, Julie (CIV) [mailto:Julie.StrausHarris@usdoj.gov]
Sent: Saturday, October 20, 2018 9:12 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Environmental Integrity Project v. EPA, 18-cv-1952 (D.D.C.): draft partial motion to dismiss (DUE TUESDAY)

Joan,

AWP/ Deliberative Process / AC Ex. 5

Thank you,
Julie

From: Straus Harris, Julie (CIV)
Sent: Friday, October 19, 2018 4:44 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Environmental Integrity Project v. EPA, 18-cv-1952 (D.D.C.): draft partial motion to dismiss (DUE TUESDAY)

Joan,

AWP/ Deliberative Process / AC Ex. 5

Thank you,
Julie

Julie Straus Harris
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch
(202) 353-7633
Julie.StrausHarris@usdoj.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/19/2018 9:17:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: ANP
Attachments: Awareness notification process BB edits 10.5.18.docxWBCYTE DAW 10192018.docx

Tried to fix a few practical points.
No concerns with your edits.

If OK, can you circulate to the group?

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Friday, October 19, 2018 11:54 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: ANP

See my take in the attached. Any concerns?

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Youngblood, Charlotte
Sent: Friday, October 19, 2018 11:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: ANP

Tim and Denise,

Deliberative Process / Ex. 5

Would it be feasible for you all to turn this around later today/Monday, by any chance? Please let me know whatever's doable. I know everyone continues to be swamped… we just still hope to get this all finalized by the end of the month.

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
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(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/25/2018 10:27:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]
Subject: RE: OLEM FOIA Request (Appealed and Remanded)

I support Kevin's involvement and the coordination with Wendy.
D

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Thursday, October 25, 2018 5:14 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Re: OLEM FOIA Request (Appealed and Remanded)

Thanks Kevin,

I am going to support your proposed involvement but want to coordinate with Wendy first.

Tim

Sent from my iPhone

On Oct 25, 2018, at 5:08 PM, Hill, Kevin W. <hill.kevinw@epa.gov> wrote:

> Tim,
>
> Good questions. Yes to the legal advice. This has a different posture than most, so I'll try summarizing below.
>
> **DPP / AC / Ex.5**
>
> GLO decided in the appeal that it should be remanded because OLEM hadn't conducted a search. OLEM's response letter answering other parts of the request said for this part that they had attempted clarification with the requester for additional information, but none was received in time to conduct a search. So OLEM closed it, and the requester appealed. GLO remanded it for a search, giving the requester 10 days to respond, which they did. The search was submitted and the workspace came back with over 18,000 records. FEAT had no involvement until now.

My time would be best spent in clarifying the request down to a manageable number of documents to review. Of course this could be done on their own, but this is just one service that FEAT offers our expertise.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Epp, Timothy
Sent: Thursday, October 25, 2018 4:31 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: OLEM FOIA Request (Appealed and Remanded)

Hi Kevin,

DPP ACP / Ex.5

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Hill, Kevin W.
Sent: Thursday, October 25, 2018 3:11 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: OLEM FOIA Request (Appealed and Remanded)

Denise & Tim,

The OLEM FOIA project that I provided assistance for last month is picking up. I spoke with their project lead Jeff Gaines and we came up with a plan to move forward on the FOIA. With your permission, I would like to take this on as an independent FEAT LITE project.

The scope of the project will be:

- Clarification correspondence with the requester (Propublica)
- Run basic search queries in Relativity

- Draft and circulate a review Coding Memorandum
- Provide FOIA Exemption guidance and analysis
- Draft and circulate templates for production correspondence

Tentative other services will be:

- Kickoff document review training (to be decided after clarification)
- Provide guidance on review and production processes

All other tasks will be completed by OLEM, including complex saved searches, batching and reviewing documents, equity reviews and consults, productions, and maintenance of the Relativity workspace.

Please let me know your thoughts.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Gaines, Jeff
Sent: Monday, October 22, 2018 3:21 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>
Subject: RE: OLEM FOIA Request (Appealed and Remanded)

Kevin,
Sorry for the 'silence' from my end – just been a bit preoccupied with things.

Yes, we still want FEAT assistance – in particular with negotiation to potentially reduce the scope, and in preparing the *review and coding guidance* memo.
On a related front, our office is funding a task order for contractor assistance for FOIAs, to assist in the initial review effort. Once that task order is awarded, we anticipate making significant progress with the effort.

Thanks!

Jeff Gaines
Phone: 703-308-8655

*"The most exciting phrase to hear in science, the one that heralds the most discoveries, is not "Eureka!" (I found it!) but '**That's funny.**'"* — *Isaac Asimov*

"Dulce et Decorum Est Desipere in Loco" — Josiah S. Carberry

From: Hill, Kevin W.
Sent: Monday, October 22, 2018 10:40 AM
To: Gaines, Jeff <Gaines.Jeff@epa.gov>
Subject: FW: OLEM FOIA Request (Appealed and Remanded)

Hi Jeff,

I haven't heard from you in a while. Will you still need FEAT assistance?

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Hill, Kevin W.
Sent: Friday, September 14, 2018 4:34 PM
To: Ward, Valerie <Ward.Valerie@epa.gov>; McLendon, Wanda <McLendon.Wanda@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>
Cc: Gaines, Jeff <Gaines.Jeff@epa.gov>
Subject: OLEM FOIA Request (Appealed and Remanded)

Good Afternoon OLEM FOIA,

I was informed by OLEM's Jeffrey Gaines that an OLEM FOIA request was appealed and adjudicated by OGC. OGC remanded the appeal back to OLEM via the attached letter dated February 8, 2018. Both cases are closed in FOIAOnline---the original FOIA case number and the appeal case number.

I will shortly be asking Larry Gottesman of the National FOIA Office to reopen the original FOIA request number in accordance with agency policy. He will also be reassigning it to OLEM for further action. Jeffrey Gaines I believe is leading the next steps. So although no action is needed at this point, he will likely reach out for your assistance with FOIAOnline in the coming days.

If you have any questions, I can be reached at the number below. Thanks and have a great weekend.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 10/30/2018 6:04:06 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: ANP
Attachments: Awareness notification process 10.30.docx

Please find the current ANP attached. OEX has approved this draft. Please let us know if you have any edits/comments. As discussed at reg. review, we will suggest options for moving this forward, once it is approved and finalized.

Thanks,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 10/30/2018 6:00:20 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Draft FOIA Memo
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.30.18 cy.docx

Joe and Elise,

As requested, here is the current FOIA memo with Denise's updates, and a couple of additional, minor edits from me.

Thanks,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/25/2018 5:16:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Draft Memo Policy and Procedures Update
Attachments: DRAFT MEMO Policy and Procedure Update 10.25.2018 tre ctc.docx

Hi Tim,

Changes accepted and made some cosmetic changes.

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Thursday, October 25, 2018 9:54 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Draft Memo Policy and Procedures Update

Chris – let me know what you think of the attached – sorry for the heavy rewrite.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Creech, Christopher
Sent: Wednesday, October 24, 2018 6:56 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Draft Memo Policy and Procedures Update

Hello Tim,

Policy and Procedure Update with your comments reflected.

Thanks,

Christopher T. Creech

Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Tuesday, October 23, 2018 12:54 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Draft Memo Policy and Procedures Update

Hello Tim,

Attached is the latest draft of the Policy and Procedure. Per our discussion, I am working on a recommendation for how to proceed with receiving internal comment and promulgating the Memorandum.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Thursday, October 18, 2018 4:44 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Draft Memo Policy and Procedures Update

Thanks, Chris,

I should have also asked you to check in with Larry Gottesman for his views – do you think you can do that before Tuesday?

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Creech, Christopher
Sent: Thursday, October 18, 2018 3:10 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Draft Memo Policy and Procedures Update

Hello Tim,

Please find the first draft of the Policy and Procedure Update. Please let me know if you would like to discuss before Hot Topics on Tuesday.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/25/2018 5:14:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.25.18.docx
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 10.25.18.docx

Charlotte & Tim:

I redlined this doc. Changes:

Deliberative / AC / Ex. 5

Best,
Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/25/2018 3:10:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: FW: Draft Memo Policy and Procedures Update
Attachments: DRAFT MEMO Policy and Procedure Update 10.25.2018 tre.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Williamson, Timothy [Williamson.Tim@epa.gov]
Sent: 10/25/2018 2:57:52 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]
CC: Williams, Ann [Williams.Ann@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Prabhu, Aditi [Prabhu.Aditi@epa.gov]; Schroer, Lee [schroer.lee@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: ME WQS & Personal Notes

ATTORNEY-CLIENT/DELIBERATIVE/ATTORNEY WORK PRODUCT

ACP/AWP/Deliberative Process / Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AC/Deliberative/AWP Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AWP/ Deliberative Process / AC Ex. 5

AC/Deliberative/AWP Ex. 5

Thanks again for helping us think all this through.

Tim

Tim Williamson
Deputy Regional Counsel
EPA New England – Region 1
Office of Regional Counsel – ORA18-1
5 Post Office Square – Suite 100
Boston, Massachusetts 02109-3912

Phone: 617.918.1099
Fax: 617.918.0099

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 10/25/2018 2:50:54 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: FEAT/ILPG weekly -11:00

Thanks, Denise! (Looping in Lynn as well). I am also teleworking, so let's open a conference line? I will open it up if others can call into:

To Start Your Personal Audio Conference: Conference Line/Code / Ex. 6 – if in the office; or Conference Line/Code / Ex. 6 –if outside of the office.

Your Seven Digit Conference Extension is: Conference Line/Code / Ex. 6

Your Participant Code is: Conference Line/Code / Ex. 6

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Thursday, October 25, 2018 10:48 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FEAT/ILPG weekly -11:00

All:
I am TW today cell is 202-816-9872

My agenda items:

- FOIA Policy and Procedures
- FOIA Regulations
  - NFO currently reviewing and editing
- ELMS reporting due the 29th (anything for us to discuss?)
- Peter starts w/ ILPG on Monday
- Personnel Matters / Ex. 6
  - CE1: LEGAL ANALYSIS
  - CE2: PROBLEM SOLVING
  - CE3: ORAL AND WRITTEN COMMUNICATION
  - CE4: WORKING WITH OTHERS
  - CE5: RESPONSIBILITY INITIATIVE and ADAPTABILITY

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/24/2018 10:55:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Draft Memo Policy and Procedures Update
Attachments: DRAFT MEMO Policy and Procedure Update 10.25.2018.docx

Hello Tim,

Policy and Procedure Update with your comments reflected.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Tuesday, October 23, 2018 12:54 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
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Cc: Walker, Denise <Walker.Denise@epa.gov>
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Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

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Cc: Walker, Denise <Walker.Denise@epa.gov>
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Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 10/29/2018 7:19:37 PM
To: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: NFO meeting at 4pm Monday 10/29

Tim – I asked Pat to print 10 copies of the regulations paper. I wasn't sure if you have a standard practice for getting hardcopies to the NFO meeting, but she said she can handle this task.

From: Shaffer, Patricia
Sent: Monday, October 29, 2018 3:19 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: NFO meeting at 4pm Monday 10/29

How many copies of this do you need? Let me know if you have other items to be printed. Pat

---

From: Schramm, Daniel
Sent: Monday, October 29, 2018 3:10 PM
To: Shaffer, Patricia <Shaffer.Patricia@epa.gov>
Subject: FW: NFO meeting at 4pm Monday 10/29

Pat, I see that Monique is out today. Do you or she usually handle printing out materials for the NFO meeting today at 4? This is one of the items on the agenda. Don't know who is supposed to be in charge of hardcopies….

From: Epp, Timothy
Sent: Friday, October 26, 2018 3:33 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: OGC NFO <OGC-NFO@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Subject: NFO meeting at 4pm Monday 10/29

Hi all,

For the Monday 4:00 pm NFO Meeting with Elise and Joe, attached are three documents. The agenda will be:

1) Seeking decision authorizing redirecting of site-specific FOIA requests to MyProperty (Wendy/Larry)
2) Draft Memo on interim extension of OEI FOIA Policy and Procedure & process (Chris)
3) Draft Options Selection Memo for Regulations (Dan & Mark Talty/Andrew Simons)

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: McConkey, Diane [Mcconkey.Diane@epa.gov]
Sent: 10/29/2018 1:58:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Simons, Andrew [Simons.Andrew@epa.gov]; Talty, Mark [Talty.Mark@epa.gov]
Subject: Re: Procedural rules/FEAT options paper
Attachments: Options Selection Prebrief_10.24.18_NandCsplit (CCILO comments 10.29.18).docx

Attorney Client / Ex. 5

Please let me know if there are any questions on that issue.
Diane

Diane McConkey
Office of General Counsel
U.S. EPA
202-564-5588

From: Epp, Timothy
Sent: Monday, October 29, 2018 9:47 AM
To: Blake, Wendy; Youngblood, Charlotte
Cc: Simons, Andrew; Talty, Mark; McConkey, Diane
Subject: FW: Procedural rules/FEAT options paper

Wendy and Charlotte,
Attached are the comments from Mark regarding his views on the procedural rule question. **Attorney Client / Ex. 5**
Attorney Client / Ex. 5
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Talty, Mark
Sent: Friday, October 26, 2018 3:03 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Procedural rules/FEAT options paper

Tim,

Andy indicated that you needed quick feedback from CCILO on **Attorney Client / Ex. 5**

Attorney Client / Ex. 5

I will be in the office early on Monday and am happy to address any additional questions or concerns that you have.

Have a great weekend.

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

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 10/19/2018 3:12:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: ANP
Attachments: Awareness notification process BB edits 10.5.18.docxWBCY.docx

Tim and Denise,

Deliberative / AC / Ex. 5

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/6/2018 5:04:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Draft TP on FY18 Annual Report
Attachments: FY 2018 Annual Report summary.docx

Tim,

Per yesterday's conversation, please let me know if you have any edits on the draft one-pager on the FY18 Annual Report.

Thanks, Wendy

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/18/2018 8:18:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Ex. 5 and Litigation Settlement Negotiations -- meeting with Matt Leopold

I will.

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Thursday, October 18, 2018 3:53 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations -- meeting with Matt Leopold

Thanks Chris,
Can you attempt to ensure that I get invited to the briefing for Matt, as well as any key prep meetings. Justification: while I expect not to contribute to the legal advice given or advice regarding policy considerations, it is important for me to be in the loop on major matters in the FOIA area that go to Matt.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Creech, Christopher
Sent: Thursday, October 18, 2018 3:42 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Ex. 5 and Litigation Settlement Negotiations -- meeting with Matt Leopold

FYSI-

This is referring to a FEAT-lite that I am assisting with: Maine WQS FOIAs (EPA-R1-2018-010414 EPA-R1-2018-010417 EPA-R1-2018-010428)

Attorney Client / Ex. 5 Kevin Miller is involved, and I will keep you updated about our participation. Please let me know if you would like an internal briefing before our next FEAT meeting.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Prabhu, Aditi
Sent: Thursday, October 18, 2018 2:14 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations -- meeting with Matt Leopold

Kevin – Attorney Client / Ex. 5

Attorney Client / Ex. 5

Feel free to give me a call if you'd like to discuss.

Thanks,
Aditi

Aditi Prabhu
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473

From: Miller, Kevin
Sent: Monday, October 15, 2018 4:52 PM
To: Prabhu, Aditi <Prabhu.Aditi@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations

Aditi,

I can help. Attorney Client / Ex. 5

Attorney Client / Ex. 5

From: Prabhu, Aditi
Sent: Monday, October 15, 2018 3:33 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: Ex. 5 and Litigation Settlement Negotiations

Hi Kevin,

We had been working with Jennifer Hammitt on a few questions regarding Attorney Client / Ex. 5 Attorney Client / Ex. 5. Since Jennifer has left, is there someone else in your group who can help? I have two questions:

Attorney Client / Ex. 5

Thank you,
Aditi

Aditi Prabhu
Office of General Counsel
U.S. Environmental Protection Agency
(202)564-2473

From: Knapp, Michael
Sent: Thursday, September 06, 2018 11:34 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations

Chris,

Thanks for soliciting this input. FYI – Attorney Client / Ex. 5

Mike

From: Creech, Christopher
Sent: Wednesday, September 05, 2018 11:20 AM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations

Very helpful! Thank you, Jennifer!

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Hammitt, Jennifer
Sent: Wednesday, September 5, 2018 11:19 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: Ex. 5 and Litigation Settlement Negotiations

Hi Chris – I think we did some of this on our Exemption 5 training. Attorney Client / Ex. 5

Attorney Client / Ex. 5

I hope this helps, good luck!

Jennifer Hammitt
Attorney-Advisor, eDiscovery Team Lead
General Law Office
U.S. EPA Office of General Counsel
1200 Pennsylvania Ave NW
Washington, D.C. 20460
(202) 564-5097 (office)
(202) 839-1639 (mobile)

From: Creech, Christopher
Sent: Tuesday, September 4, 2018 5:11 PM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>
Cc: Schroer, Lee <schroer.lee@epa.gov>; Prabhu, Aditi <Prabhu.Aditi@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Maher, Lauren <Maher.Lauren@epa.gov>
Subject: Ex. 5 and Litigation Settlement Negotiations

Hello Jennifer,

I hope you are well. I am assisting—as a FEAT-lite project—with three FOIAs assigned to Region 1 regarding Maine's water quality standards. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Thank you for your help!

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/18/2018 7:42:04 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Ex. 5 and Litigation Settlement Negotiations -- meeting with Matt Leopold
Attachments: Fw: 1st Circuit caselaw on settlement communications in 1st cir.; FOIA Request re: Maine Water Quality Standards - Search Instructions for Non-Email Records

FYSI-

This is referring to a FEAT-lite that I am assisting with: Maine WQS FOIAs (EPA-R1-2018-010414 EPA-R1-2018-010417 EPA-R1-2018-010428)

Attorney Client / Ex. 5 Kevin Miller is involved, and I will keep you updated about our participation. Please let me know if you would like an internal briefing before our next FEAT meeting.

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Attorney Client / Ex. 5

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Attorney Client / Ex. 5

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Subject: RE: Ex. 5 and Litigation Settlement Negotiations

Hi Chris – Attorney Client / Ex. 5

Attorney Client / Ex. 5

I hope this helps, good luck!

Jennifer Hammitt
Attorney-Advisor, eDiscovery Team Lead
General Law Office
U.S. EPA Office of General Counsel
1200 Pennsylvania Ave NW
Washington, D.C. 20460
(202) 564-5097 (office)
(202) 839-1639 (mobile)

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Attorney Client / Ex. 5

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Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

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To: Epp, Timothy [Epp.Timothy@epa.gov]
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Subject: Draft Memo Policy and Procedures Update
Attachments: DRAFT MEMO Policy and Procedure Update 10.18.2018.docx

Hello Tim,

Please find the first draft of the Policy and Procedure Update. Please let me know if you would like to discuss before Hot Topics on Tuesday.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 10/18/2018 4:43:46 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Missed Target Reform Area.pptx
Attachments: Missed Target Reform Area- Version 2.pptx

Hello All,

Deliberative Process / Ex. 5

For your consideration, I added comments in red and alternative statements in blue.

I was not included in preparing the last QFR statement so this is my first chance to weigh-in!

Thanks for listening!
Joan

From: Schumacher, Wendy
Sent: Thursday, October 18, 2018 10:40 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: RE: Missed Target Reform Area.pptx

Tim,

Here is the revised slide with the root cause added.

Please let me know if you need anything else before submission.

Wendy

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Schumacher, Wendy
Sent: Wednesday, October 17, 2018 8:51 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: Missed Target Reform Area.pptx

Here is the draft from this morning's meeting.

Link to Kaizen report out: http://intranet.epa.gov/foia/docs/FOIA-Lean-Event.pdf

Wendy
Wendy Schumacher, Ph.D., PMP

National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 10/18/2018 2:43:58 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Subject: RE: FOIA Regulation Review

Will it be a dramatic reading?? ☺

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

-----Original Appointment-----
From: Walker, Denise
Sent: Wednesday, October 17, 2018 12:39 PM
To: Walker, Denise; Bermes, Peter; Clarke, Victoria; Creech, Christopher; Epp, Timothy; Gottesman, Larry; Green, LindaE; Hill, Kevin W.; Lewis, Judith; Lewis, Monica; Moumbleaux, Joan; Person, Linda; Rementer, Nicole; Schumacher, Wendy; Vander Naald, Breanne
Subject: FOIA Regulation Review
When: Friday, October 19, 2018 12:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN7500/DC-Ariel-Rios-OGC

I'm going to read through the draft FOIA regulations on Friday afternoon.

You are all welcome to join me.
Linda and Judith, I know you're out tomorrow. We'll loop you in when we can.

Denise

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/18/2018 1:22:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Weekly Selected Requests 10.10.2018-10.17.2018
Attachments: Selected FOIA Requests. 10.10.2018-10.17.2018.xlsx; Selected FOIA Requests. 10.10.2018-10.17.2018.docx

Hello Tim,

Please find the weekly selected requests for the period of 10/10/2018-10/17/2018. During this period we received 270 requests and 75 were selected.

Thank you,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Lewis, Judith [Lewis.Judith@epa.gov]
Sent: 10/18/2018 9:14:07 AM
To: Walker, Denise [Walker.Denise@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Subject: RE: FOIA Regulation Review

Thank you.

Judith R. Lewis
U.S. Environmental Protection Agency
Senior Environmental Employment Program (SEE)
Office of General Counsel
National Freedom of Information Office
lewis.judith@epa.gov
202-566-1670

"If life becomes hard, soften it with random acts of kindness."
Author.....Michael Levy

-----Original Appointment-----
From: Walker, Denise
Sent: Wednesday, October 17, 2018 12:39 PM
To: Bermes, Peter; Clarke, Victoria; Creech, Christopher; Epp, Timothy; Gottesman, Larry; Green, LindaE; Hill, Kevin W.; Lewis, Judith; Lewis, Monica; Moumbleaux, Joan; Person, Linda; Rementer, Nicole; Schumacher, Wendy; Vander Naald, Breanne
Subject: FOIA Regulation Review
When: Friday, October 19, 2018 12:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN7500/DC-Ariel-Rios-OGC

I'm going to read through the draft FOIA regulations on Friday afternoon.

You are all welcome to join me.
Linda and Judith, I know you're out tomorrow. We'll loop you in when we can.

Denise

Message

From: Cunningham, Bisa [cunningham.bisa@epa.gov]
Sent: 6/26/2019 2:21:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Draft congressional letter on FOIA.docx
Attachments: Draft congressional letter on FOIA.ebp.bc.docx

Good morning:

Attached are my minor edits on top of Chris'.

r/s

Bisa Cunningham
Senior Advisor to the Director/Deputy Director
National FOIA Office
Office of General Counsel
WJC North (Room 5315H)
Office: 202-564-6635
Email: Cunningham.Bisa@epa.gov

From: Epp, Timothy
Sent: Wednesday, June 26, 2019 10:19 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Draft congressional letter on FOIA.docx

Thanks Chris - **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Timothy R. Epp
|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: Creech, Christopher
Sent: Wednesday, June 26, 2019 10:05 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa

<cunningham.bisa@epa.gov>
Subject: RE: Draft congressional letter on FOIA.docx

If you are so inclined, in my edits on the last page, this is softer:

Deliberative Process / Ex. 5

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Wednesday, June 26, 2019 9:42 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Draft congressional letter on FOIA.docx

Added my edits to elise's

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Wednesday, June 26, 2019 9:39 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Draft congressional letter on FOIA.docx

Thanks.

Timothy R. Epp
|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
Sent: Wednesday, June 26, 2019 9:36 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: Draft congressional letter on FOIA.docx

My quick edits.

Denise

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 6/26/2019 11:33:33 AM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: The Hill's coverage of EPA FOIA Rule Change

New EPA rule could expand number of Trump officials weighing in on FOIA requests

Joan Moumbleaux
Government Information Specialist I National FOIA Office
U.S. Environmental Protection Agency I Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC2310A)
Washington, D.C. 20460 I WJCN 7426L
Phone (202) 564-7872 I Cell (202) 573-1835 I moumbleaux.joan@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 11/2/2018 5:25:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: New draft of FOIA Regulations Options Paper
Attachments: Options Selection_11.1.18.docx

Tim – here is the paper again. Shall I go ahead and put a hardcopy in Matt's folder?

From: Schramm, Daniel
Sent: Thursday, November 1, 2018 5:10 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: New draft of FOIA Regulations Options Paper

Hi all –

Thanks everyone, and especially most recently our CCILO APA experts, for your assistance with this paper, which now must be on track to set a record for the longest under-development briefing paper in OGC history ☺.

Deliberative Process / AC / Ex. 5

Thanks all,

Daniel Schramm
U.S. EPA Office of General Counsel
(202) 564-3377
schramm.daniel@epa.gov

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 10/9/2018 9:03:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Draft Slides before staff meeting
Attachments: FOIA Toolkit.pdf; FOIA Toolkit Appendix.docx

This isn't in the slides, but I think our office could do a periodic update of the FOIA Toolkit. This is one way we can centralize policy and also provide the latest information and processing templates. The last update was last September. I wouldn't mind taking the lead.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Epp, Timothy
Sent: Tuesday, October 9, 2018 10:59 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Draft Slides before staff meeting

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Cozad, David [Cozad.David@epa.gov]
Sent: 11/2/2018 4:19:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FOIA in ORC workgroup
Attachments: FOIAReorganization Org Chart.docx

Gentlemen,

Thanks for volunteering to be part of this short term group to make some recommendations on how to best stand up FOIA offices in ORCs. I have an ask: would you be willing to co-chair the effort? Given your experience and positions, you are the best two people to do this.

The move of regional FOIA programs to ORCs is a huge opportunity for improvement. For the first time, all the regional FOIA programs will be housed in the same organizational unit, and be aligned with the FOIA office in HQ. That is a chance to establish expectations, be consistent, and have accountability in ways that weren't possible before.

The charge for this workgroup is to come up with recommendations that regions should follow and adopt as they set up their revamped FOIA programs in ORC. I see the task as being three fold: (1) take what we collectively know and have learned about how to run a good FOIA program and identify those best practices and processes; (2) identify what functions should be handled in ORC and what functions should still be expected to be performed by record custodian offices; (3) identify how the regional FOIA offices will interface with the national FOIA office. You may have thought on additional things the group should look at.

The recommendations you come up with have two purposes, as I see it: (1) establish a common set of expectations for all regional FOIA programs, so that we get it right across the board as we set up these new offices; (2) help the ORCs in dealing with their regional offices as to what FOIA responsibilities are still expected to be performed outside ORC.

I don't think this is a big lift; a lot of the thinking has already been done (see attached table that Tim has put together already as a starting point for discussion). I'm hoping the group can complete its work by mid-December.

The folks who have volunteered to assist are:

Tim Williamson (R1)
Brian Joffe (R8)
Gretchen Busterud (R9)
Allyn Stern (R10)
Nancy Grantham (HQ OPA)

Please let me know if you are willing to co-lead this group, and any thoughts/reactions you have to the charge for the group that I have laid out. Assuming you are willing to co-lead, I'd like to get the three of us in consensus on the workgroup's charge, and then I will send out a kick off email to the larger group. I don't intend to be part of the group's discussions, but I will certainly be available to you at any point if you have questions or need assistance with something.

Thanks

Dave

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/17/2018 4:38:33 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]

Subject: FOIA Regulation Review
Location: DCRoomARN7500/DC-Ariel-Rios-OGC

Start: 10/19/2018 4:00:00 PM
End: 10/19/2018 6:00:00 PM
Show Time As: Tentative

I'm going to read through the draft FOIA regulations on Friday afternoon.

You are all welcome to join me.
Linda and Judith, I know you're out tomorrow. We'll loop you in when we can.

Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/12/2018 8:37:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw.docx
Attachments: Perfecting Perfection A draft vision for the NFO Intake Process 10122018 daw.docx

Tim:

Here you go. As requested, I wrote up the vision for FOIA perfection. This is what I would like to see the National FOIA office do with a centralized intake process.
Bonus: I drafted the corresponding regulations to implement it that also conform to the 2016 FOIA updates.

Enjoy,
Denise

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 10/12/2018 5:36:37 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Next NFO meeting

Tim,

That works. Not a rush.

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

From: Epp, Timothy
Sent: Friday, October 12, 2018 11:16 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Next NFO meeting

Kev,
I see that Pat schedule a time for us to talk next Thursday – is that soon enough for you, or do you need this addressed more quickly?

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Hill, Kevin W.
Sent: Thursday, October 11, 2018 6:50 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Next NFO meeting

Tim,

I would like to add to our next NFO meeting's agenda a discussion on the proper policy for processing FOIA of a FOIA requests. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/2/2018 1:47:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Please include the attached final
Attachments: Awareness notification process 10.30.docx

Draft of the awareness notification procedures Deliberative Process / Ex. 5 Private Matter / Ex. 6 Private Matter / Ex. 6

Deliberative Process / Ex. 5

I will bring copies of the attached to the 11:30 am meeting.

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

Appointment

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 10/12/2018 5:35:33 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Accepted: Procedure for a FOIA on a FOIA
Location: 5315H

Start: 10/18/2018 3:00:00 PM
End: 10/18/2018 3:30:00 PM
Show Time As: Busy

Thursday is my regular telework day. I will call you at this time.

Thanks,
Kev

Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 6/25/2019 8:21:40 PM
To: Konkus, John [konkus.john@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: Re: New headline, send this to senator leahy

Thank you

Sent from my iPhone

On Jun 25, 2019, at 3:10 PM, Konkus, John <konkus.john@epa.gov> wrote:

> After a long conversation with the editor, we got a formal correction and the article updated a second time: https://thehill.com/policy/energy-environment/450169-new-epa-rule-would-allow-more-administration-officials-to-weigh-in-on-foia-requests
>
> <image001.jpg>
>
> ---
>
> **From:** Jackson, Ryan
> **Sent:** Tuesday, June 25, 2019 2:22 PM
> **To:** Konkus, John <konkus.john@epa.gov>
> **Cc:** Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
> **Subject:** Re: New headline, send this to senator leahy
>
> Is it enough?
>
> Ryan Jackson
> Chief of Staff
> U.S. EPA
> 202-564-6999
>
> On Jun 25, 2019, at 1:17 PM, Konkus, John <konkus.john@epa.gov> wrote:
>
> > We should put out a second release: The Hill Backtracks on False FOIA Story
> >
> > ---
> >
> > **From:** Abboud, Michael
> > **Sent:** Tuesday, June 25, 2019 2:14 PM
> > **To:** Konkus, John <konkus.john@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; McFaul,

Jessica <mcfaul.jessica@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Subject: New headline, send this to senator leahy

New:
<image001.png>

Old:
<image002.png>

Michael Abboud
U.S. Environmental Protection Agency
Office of Public Affairs
M: 202-564-6461

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/9/2018 1:18:14 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: Draft Agenda for meeting with Elise next Tuesday

Hopefully you got this to Tim but if not maybe we can add.

Sent from my iPhone

On Oct 5, 2018, at 12:39 PM, Creech, Christopher <Creech.Christopher@epa.gov> wrote:

Hi Denise,

If this hasn't been sent yet, we may want to talk about Relativityfest and the Relativity trainings that have been held this week. It will be helpful to explain what tools have been turned on, what they do, and what other tools may or may not be useful in the future (but that we don't have).

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Walker, Denise
Sent: Thursday, October 4, 2018 4:52 PM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: Draft Agenda for meeting with Elise next Tuesday

FEATsters:

Do you have anything specific to add to this Agenda?
We need to get it into Elise's binder by Friday afternoon so please provide comments to Tim before noon on Friday.

Personal Matter / Ex. 6

Best,

Denise

1. **Items needing Front Office Decision**

2. **Status updates**
    a. LEAN/Kaizen (Linda P. and Joan)
        i. <!--[if !supportLists]--><!--[endif]-->Task 1
        ii. <!--[if !supportLists]--><!--[endif]-->Task 2

b. FOIAonline (Joan)
c. FOIA Regulations (Denise & Tim)
d. Awareness Notification (Larry)
    i. <!--[if !supportLists]--><!--[endif]-->Status of draft procedure (Denise)
    ii. <!--[if !supportLists]--><!--[endif]-->Program and regions have requested they be notified when an awareness notification has been placed on a FOIA request.

3. **New matters on the horizon (will need Front Office Decision later)**
    a. Vision for the NFO (Tim)
    b. MyProperty (Wendy)

4. **Awareness topics**
    a. Hiring
        i. <!--[if !supportLists]--><!--[endif]-->Attorney - 2
        ii. <!--[if !supportLists]--><!--[endif]-->GIS - 4

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/2/2018 12:33:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: comments on power point

Thanks Tim. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks for giving us the chance to review the document.

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

From: Epp, Timothy
Sent: Friday, November 02, 2018 8:02 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: comments on power point

Wendy, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Blake, Wendy
Sent: Thursday, November 01, 2018 11:29 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: comments on power point

Tim – Attached are a few suggestions on the power point. I am sorry I wasn't able to get you something earlier today. I was in meetings since the FEAT meeting, and my one free spot from 2 to 2:30 became booked with another meeting.

Please let me know if you have any questions. I will be in the office by 8 tomorrow.

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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 10/24/2018 6:35:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA Requester Service Center and the FOIA Public Liaison.

https://www.justice.gov/oip/chief-foia-officers-council/july_27_2017_ogis_and_oip_cfoc_slides/download

OIP guidance on the FOIA Requester Service Center and the FOIA Public Liaison.

I will print out the pages from the presentation that are relevant.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 6/25/2019 3:32:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Konkus, John [konkus.john@epa.gov]
Subject: FW: requesting a retraction

Here is a statement we are going to send.

Miranda, I continue to reiterate my call for you to retract your story. But here is our statement.

Deliberative Process / Ex. 5

From: Miranda Green <mgreen@thehill.com>
Sent: Tuesday, June 25, 2019 11:14 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: Re: requesting a retraction

Can you provide a statement to us, reiterating what you said on the phone-- specifically saying that you don't intend to use "no response" authority in the way I described?

On Tue, Jun 25, 2019 at 11:03 AM Abboud, Michael <abboud.michael@epa.gov> wrote:

> Thank you please give me an update as soon as possible.
>
> Sent from my iPhone
>
> On Jun 25, 2019, at 11:00 AM, Miranda Green <mgreen@thehill.com> wrote:
>
>> I got this Michael, I will be talking with my editor shortly and will get back to you.
>>
>> On Tue, Jun 25, 2019 at 10:42 AM Abboud, Michael <abboud.michael@epa.gov> wrote:
>>
>>> Miranda, please also flag for your editor, the premise of the your entire article is incorrect, and I would recommend retracting it. Your false description of a “no records” response as a denial of a FOIA request leads to inaccuracies throughout the whole piece. A “no records” response is inherently a “granting” of a FOIA request, in which a search was conducted and no records were discovered.
>>>
>>> Your headline is inaccurate in how it describes the new regulation. EPA is not “expanding” political appointees powers to turn down FOIA requests. What we have done with this new rule is restated in a single place that political and career agency officials who are authorized to issue determinations under the FOIA statute. The 2002 regulation was ambiguous in its description of who held this authority previously.

The following statements are false, as you can tell from the extensive inaccuracies it would be better to retract and start over.

Political appointees at the Environmental Protection Agency (EPA) will soon have the authority to reject public information requests without explanation.

The EPA's new Freedom of Information Act (FOIA) rule will expand the ability of the agency's administrator and other administration officials to withhold sought-after documents by labeling them "non-responsive," according to a copy of the final rule obtained by The Hill.

According to the new language in the FOIA rule signed by EPA chief Andrew Wheeler last week, the administrator and other officials would be allowed to review all materials that fit a FOIA request criteria, known as responsive documents, and then decide "whether to release or withhold a record or a portion of a record on the basis of responsiveness or under one or more exemptions under the FOIA, and to issue 'no records' responses."

EPA officials who would be authorized to make that decision include the administrator, deputy administrators, assistant administrators, deputy assistant administrators, regional administrators, deputy regional administrators, general counsel, deputy general counsels, regional counsels, deputy regional counsels and the inspector general or delegates of those individuals, according to the final rule.

A "no records" response would allow records seekers to be told there are no documents meeting their search criteria, even if they were found but withheld by the political appointees.

The blanket explanation for non-responsive materials may also make it harder for groups or individuals to legally challenge any of EPA's decisions to withhold documents, because it will be more difficult to prove they were withheld unlawfully. A person appealing their FOIA response would not know if any documents were withheld under a "no records" response.

Bell equated EPA's new FOIA rule to a similar regulatory action unveiled earlier this year at the Interior Department, called an "awareness review," which allows political appointees 72 hours to review documents that mention them by name prior to release.

While the EPA administrator and other political appointees have had the ability to grant or deny FOIA requests, doing so under the "basis of responsiveness" and "no response" option is a new addition in the forthcoming rule.

Bell warned that the new order could allow EPA political appointees to better control the documents ultimately released by regional offices. He said regional offices often have less political pressure to withhold more responsive materials.

"This is just making sure that every FOIA request that gets reviewed gets taken down the hall or next door to Andrew Wheeler's office," Bell said. "Basically, anytime a FOIA request goes up to the administration you can extend however long it will take and reduce what you get back."

--
Miranda Green
Energy and Environment Reporter, The Hill
202-999-0660
mgreen@thehill.com
@mirandacgreen

--
Miranda Green
Energy and Environment Reporter, The Hill
202-999-0660
mgreen@thehill.com

@mirandacgreen

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 10/4/2018 6:01:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FO Briefing 10-9-18.docx
Attachments: FO Briefing 10-9-18.docx

Attached is a draft agenda from the FORT side of the house.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Gantt, Melissa [Gantt.Melissa@epa.gov]
Sent: 6/25/2019 7:54:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Vizian, Donna [Vizian.Donna@epa.gov]
Subject: RE: Question on benefits of directives clearance process

Good Afternoon Mr. Epp

My apologies for missing your call. No worries, I can either coordinate with your program specialist or view your calendar for next available date/time. Thanks and have a great day☺

v/r

Melissa

From: Epp, Timothy
Sent: Tuesday, June 25, 2019 3:51 PM
To: Gantt, Melissa <Gantt.Melissa@epa.gov>
Cc: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: RE: Question on benefits of directives clearance process

Dear Melissa, Vaughn and Donna,

Thank you for scheduling a meeting on such short notice, and I apologize for missing it. Unfortunately, I was scheduled to go with Holly Greaves to talk with OMB this afternoon during the time of the meeting, and I was overtaken by a public relations challenge this morning that kept me from reading email until now.

Is there a possibility of rescheduling – 15 minutes would be sufficient. My calendar is generally up-to-date and I currently do not have a program specialist to help with scheduling.

Tim

Timothy R. Epp
|National FOIA Office
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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: Gantt, Melissa
Sent: Monday, June 24, 2019 9:48 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Question on benefits of directives clearance process

Good Afternoon Mr. Epp

The requested meeting is now scheduled. Unfortunately, I could only schedule for 15 minutes, if additional time is needed, I will follow-up. You should receive an invite shortly. Thanks☺

From: Epp, Timothy
Sent: Monday, June 24, 2019 4:30 PM
To: Gantt, Melissa <Gantt.Melissa@epa.gov>
Subject: FW: Question on benefits of directives clearance process

Hi Melissa – would it be possible to get a half hour with Vaughn and Donna sometime this week? (see below)
Tim

Timothy R. Epp
|National FOIA Office
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Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Noga, Vaughn
Sent: Monday, June 24, 2019 1:52 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Gantt, Melissa <Gantt.Melissa@epa.gov>
Subject: RE: Question on benefits of directives clearance process

Tim,

No problem. Please work with Melissa Gantt to coordinate date/time.

Vaughn

From: Epp, Timothy
Sent: Monday, June 24, 2019 12:12 PM
To: Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Vizian, Donna <Vizian.Donna@epa.gov>
Subject: Question on benefits of directives clearance process

Hi Donna and Vaughn,

Could I get a short meeting with you to discuss the directives clearance process? As we are moving forward with a review of the 2015 Agency FOIA Policy and Procedures and also looking at updating other FOIA-related directives,

Deborah Ward Beard has advised that we have the opportunity to decide not to subject the OGC updates to the directives clearance process. I'd appreciate hearing your thoughts on this question and your experience using the process.

Thanks,
Tim

Timothy R. Epp
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Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

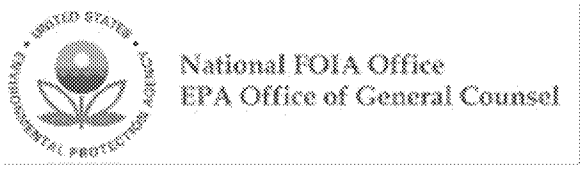
From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 6/25/2019 3:03:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: FW: REPLY: June 27 agenda
Attachments: FOIA Mtg Agenda June 27 2019 with detail.docx; FOIA Mtg Agenda June 27 2019 (004).docx

Tim I suggest we use/post the FOIA Mtg Agenda June 27 2019, attached. I think the detailed version may contain too much information for this meeting agenda, but are great talking points for the meeting.

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



From: Schumacher, Wendy
Sent: Tuesday, June 25, 2019 7:38 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: REPLY: June 27 agenda

Tim and Larry,

Would you like to add an item on the court decision on Ex. 4 (https://www.justice.gov/oip/blog/supreme-court-issues-decision-exemption-4-foia)?

If not for this week's meeting, I can put this on the agenda for the July meeting.

Do you have any edits or may I post one of these agendas?

Thanks, Wendy
Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office

U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Schumacher, Wendy
Sent: Monday, June 24, 2019 12:34 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: REPLY: June 27 agenda

Tim,

Since Nonresponsive Discussion of Personal Matters / Ex. 6 I am forwarding the FOIA Professionals meeting agenda (June 27) to you for comment/approval.

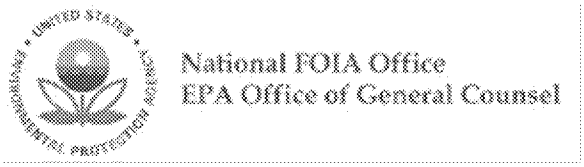
There are two because Bisa provided a version with greater detail than we usually use. She also suggested asking Tim Crawford to attend. I can contact him if you like.

The second version contains small edits from the rest of the staff.

Please let me know if you have any edits. If not, which version do you approve for posting.?

Thanks, Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov



Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/4/2018 4:32:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: Draft Agenda for FEAT/GLO weekly

Yes- Please call me at Personal Phone / Ex. 6 Nonresponsive Discussion of Personal Matters / Ex. 6

a. FOIA slides for Matt- next steps?
c. FOIA regulation briefing today
d. FOIAonline issues – **Denise to do**
e. FOIA memo
f. Joint NFO-GLO de-briefing from RelativityFest
g. Deliberative Process / Ex. 5

Sent from my iPhone

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/24/2018 3:53:09 PM
To: Hill, Kevin W. [hill.kevinw@epa.gov]; OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: 30+ year old records

If we believe that the records are at NARA, then the request should be referred to archives.
Adding Kevin Miller in case this direction has changed.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Hill, Kevin W.
Sent: Wednesday, October 24, 2018 9:01 AM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: 30+ year old records

I received the question from OEX if we have an OGC-approved FOIA template for a final response letter when records are 30+ years old and possibly archived with NARA.

Any policy guidance you could lend would help too!

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/25/2019 2:38:01 PM
To: Crawford, Tim [Crawford.Tim@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: RE: FOIAonline change centralizing intake

Hi Tim,

I wanted to let you know that we have an official effective date for the FOIA regs of July 26. Is there anything else you need from us right now?

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Thursday, June 20, 2019 12:26 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: FOIAonline change centralizing intake

Hi Tim C.,

Thank you for your feedback and thoroughness. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you for setting up meetings to discuss paths forward. FYI, we are still looking at the week of July 22 for implementation, and I will provide you with the official effective date once I hear from the Federal Register.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel

U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Tuesday, June 18, 2019 12:21 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Tim.

Timothy R. Epp
|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: Crawford, Tim
Sent: Tuesday, June 18, 2019 11:46 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Chris/Tim:
I only have a question Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Once I hear back, I'll suggest some meeting times to review options and chart a path forward.

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) 202.603.8538

From: Creech, Christopher
Sent: Tuesday, June 18, 2019 9:45 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hello All,

I do not see Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-Chris

Christopher T. Creech
Attorney–Adviser, National FOIA Office
Office of General Counsel, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A), Washington, DC 20460
WJCN 7353E | (202) 564-4286 | creech.christopher@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Tuesday, June 18, 2019 8:52 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Tim.

We had wondered Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We'll take another look at the questions you raise as to whether it would conflict with the new regs. What OIP policy were you thinking might speak to this question?

Tim

Timothy R. Epp
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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: Crawford, Tim
Sent: Tuesday, June 18, 2019 8:31 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks for the update Tim;
I've gotten an initial LOE for making the change to EPA's submission form to one central EPA Level 1 intake. The costs were much higher than I expected, and I will review this with the Dev team at my update this morning and send a follow up.

In terms of options to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) 202.603.8538

From: Epp, Timothy
Sent: Tuesday, June 18, 2019 8:20 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hi Tim and Rebecca,

EPA's FOIA regulation update was signed by the Administrator on Friday and was transmitted to the Federal Register yesterday. Although we do not yet know the precise effective date, we do know that it will fall within the week of July

22. Accordingly, FOIAonline will need to be changed during that week to reflect that EPA has only one request submission point.

Deliberative Process / Ex. 5

Should we set a time later this week to meet to discuss how the change will be implemented?

Tim

Timothy R. Epp
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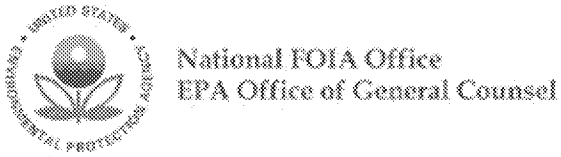
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov



From: Creech, Christopher
Sent: Tuesday, May 21, 2019 10:20 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hi Tim,

Confirming on Tim's behalf. Thank you for your help.

Chris

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Crawford, Tim
Sent: Tuesday, May 21, 2019 10:19 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hi Tim:
I'm confirming what system actions are needed and will let you know as soon as I hear.
I believe the change in the request form is very easy to switch, but there may be additional changes to roll everything up to one level for annual and quarterly reporting since regions will continue to receive assignments and close cases.

Can you please confirm that the only option for request submission will be EPA general (which is equivalent to EPA HQ)?
Appeals will continue to auto routed to OGC.
--Thank you

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) 202.603.8538

From: Epp, Timothy
Sent: Tuesday, May 21, 2019 9:46 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FOIAonline change centralizing intake

Tim,
We are getting ready to get the Administrator's signature on our regulation update, which would be effective 30 days later. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Tim

Timothy R. Epp
|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

Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 10/4/2018 4:15:21 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA online: Add for closed--> reason --> administratively closed

Hi all,

I touched base with Matt Gardner at OIP and with Kevin. For now, AWP, ACP, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

AWP, ACP, Deliberative Process / Ex. 5

The AUSA AWP, ACP, Deliberative Process / Ex. 5

AWP, ACP, Deliberative Process / Ex. 5

Please let me know if you have any questions. Thanks,

Peter

From: Walker, Denise
Sent: Thursday, September 27, 2018 9:18 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: FOIA online: Add for closed--> reason --> administratively closed

Ok. Let's just back up for a second before this becomes a 10 person call. :)

Peter, Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

Thanks,
Denise

Sent from my iPhone

On Sep 27, 2018, at 10:14 AM, Schumacher, Wendy <schumacher.wendy@epa.gov> wrote:

> Denise,
>
> Spoke to Matt who is happy to participate in a call. However, he said that since this is in litigation the assigned DOJ attorney should be part of the call or say that it's okay for Matt to take the lead on the call.

Told Matt that I will call him back once the assigned attorney is looped in.

Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Walker, Denise
Sent: Thursday, September 27, 2018 9:55 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Schumacher, Wendy <schumacher.wendy@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: Re: FOIA online: Add for closed--> reason --> administratively closed

Yes. Thank you.
Deliberative Process / Ex. 5

Sent from my iPhone

On Sep 27, 2018, at 9:44 AM, Gottesman, Larry <Gottesman.Larry@epa.gov> wrote:

> I can ask Wendy to set up a conference, call with Matt so we are all on the same page. Deliberative Process / Ex. 5
> Deliberative Process / Ex. 5
>
> Thanks
>
> Larry F. Gottesman
> Agency FOIA Officer
> Office of General Counsel
> U.S. Environmental Protection Agency
>
> 202-566-2162 (Direct line)
> 202-689-4588 (Mobile)
> 202-566-1667 (Main line)
>
> ---
>
> **From:** Walker, Denise
> **Sent:** Thursday, September 27, 2018 9:37 AM
> **To:** Schumacher, Wendy <schumacher.wendy@epa.gov>
> **Cc:** Gottesman, Larry <Gottesman.Larry@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
> **Subject:** Re: FOIA online: Add for closed--> reason --> administratively closed

I'd be happy to talk to Matt Gardner- AWP / DP / Ex. 5

AWP / DP / Ex. 5

Happy to talk more about this,
Denise

Sent from my iPhone

On Sep 27, 2018, at 9:11 AM, Schumacher, Wendy <schumacher.wendy@epa.gov> wrote:

> Larry,
>
> Spoke to Matt Gardner at OIP about adding this disposition.
>
> Deliberative Process / Ex. 5
>
> Please let me know if you need anything else.
>
> Wendy
> *Wendy Schumacher, Ph.D., PMP*
> **National FOIA Office**
> **Government Information Specialist**
> **(202) 566-2513**
> **email:** schumacher.wendy@epa.gov
>
> ---
>
> **From:** Gottesman, Larry
> **Sent:** Thursday, September 27, 2018 8:42 AM
> **To:** Schumacher, Wendy <schumacher.wendy@epa.gov>
> **Subject:** Re: FOIA online: Add for closed--> reason --> administratively closed
>
> Larry F. Gottesman
>
> Sent from my iPhone
>
> On Sep 26, 2018, at 4:41 PM, Crawford, Tim <Crawford.Tim@epa.gov> wrote:
>
> > Hi Larry—can you please take look at this
> >
> > Tim Crawford, FOIAonline Program Manager
> > Office of Enterprise Information Programs
> > Environmental Protection Agency
> > crawford.tim@epa.gov
> > (o) 202.566.1574
> > (c) 202.603.8538

From: Walker, Denise
Sent: Wednesday, September 26, 2018 3:33 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Bermes, Peter <Bermes.Peter@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: RE: FOIA online: Add for closed--> reason --> administratively closed

Tim:

Hi!
We need to add a closed disposition option which is "administratively closed" to FOIA online to conform with DOJ guidance (below).

Joan tells me we are able to do this ourselves. Are you OK with that? Who needs to approve such a change?

Thanks!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Moumbleaux, Joan
Sent: Wednesday, September 26, 2018 3:24 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: FOIA online: Add for closed--> reason --> administratively closed

I just looked through the fields and I do not see it. Without any user manual reference, my first thought

Deliberative Process / Ex. 5

I think it would be best to ask Tim Crawford, so that you get a reliable answer. (Larry may get upset that we are touching FO so you may want to loop him in at some point.)

From: Walker, Denise
Sent: Wednesday, September 26, 2018 3:06 PM

To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Cc: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: FOIA online: Add for closed--> reason --> administratively closed

Joan:

Is "administratively closed" an option for why something was closed in FOIAonline?
If not, how would we go about changing it?
Denise

https://www.justice.gov/oip/oip-guidance-8

Implementation Checklist for OIP Guidance on "Still-Interested" Inquiries

1. Ensure there are reasonable grounds to make a "still-interested" inquiry in first instance.

2. Absent good cause, do not make multiple "still-interested" inquiries.

3. Use requester's preferred method of communication and in the absence of a preference, communicate by telephone or email as the default.

4. Memorialize any decision by a requester to withdraw a request that is conveyed by telephone by sending the requester a brief email or letter noting the withdrawal.

5. Provide requesters no less than **thirty (30) working days** to respond to the "still-interested" inquiry and ensure that there is a simple way to do so.

6. Advise the requester that if they elect not to respond to the inquiry, the request will be **administratively closed** at the conclusion of the designated time period (which must be at least 30 working days).

7. Prior to administratively closing a request based upon the lack of a response by the requester, make good faith efforts to reach out to the requester using multiple methods of communication.

8. In the event a requester responds to the "still-interested" inquiry within a reasonable time after the deadline has passed, reopen the

request and place it back into the processing queue where it would have been.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/23/2018 8:07:41 PM
To: OGC NFO [OGC-NFO@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: FOIA Regulations_10.23.18_DRAFT_workgroup_clean NFO.docx
Attachments: FOIA Regulations_10.23.18_DRAFT_workgroup_clean NFO.docx

Making progress…

Will pick up at 2.105 next session.

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 10/23/2018 4:54:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Draft Memo Policy and Procedures Update
Attachments: DRAFT MEMO Policy and Procedure Update 10.23.2018.docx

Hello Tim,

Attached is the latest draft of the Policy and Procedure. Per our discussion, I am working on a recommendation for how to proceed with receiving internal comment and promulgating the Memorandum.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Thursday, October 18, 2018 4:44 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Draft Memo Policy and Procedures Update

Thanks, Chris,

I should have also asked you to check in with Larry Gottesman for his views – do you think you can do that before Tuesday?

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Creech, Christopher
Sent: Thursday, October 18, 2018 3:10 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Draft Memo Policy and Procedures Update

Hello Tim,

Please find the first draft of the Policy and Procedure Update. Please let me know if you would like to discuss before Hot Topics on Tuesday.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E
Creech.Christopher@EPA.gov

Message

From: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
Sent: 10/12/2018 1:28:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Next NFO meeting

Hi, Tim – What is the timeframe for this meeting – did you want to try today? Pat

---

From: Epp, Timothy
Sent: Friday, October 12, 2018 8:38 AM
To: Shaffer, Patricia <Shaffer.Patricia@epa.gov>
Subject: FW: Next NFO meeting

Hi Pat,
Could you work with Kevin Hill to schedule a half hour meeting with me on the below topic (Procedure for a FOIA on a FOIA)?

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Friday, October 12, 2018 8:37 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Next NFO meeting

Hi Kevin,
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 I'll ask Pat Shaffer to schedule a half hour for us to talk.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Hill, Kevin W.
Sent: Thursday, October 11, 2018 6:50 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Next NFO meeting

Tim,

I would like to add to our next NFO meeting's agenda a discussion on the proper policy for processing FOIA of a FOIA requests. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Let me know.

Thanks,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Message

From: Koslow, Karin [Koslow.Karin@epa.gov]
Sent: 10/3/2018 6:44:28 PM
To: OGC HQ ADDs Personal Privacy/ Ex. 6
Subject: Agenda below and attached for ADD meeting
Attachments: ADD Agenda 2018-10-03.docx

AGENDA FOR ASSOCIATE/S/DIRECTORS/DEPUTIES MEETING
10/3/18
3:00 p.m. – 4:00 p.m.

ROOM 4045/ Call in number: Meeting/Call-in Conference Line/Code / Ex. 6

- **Roundtable Sharing** *(5 minutes)*
- **PDGC Matters**: Elise
- **OGC Management Issues**
  - New weather policy – (Karin for Jen)

Regular Weekly Issues:
- OGC Mission Measures – Weekly Discussion (Karin)
- FOIA Update (Wendy)

Important Dates:
- 10/9 - Welcome happy hour for Dave Cozad

Potential Topics for Future Associates/Directors Meetings
- Litigation Risk (Carol Ann)
- Attorney Swaps Between OGC and OECA for six-month detail opportunities
- Spring/Fall interns: allowing them to work remotely? (Carol Ann)
- Homogenizing attorney PDs (Wendy, et al.)
- Feedback regarding Assistants: timing & tool (Steve)
- Portable work for Program Assistants

Karin Koslow
Deputy Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel

U.S. Environmental Protection Agency
(202) 564-0171
WJC North Room 7358

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 10/3/2018 4:00:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Trent, Bobbie [Trent.Bobbie@epa.gov]
CC: Albores, Richard [Albores.Richard@epa.gov]; Howard, MarkT [Howard.Markt@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Anthony, Sherri [Anthony.Sherri@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

ACP Deliberative Process / Ex. 5

Lynn Kelly | Temporary Assistant General Counsel for FOIA Litigation & Special Projects | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460 | phone: (202) 564-3266

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

From: Epp, Timothy
Sent: Wednesday, October 03, 2018 11:33 AM
To: Trent, Bobbie <Trent.Bobbie@epa.gov>
Cc: Albores, Richard <Albores.Richard@epa.gov>; Howard, MarkT <Howard.Markt@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Anthony, Sherri <Anthony.Sherri@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: Re: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Adding Lynn Kelley to this conversation. Lynn is a new Assistant General Counsel in OGC with responsibility for OIG responses.

ACP Deliberative Process / Ex. 5

Thanks,
Tim

Sent from my iPhone

On Oct 1, 2018, at 9:19 AM, Trent, Bobbie <Trent.Bobbie@epa.gov> wrote:

Good Morning:

ACP Deliberative Process / Ex. 5

Bob Trent
OCFO/OC/PTAD/MIAB
202-566-0983

From: Albores, Richard
Sent: Monday, October 01, 2018 9:07 AM
To: Howard, MarkT <Howard.Markt@epa.gov>; Trent, Bobbie <Trent.Bobbie@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

ACP Deliberative Process / Ex. 5

R

R

Sent from my iPhone

Begin forwarded message:

> **From:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Date:** September 28, 2018 at 4:27:30 PM EDT
> **To:** "Albores, Richard" <Albores.Richard@epa.gov>, "Monson, Mahri" <Monson.Mahri@epa.gov>
> **Cc:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>, "Walker, Denise" <Walker.Denise@epa.gov>
> **Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217**
>
> Rich and Mahri,
>
> ACP Deliberative Process / Ex. 5
>
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> **From:** Sigel, Jeremy
> **Sent:** Friday, September 28, 2018 12:53 PM
> **To:** Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena

<Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217
Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

Follow-up Requests:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262
  1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
     a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.

  2. Please provide the name(s) of EPA's FOIA Public Liaison(s).
     a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.

  3. What was the last version of FOIAonline, and when did it expire?

  4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

  5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

  6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 10/3/2018 3:18:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Miller, Tia [Miller.Tia@epa.gov]
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Importance: High

Hi Tim,

Deliberative Process / Ex. 5

Thanks!

Lynn Kelly | Temporary Assistant General Counsel for FOIA Litigation & Special Projects | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460 | phone: (202) 564-3266

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

From: Sigel, Jeremy
Sent: Friday, September 28, 2018 12:53 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217
Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

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What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

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  1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
     a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.

  2. Please provide the name(s) of EPA's FOIA Public Liaison(s).
     a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.

  3. What was the last version of FOIAonline, and when did it expire?

  4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

  5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

  6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

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- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Appointment

From: Vizian, Donna [Vizian.Donna@epa.gov]
Sent: 6/25/2019 1:45:37 AM
To: Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Epp, Timothy [Epp.Timothy@epa.gov]; DCROOMWJCN3330Q [DCROOMWJCN3330Q@epa.gov]

Subject: Directives Process Discussion
Attachments: FW: Question on benefits of directives clearance process
Location: DCROOMWJCN3330Q

Start: 6/25/2019 7:00:00 PM
End: 6/25/2019 7:15:00 PM
Show Time As: Tentative

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/13/2019 3:39:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Pritchard, Eileen [Pritchard.Eileen@epa.gov]
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Thank you, Eileen.

Christopher T. Creech
Attorney--Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Thursday, June 13, 2019 11:38 AM
To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Thanks for the update.

Timothy R. Epp
|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: Pritchard, Eileen
Sent: Thursday, June 13, 2019 11:37 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 | **DP (Ex. 5) / Personal Privacy (Ex. 6)**

Deliberative Process / Ex. 5

From: Creech, Christopher
Sent: Thursday, June 13, 2019 11:29 AM

To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Hello Eileen,

Has there been any further action on the FOIA Regulations? Thank you for tracking this for us.

If not, please let me know if there is anything we can do or anyone we can call to help it move along.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Pritchard, Eileen
Sent: Wednesday, June 12, 2019 6:14 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Thanks, Chris. That is good info. I will pass it along.

From: Creech, Christopher
Sent: Tuesday, June 11, 2019 5:08 PM
To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Hello Eileen,

Thank you very much for the update. Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know if there is anything I can do to help push this across the finish line.

Best,

Christopher T. Creech

Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Pritchard, Eileen
Sent: Tuesday, June 11, 2019 3:27 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Chris……just to give you a status update on this one……I checked Ryan's desk and he did not approve yet. He wrote a note at the bottom:

Deliberative Process / Ex. 5

Will keep you posted.

From: Pritchard, Eileen
Sent: Tuesday, June 11, 2019 10:08 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

It just arrived on my desk. It will be on Ryan's desk for autopen approval within the hour. I will keep you posted. May take a day or so for him to approve.

From: Creech, Christopher
Sent: Tuesday, June 11, 2019 9:55 AM
To: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Hello Eileen—

Are you able to provide an estimation of when the Administrator will sign the Rule? Thank you again for holding my hand through the CMS process.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286

Room 7353 E

From: Creech, Christopher
Sent: Tuesday, June 11, 2019 9:05 AM
To: Manibusan, Mary <manibusan.mary@epa.gov>
Cc: Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gaines, Cynthia <Gaines.Cynthia@epa.gov>; Caryn Muellerleile (Muellerleile.Caryn@epa.gov) <Muellerleile.Caryn@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Hi Mary,

The task was assigned to OEX this morning. Thank you for your patience!

-Chris

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Manibusan, Mary
Sent: Tuesday, June 11, 2019 8:00 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Christopher,

Can you please assign the task in CMS to OEX?

Thanks!

Mary

From: Creech, Christopher
Sent: Monday, June 10, 2019 12:21 PM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Hello Mary,

The document is attached to OGC-19-000-5863. Please let me know if you need me to assign a task in CMS or make any changes to the entry.

Thank you,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Manibusan, Mary
Sent: Monday, June 10, 2019 10:24 AM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Thanks Fletcher! Eileen cannot "autopen" sign the document without you entering it into CMS. Please let me know when that has been completed and we can move the package forward.
Mary

From: Mutz, John (Fletcher)
Sent: Monday, June 10, 2019 10:20 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Mary,

The call I received was from Ms. Pritchard.

Fletcher

From: Epp, Timothy
Sent: Monday, June 10, 2019 10:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Thanks, Mary, that is what I had understood from the email she sent on Friday.

Fletch – could you tell Mary who it was that called from the Administrator's Office, so that Mary is able to help connect the package to the person asking about it?

Thanks,
Tim

Timothy R. Epp
|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: Manibusan, Mary
Sent: Monday, June 10, 2019 10:13 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Good morning Tim,

Caryn had submit the package to OEX on Friday for signature. I will try to follow up to see the status of the package.

Mary

From: Epp, Timothy
Sent: Monday, June 10, 2019 10:10 AM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: FW: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Good morning Caryn and Mary

This morning, OGC's front office received a phone call request from the Administrator's Office for the FOIA regulation package for signature. Can you tell us where the package is in the process for signature?

Thanks,
Tim

Timothy R. Epp
|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: Muellerleile, Caryn
Sent: Friday, June 07, 2019 3:31 PM
To: Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Auther, Larry <Auther.Larry@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Today, OP approved OGC's **FOIA Regs Update, Phase I** (5630.1) for Administrator's signature. This tier 3 final rule is in OEX.

Caryn Muellerleile
Regulatory Management Division
Office of Policy
US Environmental Protection Agency
1200 Pennsylvania Ave NW (1803A)
Washington, DC 20460
(202) 564-2855
muellerleile.caryn@epa.gov

Message

From: Poole, Laura [Poole.Laura@epa.gov]
Sent: 10/5/2018 3:49:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA Lean Event OutBrief.pptx
Attachments: FOIA Lean Event OutBrief.pptx

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 10/11/2018 6:10:06 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Example "Still Interested" Letter

Will review

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Walker, Denise
Sent: Thursday, October 11, 2018 9:42 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Example "Still Interested" Letter

Nancy:

Good morning!
Heads up, the AO4 has and/or will be sending tailored "still interested" letters to certain requesters as appropriate. Matt Schwarz and I helped Breanne craft this example letter so it is as above board and transparent as possible and follows DOJ guidance. https://www.justice.gov/oip/oip-guidance-8

I don't know if these letters will create any questions for OPA but wanted to make you aware.

Thanks!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Vander Naald, Breanne
Sent: Thursday, October 11, 2018 8:36 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>; Espinoza, Ana <Espinoza.Ana@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Tillery, Loreto <Tillery.Loreto@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Farren, Victor

<Farren.Victor@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Yarbrough, Christopher <yarbrough.christopher@epa.gov>
Subject: Example "Still Interested" Letter

Hi All,

Attached as an example of a "Still Interested" letter that includes language we should use when we send out this type of correspondence with requesters. Denise and Matt Schwarz in ILPG reviewed and updated the language to ensure that it reflects DOJ guidance and is consistent with EPA's FOIA regulations and policies and procedures. I'm also going to upload a template version to the AO4 Sharepoint site. Please let me know if you have any questions.

Thanks!
Breanne

Breanne Vander Naald
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
Washington, D.C. | WJCN 7409E
(202) 564-1154

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 10/2/2018 10:38:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Workbook - LIST IN SECOND SPREADHSEET, attached
Attachments: FOIA FEB KAIZEN EVENT WORKBOOK.XLSX; Potential Action Items Listed in FOIA Lean Feb 2018 Kaizen Event Workbook.xlsx

---

From: Moumbleaux, Joan
Sent: Tuesday, October 2, 2018 3:35 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: FOIA Workbook

Tim – I typed the below list as I looked through the workbook. I will put it into a spreadsheet. I am sending this version b/c I don't know your deadline. – Joan

Potential Action Items Listed in FOIA Lean's Feb Kaizen Event Workbook

Professionalize FOIA Workforce

- *Mission-Goals-CTQs Tab*
  - Identify People Who Want to Work on FOIA
  - Incentives for Capable People to Do FOIA
  - Capable Project Management/Organizational Skills
  - Define Roles and Responsibilities
  - Accountability Mechanisms
  - Training
  - Empowerment and Appreciation for People Working in FOIA
  - People Doing Analytics of FOIA Process
  - Clear Accountability
- *Top QFD Tab*
  - Develop EPA Community of Practice
- *Solution Recommendations Tab*
  - Define and establish first line review corps
  - Define and establish case managers
  - Define and establish Relativity case admins
  - Change Culture – Elevating and professionalizing FOIA work so that it is regarded across the agency as mission critical work
  - Identify and fund training and professional enrichment opportunities for FOIA professionals
  - Reclassify all FOIA professionals to 0306 series
  - Update FOIA policy: Guidance and SOPs reflecting increase in authority and clarifying roles.

Centralize FOIA Process

- *Mission-Goals-CTQs Tab*
  - Robust Search Capability Across Systems
  - Accurate/Complete Tracking Data
  - Consistently Track Times/Cycle Times
  - Data Integrity
  - Rapid Management Approval
- *Quick Wins Tab*
  - My Property (self-service by potential requesters)
- *Process QFD Tab*
  - Implement Automated Analysis

    - Improve Awareness Review
    - Improve Inter-Agency Review
    - Improve FOIAonline Functionality/Interoperability
- *Solution Recommendations Tab*
    - Institutionalize case management form beginning to end
    - Roll-out standard naming convention for records and correspondence
- *Next Steps Tab*
    - Implement New Intake Form
    - Modify FO request form
    - Explore interoperability functions

Re-organize FOIA Program

- *Mission-Goals-CTQs Tab*
    - Right People Amount in Right Jobs
    - Accurate/Complete Tracking Data
    - Integrate Review Capability
    - Efficient Review Process
- *Process QFD Tab*
    - Reorganize technology/FOIA group as a centralized unit
    - Align Authority with Reorganization

- *Solution Recommendations Tab*
    - All large document productions go through Relativity/FOIAonline
- *Next Steps Tab*
    - Complete the related organizational changes
    - Reorganize technology/FOIA group as a centralized unit
    - Align authority and reorganization

From: Moumbleaux, Joan
Sent: Tuesday, October 2, 2018 2:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: FOIA Workbook

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/2/2018 7:51:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: OLEM-ORCR FOIA SOW
Attachments: Final OLEM FOIA SOW V7 cc_rh_nb 9.28.18.docx

Tim:

I need your help to respond to OLEM's request for review of this SOW. Do you have thoughts on who OLEM (and others) should confer with to bring on contractors to review FOIA records?

Deliberative Process / Ex. 5

Hope you can assist.
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Mooney, Charlotte
Sent: Tuesday, October 02, 2018 2:10 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Carusiello, Chris <Carusiello.Chris@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: FW: OLEM-ORCR FOIA SOW

Denise – emailing as I have to run off to a meeting. Following up with you on the below, as Kevin is out, and Victoria said I should talk to you. Checking first – we are hoping you all could review this for us, or let us know if it should go to someone else. The idea is to get some contractor support to help with the volume of FOIAs we are receiving. We thought we'd do OLEM as scope, on the premise that other OLEM offices may run into similar needs. Let me know if you can help us with this. We're happy to set up a call, or answer questions, etc.!

I wanted to add one point – that probably should be stated clearly in the SOW. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Hope that is helpful.

Thanks Denise!

Charlotte Mooney, Chief
Cleanup Programs Branch
Office of Resource Conservation and Recovery
US EPA
703.308.7025
mooney.charlotte@epa.gov

From: Carusiello, Chris
Sent: Friday, September 28, 2018 12:19 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Villamizar, Nicole <Villamizar.Nicole@epa.gov>
Subject: OLEM-ORCR FOIA SOW

Hi Denise,

Thank you and the FEAT team again for putting on such a great FOIA Training Conference last year (hard to believe it was already over a year ago), and for all your assistance on our current FOIAs. We in OLEM-ORCR are developing a Statement of Work for contractor assistance in helping us manage the various size FOIAs we receive annually. Before we submitted it into the system, we wanted to make sure that you had a chance to take a look at it and provide any feedback or comments.

Please let us know if you have any questions or concerns. We would also be happy to be on a call to discuss more.

Best regards,
Chris Carusiello

Chris Carusiello
U.S. EPA Office of Resource Conservation & Recovery
Built Environment | Sustainable Management of Food
(703) 308-8757 | Carusiello.Chris@epa.gov | @EPAland

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 10/2/2018 6:07:25 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Silzer, Stefan [Silzer.Stefan@epa.gov]
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Thank you, Denise!

Here is the article from May 11th : https://insideepa.com/daily-news/eve-epa-summit-agencies-odds-over-calculating-pfas-risks.

Deliberative Process / Ex. 5

Thank you,

Joan

From: Walker, Denise
Sent: Tuesday, October 2, 2018 1:59 PM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Silzer, Stefan <Silzer.Stefan@epa.gov>
Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process

Joan:

I spoke with Stefan Silzer, Director in OPRM/ORD, and we are certain that the concern about unredacted documents that OMB raised to you is from an old release. **Deliberative Process / Ex. 5** See e-mail string below.

Deliberative Process / Ex. 5

What we need to know is if this is a recent E&E article or an old one.

Thanks for raising, Joan!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Silzer, Stefan
Sent: Wednesday, August 29, 2018 11:11 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5 I will send future communications to Tim.

I am sure you are glad to be back home.

Best wishes,

Steve

From: Bigioni, Neil
Sent: Wednesday, August 29, 2018 10:58 AM
To: Silzer, Stefan <Silzer.Stefan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5

By the way, I am no longer Acting NFO director, that title has been passed on to Tim Epp. As of August 12, I am back in my official position as Deputy Regional Counsel in R3, so further correspondence pursuant to Matt Leopold's memo should be directed to Tim.

Regards,

Neil

Neil R. Bigioni
Deputy Regional Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

From: Silzer, Stefan
Sent: Wednesday, August 29, 2018 10:54 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I will keep you posted when we are ready to upload.

Steve

From: Walker, Denise
Sent: Tuesday, August 28, 2018 3:58 PM
To: Silzer, Stefan <Silzer.Stefan@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Hi Stefan!

Quick question:

Deliberative Process / Ex. 5

Best,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Silzer, Stefan
Sent: Wednesday, August 15, 2018 3:38 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: Monthly Update – ORD's Improvement of its FOIA Review Process

Neil,

Attached and set out below is ORD's monthly status report on our FOIA process improvements.

If you have any questions, let me know.

Steve

MEMORANDUM

DATE: August 15, 2018

SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process

FROM: Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development

TO: Neil R. Bigioni, Acting Director
National FOIA Office
Office of General Counsel

ORD has made significant progress in ensuring quality control over its FOIA process. ORD has significantly strengthened its FIOA review and approval process. As previously noted, responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review. Furthermore, ORD's Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD released its first FIOA under this new process on August 8, 2018. ORD. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. We have already initiated the development of the final FOIA policy which should be completed in the first quarter of FY19.

ORD continues to strengthen its FOIA skills and abilities. ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker. The training was very well received. Additional training is under development. ORD is in the process of developing refresher training for senior managers to ensure that FOIA training is an ongoing activity. The refresher training will be will be finalized by the end of FY18 and utilized in the next fiscal year. Furthermore, a FOIA-professional oriented training is under development, with the first round of training to occur in September for all ORD FOIA liaisons. This is anticipated to be an all-day training. A more comprehensive, interactive face-to-face meeting/training session is also under development, using a similar model developed by the Office of Air and Radiation. This training is expected to occur in the earlier part of calendar year 2019. Additionally, ORD's FOIA lead is making progress in reviewing OPM classification standards for possible reclassification of ORD FOIA professionals into the 0306 series (developed for FOIA professionals). We anticipate completing consultation with Human Resources and having a decision by mid-October 2018.

ORD has made significant strides in strengthening our FOIA process through centralization, improving oversight, increased training and professionalism, and better internal controls. We will continue to keep you apprised through monthly updates as we move forward.

Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (8102R)
Washington, DC 20460

202-564-5389

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/2/2018 5:59:16 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Silzer, Stefan [Silzer.Stefan@epa.gov]
Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process

Joan:

I spoke with Stefan Silzer, Director in OPRM/ORD, and we are certain that the concern about unredacted documents that OMB raised to you is from an old release Deliberative Process / Ex. 5 See e-mail string below.

Deliberative Process / Ex. 5

What we need to know is if this is a recent E&E article or an old one.

Thanks for raising, Joan!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Silzer, Stefan
Sent: Wednesday, August 29, 2018 11:11 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5 I will send future communications to Tim.

I am sure you are glad to be back home.

Best wishes,

Steve

From: Bigioni, Neil
Sent: Wednesday, August 29, 2018 10:58 AM
To: Silzer, Stefan <Silzer.Stefan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5

By the way, I am no longer Acting NFO director, that title has been passed on to Tim Epp. As of August 12, I am back in my official position as Deputy Regional Counsel in R3, so further correspondence pursuant to Matt Leopold's memo should be directed to Tim.

Regards,

Neil

Neil R. Bigioni
Deputy Regional Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

From: Silzer, Stefan
Sent: Wednesday, August 29, 2018 10:54 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I will keep you posted when we are ready to upload.

Steve

From: Walker, Denise
Sent: Tuesday, August 28, 2018 3:58 PM
To: Silzer, Stefan <Silzer.Stefan@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Monthly Update – ORD's Improvement of its FOIA Review Process

Hi Stefan!

Quick question:

Deliberative Process / Ex. 5

Best,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Silzer, Stefan
Sent: Wednesday, August 15, 2018 3:38 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: Monthly Update – ORD's Improvement of its FOIA Review Process

Neil,

Attached and set out below is ORD's monthly status report on our FOIA process improvements.

If you have any questions, let me know.

Steve

MEMORANDUM

DATE: August 15, 2018

SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process

FROM: Stefan Silzer, Director
Office of Program Accountability and Resource Management

Office of Research and Development

TO: Neil R. Bigioni, Acting Director
National FOIA Office
Office of General Counsel

ORD has made significant progress in ensuring quality control over its FOIA process. ORD has significantly strengthened its FIOA review and approval process. As previously noted, responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review. Furthermore, ORD's Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD released its first FIOA under this new process on August 8, 2018. ORD. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. We have already initiated the development of the final FOIA policy which should be completed in the first quarter of FY19.

ORD continues to strengthen its FOIA skills and abilities. ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker. The training was very well received. Additional training is under development. ORD is in the process of developing refresher training for senior managers to ensure that FOIA training is an ongoing activity. The refresher training will be will be finalized by the end of FY18 and utilized in the next fiscal year. Furthermore, a FOIA-professional oriented training is under development, with the first round of training to occur in September for all ORD FOIA liaisons. This is anticipated to be an all-day training. A more comprehensive, interactive face-to-face meeting/training session is also under development, using a similar model developed by the Office of Air and Radiation. This training is expected to occur in the earlier part of calendar year 2019. Additionally, ORD's FOIA lead is making progress in reviewing OPM classification standards for possible reclassification of ORD FOIA professionals into the 0306 series (developed for FOIA professionals). We anticipate completing consultation with Human Resources and having a decision by mid-October 2018.

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Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (8102R)
Washington, DC 20460

202-564-5389

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/2/2018 5:20:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Question re documents in Relativity ED_001675/ ORD documents re PFAS
Attachments: EPA FOIA Yamada Beck.docx; Emails from InsideEPA article re. PFAS.PDF

We need to discuss.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Moumbleaux, Joan
Sent: Tuesday, October 02, 2018 12:54 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Question re documents in Relativity ED_001675/ ORD documents re PFAS

Hi Denise,

The attached documents, containing OMB email addresses and deliberative content, were released without redaction by ORD in response to a to Union of Concerned Scientist FOIA . The FOIA requested, "…all communications, from January 1, 2018 to present, between Richard Yamada and Nancy Beck."

The documents were subsequently published in Inside EPA and, as a result, OMB would like us to review our FOIA processes.

Deliberative Process / Ex. 5

Nathan Gentry of the ORD/IO created the Relativity workspace: I do not know who else worked on the FOIA. This is ORD's FOIA staff, as listed in FOIAonline are,

OAA	Immediate Office	Nathan Gentry	
NCCT	National Center for Computational Toxicology	Sandra Roberts	
NCEA	National Center for Environmental Assessment	Crystal Samuels	
NCER	National Center for Environmental Research	Lisa Doucet	

NERL	National Exposure Research Laboratory	Pamela Garrett	
NHEERL	National Health and Environmental Effects Research Laboratory	Daniel D Adams	
NHSRC	National Homeland Security Research Center	Suzanne Jackson	
NRMRL	National Risk Management Research Laboratory	Suzanne Jackson	
OARS	Office of Administrative and Research Support	Mr. Peter Evanko	
OPARM	Office of Program Accountability and Resource Management	Norman Adkins	
OSA	Office of the Science Advisor	Anand Mudambi	
OSIM	Office of Science Information Management	Brian Devir	
OSP	Office of Science Policy	Anthony Grimm	

Deliberative Process / Ex. 5

Thank you for helping me with this!

Joan

From: Gentry, Nathan
Sent: Tuesday, October 2, 2018 11:47 AM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Cc: Clausen, Rebecca <Clausen.Rebecca@epa.gov>
Subject: RE: Question re documents in Relativity ED_001675

Those were released as part of a FOIA: EPA-HQ-2018-005145.

Nathan Gentry
Scheduler for Jennifer Orme-Zavaleta, Chris Robbins and Bruce Rodan
Assistant Deputy Ethics Official
EPA Office of Research and Development
Phone: 202-564-9084
Fax: 202-565-2430

From: Moumbleaux, Joan
Sent: Tuesday, October 02, 2018 11:39 AM
To: Gentry, Nathan <Gentry.Nathan@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: Question re documents in Relativity ED_001675

Hi Nathan!

I am part of the Office of General Counsel, National FOIA Office's FOIA Expert Assistance Team (OGC/NFO/FEAT).

One of my responsibilities is to be the point-of-contact for EPA documents containing White House equities that are being released to the public through FOIA, Congressional Requests, and Litigations.

Because of my role, a few days ago the Office of Management and Budget (OMB) asked me about the release of the attached records. I understand that these documents were produced from ED_001675 and that you are the workspace owner.

Can you please let me know if the records were released in response to a FOIA request, a congressional request, or a litigation?

Thank you for letting me know!

Joan

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 10/11/2018 1:17:10 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: RE: Awareness Notification Procedures

I had a meeting with Beth yesterday on the AO4- FYI she has another political person in OEX helping with FOIA now in addition to Victoria Tran. And they've hired another staff attorney as well.

I am teleworking today. I did find my work cell phone ☺

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Thursday, October 11, 2018 8:32 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: FW: Awareness Notification Procedures

Denise and Tim – I thought I hadn't sent my comments on the ANP, but I did send them Friday. Please bring a copy of the attached to our 9:30 am meeting in 7346 so we can discuss issues with Beth.

I have a hard stop at 10 am with another meeting

Agenda for today's 9:30 am meeting:

1. AWP/ACP/DPP Ex. 5
2.
3.

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

From: Blake, Wendy
Sent: Friday, October 05, 2018 1:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Procedures

All – I also had a chance to go through Beth's document. AWP/ACP/DPP Ex. 5 AWP/ACP/DPP Ex. 5 will set up a meeting for Tuesday.

AWP/ACP/DPP Ex. 5

Wendy

From: Epp, Timothy
Sent: Friday, October 05, 2018 9:13 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Awareness Notification Procedures

Deliberative; attorney-client privilege.

Hi all,

Some thoughts on AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Friday, October 05, 2018 7:49 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Awareness Notification Procedures

Hi Denise – did you intend to attach a document with your comments? If so, please forward it when you get a chance.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Walker, Denise
Sent: Thursday, October 04, 2018 5:46 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Procedures

I have a few comments related to AWP/ACP/DPP Ex. 5

Thank you for the opportunity to review,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Youngblood, Charlotte
Sent: Thursday, October 04, 2018 12:49 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Awareness Notification Procedures

Charlotte Youngblood
Deputy Associate General Counsel

General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: White, Elizabeth
Sent: Monday, October 1, 2018 5:00 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification Procedures

I apologize for the delay. Attached are my thoughts/edits. Let me know when you would like to discuss.

Beth

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Blake, Wendy
Sent: Wednesday, September 12, 2018 12:59 PM
To: Tran, Victoria <tran.victoria@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Awareness Notification Procedures

Victoria, Beth, and Brian,

As we discussed at our GLO/NFO/OEX meeting last week, attached is the current version of the awareness notification procedures. Could you review the attached and let me know if you have any additional revisions? I would like to discuss next steps with regard to finalizing and implementing the attached. 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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 6/13/2019 1:25:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

This looks great, I thought I had sent comments yesterday, but I found the email as a draft.

From: Epp, Timothy
Sent: Thursday, June 13, 2019 8:26 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thanks Bisa and Denise, these edits are extremely helpful and spot on.
Tim

Timothy R. Epp
|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
Sent: Wednesday, June 12, 2019 4:15 PM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thanks! Comments in yellow.

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

From: Cunningham, Bisa
Sent: Wednesday, June 12, 2019 3:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Please see my comments in red below. Thank you for the opportunity to review.

r/s

Bisa Cunningham
Senior Advisor to the Director/Deputy Director
National FOIA Office
Office of General Counsel
WJC North (Room 5315H)
Office: 202-564-6635
Email: Cunningham.Bisa@epa.gov

From: Epp, Timothy
Sent: Wednesday, June 12, 2019 1:12 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs
Importance: High

Hi Larry, Denise, and Bisa,

Below is the text of a proposal for converting NFO expenses to a Working Capital budget item – I've made edits to the text and flagged [Deliberative Process / Ex. 5] Please send me your suggested edits as soon as possible.

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Wednesday, June 12, 2019 12:52 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim and Bisa,

Here's a current excerpt from our WCF Business case. Can you please fill in the table, edit any inaccurate information, and add anything you think necessary? Elise has asked for this as soon as possible. Thank you!!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, June 11, 2019 5:08 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! Do you happen to already have any narrative justification for the numbers you sent to Shanita for FY2020 **Deliberative Process / Ex. 5** in addition to this? Heads up that we may ask you to write something in the next couple of days. Thank you!!

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

- The National FOIA Office (NFO) serves as the Agency's national program office, under the direction of the Chief FOIA Officer, for implementing and establishing policy, procedures, and directives to implement the Freedom of Information Act (FOIA) to coordinate FOIA response processing in each of the Agency's Regional and Program Offices.
- The NFO reviews and recommends changes and updates to the Agency's FOIA regulations, policies, and procedures – in FY2019, the NFO is publishing a regulation update and updates to the Agency's national FOIA Policy and Procedures. In FY2019, the NFO anticipates taking public comment on and publishing a second update to the Agency's FOIA regulations and further updates to the Agency's national FOIA Policy and Procedures.
- The NFO provides policy guidance and training to EPA's FOIA Officers, Coordinators, and professions located in each of the Agency's Regional and Program Offices, including providing interpretive statement updates, monthly training meetings, and response to questions.
- The NFO developed a web-based (FedTalent) training for all EPA staff on FOIA responsibilities, and the NFO developed and is delivering in person training to supervisors on their FOIA review responsibilities.
- The NFO provides the FOIA Expert Assistance Team (FEAT) of expert attorneys and government information specialists to assist Regional and Program Offices respond to particularly complicated FOIA requests, including multiple FOIA requests regarding the same or similar circumstances and that require response from multiple offices and involve litigation. In FY2019, the NFO is providing FEAT FOIA response assistance on more than 15 complex circumstances, and the NFO is providing FEAT consultation, management, and assistance to the

Administrator's Office on its backlog of more than 1,300 FOIA requests. The NFO is currently in discussions with a program office and two regional offices regarding the NFO providing similar services to those offices to help them address those office's overdue FOIA backlogs.

- The NFO issues monthly reports to the Regions and Program Offices on their FOIA backlog and the NFO provides reports for the Agency's Bowling Charts and tracks and implements corrective actions for missed goals and targets regarding FOIA response.
- The NFO developed a Lean Management Flowboard toolkit for FOIA processing and is providing training to offices in the regions and programs regarding use of FOIA processing flowboards, and the NFO is developing a national pulseboard of data regarding FOIA response processing at the Agency.
- The NFO currently receives, reviews, and assigns all FOIA requests submitted for response by EPA Headquarters Programs and the NFO will perform these functions for the whole agency beginning in July 2019 when EPA's regulation update is effective. The NFO is enhancing its FOIA intake functions to include: 1) issuing an initial letter to requesters on all FOIA requests; 2) assigning FOIA requests to the simple and complex processing tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for waiver of processing fees. In FY2018, the NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications. In FY2019
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Message

From: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Sent: 6/25/2019 6:48:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Fwd: The Hill Falsely Reports On EPA's New FOIA Regulation

FYI

Sent from my iPhone

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: June 25, 2019 at 1:51:16 PM EDT
To: "Stachowiak.Robert@epa.gov" <Stachowiak.Robert@epa.gov>
Subject: The Hill Falsely Reports On EPA's New FOIA Regulation
Reply-To: press@epa.gov

U.S. ENVIRONMENTAL PROTECTION AGENCY

FACT CHECK

WWW.EPA.GOV/NEWSROOM

The Hill Gets It Wrong On New EPA FOIA Regulation

EPA has finalized a new regulation which will bring the Agency into compliance with the Congressional amendments to FOIA from 2007, 2009, and 2016. Congress provided all federal departments and agencies until the end of 2016 to update their FOIA regulations, the Obama administration failed to meet this deadline.

The Hill used a false premise and ran a grossly inaccurate story explaining the new regulation. EPA has asked for a retraction.

THE HILL'S FALSE HEADLINE

New EPA rule would expand Trump officials' powers to reject FOIA requests

BY MIRANDA GREEN - 06/25/19 09:50 AM EDT

155 COMMENTS

The headline above is false, EPA is not "expanding" political appointees powers to turn down FOIA requests.

What the Agency has done with this new rule is simply restated in a single place the political and career Agency officials who are authorized to issue determinations under the FOIA statute. The 2002 regulation was ambiguous in its description of who held this authority previously, and the 2019 regulation will provide clarity.

THE HILL'S FALSE QUOTES

> Political appointees at the Environmental Protection Agency (EPA) will soon have the authority to reject public information requests without explanation.
>
> The EPA's new Freedom of Information Act (FOIA) rule will expand the ability of the agency's administrator and other administration officials to withhold sought-after documents by labeling them "non-responsive," according to a copy of the final rule obtained by The Hill.

The 2019 regulation does not grant any additional authorities such as the ability to "reject" FOIA requests by claiming "no records." A response that yields "no records" is simply a request in which a search has been conducted and no responsive records are found, it is a frequent determination that has existed since the passage of the FOIA, and has been available to any official authorized to issue FOIA determinations. This new regulation brings EPA into compliance with the law, which the previous administration failed to do.

MORE OF THE HILL'S FALSE QUOTES

According to the new language in the FOIA rule signed by EPA chief Andrew Wheeler last week, the administrator and other officials would be allowed to review all materials that fit a FOIA request criteria, known as responsive documents, and then decide "whether to release or withhold a record or a portion of a record on the basis of responsiveness or under one or more exemptions under the FOIA, and to issue 'no records' responses."

THIS IS NOT NEW.

At all federal departments and agencies this has been the case since the passage of FOIA, all of these options are available for every request that comes into the Agency.

AND MORE FALSE REPORTING FROM THE HILL

A "no records" response would allow records seekers to be told there are no documents meeting their search criteria, even if they were found but withheld by the political appointees.

The blanket explanation for non-responsive materials may also make it harder for groups or individuals to legally challenge any of EPA's decisions to withhold documents, because it will be more difficult to prove they were withheld unlawfully. A person appealing their FOIA response would not know if any documents were withheld under a "no records" response.

THIS IS COMPLETELY FALSE.

EPA's regulations cannot change federal statute. When an Agency discovers responsive documents they are released, in accordance with the law. EPA will continue to interpret the FOIA regulations in accordance with the statute and the courts.

<!--[if !mso]--> **Visit The EPA's Newsroom** <!--[endif]-->

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

Unsubscribe

Message

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 6/25/2019 6:19:52 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Subject: 2019 OAR FOIA Energizer OGC Discussion Follow up
Attachments: FOIA Online Suggestions for Improvement 2019.docx

Good afternoon Tim,

Thank you so much for attending the OGC Panel Session at the 2019 OAR FOIA Energizer. We appreciate your contributions to making the OAR FOIA program more efficient and effective, and we value the opportunities you have provided us to contribute to the strengthening of EPA's National FOIA Program. As a result of OAR's FOIA Energizer, OAR is taking additional steps to improve its FOIA process. Improvements include developing and updating SOPs for all areas of FOIA processing, identifying resources to assist tracking and maintenance of OAR requests, and refining our triage process by having designated SPOCs submit eDiscovery searches for clearly defined requests within 24 hours of OAR receipt.

One of the largest opportunities for improvement in the FOIA process for OAR relates to internal and external equity review. We would like to further discuss opportunities for us to work together to improve / establish an equity review process for the agency.

In addition, in speaking with Tim Crawford, we identified opportunities to improve FOIA online. We understand that you have begun an effort to work with OMS to identify a current wish list of improvements to FOIAOnline. During the 2017 OAR FOIA Energizer, the attached FOIAOnline issue list was created by the team and we have updated it to reflect our ongoing challenges. We would like to continue to have a dialogue with the NFO and OMS on ways to work together to enhance the overall system.

If you would like to further discuss any of the issues raised during the session or there are any other topics you would like to discuss with the OAR FOIA Team, please do not hesitate to reach out to Jonathan or myself. Once again, we appreciate your participation in our event and all of your efforts to support the OAR FOIA Team.

Have a wonderful day!
Kristina

Kristina Sandfoss
Office of Air and Radiation – Office of Air Policy & Program Support
U.S. Environmental Protection Agency Headquarters
1200 Pennsylvania Avenue NW, Washington, DC 20460
202-564-7177 WJC-N 5442R

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 10/1/2018 4:06:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: NFO Accomplishments and To Do Report for Sept 2018
Attachments: Accomplished and To Do Report_ Sept 27 2018_Moumbleaux.docx

Hi Tim and Denise:

This is the info I wanted to provide to you last week!

Joan

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/13/2019 12:28:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-006979 (Pruitt travel)

From: Cubeddu, Mariana
Sent: Thursday, June 13, 2019 8:28:44 AM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-006979 (Pruitt travel)

Thank you! I will follow-up on Monday.

From: Hill, Kevin W.
Sent: Wednesday, June 12, 2019 3:48 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: FW: Awareness Notification - EPA-HQ-2018-006979 (Pruitt travel)

Mariana,

This one is ready to close after the awareness notification expires at 4:00 p.m. on Monday. I uploaded the records, letter, sent A.N., and started the closeout review task to Larry. Thanks.

Regards,
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

From: Hill, Kevin W.
Sent: Wednesday, June 12, 2019 3:46 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-006979 (Pruitt travel)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records: Office of the Administrator

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *attached.*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-006979	*Steven A. Johnson*		04/25/2018	06/12/2019	Departure date & return date for Administrator Pruitt's trip to Paris & Morocco; total	*Final*	*17 pages*

					number of personnel on trip; hotels used in Paris, France & Rabat, Morocco; cost of airfare for each person on trip; cost of lodging for each person accompanying the Administrator; reason for second overnight in Paris, France. Duties of those accompanying the Administrator (e.g. xx personnel were security, xx personnel were advisors, xx personnel that were participants in meeting(s) -- not requesting eaches - merely totals of each category).			

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/28/2018 8:42:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

ACP Deliberative Process / Ex. 5

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Friday, September 28, 2018 4:28 PM
To: Albores, Richard <Albores.Richard@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217
Importance: High

Rich and Mahri,

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Sigel, Jeremy
Sent: Friday, September 28, 2018 12:53 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA

Requests, Project No. OA&E -FY18-0217
Importance: High

(Forwarding on behalf of IT Auditor, Sabrena Stewart. Please direct all responses to her and CC Jeremy Sigel, Project Manager):

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions, reviewed those responses and made follow up requests.

What We're Currently Doing:

- Documenting responses received and our analysis and following up on additional items needed.

Follow-up Requests:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 14-P-0262
  1. Please provide the name and contact information (name, phone, email) of EPA's Chief FOIA Officer, or Acting Chief FOIA Officer.
     a. If the person is in an Acting capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an acting capacity as EPA's Chief FOIA Officer? If so, please provide policy/procedure information with location within document.

  2. Please provide the name(s) of EPA's FOIA Public Liaison(s).
     a. If the person is in an "Acting" capacity, please provide the timeframe that they have been acting.
     b. Is there a policy/procedure that states the timeframe that a person can be in an "Acting" capacity as EPA's FOIA Public Liaison? If so, please provide policy/procedure information with location with document.

  3. What was the last version of FOIAonline, and when did it expire?

  4. When was FOIAonline 3.0 implemented and put on EPA's internet for use?

  5. When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

6. What process is currently used to gather information since much of the FOIAonline is not yet in 3.0, and is expected to take several weeks to complete?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB October 9, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/28/2018 5:32:48 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Revisions: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing revised 09282018.pptx
Attachments: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing revised 09282018.pptx

Tim:

I've revised the slides to reflect some of the comments from Matt.

Deliberative Process / Ex. 5

Thanks,
Denise

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 9/27/2018 10:51:35 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: FOIA Reg. Deadline

Thank you! (One Drive is amazing.)

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Schramm, Daniel
Sent: Tuesday, September 25, 2018 2:25 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FOIA Reg. Deadline

Deliberative Process / Ex. 5

From: Siciliano, CarolAnn
Sent: Tuesday, September 25, 2018 2:19 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FOIA Reg. Deadline

DP & AC / Ex. 5

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Schramm, Daniel
Sent: Tuesday, September 25, 2018 2:17 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>

Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FOIA Reg. Deadline

Sure – **DP & AC / Ex. 5**

From: Siciliano, CarolAnn
Sent: Tuesday, September 25, 2018 2:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FOIA Reg. Deadline

Thank you, Dan, for helping me with this project. Timing: **Noon Thursday Sept 27.** For your (and my) convenience, I've attached the "table" template I'm using for other program offices. Could you add the FOIA rulemaking deadlines to this table? Many thanks.

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 2:01 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Reg. Deadline

Thanks Charlotte.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Youngblood, Charlotte
Sent: Tuesday, September 25, 2018 1:56 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: FOIA Reg. Deadline

Dan,

DP & AC / Ex. 5

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 9/27/2018 8:48:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FOIA Training 2019 mandatory.pptx
Attachments: FOIA Training 2019 mandatory.pptx

Tim,

Please let me know if you have any edits or the slides are ready to share with Elise and Joe.

FYI - this is the required font size.

Thanks, Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/18/2018 9:51:32 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Hold time- Run/Review FOIA Improvement Draft PowerPoint
Attachments: OGC FOIA Improvement Initiatives 2018 - Draft DAW.pptx

OK, finally able to focus and devote some time to this...
I gussied it up and reorganized it just a little. I added nothing to the notes. We can discuss tomorrow am.

Feel free to edit liberally!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

-----Original Appointment-----
From: Blake, Wendy
Sent: Tuesday, September 18, 2018 4:26 PM
To: Walker, Denise
Subject: Accepted: Hold time- Run/Review FOIA Improvement Draft PowerPoint
When: Wednesday, September 19, 2018 9:00 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where:

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/18/2018 9:36:15 PM
To: OGC Immediate Office Support Personal Privacy / Ex. 6 OGC GLO Personal Privacy / Ex. 6 ; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]
Subject: GLO Reg Review for tomorrow is attached
Attachments: 9 19 GLO reg review.docx

GLO - We will be starting with information law matters tomorrow. Employment law will start at 11:45 am.

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: Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Sent: 8/29/2018 4:12:10 PM
To: Patrick, Monique [Patrick.Monique@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Agenda for NFO Mini-Monthly and Hot Topics with Kevin
Attachments: Kevin Mini-Monthly Hot Topics 8-29-2018 .docx

Hi Monique,

Attached is the agenda for the NFO's Mini-Monthly and Hot Topics with Kevin and Elise. Please let me know if there's anything else you need from me or if there's anything I can do.

Thanks!
Breanne

Breanne Vander Naald
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
Washington, D.C. | WJCN 7409E
(202) 564-1154

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 8/29/2018 2:09:26 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Clarke, Victoria [clarke.victoria@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: EPA-2018-010843 - FOIA request about EPA's policy on a proper request
Attachments: EPA-HQ-2018-010843 FOIA Request.pdf

Importance: High

Tim:

This FOIA request was assigned by NFO to OARM. It needs to be flagged for leadership attention, and it probably should be put on today's Hot Topics agenda. The request explains its context for seeking the records is Rep. Cummings' letter to EPA about awareness review, first in first out policy, and the Agency's approach to records being "reasonably described". Specifically, the request states "American Oversight seeks records to determine whether EPA has improperly instituted FOIA request processing policies with the aim or effect of restricting the release of records responsive to FOIA requests and reducing transparency."

It came to Victoria's and my attention by OARM, as they were confused about why it was assigned to them.

I've attached the FOIA request, but the meat of the request is as follows (January 20 to present):

> All email communications of the EPA employees in the table below with any other EPA personnel (including, but not limited to, individuals with email addresses ending in epa.gov) that contain 1) any of the terms: "keyword," "keywords," "search term," "search terms," "subject," or "subjects" within the same paragraph as 2) any of the terms "reasonably describe," reasonably described," "reasonably describes," "reasonable description," or "21.02".

The custodians they request are:
1) Kristina Sandfoss
2) Jonathan Newton
3) Isabelle Pettiford
4) Brian Long
5) Candace White
6) Chandra Kennedy
7) Ryan Yaeger
8) Nicole Rementer
9) LaShawn Williams
10) Nicolas Banco
11) Larry Gottesman
12) Frederick No
13) Leslie Meadows
14) Christopher Creech
15) Thomas J. Seaton
16) Wanda McLendon
17) Kevin Hill
18) Victor Farren
19) Victoria Clarke

Nicole M. Rementer

Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692
rementer.nicole@epa.gov

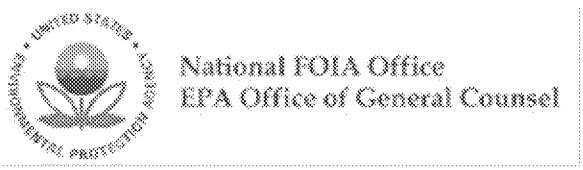
Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/12/2019 8:57:52 PM
To: Scozzafava, MichaelE [Scozzafava.MichaelE@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: FW: EIP v. EPA, 1:18-cv-01952

Mike:

Good afternoon- I just left you a voicemail following up on the request we discussed earlier this week. Please see the e-mails highlighted in yellow below.
I'm planning to call Ahmar but want you to be aware of the broader context.

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



From: Youngblood, Charlotte
Sent: Wednesday, June 12, 2019 4:25 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: EIP v. EPA, 1:18-cv-01952

From: Sanghyun Lee <slee@environmentalintegrity.org>
Sent: Wednesday, June 12, 2019 10:51 AM
To: Straus Harris, Julie (CIV) <julharri@CIV.USDOJ.GOV>
Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>
Subject: re: EIP v. EPA, 1:18-cv-01952

Hi Julie,

I hope you've been well. We have almost completed our review of the records produced by EPA, and expect to follow-up regarding proposed next steps sometime next week. I apologize this has taken me much longer than projected, my other cases have been very active lately.

I wanted to touch base with you in the meantime, however, on a pressing issue that's recently come to our attention regarding EPA's "political awareness review" policy.

As you know, on November 16, 2018, EPA Chief of Staff Ryan Jackson issued an agency-wide memorandum to all staff detailing a new "awareness notification process" which purported to immediately supersede all prior or contrary FOIA policies. This memo explicitly stated that awareness review "is not an approval process," and that reviewing officials are **not** authorized to alter determinations made by EPA's FOIA staff. Furthermore, under the new policy, any such opportunity for "awareness review" – which is to run concurrently with processing by FOIA staff – is limited to a maximum of three days, after which a determination must be issued regardless of whether the EPA officials in question have actually reviewed the records.

As you can see below in the forwarded email chain, Sylvia was recently informed by EPA FOIA staff that one of our FOIA requests (unrelated to this matter) would likely be significantly delayed to undergo mandatory review by political staff at EPA HQ – a review process occurring after review by FOIA staff and management of the relevant offices. When asked whether this was EPA's "awareness notification process," the staff member confirmed that it was, and stated that in his experience, it usually takes longer than three days for political staff at EPA HQ to approve requests. All of this, if true, would contradict the policy set forth in the November 16, 2018 memorandum.

As you know, Plaintiffs amended their original complaint based on a good faith acceptance that EPA's new "awareness notification process" would adequately ensure compliance with FOIA's requirements. So naturally, we are concerned that EPA's political staff may not, in fact, be adhering to the new policy at all.

So I wanted to reach out to you to clarify a few things:

1. Could you please confirm with EPA whether any of the three FOIA requests at issue in our case here underwent any form of "awareness review" – either under the November 16, 2018 memo's procedures, or otherwise?

2. As you can see in the forwarded email, we have asked EPA whether there is a new political awareness review policy that superseded the November 2018 policy. We would appreciate your help in getting this answer.

3. Can EPA describe any additional steps that it has taken to ensure compliance with the policy in the November 16, 2018 memorandum, aside from the memorandum itself?

I appreciate all your help and good-faith efforts to work with us to resolve this matter. As indicated by the forwarded email, we have also reached out to Wendy Blake, EPA's associate general counsel, who we have worked with to resolve FOIA matters in the past (and is CC'd here along with Charlotte, her deputy). If you or your client have any further questions, or would like to set up a time for us to discuss this further, please let us know.

Thanks,
Sunny

Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 263-4441

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From: Sylvia Lam
Sent: Tuesday, June 11, 2019 12:44 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood.charlotte@Epa.gov

Cc: Sanghyun Lee <slee@environmentalintegrity.org>; Eric Schaeffer <eschaeffer@environmentalintegrity.org>
Subject: FW: FOIA follow-up

Hi Wendy and Charlotte,

I wanted to bring to your attention a concern about an open EIP FOIA request and EPA's current political awareness review process. As you are aware, EPA released a memo in November 2018 that set out the Agency's new political awareness review process that "supersedes any prior process, procedure, guidance or instruction, either formal or informal, to the extent such is inconsistent with the awareness notification process described in" Ryan Jackson's November 16, 2018 memo. *See* Ryan Jackson's Nov. 16, 2018 memo, pg. 1-2, accessible here: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf. According to the memo, political staff "will have up to three business days…to review the documents to be released." *Id.* at 4. The memo explicitly states that "[t]his awareness notification process is not an approval process. . . ." *Id.* at 1.

I've been working with EPA staff on getting responses to a FOIA request (tracking number: EPA-HQ-2019-003729). The EPA staff assigned to this FOIA request have been extremely helpful, diligent, and transparent. However, given recent communications (see below), I am concerned that political staff may not be adhering to the political awareness review policy espoused in Ryan Jackson's November 16, 2018 memo.

Could you please confirm that EPA's response to this FOIA request will not include a political awareness review that (1) requires the FOIA production to be approved by political staff prior to release; and (2) a period longer than three business days for political staff to review the documents to be released?

Alternatively, if there is a new political awareness review policy that has superseded the November 2018, could you please share that policy with us?

Thank you for considering this concern. I look forward to your response. If you would like to set up a call to discuss this matter further, please let me know.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:41 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Gotcha. I'll check with Mike to see what we can do to make sure that transmission to you happens as quickly as is possible.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:38 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Thanks, Ahmar. I will have to stress though that the memo is quite clear (see the 6th paragraph under "Process"):

> After 4 p.m. on the third business day after transmission of the awareness notification email, the Action Office shall issue the Agency's FOIA determination. The determination should be issued promptly, **but in no event later than one business day following completion of the three-day awareness notification period.**

This awareness review is required to "run concurrently with the Action Office's preparation of the FOIA response."

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:32 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

That's right, I'm referring to the awareness process. Between the production and awareness processes, my limited (one case ☺) experience suggests that it, practically, takes several days longer than the three days of the awareness review before things are actually released.

I'll follow up internally to make sure that the FOIA is marked as being in awareness review as soon as it happens.

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Thursday, June 06, 2019 9:25 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the update. I had one clarification question I was hoping you could help me answer. You mentioned that FOIA responses now have to be cleared by the highest levels of EPA. Are you referring to the political awareness notification process?

According to a November 2018 memo released by Ryan Jackson, EPA has an "awareness notification process: that is intended to inform senior leaders of information released through FOIA. However, this memo explicitly states that this awareness notification process is not an approval process, and should not alter any part of the agency's existing procedures for responding to FOIA requests. Instead, recipients of the awareness email have three business days to review the documents to be released, but cannot otherwise stop or delay production.

Further, the memo states that any FOIAs that have been identified for awareness review must be marked as such on FOIAonline.

Here is a link to the memo: http://www.environmentalintegrity.org/wp-content/uploads/2018/11/epa-memo.pdf

Thanks for helping to clarify things.

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Thursday, June 6, 2019 9:06 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope everything is going well. I just wanted to let you know that Mike will be conducting management-level review of a chunk of the e-mails that are potentially responsive to your FOIA request either tomorrow or early next week, depending on how things go here. Once that process has been completed, we'll be able to send them out to you within a couple of weeks thereafter (FOIA responses now have to be cleared by the highest levels of EPA and *that* takes some time). I thought you'd be interested to know where we were and I'll keep sharing as much information about our progress as I can.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Monday, May 20, 2019 10:21 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Thank you for the follow-up. This sounds good to me.

Have a great week!

Best,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Monday, May 20, 2019 9:28 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I hope you had a great weekend. I Just wanted to follow up with you, as promised in my note from Friday. Mike and I just talked about getting a batch of responsive material to you, as we talked about in late April. Our expectation is to have a sizable chunk through staff review by the end of this week. Mike will then review the staff-reviewed records when we get back after Memorial Day, with the goal being to get you the batch in early June (there is some high-level process that has to be done once Mike approves material for release, which will take a few days). The remainder would then, hopefully, follow a couple of weeks after. Does that sound alright to you?

Ahmar

From: Siddiqui, Ahmar
Sent: Friday, May 17, 2019 11:35 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: RE: FOIA follow-up

Hi Sylvia,

I'm doing well and hope the same is true for you and your family. To your question, I believe the correct answer is that review will start next week. Mike and Brian had to hash out staffing, but someone is now assigned to the records review and she should start very soon. It is a bit later than we hoped, but we're still going to shoot to get all the review done by mid-June. From what I understand, upon completion of staff review, it takes 10 days-two weeks to get responses out, due to the review and approval required from our political leadership. Given that, we'll shoot for the end of June to get material to you.

I am at home today and Mike is off, but I will talk to him on Monday morning to see if he's OK with us trying to get small batches to you, if that can get you material to look at sooner. If you don't hear from me by Monday afternoon, please remind me ☺.

Have a great day!

Ahmar

From: Sylvia Lam <slam@environmentalintegrity.org>
Sent: Friday, May 17, 2019 11:17 AM
To: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Subject: RE: FOIA follow-up

Hi Ahmar,

Hope you are well! I wanted to check in on this FOIA request. When do you think EIP will start receiving responsive records?

Thanks,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701

From: Siddiqui, Ahmar <Siddiqui.Ahmar@epa.gov>
Sent: Tuesday, April 23, 2019 11:30 AM
To: Sylvia Lam <slam@environmentalintegrity.org>
Subject: FOIA follow-up

Hi Sylvia,

It was very nice chatting with you this morning about your FOIA request. As promised, I followed up with Mike about the number of e-mail records in the database that need to be reviewed. The number of records that need to be reviewed is, in fact, around 1,500. Mike will chat w/Brian to figure out staffing for the review and get it going as soon as possible thereafter. I think a reasonable target for us to shoot for is to get our review done by mid-June. As we discussed, we'll try to get responsive e-mails to you in batches every two weeks (I hedge only because we're not the only ones that need to review e-mail before releasing them: there are other parts of EPA that will be involved).

As for other physical records, we'll also start looking through those very shortly. I don't know how much CBI was generated in any of the reviews of the MPP industry, but will keep you posted as the process moves forward.

Finally, if you need to get in touch with me, please feel free to e-mail or call. My phone number is (202) 566-1044.

Thanks and have a great day!

Ahmar

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 8/29/2018 1:12:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Subject: DRAFT Kevin Mini-Monthly Hot Topics 8-29-2018_ lfg.docx
Attachments: DRAFT Kevin Mini-Monthly Hot Topics 8-29-2018_ lfg.docx

I added a few item to the agenda for your consideration.

Section 1 Lean items c and d
Hot topics items 3 and 4.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/14/2018 2:40:26 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: [EXTERNAL] follow-up from today's meeting

I'll leave it to you to schedule the NFO portion of the follow-up.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Keable, Edward <edward.keable@sol.doi.gov>
Sent: Friday, September 14, 2018 10:12 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>; YOUNG, BENJAMIN, JR. <BENJAMIN.YOUNG@ogc.usda.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for following up.

Benny Young, Associate General Counsel, USDA-OGC, has expressed interest in joining this discussion. I am adding Benny to this email exchange.

The last week of September is good timing for Interior. Out best times that week are Tuesday morning and any time on Friday.

Thanks,

Ed

On Thu, Sep 13, 2018 at 7:04 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Ed,

Thanks for your email. I hope you had a great vacation. Please let me know if USDA OGC is interested in joining our follow-up discussion on litigation/administrative appeals and best practices in these areas, given the current substantial workload.

Could we try to meet the last week of September? I have an all-day work commitment on 9/24, but am flexible on the other days. If this doesn't work, I would propose that we meet during the first week of October. I would suggest a 1.5 hour meeting, and we can schedule additional meetings, as needed. Let me know your thoughts. We are happy to come to DOI so thank you for the offer to host.

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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for your email and, again, for meeting with the Interior delegation on Tuesday. I found the exchange to be very helpful. More importantly, the information we learned from you has been helpful to our senior leadership as they make decisions about reorganizing our FOIA operations.

I have reached out to USAD OGC to ask about their interest in joining our follow-up discussion. I will let you know what they say.

In the meantime, perhaps we can start to look at some tentative dates and times for us to meet. My best times during the week of September 10 are Monday afternoon, Tuesday morning, and Thursday afternoon.

I would also be happy to host since you hosted us earlier this week.

Please note that I have included Hubbel Relat (Special Assistant to the Solicitor), Laura Brown (acting Associate Solicitor-General Law), and Tim Murphy (Assistant Solicitor-General Legal Services), all of whom have a role in managing the FOIA legal work at Interior.

I hope you have a great Labor Day weekend.

Ed

On Thu, Aug 30, 2018 at 9:07 AM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Ed,

It was great to see you on Tuesday. As we discussed, I am the Associate General Counsel for the General Law Office, which, among other things, is responsible for handling EPA's FOIA litigation and administrative appeal work and providing legal counseling to the FOIA program on matters such as EPA's draft FOIA regulations and policies. My office also provides legal counseling on initial FOIA requests that are not managed by the Agency's FOIA Expert Assistance Team.

I would like to set up a meeting when you return from vacation to discuss FOIA litigation and administrative appeals. My office is currently handling about 70 cases. Historically, our office has received between 10 and 15 new FOIA cases per year. The highest prior case load we experienced was in 2014, and we had about 20 cases at that time. Thus, our caseload is triple what we had in 2014.

I know that DOI has experienced a similar spike in litigation, including failure to respond cases. I wanted to meet with you to discuss the strategies you are employing to handle your litigation and administrative appeal caseload. I also

wanted to share some best practices we have employed in responding to our heavy litigation and appeal dockets. I would suggest we find a two hour block to meet, as I would like to cover some substantive legal issues, as well as general management issues.

If you could reach out to USDA, I think it would be useful to engage another agency in our best practice discussions. When we meet, I can share with you some additional information about the steps we have taken to train our agency FOIA professionals. The next step of our training initiative is to train the Agency's supervisors who are responsible, per our FOIA policy, for reviewing FOIA releases and signing FOIA responses.

Thanks, and I look forward to meeting with you and your team.

I am cc'ing Charlotte Youngblood, my Deputy, and Kevin Miller, my Assistant General Counsel for information law matters. I am also cc'ing Tim and Denise as an FYI. I know you will be meeting separately with Denise, Tim and their team on initial FOIA requests and he Agency's experiences with the FEAT and FOIA processing.

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

--

Edward T. Keable
Deputy Solicitor-General Law
Office of the Solicitor
U.S. Department of the Interior
Phone: 202-208-4423
Fax: 202-208-5584
edward.keable@sol.doi.gov

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Phone: 202-208-4423
Fax: 202-208-5584
edward.keable@sol.doi.gov

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Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 9/27/2018 7:51:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FOIA Regulations Master Comment Log 5-24-2017.docx
Attachments: FOIA Regulations Master Comment Log 5-24-2017.docx

Tim,

Larry asked me to share the Comment Log with you. This includes comments from Regions and HQ Program Offices in addition to OGC.

Please let us know if you need anything else.

Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

Message

From: YOUNG, BENJAMIN, JR. - OGC [BENJAMIN.YOUNG@OGC.USDA.GOV]
Sent: 9/14/2018 2:19:21 PM
To: Keable, Edward [edward.keable@sol.doi.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hubbel Relat [hubbel.relat@sol.doi.gov]; Brown, Laura [laura.brown@sol.doi.gov]; Timothy Murphy [timothy.murphy@sol.doi.gov]; Mizoguchi, Brian - OGC [Brian.Mizoguchi@ogc.usda.gov]; Carrington, Karen - OGC [KAREN.CARRINGTON@OGC.USDA.GOV]
Subject: Re: [EXTERNAL] follow-up from today's meeting

I will be on leave. I'm adding in Karen carrington and Brian mizoguchi of my office who can participate.

Get Outlook for iOS

From: Keable, Edward <edward.keable@sol.doi.gov>
Sent: Friday, September 14, 2018 10:12:05 AM
To: Blake, Wendy
Cc: Youngblood, Charlotte; Miller, Kevin; Epp, Timothy; Walker, Denise; Hubbel Relat; Brown, Laura; Timothy Murphy; YOUNG, BENJAMIN, JR. - OGC
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for following up.

Benny Young, Associate General Counsel, USDA-OGC, has expressed interest in joining this discussion. I am adding Benny to this email exchange.

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Thanks,

Ed

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> Ed,
>
> Thanks for your email. I hope you had a great vacation. Please let me know if USDA OGC is interested in joining our follow-up discussion on litigation/administrative appeals and best practices in these areas, given the current substantial workload.
>
> Could we try to meet the last week of September? I have an all-day work commitment on 9/24, but am flexible on the other days. If this doesn't work, I would propose that we meet during the first week of October. I would suggest a 1.5 hour meeting, and we can schedule additional meetings, as needed. Let me know your thoughts. We are happy to come to DOI so thank you for the offer to host.

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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for your email and, again, for meeting with the Interior delegation on Tuesday. I found the exchange to be very helpful. More importantly, the information we learned from you has been helpful to our senior leadership as they make decisions about reorganizing our FOIA operations.

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I hope you have a great Labor Day weekend.

Ed

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Thanks, and I look forward to meeting with you and your team.

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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

--

Edward T. Keable
Deputy Solicitor-General Law
Office of the Solicitor
U.S. Department of the Interior
Phone: 202-208-4423
Fax: 202-208-5584
edward.keable@sol.doi.gov

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--
Edward T. Keable
Deputy Solicitor-General Law

Office of the Solicitor
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Phone: 202-208-4423
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edward.keable@sol.doi.gov

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/14/2018 1:33:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: Workflow Schedule - 1-131 OGC Chief FOIA Officer
Attachments: Workflow Schedule - 1-131 OGC Chief FOIA Officer; ATT00001.htm

I don't know what this is about exactly but will try to track it down...

Sent from my iPhone

Begin forwarded message:

> **From:** "Beard, Deborah-Ward" <beard.deborah-ward@epa.gov>
> **Date:** September 14, 2018 at 6:55:13 AM EDT
> **To:** "Walker, Denise" <Walker.Denise@epa.gov>
> **Cc:** "Bigioni, Neil" <bigioni.neil@epa.gov>
> **Subject: FW: Workflow Schedule - 1-131 OGC Chief FOIA Officer**
>
> Good morning, Denise.
>
> I wish to update the status of the 1-131 Chief FOIA Officer delegation whose approval routing was pulled at program request in early August. Have the plans to secure approval changed or are we still on hold?
>
> I appreciate your attention to this request and look forward to hearing from you soon.
>
> Sincerely,
>
> *Deborah*
>
> **Deborah Ward Beard**
> **EPA Central Directives Officer**
> **OARM-OHR AWBERC MC 406C**
> **26 W. Martin L. King BLVD**
> **Cincinnati, Ohio 45268**
> **513 569-7766 Office**
> **Beard.Deborah-Ward@epa.gov**

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/13/2018 11:04:30 PM
To: Keable, Edward [edward.keable@sol.doi.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hubbel Relat [hubbel.relat@sol.doi.gov]; Brown, Laura [Laura.Brown@sol.doi.gov]; Timothy Murphy [Timothy.Murphy@sol.doi.gov]
Subject: RE: [EXTERNAL] follow-up from today's meeting

Ed,

Thanks for your email. I hope you had a great vacation. Please let me know if USDA OGC is interested in joining our follow-up discussion on litigation/administrative appeals and best practices in these areas, given the current substantial workload.

Could we try to meet the last week of September? I have an all-day work commitment on 9/24, but am flexible on the other days. If this doesn't work, I would propose that we meet during the first week of October. I would suggest a 1.5 hour meeting, and we can schedule additional meetings, as needed. Let me know your thoughts. We are happy to come to DOI so thank you for the offer to host.

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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>
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I hope you have a great Labor Day weekend.

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Wendy

Wendy L. Blake

Associate General Counsel

General Law Office
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phone: (202) 564-1821
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--

Edward T. Keable
Deputy Solicitor-General Law
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Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/13/2018 10:55:05 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: [EXTERNAL] follow-up from today's meeting

No. It's on my list to get back to Ed. The meeting I had hoped to have was litigation focused. I thought Tim might have been working on a separate meeting, but I am not sure.

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

From: Walker, Denise
Sent: Thursday, September 13, 2018 6:30 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: [EXTERNAL] follow-up from today's meeting

Did we set something up?

I'm still catching up on e-mail.... :D

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Keable, Edward <edward.keable@sol.doi.gov>
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown,

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Associate General Counsel

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--
Edward T. Keable
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U.S. Department of the Interior
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edward.keable@sol.doi.gov

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/27/2018 3:12:42 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: Draft Agenda for FEAT/GLO weekly

1.
    a. Accountability bulleted list – who has lead and required next steps
    b. Status of DOJ meeting and timing for next meeting with Acting Administrator
    c. Status of draft Awareness Notification – pending with OEX – comments?
    d. FOIA regulation
    e. FOIAonline issues – **Denise to do**
    f. FOIA memo
    g. ILPG/FEAT relations – messaging and meeting coordination
    h. Joint NFO-GLO briefing on FOIA initiative
    i. AO4 still interested letters + NRDC litigation on still interested letters A-C / Attorney Work Product / Ex. 5

A-C / Attorney Work Product / Ex. 5

Sent from my iPhone

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 9/27/2018 2:33:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]; Costa, Karen [Costa.Karen@epa.gov]
Subject: Agency FOIA Oct 2018 A3
Attachments: Agency FOIA Oct 2018 A3_Updated.pptx

Tim,

Here is the draft A3 with the updated Action Registry. Please note that I added the Site Specific Pilot at the bottom of the list. Other changes for the group's attention are edits in boxes 4 and 5.

The contact details are also updated.

Please let me know if you have any edits or questions.

Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

Appointment

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 9/26/2018 9:56:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]

Subject: FOIA Regs Next Steps
Attachments: Options Selection Prebrief_9.7.18.docx
Location: DCRoomARN7428/DC-Ariel-Rios-OGC

Start: 10/4/2018 7:00:00 PM
End: 10/4/2018 8:00:00 PM
Show Time As: Tentative

*****Thursday at 3 is the next best time.**

To keep conversation moving on the FOIA regs and discuss next steps. It looks like some managers may have a possible conflict at this time. If so, let me know and I will move it – likely to sometime next Thursday, 10/4.

I cannot meet before next Wednesday afternoon due to some litigation deadlines early next week.

Attached is the briefing paper in current form.

Dan

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/26/2018 6:59:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Hot topics 9-27-18_.docx
Attachments: Hot topics 9-27-18_.docx

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/26/2018 6:46:47 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Legal advice: FW: "Personal Records" vs "Agency Records" discussion

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, September 26, 2018 2:36 PM
To: Info Attys <Info_Attys@epa.gov>
Subject: FW: "Personal Records" vs "Agency Records" discussion

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Cohen, Mitchell
Sent: Wednesday, January 17, 2018 3:36 PM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Info Attys <Info_Attys@epa.gov>
Subject: RE: "Personal Records" vs "Agency Records" discussion

Happy New Year, Jennifer and colleagues.

Attorney Client / Ex. 5

Attorney Client / Ex. 5

From: Hammitt, Jennifer
Sent: Wednesday, January 17, 2018 2:59 PM
To: Info Attys <Info_Attys@epa.gov>
Subject: FW: "Personal Records" vs "Agency Records" discussion

From the call today -

Below is a discussion and write up from Matt and I on the issue of personal notes.

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

From: Schwarz, Matthew
Sent: Wednesday, April 20, 2016 11:40 AM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Margolis, Alan <Margolis.Alan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: "Personal Records" vs "Agency Records" discussion

Thanks, Jennifer. The below description is helpful and is line with what I've told folks in the past. I'm glad we're on the same page!

From: Hammitt, Jennifer
Sent: Wednesday, April 20, 2016 11:36 AM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Margolis, Alan <Margolis.Alan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: "Personal Records" vs "Agency Records" discussion

Thanks Matt, this is interesting! As an FYI, below is an example of the counseling that I have provided on this issue in the past, following the *Burka* line of cases. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / Ex. 5

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

From: Schwarz, Matthew
Sent: Wednesday, April 20, 2016 11:31 AM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Margolis, Alan <Margolis.Alan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: "Personal Records" vs "Agency Records" discussion

Hi, All-

Attorney Client / Ex. 5

I hope this clarifies my pre-caffeine comments!

-Matt

Matthew Schwarz
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW

Washington, DC 20460
202-564-5654

Message

From: Silzer, Stefan [Silzer.Stefan@epa.gov]
Sent: 9/26/2018 5:57:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Robbins, Chris [Robbins.Chris@epa.gov]; Radzikowski, Mary Ellen [Radzikowski.Maryellen@epa.gov]; Heckman, Deborah [Heckman.Deborah@epa.gov]; Routt, Christiane [Routt.Christiane@epa.gov]; Clausen, Rebecca [Clausen.Rebecca@epa.gov]
Subject: ORD Monthly FOIA Update.
Attachments: OGC FOIA Monthly Update 2018 0926.docx

Tim,

ORD committed to OGC to give monthly updates on our efforts to improve ORD's FOIA process. Our first one was submitted in August. This is our September update.

If you have any questions or comments, let me know.

Steve

MEMORANDUM

DATE: September 26, 2018

SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process

FROM: Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development

TO: Tim Epp, Acting Director
National FOIA Office
Office of General Counsel

ORD has committed to giving OGC's National FOIA Office monthly updates on our progress in making corrective actions to ensure quality control over our FOIA process. As previously reported, ORD has significantly strengthened its FIOA review and approval process. Responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review. Furthermore, ORD's Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. In addition, ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker.

Since our August report, ORD has made additional improvements to its FOIA process. In September, the ORD HQ FOIA Team provided a specialized training session for ORD FOIA coordinators. The training provided information on addressing vulnerabilities and why it was important to make organizational process and policy changes, as well as in-

depth review of ORD's new processes. It also included several separate, specialized training sessions on the use of Relativity. Furthermore, the ORD FOIA team initiated and now meets monthly with each of the labs, centers and offices to focus on their individual cases. This ensures open dialogue and allows the team to identify any areas that may need attention or additional support with respect to ongoing cases, or even to discuss internal processes within the respective labs, centers and offices. Finally, the final FOIA policy has completed the internal review process, and slated for release by September 31, 2018.

As you can see, ORD has made significant strides in strengthening our FOIA process through centralization, improving oversight, increased training and professionalism, and better internal controls. Our new processes are fully in effect and we are seeing significant results in case closures, assignments, and collaborations/equity reviews. We will continue to keep you apprised through monthly updates as we move forward.

Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (8102R)
Washington, DC 20460

202-564-5389

Message

From: Sigel, Jeremy [Sigel.Jeremy@epa.gov]
Sent: 9/26/2018 4:24:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Stewart, Sabrena [Stewart.Sabrena@epa.gov]; Brevard, Rudy [Brevard.Rudy@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Brown, KendraR [Brown.KendraR@epa.gov]; Albores, Richard [Albores.Richard@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Tim,

Thank you for the response. And, yes, email would be the appropriate way to respond as we always need documented evidence in response to audit requests.

Thanks,

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: 202-878-9564

From: Epp, Timothy
Sent: Wednesday, September 26, 2018 11:51 AM
To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>
Cc: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Leopard, Matthew (OEI) <Leopard.Matthew@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Jeremy,

At the end of last week, I met with OGC's front office and received approval to move forward with a plan to review and put out within two months an interim update or interim continuation statement for the FOIA Policy and Procedure (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17).

This week I was checking to verify the proper procedure for providing this response to you and Sabrena. Please let me know if this email is an appropriate way to communicate this response to your office.

Thanks,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel

U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Sigel, Jeremy
Sent: Wednesday, September 26, 2018 10:50 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Leopard, Matthew (OEI) <Leopard.Matthew@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Tim,

The OGC documentation request below (#2, highlighted in yellow) was sent on September 6th with a deadline of September 17th. I understand that you were on travel at the time and your representatives at HQ were unable to fulfil the request in your absence so you were working to catch up when you returned on the 19th. At this point, without a response from OGC on this request, we will have to move on and note in the report that they were unable to provide one.

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: **ex 6**

From: Epp, Timothy
Sent: Wednesday, September 19, 2018 10:36 AM
To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>
Cc: Stewart, Sabrena <Stewart.Sabrena@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Thanks Jeremy. Will do.

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Sigel, Jeremy
Sent: Wednesday, September 19, 2018 10:35 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Stewart, Sabrena <Stewart.Sabrena@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Tim,

I listened to the voicemail you left me yesterday and appreciate your responsiveness on this request. I know you were hoping to bring up these matters with your management at today's meeting. If you could please direct any responses and documentation to Sabrena Stewart, she is the one who is coordinating these responses and doing the analysis and documentation and I don't want her to be out of the loop on anything.

Thanks again,

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: ex 6

From: Epp, Timothy
Sent: Monday, September 17, 2018 4:47 PM
To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>
Cc: Albores, Richard <Albores.Richard@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Jeremy,

I left you and Sabrena phone messages this afternoon pertaining to OGC's responses to the questions regarding report 14-P-0262. I was on government travel last week and as you know the questions pertain to functions that were transitioned to OGC a few months ago and still remain in flux. For those reasons, I need to ask for at least this week to sort this out and opportunity to brief up through the OGC management chain. Would it be possible for us to schedule a time to talk on Tuesday so that I can provide you more information?

Thanks much,
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Sigel, Jeremy
Sent: Thursday, September 06, 2018 3:26 PM
To: Hallum, Carrie <hallum.carrie@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>;

Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Carrie,

Sorry for the delayed response. I was consulting with our Director and in order to lessen the burden on OEI we went through each of the requests and updated as follows:

Follow-up Request:
Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. ~~Please provide how long the following employee has been an RLO:~~
        a. ~~Miriam Wiggins-Lewis, HQ, OW~~
    3. ~~Please provide the following:~~
        a. ~~What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?~~
        b. ~~Is Leticia Lane planning to take courses for certification for an RLO?~~
    4. ~~How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?~~
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. ~~Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).~~
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).
        b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

For those items crossed out we will simply interview the individuals directly or reach out to their AFC. We feel with the updated request, consisting of 5 questions total – 4 of which apply to the same policy, the original due date of **September 17th** is reasonable.

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General

Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: ex 6

From: Hallum, Carrie
Sent: Thursday, September 6, 2018 12:50 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena,

Due to the fact that both OEI and OGC have several people out on vacation and work travel this week and the next, we are requesting a two-week extension (October 1st) to provide our responses to the questions below.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>

Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. Please provide how long the following employee has been an RLO:
        a. Miriam Wiggins-Lewis, HQ, OW
    3. Please provide the following:
        a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?
        b. Is Leticia Lane planning to take courses for certification for an RLO?
    4. How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14,

review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).

b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/18/2018 5:06:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Policy - revision
Attachments: OEI Draft Directive Initiation Form v9.docx; POLICY_FOIA_Draft_05032017.docx

Tim-

Attached is the draft Policy that was sent to Jonda Byrd, our Division Director in OEI. Wendy had staff the update. I have not looked at it since we were reorganized.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Schumacher, Wendy
Sent: Wednesday, May 03, 2017 4:06 PM
To: Byrd, Jonda <byrd.jonda@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FOIA Policy - revision

Jonda,

Pam gave me a new template this morning. She wants a track changes version which is attached.

Please let me know if you approve or have any changes.

Thanks, Wendy

From: Schumacher, Wendy
Sent: Wednesday, February 22, 2017 4:13 PM
To: Byrd, Jonda <byrd.jonda@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FOIA Policy - revision

Jonda,

Here is the draft revision to the FOIA Policy and the OEI Directive Initiation Form for your review.

Please let me know if you have any changes.

Thanks, Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist
Office of Environmental Information
FOIA, Libraries & Accessibility Division
(202) 566-2513
email: schumacher.wendy@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/19/2018 9:56:50 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Materials for Matt's Folder?
Attachments: OGC FOIA Improvement Initiatives 2018 - 9.19 Reg Review DAW 5.55pm.pptx

Oh man, Wendy! I almost beat you… I was thinking to myself, "Wendy is going to e-mail me any minute now!"

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, September 19, 2018 5:55 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Materials for Matt's Folder?

Denise – If you send Charlotte and I whatever you have, we can make any revisions to the litigation slide. Also, I had kept the FEAT/GLO bi-weekly on the calendar for Thursday in case we needed to connect on anything. Let's keep the meeting on the calendar and use 10 minutes to have a quick check-in before the 2 pm Matt meeting. Does that make sense? If we don't need to catch-up on anything, I can cancel it.

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

From: Epp, Timothy
Sent: Wednesday, September 19, 2018 5:28 PM
To: Mills, Derek <Mills.Derek@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: Materials for Matt's Folder?

Thanks Derek.

Tim

Sent from my iPhone

On Sep 19, 2018, at 5:26 PM, Mills, Derek <Mills.Derek@epa.gov> wrote:

> I've already provided Matt with his folder. At this point, I'd recommend just bringing copies tomorrow. Thanks!
>
> - Derek
>
> Sent from my iPhone
>
> On Sep 19, 2018, at 5:22 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:
>
>> What I've done so far is to make the small edits (removing extra slide, fixing some minor format issues, etc.)
>> What I'm doing now is adding the Current/In Progress/Future slides that Tim will need to edit. I'm not even sure what that will look like exactly, TBH.
>>
>> Denise A. Walker
>> U.S. Environmental Protection Agency
>> Acting Assistant Director, OGC FOIA Expert Assistance Team
>> Washington, D.C. | 7308A WJCN
>> Office: 202-564-6520
>> EPA Cell: 202-816-9872
>>
>> Have a FOIA question? Try here first!
>>
>> ---
>>
>> **From:** Epp, Timothy
>> **Sent:** Wednesday, September 19, 2018 5:20 PM
>> **To:** Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
>> **Cc:** Mills, Derek <Mills.Derek@epa.gov>
>> **Subject:** RE: Materials for Matt's Folder?
>>
>> Elise, (Adding Denise.)
>>
>> Denise is still working on the PowerPoint to make the edits discussed this morning. As I understand, after she is done, Charlotte needs to update the litigation discussion, and I would like to review it.
>>
>> Options: 1) wait until tomorrow to give to Matt so that he has our best product (this is my preferred option); or 2) provide Derek what we have now.
>>
>> Tim
>>
>> Timothy R. Epp
>> Acting Director, National FOIA Office
>> Acting Associate General Counsel

Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Packard, Elise
Sent: Wednesday, September 19, 2018 5:11 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Materials for Matt's Folder?

?

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Mills, Derek
Sent: Wednesday, September 19, 2018 12:48 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Materials for Matt's Folder?

Hi All,

Do you have any materials for the meetings below that I see on Matt's calendar for tomorrow? Thanks!

- WOTUS Step 1 Rule at 10:00
- GLO/NFO Joint Briefing re: FOIA Follow-up at 2:00
- DOJ Comments on WOTUS Economic Analysis at 3:00

Derek Mills
Special Assistant, Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-3341

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/19/2018 9:19:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: 5:18 Version OGC FOIA Improvement Initiatives 2018 - 9.19 Reg Review DAW.pptx
Attachments: OGC FOIA Improvement Initiatives 2018 - 9.19 Reg Review DAW.pptx

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/30/2018 6:11:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: Fwd: Follow-up from 8/28 Hot Issues and 8/29 Hot Topics
Attachments: 2018-07-17 judicial watch dc cir decision.pdf; ATT00001.htm; Court_Document_US_DIS_DCD 1.18cv1952 (08.21.2018) (003).pdfpattern or practice claim.pdf; ATT00002.htm; GLO Reg Review Agenda 8 29 18.docx; ATT00003.htm

FYI.

Sent from my iPhone

Begin forwarded message:

From: "Blake, Wendy" <Blake.Wendy@epa.gov>
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Packard, Elise" <Packard.Elise@epa.gov>
Cc: "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Miller, Kevin" <Miller.Kevin@epa.gov>
Subject: Follow-up from 8/28 Hot Issues and 8/29 Hot Topics

Joe –

Thanks for your email. As I mentioned at senior staff this morning, last night I compiled a list of items that GLO promised you at this week's Hot Issues and Hot Topics meetings. Below are the follow-up items that I have.

With each item listed below, I have identified the point of contact (Charlotte or me) who will provide you with the relevant materials by email. Please note that some of the documents referenced below are included as an attachment to this email. These attachments, as well as all of the other items listed below, will also be centralized in a one drive folder which Charlotte will share with you. Elise will have access to that folder as well.

Please let me know if you have any additions to the following. Also, please don't hesitate to call if you have any questions for us. We look forward to working with you.

Follow-up Action Items from 8/28 Hot Issues and 8/29 Hot Topics:

1. Provide Joe an overview of EPA's FOIA litigation docket, including high profile cases.

   Action items –

   a. Set up meeting with Joe to discuss litigation (DONE – two meetings set up for week of 9/4);
   b. Provide Joe a copy of GLO's FOIA litigation chart, listing all pending cases (case chart identifies type of case, such as failure to respond; policy or practice claim) (TO DO; POC - Charlotte);
   c. Provide copy of recent EIP Complaint alleging policy or practice claim on awareness review (DONE) (attached); and
   d. Send recent *Judicial Watch* decision (DONE) (attached).

2. List of document productions. GLO is working with OEX on a new document to track upcoming document productions. For now, please reference GLO's reg. review (attached), which includes in section F (starting on page 5) the information law practice group's litigation deadlines, including briefing and production deadlines. Once the new document regarding production only deadlines is finalized, Joe, Matt, and Elise will receive copies. (DONE) (reg review attached).

3. Provide copy of "to do" list stemming from August Admin. briefing and update Matt and Joe where we are with regard to those items (TO DO; POC: Wendy).

4. Provide copy of improper request memo we prepared for discussion with DOJ (DONE).

5. Provide copy of current awareness notification draft procedure and provide DHS documents discussed at Hot Issues (TO DO; POC: Wendy).

6. Provide copy of draft FOIA memo (DONE).

Wendy

Wendy L. Blake
Associate General Counsel
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U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 8/28/2018 7:32:03 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: DOJ Backlog Strategies Workshop

Good Afternoon NFO,

Last Tuesday, representatives from EPA's OGC, OEX and OAR attended a FOIA workshop on successful backlog reduction strategies hosted by the Department of Justice's Office of Information Policy. Below are some of the speakers' recommendations on how to reduce agency FOIA backlogs.

Eric Stein is the Director of the Department of State's Office of Information Programs and Services. The State FOIA program falls under his responsibilities, and he spent most of his time discussing his team's work on the recent FOIA Surge project.

Former Secretary Tillerson prioritized the State's FOIA program in September 2017, giving the FOIA office three months to close all backlogged requests. From September 2018 – April 2018, State closed 40% of their backlog, which was an incomplete but significant reduction in the backlog. He offered five general pieces of advice for agencies.

1. Don't be afraid to do it differently
2. Focus on your needs
3. Develop an agile process
4. Expect the unexpected
5. Communicate regularly

State came up with an 11-step process to close out FOIAs. Some of the steps are described here:

- Starting the search---tasking program offices/bureaus for records
- Staging check---checking if the FOIA Office has the records
- Reconciling different redactions done from different offices
- Sending referrals & consultations
- Sending submitters notices
- Making classification/declassification decisions
- Redaction quality control
- Making information updates to the case management system
- Correspondence with the requester
- Central location for incoming referral and consultations from other agencies
- Information Technology IT Support Team

State used Adobe Pro for redactions, had a case management system, and utilized sharepoint folders for internal team management. State understood that providing inaccurate estimated times of completion and making requesters wait needed to be improved, so they added a human touch and provided better information to requesters.

They required FOIA training for the whole agency with the caveat that if you did not complete FOIA training, you would be removed from your unclassified work systems until completed. State had over 200 staff contributing to FOIA in some way after a large wave of new hiring. This required a lot of training because staff had varying levels of experience. The

State management asked staff what training they needed. Because of their commitment to outreach with requesters, staff was most interested in training on communications skills and how to deal with difficult people. A great takeaway from the surge was that they were able to build capacity by improving and expanding their agency's FOIA capabilities.

State processed tens of thousands of FOIAs and processed over 1 billion emails alone during that time. Their surge work has had a lasting effect on their process because their FOIA structure has now changed. Their office has been able to control the review of records for almost all steps along the way except the search---which is still done by program offices/bureaus. Their FOIA office has separate teams for intake and engagement, search, and review. They have also built up their reviewing capability, and have informed program offices/bureaus that Headquarters has the final determination to make redactions, and that those offices should give their say when they send the records to Headquarters.

Joseph Shaaf is the Chief Counsel of the Administrative Law Unit at the Department of Justice's Executive Office for Immigration Review (EOIR).

Joe spoke about how his team of three employees focuses on backlog "control" rather than reduction or elimination. They have about 70 FOIA requests open at any given time which is a lot for a smaller office. He tries to keep the FOIAs moving in some way each day. Right away when the FOIA comes in, they contact requesters to narrow the scope of the request because they can't process hundreds of FOIAs with one attorney and two other staffers. Notably, he believes that this correspondence has been a factor in their office's avoidance of incoming FOIA lawsuits to date. When they contact requesters, they inform them that their office wants to give them documents, and by narrowing the scope of the request, it will give their small office a chance to respond.

DOJ-EOIR sends status updates to requesters of no more than a sentence or two. They find requester reminder emails to be common but helpful. Specialists in the office are assigned to FOIA requests for regions of the country. More experienced specialists get harder projects. Specialists sign off on their own routine requests, making the response time much faster. For example GS-11s and GS-12s sign simple releases of their 'ROP' type records. Cases are managed on a spreadsheet, and each day as the manager, he prints a copy of open cases and works in a small way on each request so each has daily movement. The spreadsheet is color-coded based on the age of the request.

Technology allows them to do their work remotely, and as their office changes to a new case management system, it will allow them to use even less paper. Joe is a big proponent of learning new technologies, taking classes on them, and learning new tricks to improve the job.

Their office often asks for buy-in from other components. One example is that they have sent records to a component to review for a particular exemption, say Exemption 5 Deliberative Process. The reviewer may not know the exemption, but they provide information to help the reviewers give their input.

If you have any questions about the backlog workshop, please give me a call at 202-564-1652.

Regards,
Kevin

Kevin W. Hill
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hill.kevinw@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/30/2018 1:07:57 PM
To: edward.keable@sol.doi.gov
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: follow-up from today's meeting

Ed,

It was great to see you on Tuesday. As we discussed, I am the Associate General Counsel for the General Law Office, which, among other things, is responsible for handling EPA's FOIA litigation and administrative appeal work and providing legal counseling to the FOIA program on matters such as EPA's draft FOIA regulations and policies. My office also provides legal counseling on initial FOIA requests that are not managed by the Agency's FOIA Expert Assistance Team.

I would like to set up a meeting when you return from vacation to discuss FOIA litigation and administrative appeals. My office is currently handling about 70 cases. Historically, our office has received between 10 and 15 new FOIA cases per year. The highest prior case load we experienced was in 2014, and we had about 20 cases at that time. Thus, our caseload is triple what we had in 2014.

I know that DOI has experienced a similar spike in litigation, including failure to respond cases. I wanted to meet with you to discuss the strategies you are employing to handle your litigation and administrative appeal caseload. I also wanted to share some best practices we have employed in responding to our heavy litigation and appeal dockets. I would suggest we find a two hour block to meet, as I would like to cover some substantive legal issues, as well as general management issues.

If you could reach out to USDA, I think it would be useful to engage another agency in our best practice discussions. When we meet, I can share with you some additional information about the steps we have taken to train our agency FOIA professionals. The next step of our training initiative is to train the Agency's supervisors who are responsible, per our FOIA policy, for reviewing FOIA releases and signing FOIA responses.

Thanks, and I look forward to meeting with you and your team.

I am cc'ing Charlotte Youngblood, my Deputy, and Kevin Miller, my Assistant General Counsel for information law matters. I am also cc'ing Tim and Denise as an FYI. I know you will be meeting separately with Denise, Tim and their team on initial FOIA requests and he Agency's experiences with the FEAT and FOIA processing.

Wendy

Wendy L. Blake
Associate General Counsel
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fax: (202) 564-5433

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/25/2018 7:23:48 PM
To: White, Elizabeth [white.elizabeth@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Notification Report 09-25-18
Attachments: Notification Report 09-25-18.docx

Attached is the latest Awareness Notification Report.

Please let me know if you have any questions.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 9/17/2018 6:39:27 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list
Attachments: FOIA Improvement - draft for circulation.pptx

My OneDrive keeps saying "failure to upload," so I'm attaching this as a good ol'-fashioned attachment. Denise – please feel free to upload to OneDrive if you are having more success with the technology.

This doesn't cover all of the checklist items, but hopefully gives you a sense of how I was trying to put some framework around the disparate pieces.

Thanks,

Charlotte Youngblood
Deputy Associate General Counsel
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U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Monday, September 17, 2018 1:36 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

OK, Charlotte

Don't stress. ☺
I'm booked solid from 2:00- 5 today so I'll plan to look at it tonight/first thing tomorrow.

-D

Denise A. Walker
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EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Youngblood, Charlotte
Sent: Monday, September 17, 2018 1:34 PM

To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

Yes – on my list and will do so as soon as possible, but fielding another time sensitive issue. I need to tweak it for the vision to make sense to discuss. I will get it to you asap!

Thanks,

Charlotte Youngblood
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U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Monday, September 17, 2018 1:33 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

Charlotte:

Can you send me the PowerPoint, or perhaps put on One Drive so we can start editing it?

Thanks!
Denise

Denise A. Walker
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Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Youngblood, Charlotte
Sent: Monday, September 17, 2018 11:31 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

Thanks! Can someone please make sure to call me in? I don't want to miss this one!

Charlotte Youngblood

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youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Monday, September 17, 2018 11:30 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

OK- Here's the combined agenda so it is at the top of your e-mail. I can go until 12:30.

1. NFO/GLO Coordination and follow-up
    a. Accountability bulleted list – who has lead and required next steps
    b. Status of DOJ meeting and timing for next meeting with Acting Administrator
        i. Joint NFO-GLO briefing on FOIA initiative for acting Admin.
        ii. Scheduling & content
    c. Status of draft Awareness Notification – pending with OEX – comments by today
    d. FOIA regulations
    e. NFO Litigation Chart
    f. Capacity Metrics
    g. FOIAonline issues – **See GLO's list of issues below – I will brief you on my conversation with R. Moser this morning**
    h. FOIA memo – **- Joe had one issue – "the EPA" v. "EPA" – see email I sent previously – we need Matt's feedback though**
    i. ILPG/FEAT relations – messaging and meeting coordination
2. Joint NFO-GLO briefing on FOIA initiative
    a. Scheduling & content
3. Capacity Metrics
4. RelativityFest in October- anyone from ILPG going? **LaShawn Williams and Joan Kaminer. NFO: Chris Creech, Kevin Hill, Breanne VanderNald**
5. Hiring- candidates to share? **Update NFO on hiring efforts - 20 folks will be interviewed (1st round) in next 2 weeks. GLO will be hiring 6 staff.**
6. POC for searches in non-outlook searches in OEX
7. Do you need us to take the NRDC litigation on 10-day letters? **Policy or practice case – Discuss next steps**

Denise A. Walker
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Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
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Office: 202-564-6520
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Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Monday, September 17, 2018 11:05 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: FEAT Weekly agenda and FOIAOnline issue list

I can go until 12:15.

This list is broader than FEAT. I'd like to add Larry to the invite. Any concerns? If that is ok with folks, can one of you forward it to him?

Tim

Sent from my iPhone

On Sep 17, 2018, at 10:54 AM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Thanks Denise. I added my agenda items below. We have a fairly robust agenda and am afraid the meeting may take 45 minutes. Would you all be free if we need to extend to 12:10/12:15?
>
> Welcome Back Tim – Hope you had a safe trip home and a successful trip.
>
> Agenda items
>
> 1. NFO/GLO Coordination and follow-up
> a. Accountability bulleted list – who has lead and required next steps
> b. Status of DOJ meeting and timing for next meeting with Acting Administrator
> i. Joint NFO-GLO briefing on FOIA initiative for acting Admin.
> ii. Scheduling & content
>
> c. Status of draft Awareness Notification – pending with OEX – comments by today
> d. FOIA regulations
> e. NFO Litigation Chart
> f. Capacity Metrics
> 2. Things for Matt:
> a. Awareness Notification – **Denise – I would like to have OEX's final comments before the document goes to Matt**
> b. FOIA Supervisor Accountability exercise
> c. FOIAonline issues – **See GLO's list of issues below – I will brief you on my conversation with R. Moser this morning**
> d. FOIA memo – **- Joe had one issue – "the EPA" v. "EPA" – see email I sent previously – we need Matt's feedback though**
> e. ~~DOJ Meeting -~~
> f. ILPG/FEAT relations – messaging and meeting coordination
> 3. RelativityFest in October- anyone from ILPG going? **LaShawn Williams and Joan Kaminer. NFO?**
> 4. Hiring- candidates to share? **Update NFO on hiring efforts - 20 folks will be interviewed (1st round) in next 2 weeks. GLO will be hiring 6 staff.**
> 5. POC for searches in non-outlook searches in OEX
> 6. Do you need us to take the NRDC litigation on 10-day letters? **Policy or practice case – Discuss next steps**

Rebecca – Our office is continuing to face challenges with the recent FOIAOnline upgrade. The following is a list of current issues we are experiencing. [We have provided this list separately to Tim as well and submitted help desk tickets for the following items. [I need to confirm this last sentence]

Wendy

(1) some of our litigation FOIAs are showing up as closed, which precludes us from uploading files;
(2) Inability to upload large files to FOIAOnline. We understand that FOIAonline can no longer upload zipped files for production; the old system allowed this. This will be a significant issue for requests where we have a large number of records;
(3) Some FOIAs have still not been migrated;
(4) Inability to assign admin. appeals;
(5) Inability to track admin. appeals;
(6) Inability to compile reports to assess open appeals or open OGC FOIA requests;
(7) Data migration of FOIAs in litigation not complete;
(8) Links to old releases are broken and no longer active;
(9) For appeals, we cannot track the number of appeals closed this year. Were all open appeals transferred?
(10) The search function isn't working well.
(11) The "my assignments" tab is not working, so offices could erroneously assume they have no assigned FOIAs, when they, in fact, do.
(12) Uploaded records not available for interim releases, reportedly due to characters in file names. When we attempt to upload the records again FOIAonline gives an error that the records are already uploaded.
(13) Plaintiffs receiving multiple emails for one interim responses (American Oversight received over 30 emails for one interim response)
(14) In some requests with large numbers of records, the records aren't loading on the public facing website, preventing Plaintiffs from accessing productions
(15) Inability to change requester's personal information, such as contact name for requester organization. [Context: We lack the ability to change the requester's personal information. The original requester left the organization. While we can CC another email address on correspondence sent through FOIAonline, there is no option to CC another email address on a document release, which is an issue where the organization still wants the documents, but the initial requester has left the organization.]
(16) When searching from the home page/landing page, only "My Cases" are searched, but the search bar says "Search FOIAonline…". The entire system needs to be searchable from the landing/home page.

Wendy L. Blake
Associate General Counsel

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Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 9/19/2018 2:13:26 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Presentation with Assignments
Attachments: OGC FOIA Improvement Initiatives 2018 - 9.19 Reg Review.pptx

Here's the presentation with our "assignments" and the changes we made this morning. For today, I think we decided that we would go through the presentation at a very high level (not dive into the sub-bullets) and get the FO's initial feedback.

I'll bring copies of the full presentation slides for Elise and Joe, and "notes" copies for us to talk through.

Let me know if you have any questions.

Thanks!

Charlotte Youngblood
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(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 9/19/2018 12:52:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: revised Accountability options

Thanks for circulating, Tim. I don't have any comments, but Wendy, of course, has been closer to this piece than I have, so she may have some thoughts.

Thanks again,

Charlotte Youngblood
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youngblood.charlotte@epa.gov

From: Epp, Timothy
Sent: Wednesday, September 19, 2018 8:28 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: revised Accountability options

Hi Joe, Wendy and Charlotte,

Attached is a revision to the bulleted accountability options. The revisions are based both on Joe's comments from Monday and on additional ideas I developed in reviewing OEI's outdated FOIA Policy and Procedures. This will be included in the GLO reg review briefing to Joe and Elise. If I get your comments early enough, I'll try to update again before GLO Reg Review.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/25/2018 4:01:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Slides - FOIA Kaizen OutBrief, Excel Workbook, Process Map, To-Do Lists
Attachments: FOIA Lean Event OutBrief.pptx; ATT00001.htm; FOIA FEB KAIZEN EVENT WORKBOOK.xlsx; FOIA PROCESS_VERSION 1_EPA FOIA Process Level 1 Value Stream.pdf; Lean FOIA Workbook Feb 2018 Tabs - Solution Recommendations_ Quick Wins_ Initial Issues_ All Issues_ process Improvement - Next Steps.docx

Denise A. Walker
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EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Moumbleaux, Joan
Sent: Tuesday, September 25, 2018 11:35 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: FOIA Slides - FOIA Kaizen OutBrief, Excel Workbook, Process Map, To-Do Lists

Denise,
The following is attached,

- **Feb 2018 FOIA Kaizen OutBrief**: This is the original email chain so that you can get a sense of context.
- **Excel Workbook:** Created by Kaizen lead, Greg Sieber.
- **Process Map:** labeled "value stream" that Greg Sieber mentions below.
- **To-Do Lists from Excel Workbook:** I pulled the these lists from the workbook to make them easier to review. These lists have been the source for items that have shown-up in the A3 from April – August.

From: Poole, Laura
Sent: Friday, February 23, 2018 7:15 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Thompson, BrianK <Thompson.BrianK@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Evanko, Peter <Evanko.Peter@epa.gov>; Kercheval, Stephanie <Kercheval.Stephanie@epa.gov>; Engels, Alan <engels.alan@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: DeBell, Kevin <debell.kevin@epa.gov>
Subject: FOIA Slides

Good Evening,
Please find attached the slides from today's briefing. Thank you again for your enthusiastic participation in this weeks event. You all generated some great ideas and I look forward to working with you as we move forward.

Have a great weekend,
Laura

Sent from my iPhone

Begin forwarded message:

> **From:** "GM Sieber" <gmsieber@msipros.com>
> **To:** "Poole, Laura" <Poole.Laura@epa.gov>
> **Subject: FOIA Slides**
>
> Here you go. I will follow up with the Excel and process maps.

G. M. Sieber
President
M S I
Management Science and Innovation
P: 703-437-5236 x111
F: 703-995-0667
http://www.MSIPROS.com
Follow us on Linked In
Or
Check out my Blog

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Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 9/25/2018 3:36:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: GIS 306 follow-up
Attachments: 20180925_DRAFT_FOIA Determination Authority Model.pptx; 20180925_DRAFT_FOIA Determination Authority Model.jpg

Note taken.

I've created a draft graphic of a proposed FOIA Determination Authority Model, so we can make sure we're operating under the same assumptions and same language in drafting the Regional FOIA Officer PD. Attached for your consideration.

This would be Nicole's model if Nicole ruled the EPA FOIA world. ☺ For the Assistant Deputy FOIA Officers, they represent the roles in which Denise and Larry are currently acting. These positions would reside in the NFO. I am not sure if the title should be 'Assistant Deputy FOIA Officer' or 'Assistant Deputy Chief FOIA Officer'.

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel

7426NN WJCN | 202.564.3692

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 11:24 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Hi Nicole,

From what I have heard, the number of GS-15 positions in the Regions is significantly constrained. Thus, we should not assume that Matt will be able to have this position in the regions designated at the 15 level.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Rementer, Nicole
Sent: Tuesday, September 25, 2018 10:03 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

In my experience at other agencies, I agree with your last sentence. In fact, I'd posit that a key distinguishing factor between grades, especially between 12, 13, 14, 15, is the demonstration of leadership/management skills. In general, FOIA is a relatively easy administrative procedure, and the core knowledge of the statute and agency procedures can be successfully taught rather quickly.

While the GS-905 series rewards independence with grade advancement, to successfully implement the GS-306 series, advancement through grades needs to reward confident, quality decision-making. A GS-306-15 should be issuing legally defensible initial determinations without much legal review. In the cases where the GS-306-15 seeks legal review, it should be where there is a complex or novel legal issue, that's it.

I think once we have the Regional FOIA Officer PD (presumably a GS-306-15) set, the lower grades will fall in place.

Attached is the FOIA LEAN event outbrief that I received from Joan and Victoria. The Authority section (slides 24-26), speaks to their recommendation to reclassify all FOIA professionals to the GS-306 series.

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:29 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Nicole, as you look into this, could you also take a look at this GIS advertisement on USAJobs from the Army – it includes consideration of a substitute of education for experience: https://www.usajobs.gov/GetJob/ViewDetails/509159000

The high degree of education needed for substitute for experience seems to suggest that there is a high level of skill expected to be developed from the requisite years of experience – i.e., it's not just time on the job at a fully successful level that warrants the higher grades.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:19 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Thanks Nicole, yes, please do. I am also interested in the PDs for 13, 14, and 15. And, if possible, a crosswalk that shows what language changes to reflect the progressively increasing responsibility and KSAs.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Rementer, Nicole
Sent: Tuesday, September 25, 2018 9:11 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Will do.

Is it ok that I reach out to Aaron Helm directly? I know we are targeting the current project for Regional FOIA Officer PDs, but I'd like to see if RTP has PDs for 5-7 as well, so we can start conceiving of what the full career evolution of a GIS might look like.

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:05 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>

Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: GIS 306 follow-up

Nicole – FYI for the Regional FOIA Officer project.

For this project, could you also take a look back at the LEAN Kaizen event outcome options for future work to see if there was listed a need for standardization in the regional offices. If there was, I'd like to use it as a hook for pulling together a meeting/teleconference to discuss with them (without telling them about the possibility of Matt issuing a directive for a standard).

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Blake, Wendy
Sent: Tuesday, September 25, 2018 8:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: GIS 306 follow-up

Arron –

Thanks so much for the current standard position descriptions for the GIS series. I am the position descriptions to Tim Epp, Acting Director of the National FOIA Office, as his office will be investigating further the potential transitioning of FOIA staff to the 306 series.

Tim –

There are currently 67 GS-306s in the agency. Most are graded between a 9 and a 12. There are a few 13s, one or two 14's (one 14 is Joan M. in your office), and one 15 (Larry G.).

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

From: Helm, Arron
Sent: Thursday, September 20, 2018 10:06 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: GIS 306 follow-up

Wendy, attached are the current standard position descriptions for the GS-0306 occupation, grade 9-12.

They are also posted below:

http://intranet.epa.gov/rtp/services/hrmd/hrmd_pos_description.htm

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 9/6/2018 7:51:47 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

FYI

From: Hallum, Carrie
Sent: Thursday, September 06, 2018 3:48 PM
To: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Jeremy,

Thanks for the update. I can't speak for OGC (it looks like they would be responsible for answering #2 under 14-P-0262) but OEI will get right on responding to what we can.

Thanks,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Sigel, Jeremy
Sent: Thursday, September 06, 2018 3:26 PM
To: Hallum, Carrie <hallum.carrie@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael

<Kaufman.Michael@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Carrie,

Sorry for the delayed response. I was consulting with our Director and in order to lessen the burden on OEI we went through each of the requests and updated as follows:

Follow-up Request:
Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. ~~Please provide how long the following employee has been an RLO:~~
        a. ~~Miriam Wiggins-Lewis, HQ, OW~~
    3. ~~Please provide the following:~~
        a. ~~What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?~~
        b. ~~Is Leticia Lane planning to take courses for certification for an RLO?~~
    4. ~~How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?~~
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. ~~Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).~~
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).
        b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

For those items crossed out we will simply interview the individuals directly or reach out to their AFC. We feel with the updated request, consisting of 5 questions total – 4 of which apply to the same policy, the original due date of **September 17th** is reasonable.

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852

Cell: ex 6

From: Hallum, Carrie
Sent: Thursday, September 6, 2018 12:50 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena,

Due to the fact that both OEI and OGC have several people out on vacation and work travel this week and the next, we are requesting a two-week extension (October 1st) to provide our responses to the questions below.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. Please provide how long the following employee has been an RLO:
        a. Miriam Wiggins-Lewis, HQ, OW
    3. Please provide the following:
        a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?
        b. Is Leticia Lane planning to take courses for certification for an RLO?
    4. How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a

proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).

b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/6/2018 7:51:20 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Follow-up from 8/28 Hot Issues and 8/29 Hot Topics

Joe,

The final to do item from my 8/30 email (below) was to provide you a copy of the "to do" list I sent to our team following the 8/3 FOIA meeting with Acting Administrator Wheeler. Below is that 8/3 "to do" list. I have hi-lited in green the updates I provided today regarding the action items stemming from the 8/3 meeting. If you have feedback on the bulleted items that Tim provided you today, which relate to item 4 below, please let Tim and I know.

Thanks,

Wendy

From: Blake, Wendy
Sent: Friday, August 03, 2018 3:42 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: TO DO's from today's 11 am briefing with Acting. Admin. re: FOIA

Here's my list of to do's from today's meeting with the Administrator. I am preparing this list, as I will be on vacation and Neil is heading back to Region 3 (and Elise is out).

Follow-up Items from today's August 3 briefing with Acting Administrator re: FOIA

1. OGC notified Acting Admin. that we are working to set up a meeting with the Civil Division to discuss the issue of improper FOIA requests in the context of "all correspondence" FOIAs.
    a. **To Do**: set up meeting with Civil Division and DDC USAO
    b. Who has action item: Front Office?

    Status as of 9/6: DOJ is free to meet the morning of 9/12; Charlotte is checking with Carla on availability of Elise, Joe, and Matt.

2. Draft FOIA Memo. The Acting Admin. liked the first draft of the FOIA memo. He recognized why we needed the section addressing what the Agency is doing to address FOIA. He asked us to add a section at the end of the memo that highlights the key points for staff or (important things for staff to remember). Specifically, what are we asking our staff to do? Hi-lite these important points potentially in bullet form at the end of the memo.
    a. **To Do**: (1) Matt indicated he had edits to the draft, as the draft will likely get released to the public, and he had some comments on the draft. Get comments from Matt (I emailed Kevin Minoli asking to see if he could get comments); (2) prepare key points at the end of the draft FOIA memo. Neil said he may take a crack at drafting these bullets.

b. Who has action item: NFO/GLO to incorporate Matt's edits and include key points at the end. What is our deadline for the FOIA memo – Kevin Minoli can you help us nail this down? Does the Acting Admin want another draft in a week?

3. Status as of 9/6: - Draft pending with Matt as of 8/28

Background: Draft FOIA memo provided to Acting Administrator for 8/3 meeting; Acting Admin. provided verbal comments (see above); 8/6 – Matt provided feedback on 8/3 draft memo; GLO and NFO provided revised draft to Kevin Minoli on 8/10; received input from Kevin Minoli on 8/14; GLO and NFO sent revised draft to Minoli on 8/15; GLO received minor comment from Kevin on 8/20 and sent revised draft to front office the same day. Matt provided a draft on 8/28. Pending with Matt for review.

4. As to the Chief FOIA Officer issue, the Acting Admin. reiterated the importance of ensuring that all FOIA staff are well-educated on FOIA requirements and that staff are accountable, in some way, to the Chief FOIA Officer. The Administrator doesn't want folks who are not trained in FOIA processing FOIAs. It's our job as an agency to train our folks on FOIA properly.
   a. **To Do**: Brainstorm mechanisms/ideas for ensuring FOIA staff are accountable for the quantity and quality of their work.
      i. **Ideas** Deliberative Process / Ex. 5

      Deliberative Process / Ex. 5

      ii. Who has action item: NFO/GLO/Minoli – come up with a plan to take back to Acting Administrator in mid-September

Status as of 9/6: We shared a draft list of ideas with Matt, Joe and Elise on 9/6. GLO and NFO staff meeting to finalize.

5. Settlement of pending cases

6. Attorney Client / Ex. 5

7. Acting Administrator wants to have a meeting in mid September to discuss item 3 above further.

Status as of 9/6: meeting to be set up by OGC front office? We need to confirm with Elise/Joe who is responsible for setting up this meeting.

8. Acting Administrator asked for copy of training binder from Fall conference

I don't have a copy of the training binder. Charlotte – please get it from Quoc. I left a copy of the survey data overview in my box as I think it would be good to share that with the binder. Someone needs to get the binder to the Administrator next week.

Status as of 9/6: DONE

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From: Youngblood, Charlotte
Sent: Friday, August 31, 2018 12:50 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Follow-up from 8/28 Hot Issues and 8/29 Hot Topics

Joe,

I am about to share the OneDrive folder with you (OneDrive will generate an automatic email notifying you that you have access to the folder). Please let me know if you have trouble accessing it. The One Drive has all of the materials Wendy refers to below, except for the "To do list stemming from the August Administrator briefing, and update with regard to where we are on those items." That we will add, once we've updated our status with respect to the various items on that list. I wanted to get you the link to the folder in the meantime, since the rest of the materials are in there.

In addition to the materials on the OneDrive, DOJ has a FOIA resource referred to as "the Yellow Book" that is extremely helpful. In case you don't already have this information, that resource is available at: https://www.justice.gov/oip/doj-guide-freedom-information-act-0

Please let me know if any other information would be helpful at this time. I am on leave this afternoon, but available by phone (my desk phone below rings through to my cell), in case you have questions.

Thanks again and welcome! Hope this has been a good first week!

Charlotte Youngblood

Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Blake, Wendy
Sent: Thursday, August 30, 2018 1:57 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Follow-up from 8/28 Hot Issues and 8/29 Hot Topics

Joe –

Thanks for your email. As I mentioned at senior staff this morning, last night I compiled a list of items that GLO promised you at this week's Hot Issues and Hot Topics meetings. Below are the follow-up items that I have.

With each item listed below, I have identified the point of contact (Charlotte or me) who will provide you with the relevant materials by email. Please note that some of the documents referenced below are included as an attachment to this email. These attachments, as well as all of the other items listed below, will also be centralized in a one drive folder which Charlotte will share with you. Elise will have access to that folder as well.

Please let me know if you have any additions to the following. Also, please don't hesitate to call if you have any questions for us. We look forward to working with you.

Follow-up Action Items from 8/28 Hot Issues and 8/29 Hot Topics:

1. Provide Joe an overview of EPA's FOIA litigation docket, including high profile cases.

   Action items –

   a. Set up meeting with Joe to discuss litigation (DONE – two meetings set up for week of 9/4);
   b. Provide Joe a copy of GLO's FOIA litigation chart, listing all pending cases (case chart identifies type of case, such as failure to respond; policy or practice claim) (TO DO; POC - Charlotte); (DONE)
   c. Provide copy of recent EIP Complaint alleging policy or practice claim on awareness review (DONE) (attached); and
   d. Send recent *Judicial Watch* decision (DONE) (attached).

2. List of document productions. GLO is working with OEX on a new document to track upcoming document productions. For now, please reference GLO's reg. review (attached), which includes in section F (starting on page 5) the information law practice group's litigation deadlines, including briefing and production deadlines. Once the new document regarding production only deadlines is finalized, Joe, Matt, and Elise will receive copies. (DONE) (reg review attached).

3. Provide copy of "to do" list stemming from August Admin. briefing and update Matt and Joe where we are with regard to those items (TO DO; POC: Wendy). DONE

4. Provide copy of improper request memo we prepared for discussion with DOJ (DONE).

5. Provide copy of current awareness notification draft procedure and provide DHS documents discussed at Hot Issues (TO DO; POC: Wendy). DONE

6. Provide copy of draft FOIA memo (DONE).

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: Albores, Richard [Albores.Richard@epa.gov]
Sent: 9/6/2018 4:51:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

FYI – extension has been requested.

R

~~~~~~
RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Hallum, Carrie
Sent: Thursday, September 06, 2018 12:50 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena,

Due to the fact that both OEI and OGC have several people out on vacation and work travel this week and the next, we are requesting a two-week extension (October 1st) to provide our responses to the questions below.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov
~~~~~~

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
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Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

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- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. Please provide how long the following employee has been an RLO:
        a. Miriam Wiggins-Lewis, HQ, OW
    3. Please provide the following:
        a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?
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6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
7. What does the policy state? Please provide page number, etc., from the policy.

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     b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Albores, Richard [Albores.Richard@epa.gov]
Sent: 9/6/2018 4:30:49 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Monson, Mahri [Monson.Mahri@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

I forgot to highlight in yellow originally – so I am pasting below the questions I was referring to:

- Report No. 14-P-0262
    1. Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).
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R

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RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Albores, Richard
Sent: Thursday, September 06, 2018 11:17 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Monson, Mahri <Monson.Mahri@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Joe – I am forwarding this for your information, and possible involvement, as this is an OIG oversight matter involving our newly formed National FOIA Office.

The OGC responses to the OIG are due September 17, 2018. I have highlighted in yellow below the specific questions that OIG has for OGC regarding NFO policy decisions to be addressed. Wendy Blake, Associate of GLO, Neil Bigioni (former acting director of the NFO for OGC) and Larry Gottesman (NFO's leader for the FOIA Implementation Team) were addressed. I am copying Tim Epp (Acting Director for the NFO) on this message so he is apprised of this development also.
~~~~~

Let us know if you have any questions.

R

~~~~~~

RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
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Everyone,

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What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

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~~~~~~

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Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Albores, Richard [Albores.Richard@epa.gov]
Sent: 9/6/2018 4:27:46 PM
To: Larsen, Elena [Larsen.Elena@epa.gov]; Ellis, John [Ellis.john@epa.gov]; Townsend, Charleen [Townsend.Charleen@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Johnston, Robert [Johnston.Robert@epa.gov]; Hallum, Carrie [hallum.carrie@epa.gov]; Shenefiel, Pam [shenefiel.pam@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Judd, Jennifer [Judd.Jennifer@epa.gov]; Boxton, Troy [Boxton.Troy@epa.gov]; Standifer, Juanita [Standifer.Juanita@epa.gov]; Kaufman, Michael [Kaufman.Michael@epa.gov]; Trent, Bobbie [Trent.Bobbie@epa.gov]; Howard, MarkT [Howard.Markt@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Monson, Mahri [Monson.Mahri@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hello all (minus OIG):

Can we request a two-week extension, as OGC has key people out on vacation and work travel this next week? I understand that OEI has been the lead on these audits. Thanks.

R

~~~~~~
RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

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Sent: Thursday, September 06, 2018 10:43 AM
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~~~~~~

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Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Monson, Mahri [Monson.Mahri@epa.gov]
Sent: 9/6/2018 3:50:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Forwarding this along to Tim as well.

Thanks!
Mahri

Mahri Monson
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-2657
Pronouns: She/Her/Hers

I am a proud member of LGBTQ+ community AND an EPA Ally. Learn more and take the pledge here.

Help eliminate environmental violations - report tips and complaints here.

From: Stewart, Sabrena
Sent: Thursday, September 6, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
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Sabrena

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Sent: 9/6/2018 2:55:13 PM
To: Stewart, Sabrena [Stewart.Sabrena@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Sabrena,

My detail as acting director of the National FOIA Office has concluded. The new acting director is Tim Epps. I note that the requests relating to Report No. 14-P-0262 may require response from the NFO or from elsewhere in OGC. I am copying Tim on this email.

Two things to note: none of the referenced reports were attached to you email, and Tim may want to review them, and, for Tim, the policies Sabrena references are available on the EPA FOIA intranet site.

Neil R. Bigioni
Deputy Regional Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. Please provide how long the following employee has been an RLO:
        a. Miriam Wiggins-Lewis, HQ, OW
    3. Please provide the following:
        a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?
        b. Is Leticia Lane planning to take courses for certification for an RLO?
    4. How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).

b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/5/2018 2:25:06 PM
To: White, Elizabeth [white.elizabeth@epa.gov]
CC: Grantham, Nancy [Grantham.Nancy@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: Notification Report 09-04-18
Attachments: Notification Report 09-04-18 (002) (002).docx

Attached is the latest awareness notification report for your review.

Let me know if you have any questions.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/25/2018 4:16:36 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FEAT Weekly 09/25/2018
Attachments: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing TRE 8 30 am.pptx; FOIA Lean Event OutBrief.pptx

Agenda:

1. **Administrivia**
   a. Listening- 2 minutes
   b. Time is due this week.
      i. Reminder: print out and give to Judy the emails sent to Tim/Denise and approvals for adjustments that are **not recorded in advance in PeoplePlus** – e.g., for episodic flexiplace, credit hours, etc.
   c. RFest folks- Everything done?? Get Excited!!
      i. Requests for extra materials, pro-tips from veterans, post-training debrief
   d. Kevin's party is today!
2. **Team Work**
   a. NFO/ILPG Briefing last week on FOIA Improvements- Slides attached for your information.
   b. Tracking our work for Tim: Any questions about Tim's e-mail?
   c. Your thoughts: What should the NFO writ large be doing? We need to understand what the office is doing now but what aren't we doing? What would an awesome EPA NFO look like??
   d. The FOIA Process Improvement Lean Outbrief- also attached.
3. **Hot topics you need help with**
   a. This is your time to raise any specific issues or questions for group problem solving.
4. **Leadership Minute**
   a. The Leadership User Manual
   b. As usual- Practice sharing and listening

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/4/2018 4:00:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA regulations - Documents for briefing with Steve Fine
Attachments: Fine comments log FOIA Regs 091917.docx; FOIA Regulations with Fine comments 091917.docx; Billing amount documentation.pdf

This is the final package that went to Steve Fine.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Gottesman, Larry
Sent: Tuesday, September 19, 2017 3:35 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Schumacher, Wendy <schumacher.wendy@epa.gov>; Byrd, Jonda <byrd.jonda@epa.gov>
Subject: FOIA regulations - Documents for briefing with Steve Fine

Rebecca-

Here are the documents we want to share with Steve for the meeting next week. The issue Steve questioned, on page 9, should be resolved by OGC this week, so we can update the info as appropriate. Also, is a graph on the issue of raising the billable amount to $250. Strong support on this from the FOIA folks and Cin Finance Center.

Let me know if you have any questions.

Larry F. Gottesman
Agency FOIA Officer

202-566-2162 (Direct line)
202-689-4588 (Mobile)

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:16:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: National FOIA Training Survey Results Attached!
Attachments: NFTC Results ALL SURVEYS.XLSX; NFTC Survey GRAPH.xlsx; NFTC SURVEYS with HIGHLIGHTS of comments .xlsx

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From: Dolph, Becky
Sent: Wednesday, March 28, 2018 7:20 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: FW: National FOIA Training Survey Results Attached!

As I am doing some records management I realized that I never sent this to Wendy.... Really good info that Joan put together from the hard copy evaluations.

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

From: Moumbleaux, Joan
Sent: Wednesday, January 03, 2018 12:44 PM
To: Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: National FOIA Training Survey Results Attached!

Hello All ,

Several folks have been asking and here it is! (Victoria and I compiled the data over the last few weeks.)

Attendees have asked if results will be shared and we may want to talk about how to best release the material to all.

Attached are;

1. All of all survey responses – the empirical data
2. A graph based upon the numerical evaluations of all responses
3. A compilation of all surveys, numerical results, and most common comments

Please let me know if we have missed something or if you have questions!

Best ,
Joan and Victoria

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/27/2018 4:28:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: Re: Monthly Update – ORD's Improvement of its FOIA Review Process

I will be out of the office on annual leave however -not convinced that I'm necessary for this meeting.

ORD sounds like they're taking the right steps to improve processing.

The only thing I want to know is whether or not all of their releases are still getting flagged or if they are still on "FOIA probation" and if they are what needs to be done to resolve.

Sent from my iPhone

> On Aug 27, 2018, at 11:29 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> Moving this meeting because too much is on our plate today.
>
> Does this work for both of you?
>
> ----------
>
> From: Bigioni, Neil
> Sent: Friday, August 24, 2018 10:21 AM
> To: Epp, Timothy
> Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process
> Attachments: OGC FOIA Monthly Update 2018 0815.docx
>
> We need to discuss this at some point. I am off today but finally back in the country and we can chat today or next week.
>
>
>
> Neil
>
>
>
> From: Silzer, Stefan
> Sent: Wednesday, August 15, 2018 3:38 PM
> To: Bigioni, Neil <bigioni.neil@epa.gov<mailto:bigioni.neil@epa.gov>>; Walker, Denise <Walker.Denise@epa.gov<mailto:Walker.Denise@epa.gov>>
> Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov<mailto:Orme-Zavaleta.Jennifer@epa.gov>>; Robbins, Chris <Robbins.Chris@epa.gov<mailto:Robbins.Chris@epa.gov>>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov<mailto:Radzikowski.Maryellen@epa.gov>>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov<mailto:Blackburn.Elizabeth@epa.gov>>; Heckman, Deborah <Heckman.Deborah@epa.gov<mailto:Heckman.Deborah@epa.gov>>; Routt, Christiane <Routt.Christiane@epa.gov<mailto:Routt.Christiane@epa.gov>>
> Subject: Monthly Update – ORD's Improvement of its FOIA Review Process
>
>
>
> Neil,
>
>
>
> Attached and set out below is ORD's monthly status report on our FOIA process improvements.
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>
> If you have any questions, let me know.
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> Steve
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> MEMORANDUM
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>
> DATE: August 15, 2018
>
>
>
> SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process
>
>
>
> FROM: Stefan Silzer, Director
>
> Office of Program Accountability and Resource Management
>
> Office of Research and Development
>
>
>
> TO: Neil R. Bigioni, Acting Director
>
> National FOIA Office
>
> Office of General Counsel
>
>
>
> ORD has made significant progress in ensuring quality control over its FOIA process. ORD has significantly strengthened its FIOA review and approval process. As previously noted, responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review. Furthermore, ORD's Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD released its first FIOA under this new process on August 8, 2018. ORD. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. We have already initiated the development of the final FOIA policy which should be completed in the first quarter of FY19.
>
>
>
> ORD continues to strengthen its FOIA skills and abilities. ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker. The training was very well received. Additional training is under development. ORD is in the process of developing refresher training for senior managers to ensure that FOIA training is an ongoing activity. The refresher training will be will be finalized by the end of FY18 and utilized in the next fiscal year. Furthermore, a FOIA-professional oriented training is under development, with the first round of training to occur in September for all ORD FOIA liaisons. This is anticipated to be an all-day training. A more comprehensive, interactive face-to-face meeting/training session is also under development, using a similar model developed by the Office of Air and Radiation. This training is expected to occur in the earlier part of calendar year 2019. Additionally, ORD's FOIA lead is making progress in reviewing OPM classification standards for possible reclassification of ORD FOIA professionals into the 0306 series (developed for FOIA professionals). We anticipate completing consultation with Human Resources and having a decision by mid-October 2018.
>
>
>
> ORD has made significant strides in strengthening our FOIA process through centralization, improving oversight, increased training and professionalism, and better internal controls. We will continue to keep you apprised through monthly updates as we move forward.
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>
> Stefan Silzer, Director
>
> Office of Program Accountability and Resource Management
>
> Office of Research and Development
>
> U.S. Environmental Protection Agency
>

> 1200 Pennsylvania Ave., NW (8102R)
>
> Washington, DC 20460
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> 202-564-5389
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> <meeting.ics>

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:16:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Overview for AO 7-19.pptx
Attachments: FOIA Overview for AO 7-19.pptx

From: Gottesman, Larry
Sent: Monday, April 09, 2018 1:21 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FOIA Overview for AO 7-19.pptx

This was presented to Ryan Jackson, Henry Darwin and Beth White.

Let me know if you have any questions.

Larry F. Gottesman
Agency FOIA Officer

202-566-2162 (Direct line)
202-689-4588 (Mobile)

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 9/25/2018 2:03:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: GIS 306 follow-up
Attachments: FOIA Lean Event OutBrief.pptx

In my experience at other agencies, I agree with your last sentence. In fact, I'd posit that a key distinguishing factor between grades, especially between 12, 13, 14, 15, is the demonstration of leadership/management skills. In general, FOIA is a relatively easy administrative procedure, and the core knowledge of the statute and agency procedures can be successfully taught rather quickly.

While the GS-905 series rewards independence with grade advancement, to successfully implement the GS-306 series, advancement through grades needs to reward confident, quality decision-making. A GS-306-15 should be issuing legally defensible initial determinations without much legal review. In the cases where the GS-306-15 seeks legal review, it should be where there is a complex or novel legal issue, that's it.

I think **Deliberative Process / Ex. 5**

Attached is the FOIA LEAN event outbrief that I received from Joan and Victoria. The Authority section (slides 24-26), speaks to their recommendation to reclassify all FOIA professionals to the GS-306 series.

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:29 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Nicole, as you look into this, could you also take a look at this GIS advertisement on USAJobs from the Army – it includes consideration of a substitute of education for experience:
https://www.usajobs.gov/GetJob/ViewDetails/509159000

The high degree of education needed for substitute for experience seems to suggest that there is a high level of skill expected to be developed from the requisite years of experience – i.e., it's not just time on the job at a fully successful level that warrants the higher grades.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:19 AM

To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Thanks Nicole, yes, please do. I am also interested in the PDs for 13, 14, and 15. And, if possible, a crosswalk that shows what language changes to reflect the progressively increasing responsibility and KSAs.
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Rementer, Nicole
Sent: Tuesday, September 25, 2018 9:11 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: GIS 306 follow-up

Will do.

Is it ok that I reach out to Aaron Helm directly? I know we are targeting the current project for Regional FOIA Officer PDs, but I'd like to see if RTP has PDs for 5-7 as well, so we can start conceiving of what the full career evolution of a GIS might look like.

Nicole M. Rementer
Attorney-Adviser | FOIA Expert Assistance Team (FEAT)
U.S. Environmental Protection Agency | Office of General Counsel
7426NN WJCN | 202.564.3692

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 9:05 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: GIS 306 follow-up

Nicole – FYI for the Regional FOIA Officer project.

For this project, could you also take a look back at the LEAN Kaizen event outcome options for future work to see if there was listed a need for standardization in the regional offices. If there was, I'd like to use it as a hook for pulling together a meeting/teleconference to discuss with them (without telling them about the possibility of Matt issuing a directive for a standard).

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Blake, Wendy
Sent: Tuesday, September 25, 2018 8:24 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>; Helm, Arron <Helm.Arron@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: GIS 306 follow-up

Arron –

Thanks so much for the current standard position descriptions for the GIS series. I am the position descriptions to Tim Epp, Acting Director of the National FOIA Office, as his office will be investigating further the potential transitioning of FOIA staff to the 306 series.

Tim –

There are currently 67 GS-306s in the agency. Most are graded between a 9 and a 12. There are a few 13s, one or two 14's (one 14 is Joan M. in your office), and one 15 (Larry G.).

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

From: Helm, Arron
Sent: Thursday, September 20, 2018 10:06 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: GIS 306 follow-up

Wendy, attached are the current standard position descriptions for the GS-0306 occupation, grade 9-12.

They are also posted below:

http://intranet.epa.gov/rtp/services/hrmd/hrmd_pos_description.htm

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:15:33 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Miscellaneous
Attachments: Backup of FOIA Performance Measures.wbk; FOIA Performance Measures.docx; FOIA Reorganization. Facts and Figures. GC Briefing Document.docx; Backup of FOIA Program Improvements.wbk; Agency FOIA March 2018 A3 .pptx; Backup of Delegation. 1-19. draft changes.wbk; FOIA Program Improvements.docx; FOIA information. 11082017.docx; AO FOIA project charter. 11272017.pptx; FOIA processing in the Office of the Administrator.pdf; AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).docx; AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).pdf; AO FOIA project charter. 12062017.pptx; AO Centralization Project Lean Charter. signed.pdf; FOIA Reorganization Talking Points. final. 12.12.2017.docx; Thoughts for Matt. 12.19.2017.docx; FEAT Measures.xlsx

-----Original Message-----
From: Dolph, Becky
Sent: Tuesday, March 27, 2018 8:55 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: Miscellaneous

Neil -- as my successor, I am emailing to you the remainder of my electronic files pertaining to the FEAT/National FOIA Office. Thanks.

Backup of FOIA Performance Measures.wbk
FOIA Performance Measures.docx
FOIA Reorganization. Facts and Figures. GC Briefing Document.docx Backup of FOIA Program Improvements.wbk Agency FOIA March 2018 A3 .pptx Backup of Delegation. 1-19. draft changes.wbk FOIA Program Improvements.docx FOIA information. 11082017.docx AO FOIA project charter. 11272017.pptx FOIA processing in the Office of the Administrator.pdf AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).docx AO FOIA Centralization Pilot Project Description. 07.21.17. final (004).pdf AO FOIA project charter. 12062017.pptx AO Centralization Project Lean Charter. signed.pdf FOIA Reorganization Talking Points. final. 12.12.2017.docx Thoughts for Matt. 12.19.2017.docx FEAT Measures.xlsx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/24/2018 7:56:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: National FOIA Program Overview for AO - Draft -8-7-17 LFG edits.pptx
Attachments: National FOIA Program Overview for AO - Draft -8-7-17 LFG edits.pptx

This was a briefing given to Ryan Jackson. Steve Fine was in the room and approved the slide deck.

The colors were for me use, and not in the copy of the slide deck provided to Ryan.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:15:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Pruitt Order- FOIA not reasonably described
Attachments: FOIA Not Reasonably Described Pruitt v EPA order 2013 .pdf; FOIA unreasonable review Vietnam Vets v. DHS 03312014.pdf

---

From: Dolph, Becky
Sent: Wednesday, March 28, 2018 5:54 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FW: Pruitt Order- FOIA not reasonably described

fyi

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

From: Walker, Denise
Sent: Wednesday, March 28, 2018 5:23 PM
To: OGC FEAT <OGC_FEAT@epa.gov>
Subject: FW: Pruitt Order- FOIA not reasonably described

A good one to keep on hand…

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 9/17/2018 5:06:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

http://intranet.epa.gov/foia/FOIA-Procedures.html

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: ex 6

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Monday, September 17, 2018 1:02 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217
Importance: High

Denise, did you get back to Rich on this? Or, do we have a deadline of today?

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Albores, Richard
Sent: Wednesday, September 12, 2018 9:28 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Monson, Mahri <Monson.Mahri@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Tim/Larry/Denise:

Does the September 17 deadline work for NFO regarding the questions on Report No. 14-P-0262?

Please let me and Mahri know, so we can inform OIG.

R

~~~~~

RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Albores, Richard
Sent: Thursday, September 06, 2018 3:28 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Monson, Mahri <Monson.Mahri@epa.gov>
Subject: FW: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

FYI = OIG has revised the request (see below in red) and extended the due date to September 17, 2018.

R

~~~~~

RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Sigel, Jeremy
Sent: Thursday, September 06, 2018 3:26 PM
To: Hallum, Carrie <hallum.carrie@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Brevard, Rudy <Brevard.Rudy@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Carrie,

Sorry for the delayed response. I was consulting with our Director and in order to lessen the burden on OEI we went through each of the requests and updated as follows:

Follow-up Request:
Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. ~~Please provide how long the following employee has been an RLO:~~
       ~~a. Miriam Wiggins-Lewis, HQ, OW~~
    3. ~~Please provide the following:~~
       ~~a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?~~
       ~~b. Is Leticia Lane planning to take courses for certification for an RLO?~~
    4. ~~How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?~~
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. ~~Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).~~
    2. Now that the FOIA office has been transferred to OGC:
       a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).
       b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

For those items crossed out we will simply interview the individuals directly or reach out to their AFC. We feel with the updated request, consisting of 5 questions total – 4 of which apply to the same policy, the original due date of **September 17th** is reasonable.

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: **ex 6**

From: Hallum, Carrie
Sent: Thursday, September 6, 2018 12:50 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake,

Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: RE: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Hi Sabrena,

Due to the fact that both OEI and OGC have several people out on vacation and work travel this week and the next, we are requesting a two-week extension (October 1st) to provide our responses to the questions below.

Thank you,

Carrie Hallum
Program Analyst/Presidential Management Fellow
OEI Audit Follow Up Coordinator for OIG Audits
Backup Special Assistant, Office of Business Operations and Services
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: (202) 566-1274
Email: hallum.carrie@epa.gov

From: Stewart, Sabrena
Sent: Thursday, September 06, 2018 10:43 AM
To: Larsen, Elena <Larsen.Elena@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Johnston, Robert <Johnston.Robert@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>
Subject: Status of the Audit of EPA Processes for Preserving Emails and Text Messages, and Responding to FOIA Requests, Project No. OA&E -FY18-0217

Everyone,

In an effort to have an open line of communication and keep everyone informed as to the status of our work, below is IRMD's monthly status email summarizing what we've done, what we're currently doing, follow-up requests, new requests, our next steps, and any outstanding requests or areas of concerns. If there are any questions on a given item, please feel free to respond directly to this email or call me at 202-566-2889.

The three audit report recommendations that we are reviewing the Corrective Action's for are:

- *Congressionally Requested Audit: EPA Needs to Improve Processes for Preserving Text Messages as Federal Records* (Report No. 17-P-0062), issued December 21, 2016.

- *Briefing Report: Review of EPA's Process to Release Information Under the Freedom of Information Act* (Report No. 14-P-0262), issued May 16, 2014.

- *Congressionally Requested Inquiry into the EPA's Use of Private and Alias Email Accounts* (Report No. 13-P-0433), issued September 26, 2013.

What We've Done:

- We have reviewed follow-up documentation received from the Agency pertaining to Corrective Actions.

What We're Currently Doing:

- Following up on additional items needed.

Follow-up Request:

Any new requests involving the previous audit reports will be requested based on that Report Number highlighted above. This will help everyone easily identify the correct audit report.

- Report No. 133-P-0433
    1. Based on the Records Management Policy, CIO-2155-3, that was Approved on 2/10/15, and has a Review date of 2/10/18. Was it reviewed?
    2. Please provide how long the following employee has been an RLO:
        a. Miriam Wiggins-Lewis, HQ, OW
    3. Please provide the following:
        a. What is the timeframe that Leticia Lane has been the Acting RLO for Region 6, and is she still the Acting RLO for Region 6?
        b. Is Leticia Lane planning to take courses for certification for an RLO?
    4. How long has Lynn Calvin been the RLO? Did she complete the remainder courses (2&3)? If so, when? Has she retired?
    5. How long can an employee operate as an RLO, or an Acting RLO without being certified?
    6. Is there a particular timeframe that is allowed to be in an acting capacity without being certified?
    7. What does the policy state? Please provide page number, etc., from the policy.

- Report No. 14-P-0262
    1. Please have each Region/PO provide a copy of their FOIA procedures that they are currently using. Please ensure that the procedures are signed and dated (or noted that that is what they are using).
    2. Now that the FOIA office has been transferred to OGC:
        a. Will OGC be using the same policy and procedures that OEI had in place (FOIA Policy, CIO-2157-P-01, approved 9/30/14, review date 9/30/17, and Procedures CIO-2157-P-01.1, approved 12/18/14, review date 12/18/17)? If so, and since the policy and procedures review date has passed, is OGC planning to send out a memorandum/amendment to both stating that they will continue FOIA under their directorate using the previous policy and procedures from OEI? If so, please provide a proposed completion date for the memorandum/amendment to be sent out (please keep in mind that the review date for both have passed).
        b. Will OGC be developing their own policy/procedure? If so, please provide the proposed completion date?

Next Steps:

- Reviewing follow-up requests from this email.
- Completing fieldwork and drafting discussion document.

In conclusion, I would like to thank everyone for your help and speedy responses! In the event of my absence, please copy Jeremy Sigel on all responses.

Please provide responses to our follow-up requests by COB September 17, 2018.

Thanks,

Sabrena

Sabrena Stewart
Senior IT Auditor, Office of Audit and Evaluation
Information Resources Management Directorate
Office of Inspector General
Environmental Protection Agency
202-566-2889
stewart.sabrena@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/4/2018 3:52:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Informal Process for FOIA Awareness Reviews - 06-09-2017. dolph comments. docx.docx

I thought you wanted the email that resulted in the Awareness notification memo I gave you.

I will send you the "final" OEI draft of the FOIA regulations.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Epp, Timothy
Sent: Tuesday, September 04, 2018 11:50 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Informal Process for FOIA Awareness Reviews - 06-09-2017. dolph comments. docx.docx

Hi Larry, thanks but this is not the document that I wanted to see the earlier work of OEI. I would like to see the earlier version of the draft regulations.

Wendy Blake and I have been working on the more recent iterations of the document you attached.

Tim

Timothy R. Epp
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Gottesman, Larry
Sent: Tuesday, September 04, 2018 11:25 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Informal Process for FOIA Awareness Reviews - 06-09-2017. dolph comments. docx.docx

Per your request, this is the email that included Becky's comments. The version I give you last week was OEI's final draft taking into account Becky' comments.

Larry F. Gottesman

Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Dolph, Becky
Sent: Monday, June 12, 2017 9:56 AM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Byrd, Jonda <byrd.jonda@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Informal Process for FOIA Awareness Reviews - 06-09-2017. dolph comments. docx.docx

Hi all – attached are my comments.

Thanks,
Becky

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/17/2018 3:31:55 PM
To: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

Calling you now

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

From: Youngblood, Charlotte
Sent: Monday, September 17, 2018 11:31 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

Thanks! Can someone please make sure to call me in? I don't want to miss this one!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Monday, September 17, 2018 11:30 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT Weekly agenda and FOIAOnline issue list

OK- Here's the combined agenda so it is at the top of your e-mail. I can go until 12:30.

1. NFO/GLO Coordination and follow-up
    a. Accountability bulleted list – who has lead and required next steps
    b. Status of DOJ meeting and timing for next meeting with Acting Administrator
        i. Joint NFO-GLO briefing on FOIA initiative for acting Admin.
        ii. Scheduling & content
    c. Status of draft Awareness Notification – pending with OEX – comments by today

   d. FOIA regulations
   e. NFO Litigation Chart
   f. Capacity Metrics
   g. FOIAonline issues – **See GLO's list of issues below – I will brief you on my conversation with R. Moser this morning**
   h. FOIA memo – **- Joe had one issue – "the EPA" v. "EPA" – see email I sent previously – we need Matt's feedback though**
   i. ILPG/FEAT relations – messaging and meeting coordination
2. Joint NFO-GLO briefing on FOIA initiative
   a. Scheduling & content
3. Capacity Metrics
4. RelativityFest in October- anyone from ILPG going? **LaShawn Williams and Joan Kaminer. NFO: Chris Creech, Kevin Hill, Breanne VanderNald**
5. Hiring- candidates to share? **Update NFO on hiring efforts - 20 folks will be interviewed (1st round) in next 2 weeks. GLO will be hiring 6 staff.**
6. POC for searches in non-outlook searches in OEX
7. Do you need us to take the NRDC litigation on 10-day letters? **Policy or practice case – Discuss next steps**

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Monday, September 17, 2018 11:05 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: FEAT Weekly agenda and FOIAOnline issue list

I can go until 12:15.

This list is broader than FEAT. I'd like to add Larry to the invite. Any concerns? If that is ok with folks, can one of you forward it to him?

Tim

Sent from my iPhone

On Sep 17, 2018, at 10:54 AM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Thanks Denise. I added my agenda items below. We have a fairly robust agenda and am afraid the meeting may take 45 minutes. Would you all be free if we need to extend to 12:10/12:15?

Welcome Back Tim – Hope you had a safe trip home and a successful trip.

Agenda items

1. NFO/GLO Coordination and follow-up
    a. Accountability bulleted list – who has lead and required next steps
    b. Status of DOJ meeting and timing for next meeting with Acting Administrator
        i. Joint NFO-GLO briefing on FOIA initiative for acting Admin.
        ii. Scheduling & content

    c. Status of draft Awareness Notification – pending with OEX – comments by today
    d. FOIA regulations
    e. NFO Litigation Chart
    f. Capacity Metrics
2. Things for Matt:
    a. Awareness Notification – **Denise – I would like to have OEX's final comments before the document goes to Matt**
    b. FOIA Supervisor Accountability exercise
    c. FOIAonline issues – **See GLO's list of issues below – I will brief you on my conversation with R. Moser this morning**
    d. FOIA memo – **- Joe had one issue – "the EPA" v. "EPA" – see email I sent previously – we need Matt's feedback though**
    e. ~~DOJ Meeting -~~
    f. ILPG/FEAT relations – messaging and meeting coordination
3. RelativityFest in October- anyone from ILPG going? **LaShawn Williams and Joan Kaminer. NFO?**
4. Hiring- candidates to share? **Update NFO on hiring efforts - 20 folks will be interviewed (1st round) in next 2 weeks. GLO will be hiring 6 staff.**
5. POC for searches in non-outlook searches in OEX
6. Do you need us to take the NRDC litigation on 10-day letters? **Policy or practice case – Discuss next steps**

Rebecca – Our office is continuing to face challenges with the recent FOIAOnline upgrade. The following is a list of current issues we are experiencing. [We have provided this list separately to Tim as well and submitted help desk tickets for the following items. [I need to confirm this last sentence]

Wendy

(1) some of our litigation FOIAs are showing up as closed, which precludes us from uploading files;
(2) Inability to upload large files to FOIAOnline. We understand that FOIAonline can no longer upload zipped files for production; the old system allowed this. This will be a significant issue for requests where we have a large number of records;
(3) Some FOIAs have still not been migrated;
(4) Inability to assign admin. appeals;

(5) Inability to track admin. appeals;
(6) Inability to compile reports to assess open appeals or open OGC FOIA requests;
(7) Data migration of FOIAs in litigation not complete;
(8) Links to old releases are broken and no longer active;
(9) For appeals, we cannot track the number of appeals closed this year. Were all open appeals transferred?
(10) The search function isn't working well.
(11) The "my assignments" tab is not working, so offices could erroneously assume they have no assigned FOIAs, when they, in fact, do.
(12) Uploaded records not available for interim releases, reportedly due to characters in file names. When we attempt to upload the records again FOIAonline gives an error that the records are already uploaded.
(13) Plaintiffs receiving multiple emails for one interim responses (American Oversight received over 30 emails for one interim response)
(14) In some requests with large numbers of records, the records aren't loading on the public facing website, preventing Plaintiffs from accessing productions
(15) Inability to change requester's personal information, such as contact name for requester organization. [Context: We lack the ability to change the requester's personal information. The original requester left the organization. While we can CC another email address on correspondence sent through FOIAonline, there is no option to CC another email address on a document release, which is an issue where the organization still wants the documents, but the initial requester has left the organization.]
(16) When searching from the home page/landing page, only "My Cases" are searched, but the search bar says "Search FOIAonline…". The entire system needs to be searchable from the landing/home page.

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: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:15:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Emailing: FEAT PowerPoint. 08.28.2017.pptx
Attachments: FEAT PowerPoint. 08.28.2017.pptx

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 8:18 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: Emailing: FEAT PowerPoint. 08.28.2017.pptx

Neil -- as my successor, I am emailing you the electronic version of a power point presentation on the FEAT. A hard copy of this document with handwritten speaker's notes will be left in my office. Thanks.

FEAT PowerPoint. 08.28.2017.pptx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/23/2018 2:12:39 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Hammitt, Jennifer [Hammitt.Jennifer@epa.gov]
Subject: RE: ANP Comments
Attachments: Awareness notification process 8 23 18.clean.docx; Awareness notification process 8 23 18.redline.docx

Hi Tim and Denise,

I re-read the document closely this morning and revised the options piece. I have not changed the intent at all, but instead simplified the text. I plan to forward the clean version of the attached to Beth now for our OEX/FEAT/GLO discussion this afternoon.

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

From: Walker, Denise
Sent: Wednesday, August 22, 2018 12:48 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: ANP Comments

Ma apologies, Wendy!

8/6 was the first day I was trying to be myself and Neil.
Your e-mail got lost in "Outlook River". It does address Beth's concerns with Larry's packages.

I've made all the corrections. This should be good to move forward.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, August 22, 2018 12:15 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: ANP Comments

Denise –

Attached is the version I sent you on 8/6 with Jennifer and my comments. Can you see if the attached addresses the comments Beth had about Larry's packages to her? Can you also provide me any comments and let's raise with Beth at our OEX meeting tomorrow. I would like to get this moved forward. Thanks in advance!

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

From: Blake, Wendy
Sent: Monday, August 06, 2018 12:05 AM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: ANP Comments

Denise – See attached comments from Jennifer and me. Could you accept comments/edits and set up time to review the attached with Beth White? Please include Jennifer in that meeting. I don't want this to wait until I return from vacation.

Also, does the attached address the comments Beth had about Larry's packages to her?

Thank you both.
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

From: Hammitt, Jennifer
Sent: Thursday, August 02, 2018 5:06 PM

To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: ANP Comments

Hi Wendy – I realized that I likely had not sent these comments on Denise's ANP process document to you yesterday. Please find my comments attached.

I will be out of the office tomorrow but working; I have a call with a Plaintiff and a few other matters to attend to (and my husband will be at the dentist) so go ahead and give me a call at 786-222-4049 if you need anything. Thanks!

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 8/23/2018 1:49:55 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]; Costa, Karen [Costa.Karen@epa.gov]
Subject: RE: FOIA LEAN Updated Improvement Action Table for September A3
Attachments: SEPTEMBER 2018 A3_ for FOIA Improvement Project 8 24 18.pptx

Denise,

Thank you for sending the draft. I made a few general edits and updated box 5 to show progress.

Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Walker, Denise
Sent: Wednesday, August 22, 2018 5:25 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>; Costa, Karen <Costa.Karen@epa.gov>
Subject: FOIA LEAN Updated Improvement Action Table for September A3

Thank you, everyone, for a productive meeting.

I have inserted the table into the A3 so it is ready to go for the September 5 meeting with Henry Darwin.

Thanks!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

-----Original Appointment-----
From: Schumacher, Wendy
Sent: Tuesday, August 21, 2018 1:20 PM
To: Schumacher, Wendy; Moumbleaux, Joan; Walker, Denise; Gottesman, Larry; Epp, Timothy; Poole, Laura; Costa, Karen
Subject: FOIA Lean Check-in - weekly

When: Wednesday, August 22, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 5315M WJCN

Call in 991-0477
Code 4609930

Moved to 4pm so Tim can join us. Please let us know if that is a conflict with anyone's departure time.

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/22/2018 9:24:32 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]; Costa, Karen [Costa.Karen@epa.gov]
Subject: FOIA LEAN Updated Improvement Action Table for September A3
Attachments: Improvement Actions Table 8 22 18.docx; SEPTEMBER 2018 A3_ for FOIA Improvement Project.pptx

Thank you, everyone, for a productive meeting.

I have inserted the table into the A3 so it is ready to go for the September 5 meeting with Henry Darwin.

Thanks!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

-----Original Appointment-----
From: Schumacher, Wendy
Sent: Tuesday, August 21, 2018 1:20 PM
To: Schumacher, Wendy; Moumbleaux, Joan; Walker, Denise; Gottesman, Larry; Epp, Timothy; Poole, Laura; Costa, Karen
Subject: FOIA Lean Check-in - weekly
When: Wednesday, August 22, 2018 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 5315M WJCN

Call in Code Ex. 6

Moved to 4pm so Tim can join us. Please let us know if that is a conflict with anyone's departure time.

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 8/22/2018 6:46:25 PM
To: Packard, Elise [Packard.Elise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FOIA Memo
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate.docx

Elise,

Here is the current copy of the FOIA Memo. We didn't get to our to-do's at Reg. Review, but Wendy and I wanted to touch base to find out next steps on the FOIA Memo? Denise and I incorporated Kevin Minoli's comments last week and resubmitted it into Kevin's binder. Yesterday, Monique asked me to change the bullets from numbers to circles, but that was the only additional comment received. I sent the attached back to her with the bullets changed to little circles. I'm not sure whether that means that it has gone to Matt for review?

Please let us know if you know what the next steps are, and if we can help in any way.

Thanks!

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/22/2018 4:50:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: [Wheeler FOIA 8/3/18 Briefing Memo] FW: FOIA meeting tomorrow with Acting Adm Wheeler
Attachments: FOIA Briefing Best Practices AO4 and Litigation 8.3.2018.docxwb.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Bigioni, Neil
Sent: Monday, August 06, 2018 8:17 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: FOIA meeting tomorrow with Acting Adm Wheeler

You should have this. This is the version that went to Wheeler.

From: Bigioni, Neil
Sent: Thursday, August 02, 2018 5:01 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Veney, Carla <Veney.Carla@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Subject: RE: FOIA meeting tomorrow with Acting Adm Wheeler

This time with the attachment.

From: Bigioni, Neil
Sent: Thursday, August 2, 2018 4:57 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Veney, Carla <Veney.Carla@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Subject: RE: FOIA meeting tomorrow with Acting Adm Wheeler

I have revised the paper in a way that I hope invites discussion rather than presents the best practices as de facto implementable. Derek, please share this version of the 3 papers with Aaron.

Neil

Neil R. Bigioni

Acting Director National FOIA Office
EPA Office of General Counsel
(202) 564-2281

From: Leopold, Matt (OGC)
Sent: Thursday, August 2, 2018 4:43 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Veney, Carla <Veney.Carla@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Re: FOIA meeting tomorrow with Acting Adm Wheeler

If there are things in the paper that exceed the scope of what we want to raise we should not provide it. If there is a more focused version please share with Aaron.

Sent from my iPhone

On Aug 2, 2018, at 3:04 PM, Bigioni, Neil <bigioni.neil@epa.gov> wrote:

> Will do.
>
> Do you want to provide the AO4, Best Practices and Litigation memos or have them for ourselves to use as talking points?

> **From:** Leopold, Matt (OGC)
> **Sent:** Thursday, August 2, 2018 4:02 PM
> **To:** Veney, Carla <Veney.Carla@epa.gov>
> **Cc:** Bigioni, Neil <bigioni.neil@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
> **Subject:** Re: FOIA meeting tomorrow with Acting Adm Wheeler
>
> Yes let's please provide the draft FOIA fishbowl memo.
>
> Sent from my iPhone
>
> On Aug 2, 2018, at 2:33 PM, Veney, Carla <Veney.Carla@epa.gov> wrote:
>
>> His assistant Aaron Dickerson called and asked for briefing materials by cob today. Will we be providing anything beforehand?

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/22/2018 4:48:06 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: ANP Comments
Attachments: Awareness Notification Process for FOIA Release 08222018.docxwb.docx

Ma apologies, Wendy!

8/6 was the first day I was trying to be myself and Neil.
Your e-mail got lost in "Outlook River". It does address Beth's concerns with Larry's packages.

I've made all the corrections. This should be good to move forward.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, August 22, 2018 12:15 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: ANP Comments

Denise –

Attached is the version I sent you on 8/6 with Jennifer and my comments. Can you see if the attached addresses the comments Beth had about Larry's packages to her? Can you also provide me any comments and let's raise with Beth at our OEX meeting tomorrow. I would like to get this moved forward. Thanks in advance!

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

From: Blake, Wendy
Sent: Monday, August 06, 2018 12:05 AM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: ANP Comments

Denise – See attached comments from Jennifer and me. Could you accept comments/edits and set up time to review the attached with Beth White? Please include Jennifer in that meeting. I don't want this to wait until I return from vacation.

Also, does the attached address the comments Beth had about Larry's packages to her?

Thank you both.
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

From: Hammitt, Jennifer
Sent: Thursday, August 02, 2018 5:06 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: ANP Comments

Hi Wendy – I realized that I likely had not sent these comments on Denise's ANP process document to you yesterday. Please find my comments attached.

I will be out of the office tomorrow but working; I have a call with a Plaintiff and a few other matters to attend to (and my husband will be at the dentist) so go ahead and give me a call at 786-222-4049 if you need anything. Thanks!

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/22/2018 4:16:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: ANP Comments
Attachments: Awareness Notification Process for FOIA Release 7 18 18_daw JJH comment.docxwb.docx

Per my last email, below is the email I just sent Denise.

From: Blake, Wendy
Sent: Wednesday, August 22, 2018 12:15 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FW: ANP Comments

Denise –

Attached is the version I sent you on 8/6 with Jennifer and my comments. Can you see if the attached addresses the comments Beth had about Larry's packages to her? Can you also provide me any comments and let's raise with Beth at our OEX meeting tomorrow. I would like to get this moved forward. Thanks in advance!

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

From: Blake, Wendy
Sent: Monday, August 06, 2018 12:05 AM
To: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: ANP Comments

Denise – See attached comments from Jennifer and me. Could you accept comments/edits and set up time to review the attached with Beth White? Please include Jennifer in that meeting. I don't want this to wait until I return from vacation.

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Thank you both.
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

From: Hammitt, Jennifer
Sent: Thursday, August 02, 2018 5:06 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: ANP Comments

Hi Wendy – I realized that I likely had not sent these comments on Denise's ANP process document to you yesterday. Please find my comments attached.

I will be out of the office tomorrow but working; I have a call with a Plaintiff and a few other matters to attend to (and my husband will be at the dentist) so go ahead and give me a call at 786-222-4049 if you need anything. Thanks!

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/22/2018 4:16:19 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process for FOIA Release

Denise – I had sent you and Jennifer an email on 8/6 with a draft that included your edits, Jennifer's edits and my edits. I just re-sent that email to you. (Tim – Welcome to the NFO. I will send you the email I just sent Denise now).

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

From: Walker, Denise
Sent: Wednesday, August 22, 2018 12:07 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification Process for FOIA Release

Wendy:
Welcome back! I hope you had a restful time away!

This is the last version I have of this document.

Denise

From: Walker, Denise
Sent: Wednesday, July 18, 2018 2:28 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Awareness Notification Process for FOIA Release

Wendy:

I've re-drafted incorporating the ideas & feedback we discussed.
Had a bit of a fire drill come up this afternoon.

Thanks for moving this forward.

Denise

Denise A. Walker
U.S. Environmental Protection Agency

Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, July 18, 2018 10:43 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process for FOIA Release 2 13 18_wb lfg(002).docx

This isn't the most recent version. See the one I sent, and please call me at 10:45. I am sorry, but was running late on another meeting.

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

From: Walker, Denise
Sent: Wednesday, July 18, 2018 10:29 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Awareness Notification Process for FOIA Release 2 13 18_wb lfg(002).docx

This is the last version I have in my files.

My cell is 202-816-9872

Message

From: YOUNG, BENJAMIN, JR. - OGC [BENJAMIN.YOUNG@OGC.USDA.GOV]
Sent: 9/17/2018 3:11:53 PM
To: Keable, Edward [edward.keable@sol.doi.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hubbel Relat [hubbel.relat@sol.doi.gov]; Brown, Laura [Laura.Brown@sol.doi.gov]; Timothy Murphy [Timothy.Murphy@sol.doi.gov]; Carrington, Karen - OGC [KAREN.CARRINGTON@OGC.USDA.GOV]
Subject: RE: [EXTERNAL] follow-up from today's meeting

Ed and Wendy, I will be out the first week of October but please include Karen Carrington of the GC front office in the planning loop and the email chain. Thanks.

L. Benjamin "Benny" Young, Jr.
Associate General Counsel for General Law and Research
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave S.W. Room 2033-S
Washington, DC 20250-1415
202-720-5565 (Voice)
202-425-0902 (Mobile)
benjamin.young@ogc.usda.gov

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Monday, September 17, 2018 11:05 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>; YOUNG, BENJAMIN, JR. - OGC <BENJAMIN.YOUNG@OGC.USDA.GOV>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

The first week of October works for Interior participants. In particular, time looks good for Tuesday-Friday mornings or Thursday and Friday afternoons. Thanks.

Ed

On Sun, Sep 16, 2018 at 10:42 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Ed,
>
> Let me follow-up with my litigation team. We may need to bump it to the first week of October. Can you let me know what your team's availability looks like for the first week of October? Many 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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Friday, September 14, 2018 10:12 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>; YOUNG, BENJAMIN, JR. <BENJAMIN.YOUNG@ogc.usda.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for following up.

Benny Young, Associate General Counsel, USDA-OGC, has expressed interest in joining this discussion. I am adding Benny to this email exchange.

The last week of September is good timing for Interior. Out best times that week are Tuesday morning and any time on Friday.

Thanks,

Ed

On Thu, Sep 13, 2018 at 7:04 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Ed,

Thanks for your email. I hope you had a great vacation. Please let me know if USDA OGC is interested in joining our follow-up discussion on litigation/administrative appeals and best practices in these areas, given the current substantial workload.

Could we try to meet the last week of September? I have an all-day work commitment on 9/24, but am flexible on the other days. If this doesn't work, I would propose that we meet during the first week of October. I would suggest a 1.5 hour meeting, and we can schedule additional meetings, as needed. Let me know your thoughts. We are happy to come to DOI so thank you for the offer to host.

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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for your email and, again, for meeting with the Interior delegation on Tuesday. I found the exchange to be very helpful. More importantly, the information we learned from you has been helpful to our senior leadership as they make decisions about reorganizing our FOIA operations.

I have reached out to USAD OGC to ask about their interest in joining our follow-up discussion. I will let you know what they say.

In the meantime, perhaps we can start to look at some tentative dates and times for us to meet. My best times during the week of September 10 are Monday afternoon, Tuesday morning, and Thursday afternoon.

I would also be happy to host since you hosted us earlier this week.

Please note that I have included Hubbel Relat (Special Assistant to the Solicitor), Laura Brown (acting Associate Solicitor-General Law), and Tim Murphy (Assistant Solicitor-General Legal Services), all of whom have a role in managing the FOIA legal work at Interior.

I hope you have a great Labor Day weekend.

Ed

On Thu, Aug 30, 2018 at 9:07 AM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Ed,
>
> It was great to see you on Tuesday. As we discussed, I am the Associate General Counsel for the General Law Office, which, among other things, is responsible for handling EPA's FOIA litigation and administrative appeal work and providing legal counseling to the FOIA program on matters such as EPA's draft FOIA regulations and policies. My office also provides legal counseling on initial FOIA requests that are not managed by the Agency's FOIA Expert Assistance Team.
>
> I would like to set up a meeting when you return from vacation to discuss FOIA litigation and administrative appeals. My office is currently handling about 70 cases. Historically, our office has received between 10

and 15 new FOIA cases per year. The highest prior case load we experienced was in 2014, and we had about 20 cases at that time. Thus, our caseload is triple what we had in 2014.

I know that DOI has experienced a similar spike in litigation, including failure to respond cases. I wanted to meet with you to discuss the strategies you are employing to handle your litigation and administrative appeal caseload. I also wanted to share some best practices we have employed in responding to our heavy litigation and appeal dockets. I would suggest we find a two hour block to meet, as I would like to cover some substantive legal issues, as well as general management issues.

If you could reach out to USDA, I think it would be useful to engage another agency in our best practice discussions. When we meet, I can share with you some additional information about the steps we have taken to train our agency FOIA professionals. The next step of our training initiative is to train the Agency's supervisors who are responsible, per our FOIA policy, for reviewing FOIA releases and signing FOIA responses.

Thanks, and I look forward to meeting with you and your team.

I am cc'ing Charlotte Youngblood, my Deputy, and Kevin Miller, my Assistant General Counsel for information law matters. I am also cc'ing Tim and Denise as an FYI. I know you will be meeting separately with Denise, Tim and their team on initial FOIA requests and he Agency's experiences with the FEAT and FOIA processing.

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

--

Edward T. Keable
Deputy Solicitor-General Law
Office of the Solicitor
U.S. Department of the Interior
Phone: 202-208-4423
Fax: 202-208-5584
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law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Message

From: Keable, Edward [edward.keable@sol.doi.gov]
Sent: 9/17/2018 3:04:36 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hubbel Relat [hubbel.relat@sol.doi.gov]; Brown, Laura [Laura.Brown@sol.doi.gov]; Timothy Murphy [Timothy.Murphy@sol.doi.gov]; YOUNG, BENJAMIN, JR. [BENJAMIN.YOUNG@ogc.usda.gov]
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

The first week of October works for Interior participants. In particular, time looks good for Tuesday-Friday mornings or Thursday and Friday afternoons. Thanks.

Ed

On Sun, Sep 16, 2018 at 10:42 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Ed,
>
> Let me follow-up with my litigation team. We may need to bump it to the first week of October. Can you let me know what your team's availability looks like for the first week of October? Many 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
>
> **From:** Keable, Edward [mailto:edward.keable@sol.doi.gov]
> **Sent:** Friday, September 14, 2018 10:12 AM
> **To:** Blake, Wendy <Blake.Wendy@epa.gov>
> **Cc:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy

<Timothy.Murphy@sol.doi.gov>; YOUNG, BENJAMIN, JR. <BENJAMIN.YOUNG@ogc.usda.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for following up.

Benny Young, Associate General Counsel, USDA-OGC, has expressed interest in joining this discussion. I am adding Benny to this email exchange.

The last week of September is good timing for Interior. Out best times that week are Tuesday morning and any time on Friday.

Thanks,

Ed

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Could we try to meet the last week of September? I have an all-day work commitment on 9/24, but am flexible on the other days. If this doesn't work, I would propose that we meet during the first week of October. I would suggest a 1.5 hour meeting, and we can schedule additional meetings, as needed. Let me know your thoughts. We are happy to come to DOI so thank you for the offer to host.

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

From: Keable, Edward [mailto:edward.keable@sol.doi.gov]
Sent: Thursday, August 30, 2018 4:18 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>
Subject: Re: [EXTERNAL] follow-up from today's meeting

Wendy,

Thanks for your email and, again, for meeting with the Interior delegation on Tuesday. I found the exchange to be very helpful. More importantly, the information we learned from you has been helpful to our senior leadership as they make decisions about reorganizing our FOIA operations.

I have reached out to USAD OGC to ask about their interest in joining our follow-up discussion. I will let you know what they say.

In the meantime, perhaps we can start to look at some tentative dates and times for us to meet. My best times during the week of September 10 are Monday afternoon, Tuesday morning, and Thursday afternoon.

I would also be happy to host since you hosted us earlier this week.

Please note that I have included Hubbel Relat (Special Assistant to the Solicitor), Laura Brown (acting Associate Solicitor-General Law), and Tim Murphy (Assistant Solicitor-General Legal Services), all of whom have a role in managing the FOIA legal work at Interior.

I hope you have a great Labor Day weekend.

Ed

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If you could reach out to USDA, I think it would be useful to engage another agency in our best practice discussions. When we meet, I can share with you some additional information about the steps we have taken to train our agency FOIA professionals. The next step of our training initiative is to train the Agency's supervisors who are responsible, per our FOIA policy, for reviewing FOIA releases and signing FOIA responses.

Thanks, and I look forward to meeting with you and your team.

I am cc'ing Charlotte Youngblood, my Deputy, and Kevin Miller, my Assistant General Counsel for information law matters. I am also cc'ing Tim and Denise as an FYI. I know you will be meeting separately with Denise, Tim and their team on initial FOIA requests and he Agency's experiences with the FEAT and FOIA processing.

Wendy

Wendy L. Blake

Associate General Counsel

General Law Office
Office of General Counsel

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--

Edward T. Keable
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Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 9/17/2018 2:30:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness notification report 9-14-18

No, we do a weekly report.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Epp, Timothy
Sent: Monday, September 17, 2018 10:26 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness notification report 9-14-18

Thanks. When you monitor MyCases looking for new requests for which your review is triggered and you find a new one, do you at that time send Beth a notice that the response to the request is ready for her review?
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Gottesman, Larry
Sent: Monday, September 17, 2018 10:23 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness notification report 9-14-18

When my review is triggered, the request is in MyCases, within FOIAonline. I regularly monitor, looking for new requests. These is no other notice that I regularly receive.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Epp, Timothy
Sent: Monday, September 17, 2018 10:07 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness notification report 9-14-18

Larry, am I correct that when you receive notice from an Action Office that all reviews other than your review has been completed, at that time, you send Beth an email telling her that the response to the FOIA request is ready for her awareness review?
Tim

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Gottesman, Larry
Sent: Monday, September 17, 2018 9:56 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness notification report 9-14-18

I am confused what you are asking for.

If what you are asking for is each of the emails I sent Beth as below or something else? Can we talk about this, when we talk later today?

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Epp, Timothy
Sent: Monday, September 17, 2018 9:51 AM

To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: Awareness notification report 9-14-18

Hi Larry,
I'd like to get easy access to the underlying emails that you sent to Beth giving her notice that each of the responses to these requests is ready to go out. I'm not sure what the easiest way to do that would be. Could they be loaded onto a SharePoint site? Or PDF-ed and attached to an email?

The reason I am asking for this is that I want to schedule a meeting with Beth to go over how to best move forward in processing these and I would like to have a copy of all documents at my fingertips for quick discussion. I'd welcome your ideas on how best to meet this objective.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Acting Associate General Counsel
Pesticides & Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Gottesman, Larry
Sent: Friday, September 14, 2018 4:14 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Person, Linda <Person.Linda@epa.gov>
Subject: Awareness notification report 9-14-18

Attached is the latest report for your review.

Please let me know if you have any questions.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 9/17/2018 2:30:17 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: FEAT weekly

Thanks, Denise!

A couple of items to add:

1. Joint NFO-GLO briefing on FOIA initiative
    a. Scheduling & content
2. Capacity Metrics

Thanks,

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Walker, Denise
Sent: Monday, September 17, 2018 10:09 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT weekly

Agenda items for our 11:30. Here is what I have…

1. Things for Matt:
    a. Awareness Notification
    b. FOIA Supervisor Accountability exercise
    c. FOIAonline issues
    d. FOIA memo
    e. DOJ Meeting
    f. ILPG/FEAT relations – messaging and meeting coordination
2. RelativityFest in October- anyone from ILPG going?
3. Hiring- candidates to share?
4. POC for searches in non-outlook searches in OEX
5. Do you need us to take the NRDC litigation on 10 day letters?

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

-----Original Appointment-----
From: Blake, Wendy
Sent: Wednesday, December 20, 2017 4:47 PM
To: Blake, Wendy; Miller, Kevin; Walker, Denise
Cc: Epp, Timothy; Bigioni, Neil; Youngblood, Charlotte
Subject: FEAT weekly
When: Monday, September 17, 2018 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Wendy's office

This meeting fell off the calendar. I am scheduling the meeting to start next Thursday. I couldn't find any time this Thursday to meet. Becky or Kevin – If you have issues for this week, let me know and perhaps we can get together tomorrow after senior staff if it ends early.

Wendy

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/17/2018 2:42:30 AM
To: Keable, Edward [edward.keable@sol.doi.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hubbel Relat [hubbel.relat@sol.doi.gov]; Brown, Laura [Laura.Brown@sol.doi.gov]; Timothy Murphy [Timothy.Murphy@sol.doi.gov]; YOUNG, BENJAMIN, JR. [BENJAMIN.YOUNG@ogc.usda.gov]
Subject: RE: [EXTERNAL] follow-up from today's meeting

Ed,

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Wendy

Wendy L. Blake
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U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

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Sent: Friday, September 14, 2018 10:12 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hubbel Relat <hubbel.relat@sol.doi.gov>; Brown, Laura <Laura.Brown@sol.doi.gov>; Timothy Murphy <Timothy.Murphy@sol.doi.gov>; YOUNG, BENJAMIN, JR. <BENJAMIN.YOUNG@ogc.usda.gov>
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Thanks,

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> I would like to set up a meeting when you return from vacation to discuss FOIA litigation and administrative appeals. My office is currently handling about 70 cases. Historically, our office has received between 10 and 15 new FOIA cases per year. The highest prior case load we experienced was in 2014, and we had about 20 cases at that time. Thus, our caseload is triple what we had in 2014.

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Wendy L. Blake

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/27/2018 2:36:59 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: For Mtg w/DOI: EPA FOIA Expert Assistance Team Webinar
Attachments: EPA FOIA Expert Assistance Team (FEAT)_ PRESENTATION.pptx; ATT00001.htm

Tim:

Exemption 6

This is from 2016 so a little dated now but you can get the idea for tomorrow's meeting with DOI.

Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/24/2018 10:18:06 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Sweeney, Edward [Sweeney.Edward@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Minoli, Kevin [Minoli.Kevin@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Walker, Denise has shared 'OGC FOIA Brainstorming Accountability Ideas Draft 08242018'
Attachments: Evaluation of EPA FOIA Program Feb 12 2016 - Report by IEc.pdf

Adding Tim and also attaching the commissioned EPA FOIA evaluation that IEc completed in 2016.

Joan flagged this for me and noted that the recommendations from this 2016 report are relevant to a 2018 plan. Joan highlights the Executive Summary for us.

Have a great weekend!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise <no-reply@sharepointonline.com>
Sent: Friday, August 24, 2018 5:23 PM
To: Sweeney, Edward <sweeney.edward@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Walker, Denise has shared 'OGC FOIA Brainstorming Accountability Ideas Draft 08242018'

All: Here are the notes from the August 13 FOIA Accountability Brainstorming Session. I'll set up another meeting for us to discuss. Please add to or edit this document as you deem appropriate/ useful.

Open OGC FOIA Brainstorming Accountability Ideas Draft 08242018.docx

See more related to Walker, Denise in Delve.

Get the SharePoint mobile app!

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/24/2018 2:20:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Monthly Update – ORD's Improvement of its FOIA Review Process
Attachments: OGC FOIA Monthly Update 2018 0815.docx

We need to discuss this at some point. I am off today but finally back in the country and we can chat today or next week.

Neil

From: Silzer, Stefan
Sent: Wednesday, August 15, 2018 3:38 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Radzikowski, Mary Ellen <Radzikowski.Maryellen@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>; Routt, Christiane <Routt.Christiane@epa.gov>
Subject: Monthly Update – ORD's Improvement of its FOIA Review Process

Neil,

Attached and set out below is ORD's monthly status report on our FOIA process improvements.

If you have any questions, let me know.

Steve

MEMORANDUM

DATE: August 15, 2018

SUBJECT: Monthly Update – ORD's Improvement of its FOIA Review Process

FROM: Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development

TO: Neil R. Bigioni, Acting Director
National FOIA Office
Office of General Counsel

ORD has made significant progress in ensuring quality control over its FOIA process. ORD has significantly strengthened its FIOA review and approval process. As previously noted, responsibility for ORD's FOIA process is now under the Director, Office of Program Accountability and Resource Management (OPARM), who is an attorney. A senior GS-15 staff member reporting to the OPARM Director has been serving as ORD's FOIA Officer since April 2018. The ORD FOIA Officer is now designated sole responsibility to conduct outside consultation with organizations that are external to ORD, both within and outside of EPA. Furthermore, OPARM has put together a FOIA Team, under the direction of the FOIA Officer, responsible for reviewing all responsive documents identified by ORD FOIA Liaisons to ensure they have been handled appropriately. Additionally, before a FOIA response is released, the OPARM Director also does a quality control review.

Furthermore, ORD's Immediate Office of the Assistant Administrator is given 5 days advanced notice before a release. ORD released its first FIOA under this new process on August 8, 2018. ORD. ORD issued an interim FOIA Policy on July 31, 2018 outlining our new FOIA process. We have already initiated the development of the final FOIA policy which should be completed in the first quarter of FY19.

ORD continues to strengthen its FOIA skills and abilities. ORD held senior level FOIA training at an ORD joint Executive Council/Management Council meeting in July. The training was conducted by OGC's Acting National FOIA Office Assistant Director and FEAT Practice Group Lead, Denise Walker. The training was very well received. Additional training is under development. ORD is in the process of developing refresher training for senior managers to ensure that FOIA training is an ongoing activity. The refresher training will be will be finalized by the end of FY18 and utilized in the next fiscal year. Furthermore, a FOIA-professional oriented training is under development, with the first round of training to occur in September for all ORD FOIA liaisons. This is anticipated to be an all-day training. A more comprehensive, interactive face-to-face meeting/training session is also under development, using a similar model developed by the Office of Air and Radiation. This training is expected to occur in the earlier part of calendar year 2019. Additionally, ORD's FOIA lead is making progress in reviewing OPM classification standards for possible reclassification of ORD FOIA professionals into the 0306 series (developed for FOIA professionals). We anticipate completing consultation with Human Resources and having a decision by mid-October 2018.

ORD has made significant strides in strengthening our FOIA process through centralization, improving oversight, increased training and professionalism, and better internal controls. We will continue to keep you apprised through monthly updates as we move forward.

Stefan Silzer, Director
Office of Program Accountability and Resource Management
Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (8102R)
Washington, DC 20460

202-564-5389

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 11:04:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness review -- draft doc
Attachments: DHS FOIA REPORT OIG-17-116-VR-Sep17.pdf; DHS FOIA REPORT HOUSE OVERSIGHT FINAL_4_01_11.pdf; Awareness Notification Process for FOIA Release 12182017.docx

Ok- that's enough for tonight!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Monday, June 18, 2018 3:57 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FW: Awareness review -- draft doc

FYI from research we were doing as far back as last year....

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Monday, December 18, 2017 2:59 PM
To: Dolph, Becky <Dolph.Becky@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: Awareness review -- draft doc

Good afternoon:

Our team had a good session discussing this review process this morning! We included edits in redline in the attached word document.

BACKGROUND RESEARCH

Attorney Client, DPP / Ex. 5

Best,

Denise, Jennifer, Joan, Joan, Victoria, and Chris
OGC Information Law Practice Group and OGC FOIA Expert Assistance Team

---

From: Dolph, Becky
Sent: Thursday, December 14, 2017 2:02 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Hammitt, Jennifer <Hammitt.Jennifer@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Awareness review -- draft doc

Hi all – per our discussion, attached is the draft awareness review process I put together last night. My understanding is that you all will look it over with a fine-tooth comb (I did not spend hours on it!) and suggest improvements. You will also look at it from the perspective of application to FOIA cases in litigation and suggest any tweaks which may be needed to address those situations. While it is still styled as an "Awareness Review Process" a different term may more accurately capture the purpose of this document – is it an

opportunity for awareness, an awareness preview, awareness guide, something else…? Also consider if we should add a couple of sentences at the top explaining what the doc is.

Our goal is to for you do review the process itself on Monday so that we could get something to Kevin Tuesday. Once the procedure itself is captured to our satisfaction, we will then be asking you to focus on the mechanics of implementation.

Please let Wendy or me know if questions.

Thanks so much for your work on this and being so able to change course midstream.

Becky

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 11:03:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification Process for FOIA Release
Attachments: Awareness Notification Process for FOIA Release 7 18 18_daw (001).draft.docx

I think this is the last version. Wendy was supposed to discuss with Matt, I think.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Wednesday, July 18, 2018 2:28 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Awareness Notification Process for FOIA Release

Wendy:

I've re-drafted incorporating the ideas & feedback we discussed.
Had a bit of a fire drill come up this afternoon.

Thanks for moving this forward.

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, July 18, 2018 10:43 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process for FOIA Release 2 13 18_wb lfg(002).docx

This isn't the most recent version. See the one I sent, and please call me at 10:45. I am sorry, but was running late on another meeting.

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

From: Walker, Denise
Sent: Wednesday, July 18, 2018 10:29 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Awareness Notification Process for FOIA Release 2 13 18_wb lfg(002).docx

This is the last version I have in my files.

My cell is 202-816-9872

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:55:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Final Signed Letter to Cummings
Attachments: Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team.pdf; ATT00001.htm

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, July 17, 2018 4:26 PM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: Final Signed Letter to Cummings

As promised.

I will let you know when I have an update or any additional information.

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:53:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT and NFO Awareness Notification Review List 6/14/2018
Attachments: FEAT and NFO Awareness Review Prepared FOIA Releases 06142018.docx

Ah- no. This appears to be the most recent one!

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Monday, July 09, 2018 6:46 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: FW: FEAT and NFO Awareness Notification Review List 6/14/2018

This is the last one I prepared in mid June.
I received a bunch of requests the week of 6/25/2018 and was working on updating it when my computer crashed and I lost the file. I haven't been able to find the time to put it together again and waiting for Larry's update as well.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Thursday, June 14, 2018 5:32 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FEAT and NFO Awareness Notification Review List 6/14/2018

Neil, good afternoon:

Attached, please find a list of FOIA requests that are currently in the awareness review process. The list includes requests from the FOIT and FEAT. FEAT requests are listed first followed by the FOIT matters.

The FEAT has provided 4 document productions to Beth White for awareness review that are still pending. These requests are related to premium travel, and PSD. I understand that OECA is no longer sending requests to me to send to Beth White for awareness review. They are now going to Patrick Traylor.

The National FOIA Office reported 16 pending releases as of May 7, 2018 for a total of 20 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:50:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT and NFO Awareness Notification Review List 4/30/2018
Attachments: FEAT and NFO Awareness Review Prepared FOIA Releases 04302018.docx; FEAT and NFO Awareness Review List 04302018.xlsx

Tim:

This is around the time I stopped tracking. I think the leadership wanted all of this cleared out prior to Mr. Pruitt's May 16th Congressional hearing.

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Wednesday, May 02, 2018 11:07 AM
To: Seaton, Tom <Seaton.Tom@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Reeder, Melissa <Reeder.Melissa@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: FW: FEAT and NFO Awareness Notification Review List 4/30/2018

Good news & heads up!

I heard from Marcella/Wendy Blake that all 50 of the releases on the attached awareness review list will be released by Friday.

Tom, I'll touch base with you later today.

Thank you!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:45:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT and NFO Awareness Notification Review List 4/24/2018
Attachments: FEAT and NFO Awareness Review List 04242018.xlsx; FEAT and NFO Awareness Review Prepared FOIA Releases 04242018.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, April 24, 2018 1:42 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FEAT and NFO Awareness Notification Review List 4/24/2018

Good afternoon:

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT. The FEAT requests are listed first followed by the National FOIA Office matters. I have also included an excel file of the combined information sorted by date.

The FEAT has provided 32 document productions to Beth White for awareness review that are still pending. These requests are related to the Administrator's condo, premium travel, travel more broadly, PSD information, and ethics forms related to the Administrator's travel.

The National FOIA Office reported 35 pending releases as of April 14, 2018 for a total **of 67 pending releases**.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Best,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, April 03, 2018 8:35 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FEAT and NFO Awareness Notification Review List 4/3/2018

Good evening:

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT. The FEAT requests are listed first followed by the National FOIA Office matters. I have also included an excel file of the information sorted by date.

The FEAT has provided 32 document productions to Beth White for awareness review that are still pending. 2 are related to the Administrator's condo, 25 are related to travel and PSD information, 2 are Bristol Bay requests and 2 are ethics forms related to the Administrator's travel.

The National FOIA Office reported 36 pending releases as of April 2, 2018 for a total of 68 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Friday, March 16, 2018 5:54 PM

To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Dolph, Becky <Dolph.Becky@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FEAT and NFO Awareness Notification Review List 3/16/2018

Good afternoon,

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT.

The FEAT has provided 25 document productions to Beth White for awareness review that are still pending. 21 are related to travel and PSD information, 2 are Bristol Bay requests and 2 are ethics forms related to the Administrator's Travel.

The National FOIA Office reported 48 pending releases as of March 14, 2018 including 2 that are also on the FEAT list for a total of 71 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good weekend,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 8/31/2018 5:17:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: Follow-up materials
Attachments: Awareness notification process 8 30 18.clean.docx; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Blake, Wendy" <Blake.Wendy@epa.gov>
> **Date:** August 31, 2018 at 11:29:56 AM EDT
> **To:** "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>
> **Cc:** "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>
> **Subject: Follow-up materials**
>
> Joe –
>
> As promised attached is the current draft of the awareness notification procedures. As I explained on Wednesday, the attached draft reflects recent input from Beth White and others in OEX, as well as the National FOIA Office. We can discuss any questions you may have on the attached draft when we meet next week. The attached will also be included in the one drive folder.
>
> 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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:45:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT and NFO Awareness Notification Review List 4/17/2018
Attachments: FEAT and NFO Awareness Review Prepared FOIA Releases 04172018.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Wednesday, April 18, 2018 4:08 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FEAT and NFO Awareness Notification Review List 4/17/2018

My apologies. The previous version of the report I sent did not include Larry's additions. I must have hit "save" after I attached it or something. Here is the complete report.

Thank you for catching that, Beth!

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, April 17, 2018 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry

<Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
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The FEAT has provided 31 document productions to Beth White for awareness review that are still pending. These requests are related to the Administrator's condo, premium travel, PSD information, Bristol Bay requests, and ethics forms related to the Administrator's travel.

The National FOIA Office reported 35 pending releases as of April 13, 2018 for a total of 66 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Best,
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

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From: Walker, Denise
Sent: Tuesday, April 03, 2018 8:35 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FEAT and NFO Awareness Notification Review List 4/3/2018

Good evening:

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If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Friday, March 16, 2018 5:54 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Dolph, Becky <Dolph.Becky@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FEAT and NFO Awareness Notification Review List 3/16/2018

Good afternoon,

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT.

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Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good weekend,

Denise

Denise A. Walker

U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:41:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT and NFO Awareness Notification Review List 4/17/2018
Attachments: FEAT and NFO Awareness Review List 04172018.xlsx; FEAT and NFO Awareness Review Prepared FOIA Releases 04172018.docx

Denise A. Walker
U.S. Environmental Protection Agency
Acting Director, OGC National FOIA Office
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, April 17, 2018 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FEAT and NFO Awareness Notification Review List 4/17/2018

Good afternoon:

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT. The FEAT requests are listed first followed by the National FOIA Office matters. I have also included an excel file of the combined information sorted by date.

The FEAT has provided 31 document productions to Beth White for awareness review that are still pending. These requests are related to the Administrator's condo, premium travel, PSD information, Bristol Bay requests, and ethics forms related to the Administrator's travel.

The National FOIA Office reported 35 pending releases as of April 13, 2018 for a total of 66 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Best,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, April 03, 2018 8:35 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FEAT and NFO Awareness Notification Review List 4/3/2018

Good evening:

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT. The FEAT requests are listed first followed by the National FOIA Office matters. I have also included an excel file of the information sorted by date.

The FEAT has provided 32 document productions to Beth White for awareness review that are still pending. 2 are related to the Administrator's condo, 25 are related to travel and PSD information, 2 are Bristol Bay requests and 2 are ethics forms related to the Administrator's travel.

The National FOIA Office reported 36 pending releases as of April 2, 2018 for a total of 68 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good week,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Friday, March 16, 2018 5:54 PM

To: White, Elizabeth <white.elizabeth@epa.gov>; Burke, Marcella <burke.marcella@epa.gov>
Cc: Dolph, Becky <Dolph.Becky@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FEAT and NFO Awareness Notification Review List 3/16/2018

Good afternoon,

Attached, please find a list of FOIA requests that are currently in the awareness review process. I updated the list with the National FOIA Office's latest report and to include added releases for the FEAT.

The FEAT has provided 25 document productions to Beth White for awareness review that are still pending. 21 are related to travel and PSD information, 2 are Bristol Bay requests and 2 are ethics forms related to the Administrator's Travel.

The National FOIA Office reported 48 pending releases as of March 14, 2018 including 2 that are also on the FEAT list for a total of 71 pending releases.

Please let me and Larry Gottesman know as soon as any of these productions can be provided to the FOIA requesters.

If you have questions or need more information, please contact me.

Thank you and have a good weekend,

Denise

Denise A. Walker
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:05:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FEAT Background
Attachments: FOIA_Workgroup_Report.2011. pdf.pdf; FOIA Presentation v7 Feb 18 2014.pptx; FOIA Procedures. Final. 09302014.pdf; FOIA Policy. Final. 093014.pdf; FEAT of the Future. final.docx; FEAT 2016 PowerPoint. with speaker's notes.2.pptx; Selected FOIA Data. 06.30.2017.docx; FOIA Process Overview. 07.05.2015.docx; Selected FOIA Data 2. 07.05.2017.docx; EPA FOIA Expert Assistance Team (FEAT). 02092017.pptx; EPA FOIA Expert Assistance Team (FEAT)_ Version 3.pptx; Outline for 2.8.17 short briefing.docx; EPA FOIA Expert Assistance Team (FEAT)_ Version 2.pptx; FEAT. Overview. 11152016.docx; New Employee Handbook FEAT. 2016.pptx; FEAT Vision.pptx; FEAT FY15.docx; Fun FEAT Facts.09282015.docx; FEAT. November 2014.pptx; FOIA Workgroup Report. 2001.pdf

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 7:10 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FEAT Background

Neil -- As my successor, I am sending to you electronic background documents and files pertaining to the formation of the FOIA Expert Assistance Team. Thanks.

FOIA_Workgroup_Report.2011. pdf.pdf
FOIA Presentation v7 Feb 18 2014.pptx
FOIA Procedures. Final. 09302014.pdf
FOIA Policy. Final. 093014.pdf
FEAT of the Future. final.docx
FEAT 2016 PowerPoint. with speaker's notes.2.pptx Selected FOIA Data. 06.30.2017.docx FOIA Process Overview. 07.05.2015.docx Selected FOIA Data 2. 07.05.2017.docx EPA FOIA Expert Assistance Team (FEAT). 02092017.pptx EPA FOIA Expert Assistance Team (FEAT)_ Version 3.pptx Outline for 2.8.17 short briefing.docx EPA FOIA Expert Assistance Team (FEAT)_ Version 2.pptx FEAT. Overview. 11152016.docx New Employee Handbook FEAT. 2016.pptx FEAT Vision.pptx FEAT FY15.docx Fun FEAT Facts.09282015.docx FEAT. November 2014.pptx FOIA Workgroup Report. 2001.pdf

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 8/21/2018 10:35:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA Reorganization. GC Briefing Document 04062018.docxwb.docx
Attachments: FOIA Reorganization. GC Briefing Document 04062018.docxwb.docx

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:14:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Training and Guidance
Attachments: OGC foia guidance FINAL.pdf; OGC FOIA Procedures FINAL 3-31-15.pdf; Reviewing and preparing Outlook emails for FOIA Online_FINAL (2).pdf; Reviewing and preparing Outlook emails for FOIA Online_FINAL.pdf; Scoping Update Email Comms.dolph comments.docx; 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).docx; 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).pdf; Backup of 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).wbk; Backup of FOIA Conference 2017. registration. final draft.wbk; Backup of FOIA Conference 2017. registration.wbk; Backup of FOIAonline improvement suggestions. OGC. 05.03.2017.wbk; Conference 7-5-17 with presenters.xlsx; Conference Attendee Emails.docx; Conference Webinar Schedule.doc; DETAILED Lifecycle AGENDA for the National FOIA Training 2017 (07-17-2017).docx; DOJ OIP FOIA Training Powerpoint Part 1.pptx; DOJ OIP FOIA Training Powerpoint Part 2.pptx; DRAFT GUIDANCE_Building Better Searches Using Boolean Logic.docx; Exemption 7.pptx; FEAT Bi-Weekly Meeting Agenda.030315.docx; FOIA Conference 2017. registration. final draft.docx; FOIA Conference 2017. registration.docx; FOIA Conference 2017. external panel proposal.docx; FOIA Conference 2017. registration email. final.docx; FOIA Conference. Estimated Travel Costs and Attendance.docx; FOIA Conference. facility rental. docx.docx; FOIA Exemptions Cheat Sheet.msg; FOIA improvement Act of 2016 9 20.pdf; FOIAonline improvement suggestions. OGC. 05.03.2017.docx; FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf; FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm and bid.docx; FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm.doc; FOIIA Response. 10 day Extension Draft 5-4-12.docx; Full List of FOIA Exemptions.docx; MS Outlook Email Search Service Training - Group 2.pptx

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 8:07 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FOIA Training and Guidance

Neil -- as my successor, I am emailing to you my electronic files pertaining to FOIA Training and Guidance. Thanks.

OGC foia guidance FINAL.pdf
OGC FOIA Procedures FINAL 3-31-15.pdf
Reviewing and preparing Outlook emails for FOIA Online_FINAL (2).pdf Reviewing and preparing Outlook emails for FOIA Online_FINAL.pdf Scoping Update Email Comms.dolph comments.docx
2017 National FOIA Training Conference Agenda (07-17-2017 Draft).docx
2017 National FOIA Training Conference Agenda (07-17-2017 Draft).pdf Backup of 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).wbk Backup of FOIA Conference 2017. registration. final draft.wbk Backup of FOIA Conference 2017. registration.wbk Backup of FOIAonline improvement suggestions. OGC. 05.03.2017.wbk Conference 7-5-17 with presenters.xlsx Conference Attendee Emails.docx Conference Webinar Schedule.doc DETAILED Lifecycle AGENDA for the National FOIA Training 2017 (07-17-2017).docx DOJ OIP FOIA Training Powerpoint Part 1.pptx DOJ OIP FOIA Training Powerpoint Part 2.pptx DRAFT GUIDANCE_Building Better Searches Using Boolean Logic.docx Exemption 7.pptx FEAT Bi-Weekly Meeting Agenda.030315.docx FOIA Conference 2017. registration. final draft.docx FOIA Conference 2017. registration.docx FOIA Conference 2017. external panel proposal.docx FOIA Conference 2017. registration email. final.docx FOIA Conference. Estimated Travel Costs and Attendance.docx FOIA Conference. facility rental. docx.docx FOIA Exemptions Cheat Sheet.msg FOIA improvement Act of 2016 9 20.pdf FOIAonline improvement suggestions. OGC. 05.03.2017.docx FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf
FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm and bid.docx FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm.doc FOIIA Response. 10 day Extension Draft 5-4-12.docx Full List of FOIA Exemptions.docx MS Outlook Email Search Service Training - Group 2.pptx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:02:52 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Emailing: AO FOIA Centralization Pilot Project. Cover Memo for Employee Communication cover memo.docx, AO FOIA Centralization Project. Qs and As. 07.21.2017.docx, AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx, AO FOIA Centrali
Attachments: AO FOIA Centralization Pilot Project. Cover Memo for Employee Communication cover memo.docx; AO FOIA Centralization Project. Qs and As. 07.21.2017.docx; AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx; AO FOIA Centralization Pilot Project. staff communication. docx.docx; AO FOIA Centralization Pilot Project. Direction. 07.21.2017.docx; AO FOIA Centralization Pilot Project. Initial Implementation Plan.docx

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 7:02 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: Emailing: AO FOIA Centralization Pilot Project. Cover Memo for Employee Communication cover memo.docx, AO FOIA Centralization Project. Qs and As. 07.21.2017.docx, AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx, AO FOIA Centralizati

The electronic records in my possession regarding the AO4 Centralization Project are being sent to you as my successor.

Thanks.

AO FOIA Centralization Pilot Project. Cover Memo for Employee Communication cover memo.docx AO FOIA Centralization Project. Qs and As. 07.21.2017.docx AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx AO FOIA Centralization Pilot Project. staff communication. docx.docx AO FOIA Centralization Pilot Project. Direction. 07.21.2017.docx AO FOIA Centralization Pilot Project. Initial Implementation Plan.docx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 8/29/2018 9:02:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA processing in the Office of the Administrator
Attachments: AO FOIA Centralization Pilot Project Description. 07.21.17. final.docx; AO FOIA Centralization Pilot Project. Cover Memo for Employee Communicat....docx; AO FOIA Centralization Project. Qs and As. 07.21.2017.docx; AO FOIA Centralization Pilot Project. Direction. 07.21.2017.docx; AO FOIA Centralization Pilot Project. Initial Implementation Plan.docx

---

From: Dolph, Becky
Sent: Monday, March 26, 2018 6:59 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: FOIA processing in the Office of the Administrator

FYI

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

From: Jackson, Ryan
Sent: Monday, July 24, 2017 11:46 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Fine, Steven <fine.steven@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Darwin, Henry <darwin.henry@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: FOIA processing in the Office of the Administrator

Due to the large amount of FOIA requests we are receiving, I am concerned that we are getting flooded without a new process to address this new problem. Working with the OGC, I am issuing the memo detailing a new process within the Office of the Administrator for responding to FOIAs with attachments on Q&A, next steps for the specific offices involved, and a general description of the new process. The attachments also include a memo for you to send to your offices regarding the new process.

I believe this will streamline the process and achieve a consistent process among the offices in the OA. Additionally, I believe this will help best inform FOIA improvement work throughout the agency as we are working on improving that system. This will be a good test case.

Please issue the memo from you offices at your convenience today, and I believe this will help you and relieve some of the added burdens from outside groups abusing the FOIA process.

I would like to especially thank Becky for her consistent work to inform us of new FOIAs and her work in organizing this project and taking on this added workload. She's a hero for this.

Thank you,

Ryan.

MEMORANDUM

FROM: Ryan Jackson, Chief of Staff

TO: Kevin Minoli, Acting General Counsel
Steve Fine, Acting Assistant Administrator, Office of Environmental Information
Samantha Dravis, Associate Administrator for Policy
Troy Lyons, Associate Administrator for OCIR
Liz Bowman, Acting Associate Administrator for Public Affairs
Brian Hope, Acting Director, Office of the Executive Secretariat

SUBJECT: Office of the Administrator FOIA Centralization Pilot Project

By this memorandum, I am asking you to implement a pilot project centralizing all incoming Freedom of Information Act requests directed to the Immediate Office of the Office of the Administrator, the Office of Public Affairs (OPA), the Office of Policy (OP) and the Office of Congressional and Intergovernmental Relations (OCIR) consistent with the attached project description.

This pilot project is anticipated to enhance the Agency's ability to provide effective and efficient FOIA production in response to the many FOIA requests directed to these four offices. Additionally, the pilot project will generate information on the benefits of increased centralization of FOIA processing responsibilities at the EPA and the resources necessary for such centralization. This information will be used in making near-term decisions regarding the potential increased centralization of FOIA at the Agency.

While I realize that the project will take time for full implementation, I ask that your offices begin those implementation efforts immediately. I have attached a cover memo and attachments for you to use to communicate this project with your staff and ask that you disseminate this information Monday.

Thank you for your willingness to assist in our efforts aimed at enhancing the overall efficacy of the Agency's FOIA program.

Attachments

cc: Henry Darwin
Byron Brown

Ryan Jackson
Chief of Staff
U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Cunningham, Bisa [cunningham.bisa@epa.gov]
Sent: 6/12/2019 7:17:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Cunningham, Bisa [cunningham.bisa@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Please see my comments in red below. Thank you for the opportunity to review.

r/s

Bisa Cunningham
Senior Advisor to the Director/Deputy Director
National FOIA Office
Office of General Counsel
WJC North (Room 5315H)
Office: 202-564-6635
Email: Cunningham.Bisa@epa.gov

From: Epp, Timothy
Sent: Wednesday, June 12, 2019 1:12 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs
Importance: High

Hi Larry, Denise, and Bisa,

Below is the text of a proposal for converting NFO expenses to a Working Capital budget item – I've made edits to the text **Deliberative Process / Ex. 5** Please send me your suggested edits as soon as possible.

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Wednesday, June 12, 2019 12:52 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim and Bisa,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, June 11, 2019 5:08 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! Do you happen to already have any narrative justification for the numbers you sent to Shanita for FY2020 **Deliberative Process / Ex. 5** in addition to this? Heads up that we may ask you to write something in the next couple of days. Thank you!!

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

- The National FOIA Office (NFO) serves as the Agency's national program office, under the direction of the Chief FOIA Officer, for implementing and establishing policy, procedures, and directives to implement the Freedom of Information Act (FOIA) to coordinate FOIA response processing in each of the Agency's Regional and Program Offices.
- The NFO reviews and recommends changes and updates to the Agency's FOIA regulations, policies, and procedures – in FY2019, the NFO is publishing a regulation update and updates to the Agency's national FOIA Policy and Procedures. In FY2019, the NFO anticipates taking public comment on and publishing a second update to the Agency's FOIA regulations and further updates to the Agency's national FOIA Policy and Procedures.
- The NFO provides policy guidance and training to EPA's FOIA Officers, Coordinators, and professions located in each of the Agency's Regional and Program Offices, including providing interpretive statement updates, monthly training meetings, and response to questions.
- The NFO developed a web-based (FedTalent) training for all EPA staff on FOIA responsibilities, and the NFO developed and is delivering in person training to supervisors on their FOIA review responsibilities.
- The NFO provides the FOIA Expert Assistance Team (FEAT) of expert attorneys and government information specialists to assist Regional and Program Offices respond to particularly complicated FOIA requests, including multiple FOIA requests regarding the same or similar circumstances and that require response from multiple offices and involve litigation. In FY2019, the NFO is providing FEAT FOIA response assistance on more than 15 complex circumstances, and the NFO is providing FEAT consultation, management, and assistance to the

Administrator's Office on its backlog of more than 1,300 FOIA requests. The NFO is currently in discussions with a program office and two regional offices regarding the NFO providing similar services to those offices to help them address those office's overdue FOIA backlogs.

- The NFO issues monthly reports to the Regions and Program Offices on their FOIA backlog and the NFO provides reports for the Agency's Bowling Charts and tracks and implements corrective actions for missed goals and targets regarding FOIA response.
- The NFO developed a Lean Management Flowboard toolkit for FOIA processing and is providing training to offices in the regions and programs regarding use of FOIA processing flowboards, and the NFO is developing a national pulseboard of data regarding FOIA response processing at the Agency.
- The NFO currently receives, reviews, and assigns all FOIA requests submitted for response by EPA Headquarters Programs and the NFO will perform these functions for the whole agency beginning in July 2019 when EPA's regulation update is effective. The NFO is enhancing its FOIA intake functions to include: 1) issuing an initial letter to requesters on all FOIA requests; 2) assigning FOIA requests to the simple and complex processing tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for waiver of processing fees. In FY2018, the NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications. In FY2019
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 6/12/2019 6:28:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

OGC National FOIA Office/Shared Documents/Administration of NFO Program/OGC FOIA Coordinator/OGC FOIA Review Cover Sheet & Checklist

The Word versions are at this folder in the NFO Document Library.

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, June 12, 2019 1:28 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: OGC FOIA Review Checklist & Cover Sheet

Nicole, could you send me the "office of general counsel step-by-step FOIA processing checklist" in word from the attached? I want to edit it per feedback from Elise.

Timothy R. Epp
|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: Rementer, Nicole
Sent: Monday, May 13, 2019 2:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

The hard copies I just delivered to you include, in order:

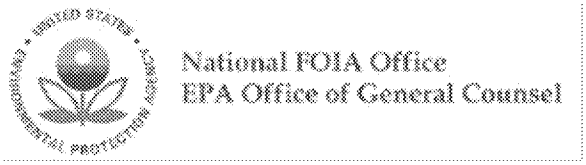
1. Checklist and Cover Sheet (Cover Sheet tabbed)
2. Email Templates (with your edits incorporated); and
3. FOIA Review Guidance document.

I've attached electronic copies of the same.

Let me know if there is anything else you need for your meeting with Elise!

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov



From: Epp, Timothy
Sent: Monday, May 13, 2019 12:13 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

This looks really good – it brings it all together nicely, with a checklist that is likely to satisfy Elise.

Here are some edits on the emails.

I'd recommend not including the electronic signature policy in the PDF – unless it is required. We can always provide it if someone asks.

Can you turn this around with a hard copy for me to show Elise at my one-on-one with her at 3 pm?

Tim

Timothy R. Epp
|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

From: Rementer, Nicole
Sent: Monday, May 06, 2019 9:51 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: OGC FOIA Review Checklist & Cover Sheet

Tim:

Attached for your review are the OGC FOIA Review Checklist & Cover Sheet and the OGC FOIA Coordinator email templates that I drafted. There are 4 email templates: (1) Email to Associate requesting assignment of staff for FOIA request; (2) Email to Staff notifying assignment of FOIA request; (2) Email to Associate requesting assignment of staff for Equity Review; (4) Email to Staff notifying assignment of Equity Review.

I think we're almost at the finish line. ☺

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692 | rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 8/15/2018 1:37:18 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Schroer, Lee [schroer.lee@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Smith, Kristi [Smith.Kristi@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]
Subject: RE: For Matt's Tuesday Notebook: Legal Deadline materials for 8/15 meeting
Attachments: Legal Deadlines -- WATER; Legal Deadlines -- AIR; Legal Deadlines -- PESTICIDES

WLO, ARLO and PTSLO – if you are planning to attend, it may be helpful to spend 5 minutes perusing the various types of deadlines in your statutes/regs. So I am attaching emails I sent to you all a few weeks back which have the inventory submissions from your respective AAships.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Siciliano, CarolAnn
Sent: Tuesday, August 14, 2018 3:47 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Zenick, Elliott <Zenick.Elliott@epa.gov>; Smith, Kristi <Smith.Kristi@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: For Matt's Tuesday Notebook: Legal Deadline materials for 8/15 meeting

Dear Law Offices – Thanks to your intelligent and speedy work over the last few days, Jen & I were able to produce the attached materials. And Kendra perfected the Decision Tree for us. (We did not send it to Matt because it may not be relevant if he decides, as a threshold matter, only to track "non-discretionary duties." We will use the table if he wants to track actions subject to unreasonable delay suits too.)

You are welcomed, but by no means required, to join us at 11:30 am tomorrow for our meeting with Matt. We will certainly report back to you.

Again, thank you.

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

From: Siciliano, CarolAnn
Sent: Tuesday, August 14, 2018 3:40 PM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: For Matt's Tuesday Notebook: Legal Deadline materials for 8/15 meeting

Matt – Our Legal Deadlines team looks forward to discussing with you tomorrow **various ways to refine the Legal Deadlines measure**. Our team consists of Jen Lewis and me, with critical support from Karin and the Law Offices. We look forward to receiving your guidance, especially because Jen Lewis and I are scheduled to discuss this subject with Henry Darwin on Thursday morning at 9:30 am. (The meeting is Henry's idea probably because OGC is so late in meeting its deliverables.)

Jen and I have identified options for you (and Henry) to consider. We think we've found a way to identify and track the highest priority deadlines.

We have prepared (and attach) the following materials:

1. Briefing paper, including options
2. Excerpts from the Strategic Plan
3. Examples of Duties & Deadlines

We will use these materials during our 11:30 am meeting with you tomorrow. We also intend to use them during our conversation on Thursday with Henry. I think we'll have a great conversation. Thank you for your interest and support.

Carol Ann Siciliano
Associate General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Holden, Allison [Holden.Allison@epa.gov]
Sent: 6/12/2019 4:51:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]
CC: Logan, Shanita [logan.shanita@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim and Bisa,

Here's a current excerpt from our WCF Business case. Can you please fill in the table, edit any inaccurate information, and add anything you think necessary? Elise has asked for this as soon as possible. Thank you!!

NATIONAL FOIA SERVICES

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, June 11, 2019 5:08 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

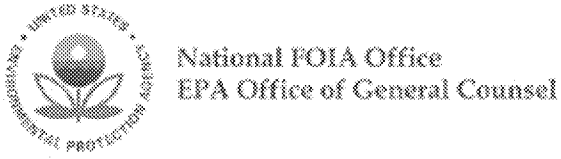
Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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



From: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! Do you happen to already have any narrative justification for the numbers you sent to Shanita for FY2020 [Deliberative Process / Ex. 5] in addition to this? Heads up that we may ask you to write something in the next couple of days. Thank you!!

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

- The National FOIA Office (NFO) serves as the Agency's national program office, under the direction of the Chief FOIA Officer, for implementing and establishing policy, procedures, and directives to implement the Freedom of Information Act (FOIA) to coordinate FOIA response processing in each of the Agency's Regional and Program Offices.
- The NFO reviews and recommends changes and updates to the Agency's FOIA regulations, policies, and procedures – in FY2019, the NFO is publishing a regulation update and updates to the Agency's national FOIA Policy and Procedures. In FY2019, the NFO anticipates taking public comment on and publishing a second

update to the Agency's FOIA regulations and further updates to the Agency's national FOIA Policy and Procedures.

- The NFO provides policy guidance and training to EPA's FOIA Officers, Coordinators, and professions located in each of the Agency's Regional and Program Offices, including providing interpretive statement updates, monthly training meetings, and response to questions.
- The NFO developed a web-based (FedTalent) training for all EPA staff on FOIA responsibilities, and the NFO developed and is delivering in person training to supervisors on their FOIA review responsibilities.
- The NFO provides the FOIA Expert Assistance Team (FEAT) of expert attorneys and government information specialists to assist Regional and Program Offices respond to particularly complicated FOIA requests, including multiple FOIA requests regarding the same or similar circumstances and that require response from multiple offices and involve litigation. In FY2019, the NFO is providing FEAT FOIA response assistance on more than 15 complex circumstances, and the NFO is providing FEAT consultation, management, and assistance to the Administrator's Office on its backlog of more than 1,300 FOIA requests. The NFO is currently in discussions with a program office and two regional offices regarding the NFO providing similar services to those offices to help them address those office's overdue FOIA backlogs.
- The NFO issues monthly reports to the Regions and Program Offices on their FOIA backlog and the NFO provides reports for the Agency's Bowling Charts and tracks and implements corrective actions for missed goals and targets regarding FOIA response.
- The NFO developed a Lean Management Flowboard toolkit for FOIA processing and is providing training to offices in the regions and programs regarding use of FOIA processing flowboards, and the NFO is developing a national pulseboard of data regarding FOIA response processing at the Agency.
- The NFO currently receives, reviews, and assigns all FOIA requests submitted for response by EPA Headquarters Programs and the NFO will perform these functions for the whole agency beginning in July 2019 when EPA's regulation update is effective. The NFO is enhancing its FOIA intake functions to include: 1) issuing an initial letter to requesters on all FOIA requests; 2) assigning FOIA requests to the simple and complex processing tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for waiver of processing fees. In FY2018, the NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications. In FY2019
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Message

From: Holden, Allison [Holden.Allison@epa.gov]
Sent: 6/12/2019 12:21:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Yes, Shanita did give me a heads up that she had received some updated numbers from you. Thanks!

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

From: Epp, Timothy
Sent: Tuesday, June 11, 2019 5:08 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! Do you happen to already have any narrative justification for the numbers you sent to Shanita for FY2020 **Deliberative Process / Ex. 5** in addition to this? Heads up that we may ask you to write something in the next couple of days. Thank you!!

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

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tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.

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- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 6/26/2018 6:07:27 PM
To: Neugeboren, Steven [Neugeboren.Steven@epa.gov]; OGC HQ ADDs [OGC_HQ_ADDs@epa.gov]
Subject: RE: OGC onboarding manual
Attachments: New Employee Handbook 1.3.2017.pptx

Attached is a more recent version, but some of this info is still outdated (e.g., I recall that we have inaccurate info for the appropriate RMO POCs on various issues).

Charlotte Youngblood
Deputy Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-0283
youngblood.charlotte@epa.gov

From: Neugeboren, Steven
Sent: Tuesday, June 26, 2018 2:04 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>
Subject: RE: OGC onboarding manual

Jen helpfully pointed me to our sharepoint site where the onboarding powerpoint is posted. The document there is dated august 2015. If anyone has done an update since then can you please let me know. Thanks.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Neugeboren, Steven
Sent: Monday, June 25, 2018 4:39 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>
Cc: Carrie Wehling <Wehling.Carrie@epa.gov>
Subject: OGC onboarding manual

Can someone please send me whatever you all my have as the most recent version of that manual that I think CRFLO or GLO originally prepared?

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/11/2019 8:55:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: NARA Committee Centralization
Attachments: final-report-and-recommendations-of-2016-2018-foia-advisory-committee.pdf

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Bhatt, Krishna [bhatt.krishna@epa.gov]
Sent: 6/11/2019 8:19:29 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification EPA-R6-2019-004574 - Sterigenics ethylene oxide

Thanks, Denise.

Is there a List Serv for all the FOIA Officers/Coordinators? I think it may be better to send out a blanket email to everyone.

Sincerely,

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Walker, Denise
Sent: Tuesday, June 11, 2019 3:54 PM
To: Bhatt, Krishna <bhatt.krishna@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification EPA-R6-2019-004574 - Sterigenics ethylene oxide

Good afternoon Krishna and Johnathan:

We need to reach out to all of the regions with EtO requests ASAP and make sure we are coordinating with them as part of our FEAT /OAR project and make sure they know that we are involved. I also recommend that we reach out to eDD to have let them know to contact us before additional workspaces are created.

Thanks!
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

From: Smith, Suzanne
Sent: Tuesday, June 11, 2019 3:38 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Gray, David <gray.david@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Bayless, Shirley <Bayless.Shirley@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Stenger, Wren <stenger.wren@epa.gov>; Bradford, Deanna <Bradford.Deanna@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>
Subject: Awareness Notification EPA-R6-2019-004574 - Sterigenics ethylene oxide

To whom it may concern,

Region 6 is responding to the above -referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Action Offices: R6 Air & Radiation Division and R6 Enforcement and Compliance Assurance Division							
FOIA ID	Requester	Requester Organization	**Date** FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/ or pages
EPA-R6-2019-004574	Adrian Vega	Will Ferguson & Associates	04/08/2019	**06/11/2019**	Sterigenics facility located at 2400 Airport Road, Santa Teresa, New Mexico 88008: • Air quality testing; • Soil testing; • Use of ethylene oxide including licensure and/or permits for its use;	Final Response – Partial Grant/Partial Denial	7 pdf files responsive and releasable.

					• Ethylene oxide and the link between its use and cancer; • OSHA records and hazard recognition materials for the use of ethylene oxide; • Communications between Sterigenics and the EPA or any other agency regarding the use of ethylene oxide.		

The following offices have equities in these records and have reviewed the relevant records:

- Region 6 Air & Radiation Division
- Region 6 Enforcement and Compliance Assurance Division

The manager who approved this release is: Cheryl Seager, Division Director, R6 Enforcement and Compliance Assurance Division and Wren Stenger, Division Director, R6 Air & Radiation Division

The records are: The documents are available in the One Drive at the link below.
https://usepa-my.sharepoint.com/:f:/g/personal/bayless_shirley_epa_gov/Er9UfsjAAQ5NI__4zgg5fLIBINOd_1uusjFTwMT2K02KMg?e=5%3aXErafv&at=9

Suzanne J. Smith | Acting Deputy Regional Counsel
Office of Regional Counsel | EPA Region 6 | 214.665.8027

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/11/2019 6:49:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: EPA-HQ-2019-004454 CBD Request for records about the FEAT
Attachments: EPA FOIA Expert Assistance Team Office (FEAT Office).pdf; New Employee Handbook. FEAT.112015.pdf; Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team (002).pdf; EPA-HQ-2019-004454 (CBD) Interim Response.docx

Tim:

Please review the letter and response for this request. I'd like to get this out ASAP.

Chris- FYI for you.

Best,
Denise

Denise A. Walker
Acting Assistant General Counsel| National FOIA Office
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National FOIA Office
EPA Office of General Counsel

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/31/2018 3:23:49 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: FOIA Memo - nrb revision 7.31.docx
Attachments: FOIA Memo - nrb revision 7.31.docx

Please review and comment. Document is to go to Minoli tomorrow early, to Matt by COB tomorrow, to acting Admin Wheeler Friday.

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/31/2018 2:51:55 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Bigioni FOIA Provisional Best Practices.NRB clean.docxwb.docx
Attachments: Bigioni FOIA Provisional Best Practices.NRB clean.docxwb.docx

New draft of Wheeler briefing papers.

Rather than redline I have highlighted in yellow the redrafted sections.
Wendy/Charlotte/Denise, if one of you could elaborate on the national FOIA training that I reference in the first highlighted paragraph on p.4 I'd appreciate it.

I did not edit the litigation section.

I added page breaks between the 3 sections as I am having issues getting the bullets in the litigation section to align with the other 2 sections, and separating by page breaks makes this less obvious.

Neil

Message

From: Jackie Rolleri - NOAA Federal [jackie.rolleri@noaa.gov]
Sent: 6/25/2018 1:50:05 PM
To: jmarques@achp.gov; Kelly Yasaitis Fanizzo [kfanizzo@achp.gov]; tmcculloch@achp.gov; Carrier, Brandi [brandi.carrier@boem.gov]; Jordan, Brian [Brian.Jordan@boem.gov]; Jack.Irion@boem.gov; kara.e.davis.civ@mail.mil; jason.waanders@sol.doi.gov; Dave_Conlin@nps.gov; David_Gadsby@nps.gov; Ernstein, Julie [julie_ernstein@nps.gov]; michael.roller@nps.gov; sara.porsia@sol.doi.gov; Berlowe, Andrea (ENRD) [andrea.berlowe@usdoj.gov]; O'Malley, Barbara (CIV) [Barbara.O'Malley@usdoj.gov]; David.Whitmire@usdoj.gov; Passarelli, Edward (ENRD) [Edward.Passarelli@usdoj.gov]; Watson, Joseph (ENRD) [Joseph.Watson@usdoj.gov]; Marous, Mike (USAOHS) [Mike.Marous@usdoj.gov]; Freeland, Chelsea R [FreelandCR@state.gov]; O'Brien, Gregory J [OBrienGJ@state.gov]; Landsidle, Jennifer [landsidlejr@state.gov]; NightingaleRL@state.gov; Barbara.Voulgaris@dot.gov; Rand.Pixa@dot.gov; Nurkin, Gary [Nurkin.Gary@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; robin.j.frank@nasa.gov; thomas.m.hayes@nasa.gov; Catsambis, Alexis CIV NHHC [alexis.catsambis@navy.mil]; Spain, Christopher CIV OJAG, Code 11 (christopher.spain1@navy.mil) [christopher.spain1@navy.mil]; daniel.eldredge@navy.mil; david.m.shull@navy.mil; Schwarz, George R CIV NHHC, UAB [george.schwarz@navy.mil]; Thomas, Jay CIV NAVHISTHERITAGECOM [Joseph.B.Thomas@navy.mil]; Bernal-Leclaire, Kai V CIV NHHC [kai.bernal-leclaire@navy.mil]; kemp.skudin@navy.mil; matthew.t.rector@navy.mil; mark.helmkamp@navy.mil; randy.vavra@navy.mil; robert.neyland@navy.mil; stephanie.bocek@navy.mil; thomas.lundstrom@navy.mil; Bruce Terrell [bruce.terrell@noaa.gov]; David Alberg - NOAA Federal [David.Alberg@noaa.gov]; Frank Cantelas [frank.cantelas@noaa.gov]; Frank Sprtel - NOAA Federal [Frank.Sprtel@noaa.gov]; Gladys Miles [gladys.miles@noaa.gov]; Hans Van Tilburg - NOAA Federal [hans.vantilburg@noaa.gov]; Iris Lowery - NOAA Federal [iris.lowery@noaa.gov]; Jacqueline Rolleri [jackie.rolleri@noaa.gov]; Jay Nunenkamp - NOAA Federal [jay.nunenkamp@noaa.gov]; Jonelle Dilley - NOAA Federal [jonelle.dilley@noaa.gov]; Joseph Hoyt - NOAA Federal [joseph.hoyt@noaa.gov]; lisa.symons@noaa.gov; Ole Varmer [ole.varmer@noaa.gov]; Peter Oppenheimer [peter.oppenheimer@noaa.gov]; Randolph Ghertler - NOAA Federal [randolph.ghertler@noaa.gov]; Russ Green - NOAA Federal [russ.green@noaa.gov]; Caroline Blanco (cblanco@nsf.gov) [cblanco@nsf.gov]; Koski-Karell, Daniel A CIV [Daniel.A.Koski-Karell@uscg.mil]; frank.h.esposito@uscg.mil; scott.t.price@uscg.mil; Steve.G.Venckus@uscg.mil
Subject: UCH IAWG meeting summary and follow-up items
Attachments: Handout 01 - S 304 & FOIA Tips (rev 06-21-18).pdf; Handout 02a - Contents of a S 304 Submission (rev 06-21-18).pdf; Handout 02b - Spreadsheet (large).pdf; UCH IAWG Meeting Summary (6-21-18).docx; UCH IAWG_Framework_Draft_6-19-2018.docx; List of Contacts_UCH IAWG (6-25-18).xlsx; omi.coe-r.United States Minor Outlying Islands 30may18.pdf

Good morning,

Thank you all for participating in the UCH IAWG meeting last Thursday. It was wonderful to see so many of you in person and we especially appreciated the wealth of information provided by Dr. Julie Ernstein and Mike Roller from the Keeper's Office, and use of the ACHP's conference room.

For those of you who were unable to attend in person, we have attached the NHPA sec. 304 handouts Dr. Ernstein distributed. In addition, we have attached the following:

- Brief meeting summary, including action items;
- Draft UCH IAWG framework - please provide us with any edits/comments;
- List of UCH IAWG contacts - please provide us with any corrections or updates, and identify an agency Point of Contact for FOIA consultations involving sec. 304 of the NHPA; and
- an ACHP advisory opinion regarding the applicability of Section 106 of the NHPA to the United States' Minor Outlying Islands

Next meeting: Please mark your calendars for the next quarterly UCH IAWG meeting, which will be on **Thursday, October 25th from 1-3:30 pm** (additional details to follow). Please also let us know if there are any particular issues/topics you want to discuss in October or other future meetings.

We really want to make these meetings useful to everyone participating, so we welcome any and all feedback.

Thanks,

Jackie and Brandi

--

Jackie Rolleri, Attorney-Advisor
Oceans and Coasts Section
Office of the General Counsel
National Oceanic and Atmospheric Administration
1305 East-West Highway
SSMC4, Suite 6111
Silver Spring, MD 20910
301-713-7387 (office)
202-494-8963 (cell) (Telework Tues. and Fri)

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/10/2019 9:07:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Personal Notes

https://www.justice.gov/oip/blog/foia-update-oip-guidance-agency-records-vs-personal-records

One of the peculiar things about the Freedom of Information Act is that while it plainly applies only to federal "agency records," 5 U.S.C. § 552(a)(4)(B), it nowhere defines that pivotal term. Consequently, both agencies and the courts have upon occasion struggled to determine, as a threshold jurisdictional matter, the FOIA's applicability to various requested materials. Particularly difficult can be the question of whether a requested item may properly be regarded as the "personal record" of an individual agency employee, as opposed to an "agency record" subject to FOIA disclosure. Until recently, there existed surprisingly little FOIA case law addressing this "personal record" issue.

This past summer, however, in a decision of major significance, *Bureau of National Affairs, Inc. v. United States Department of Justice*, 742 F.2d 1484 (D.C. Cir. 1984), the U.S. Court of Appeals for the D.C. Circuit undertook an extensive analysis of the issue. The two cases consolidated in *Bureau of National Affairs ("BNA")* involved FOIA requests for various "appointment materials" maintained by certain high-level officials at the Department of Justice and the Office of Management and Budget, The Justice Department documents consisted of "appointment calendars" maintained in duplicate by former Assistant Attorney General for Antitrust William Baxter and his secretary, plus "daily agendas" of Mr. Baxter's activities prepared for distribution to his "top staff." *Id.* at 1487. The OMB documents consisted of comparable "appointment calendars" maintained by several OMB officials, as well as a group of "yellow telephone message slips" temporarily maintained by one official. *Id.* at 1487-88. The documents contained references to personal as well as official matters. *See id.* at 1487, 1495.

"Personal Record" Considerations

In determining the applicability of the FOIA to these documents, the D.C. Circuit emphasized that such determinations should be made upon consideration of "the totality of the circumstances surrounding" each document in question. *Id.* at 1492. *See also id.* at 1490, 1494. From the D.C. Circuit's analysis of the particular documents at issue in *BNA* can be gleaned several different considerations that should be evaluated by agencies in making all "agency record/personal record" determinations. These considerations, which are closely related and in some instances partly overlap, are as follows:

. *Creation* -- Was the document created by an agency employee on agency time, with agency materials, at agency expense? (if not, then it very likely is not an "agency record," on that basis alone.)

. *Content* -- Does the document contain "substantive" information? (If not, then it very likely is not an "agency record," on that basis alone.) Does it contain personal as well as official business information?

. *Purpose* -- Was the document created solely for an individual employee's personal convenience? Alternatively, to what extent was it created to facilitate agency business?

. *Distribution* -- Was the document distributed to anyone else for any reason, such as for a business purpose? How wide was the circulation?

. *Use* -- To what extent did the document's author actually use it to conduct agency business? Did others use it?

. *Maintenance* -- Was the document kept in the author's possession, or was it placed in an official agency file?

. *Disposition* -- Was the document's author free to dispose of it at his personal discretion? What was the actual disposal practice?

. *Control* -- Has the agency attempted to exercise "institutional control" over the document through applicable maintenance or disposition regulations? Did it do so by requiring the document to be created in the first place?

. *Segregation* -- Is there any practical way to segregate out any personal information in the document from official business information?

. *Revision* -- Was the document revised or updated after the fact for record-keeping purposes?

The Outcome in *BNA*

Applying these considerations to the specific documents before it in *BNA*, the D.C. Circuit concluded that most of them were "personal records" not subject to the FOIA. It reached this conclusion, first, for the "telephone message slips" on the grounds that (1) they contained "no substantive information;" (2) they were not used by anyone other than the person called; and (3) "there might be no way for the official to segregate personal from business calls." *Id.* at 1495. On the other hand, as to Assistant Attorney General Baxter's "daily agendas," it concluded that they were "agency records" because (1) they were "created for the express purpose of facilitating the daily activities of the Antitrust Division;" (2) they were in fact "circulated to the staff for a business purpose;" and (3) although they contained a mix of personal and business references, any "purely personal matters" could readily be segregated and protected as appropriate under the FOIA. *Id.*

A more difficult question was presented by the "daily appointment calendars" maintained at both agencies. Nevertheless, and despite their similarity to the "daily agendas" ruled subject to the FOIA, the D.C. Circuit held the calendars to be the "personal records" of the officials in question. This conclusion was compelled by the following considerations: (1) the calendars "were created for the personal convenience of [the] individual officials so they could organize both their personal and business appointments;" (2) although there was some access to the calendars "to determine the officials' availability," they "were not distributed to other employees;" and (3) neither agency had exercised any control over the documents, such as by "requir[ing] its employees to maintain such calendars." *Id.* at 1496.

General Principles

The legal status of such "appointment materials" maintained at other federal agencies, as well as that of other materials possibly qualifying as "personal records" on similar grounds, will depend upon the circumstances surrounding each such item and upon the development of further case law in this area. However, beyond the factual considerations set forth above, some general principles can also be applied. First, it should be clear that private materials not created within a federal agency, but rather merely brought into it by an employee for reference purposes, do not become "agency records" under the FOIA simply by "mere incidence of location." *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136, 157 (1980). This should be no less so where such an item "relates to" the employee's work, *Wolfe v. HHS*, 711 F.2d 1077, 1081 (D.C. Cir. 1983), or even where it merely "influences" that work, *Illinois Institute for Continuing Legal*

Education v. United States Department of Labor, 545 F. Supp. 1229, 1234 (N.D. Ill. 1982). *But see also* 742 F.2d at 1493 (suggesting that as "influence" becomes "reliance" or "use," the matter becomes more in doubt).

On the other hand, the D.C. Circuit in *BNA* has declared unequivocally that a document created within an agency cannot be regarded as "personal" merely on the ground that its author is free to dispose of it at his personal discretion. *See id.* at 1493. Likewise, the fact that a document contains personal information "does not, by itself, take [the document] outside the ambit of the FOIA," *id.* at 1496; but neither does the fact that documents relate entirely to official matters mean that they cannot be regarded as "personal notes," *see, e.g., British Airports Authority v. CAB*, 531 F. Supp. 408, 415-16 (D.D.C. 1982). Similarly, the D.C. Circuit emphasized in *BNA* that "[u]se alone . . . is not dispositive." 742 F.2d at 1492. Indeed, the only consideration which might ever be dispositive, in and of itself, would be the assertion of agency control over a document through institutional requirements mandating its creation and/or retention. *Cf. id.* at 1496 ("Our conclusion might be different if the agencies had exercised any control over the materials . . . ").

Case-by-Case Determinations

In sum, determinations as to whether particular documents can properly be regarded as "personal records" must necessarily be made on a case-by-case basis, according to a careful weighing of all relevant considerations. Where an agency determines that its employee's creation of a document cannot, as the D.C. Circuit phrased it, "be attributed to the agency," *id.* at 1489, it can properly refuse to treat the document as an "agency record" responsive to a FOIA request. However, as a matter of sound administrative practice, agencies should always identify such "personal records" in response to FOIA requests so that requesters are aware that such determinations have been made.

Denise A. Walker
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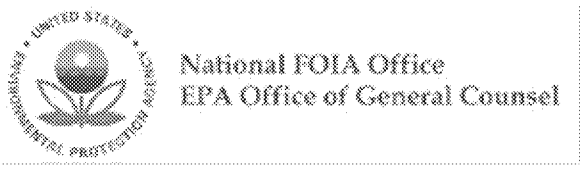
Washington, D.C. 20460 | WJCN 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov



Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/10/2019 5:17:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Draft Messaging re FOIA Regs
Attachments: DRAFT Messaging for FOIA Regulations Update (06.05.2019).docx

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/31/2018 12:16:13 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Bigioni FOIA Provisional Best Practices.NRB clean.docxwb.docx
Attachments: Bigioni FOIA Provisional Best Practices.NRB clean.docxwb.docx

Most recent version of the briefing paper with the formatting and some minor typos fixed.

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/30/2018 6:00:22 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Bigioni Decision Notice Lewis Draft 4711.docx
Attachments: Bigioni FOIA Provisional Best Practices.docx

Denise,

This is a revised version of the Best Practices document.

From: Bigioni, Neil
Sent: Monday, July 30, 2018 1:15 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Bigioni Decision Notice Lewis Draft 4711.docx

Same document for review, new title.

Not sure how it got the one it had.

From: Packard, Elise
Sent: Monday, July 30, 2018 1:13 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Bigioni Decision Notice Lewis Draft 4711.docx

Please change the title!!!

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Bigioni, Neil
Sent: Monday, July 30, 2018 1:10 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Bigioni Decision Notice Lewis Draft 4711.docx

Revised Best practices adding in the intro suggested by Kevin. Also note the revisions to the technology section based on a discussion I had with Brian Thompson. We need to be less specific because the "scripts" would be something that would need to be developed for Relativity 9.5 by the Relativity contractors. We can, of course, develop training on best QA/QC practices that is not dependent on Relativity scripts.

Your thoughts?

Neil

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/30/2018 4:41:10 PM
To: Lattimore, Kraig [lattimore.kraig@epa.gov]
CC: Beard, Deborah-Ward [beard.deborah-ward@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Rich, Stephanie [Rich.Stephanie@epa.gov]
Subject: Delegation Chief FOIA Officer
Attachments: RE: 1-131 OGC Chief FOIA Officer JMH review (002).docx; 1-131 OGC Chief FOIA Officer JMH review (002).docx; Delgation Cover Memo JMH Review.docx; Chief FOIA Officer Designation.pdf; Delagation Memo to Lattermore_.docx

Kraig,

Attached please find all of the materials I believe that are needed to set up the concurrence package for the formal delegation of Matt as EPA's Chief FOIA Officer. The documents include the Delegation, A cover memo from me to you, a cover memo from Matt to Cheri Hembrey, Stephanie Rich's concurrence and the superseded 2006 memo. Please advise if you need anything else.

If this does not go out this week, the cover memo from me to you will need to be revised to reflect that it comes from my successor

Thanks,

Neil

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 7/29/2018 1:11:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Best Practices.wb.ebp.docx
Attachments: Best Practices.wb.ebp (002) JGK 339pm 72718.docx wb 7 28 at 3 pm.docx; Draft email from Matt FOIA best practices.ebp JGK 316pm 72718.docwb 728.docx; Best practices litigation document 7 28 wb.docx; Reimagined AO4 One-Pager.docx

Tim, these documents related to the Acting Administrator briefing from my earlier email. I have not looked at Wendy's edits myself. Elise is supposedly editing these two documents and a third one into a single briefing paper. I have attached an email with the third document which addresses what we have done and intend to address the FOIA backlog in the AO. As you can see from that email, I need input from the FEAT and OEX to complete that document. Minoli has earlier versions of all of these documents in his weekend packet.

From: Blake, Wendy
Sent: Saturday, July 28, 2018 3:24 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Best Practices.wb.ebp.docx

Thanks everyone for your great work on these.

Elise - Attached is a clean and redlined version of the best practices/litigation document. Note that in the redline version, I deleted all comments that had been addressed. In the clean version, I removed all comments. Clean version is called "best practices litigation doc 7 28", and I added page numbers to this document.

I used the documents Joan sent at 4:22 pm to edit.

Finally, I added a few comments to the draft communication from Matt. I did not make line edits to this, but rather added comments.

I am signing off for the day, but will be working tomorrow after 11 am, so let me know if you need me to do anything more.

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

From: Packard, Elise
Sent: Friday, July 27, 2018 4:22 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>

Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Best Practices.wb.ebp.docx

Thanks Joan. Wendy when you are comfortable with the docs please pass them along and I'd like to at least get these two parts to Kevin this weekend with a note that the AO4 part is coming.

Thanks all!

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: Kaminer, Joan
Sent: Friday, July 27, 2018 3:43 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Best Practices.wb.ebp.docx

Sorry Neil, I was working off of the version sent around 2:36pm. I've moved my edits and comments to your 10:26am version. I did not verify that comments/edits from others are included in the attached.

I reattached the Draft email document for ease, though made no additional changes.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Bigioni, Neil
Sent: Friday, July 27, 2018 3:32 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Best Practices.wb.ebp.docx

Joan, the version of the Best Practice document you attach is an older one, not the one I revised and sent around to you at 10:26 this morning. If you have edits can you please place them on the 10:26 version that addressed comments from Elise and Wendy?

Thanks

From: Kaminer, Joan
Sent: Friday, July 27, 2018 3:25 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Best Practices.wb.ebp.docx

Attached please find:

1. Best Practices with Litigation Overview added w/ Elise's comments addressed
2. Draft Email with minor comments/edits

Wendy will be home in approx. an hour and will review the updated drafts.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Bigioni, Neil
Sent: Friday, July 27, 2018 2:50 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: Best Practices.wb.ebp.docx

I need to rewrite it with Denise and Nicole Monday. I might try to rewrite today or over the weekend but I do not trust myself to get nuances down.

Sent from my iPhone

On Jul 27, 2018, at 2:39 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:

> This looks good, what are we doing about the AO piece?
>
> Elise B. Packard
> Associate General Counsel for Civil Rights and Finance
> U.S. EPA Office of General Counsel, Rm. 7353C
> (202) 564-7729
>
> ---
>
> **From:** Bigioni, Neil
> **Sent:** Friday, July 27, 2018 10:26 AM
> **To:** Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
> **Subject:** Best Practices.wb.ebp.docx
>
> I've revised per Elise's and Wendy's comments. I know we need to integrate the documents. I think easiest way to do that would be to get each piece clean, then integrate through narrative transitions. So if this best practices piece satisfies everyone, and Wendy/Joan send me what they consider to be a clean version of the litigation piece (I had no comments), I can try to integrate and we can get together in person Monday and iron out any details, and have for Matt's Monday folder, which I think was Elise's original plan.
>
> If this makes sense to everyone let me know.
>
> Neil

Message

From: Knorr, Michele [knorr.michele@epa.gov]
Sent: 7/23/2018 11:53:22 AM
To: OGC PTSLO [OGC_PTSLO@epa.gov]
Subject: FW: FOIA Case - Unfavorable opinion in Judicial Watch policy-or-practice appeal
Attachments: 2018-07-17 Opinion.pdf

Saw this through another law office and thought folks in our office might be interested as we have been getting more FOIAs lately.

Michele L. Knorr, Attorney
Pesticides and Toxic Substances Law Office
Office of General Counsel
202-564-5631

From: Blake, Wendy
Sent: Thursday, July 19, 2018 11:10 PM
To: OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FW: Unfavorable opinion in Judicial Watch policy-or-practice appeal

All,

Attached is the D.C. Circuit's decision in *Judicial Watch v. DHS* that I discussed today at senior staff. The case concerned a FOIA pattern or practice claim.

Attorney Client / Ex. 5

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

From: Berman, Marcia (CIV) [mailto:Marcia.Berman@usdoj.gov]
Sent: Tuesday, July 17, 2018 1:26 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Unfavorable opinion in Judicial Watch policy-or-practice appeal

FYI.

Marcy Berman
Assistant Branch Director
U.S. Department of Justice, Civil Division
Federal Programs Branch
(202) 514-2205

Message

From: E&E News [ealerts@eenews.net]
Sent: 7/13/2018 5:58:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: July 13 -- Greenwire is ready

Read today's Greenwire on the web

GREENWIRE

AN E&E NEWS PUBLICATION

GREENWIRE — Fri., July 13, 2018

READ FULL EDITION

1. EPA:
'I've always considered myself to be an environmentalist'

EPA's new boss, Andrew Wheeler, sat down for an exclusive interview with E&E News today. He discussed his plans for policies, transparency and Scott Pruitt's soundproof booth.

TOP STORIES

2. EPA:
Wheeler's surprise priority: Risk communication

3. EPA:
4 ex-administrators' tips for Wheeler

4. OFF TOPIC:
'It's messy' when conservative philosophies collide

CONGRESS

5. REGULATIONS:
House OKs unfunded mandates bill after fierce debate

6. FEDERAL AGENCIES:
Senate confirms Trump's pick for ethics chief

7. EPA:
Cummings demands subpoena for Pruitt's FOIA policy

8. EPA:
House Republicans press Wheeler on grant reviews

POLITICS

9. SUPREME COURT:
Sens. Stabenow, Baldwin to oppose Kavanaugh

10. BIOFUELS:
Kavanaugh nomination revives RFS blending battle

11. FLINT CRISIS:
Senate candidate pledges $500K to Elon Musk's effort

NATURAL RESOURCES

12. PUBLIC LANDS:
Hammonds aim to win back grazing rights

13. GRAND CANYON:
Flash flood sends tourists fleeing gorge

14. YELLOWSTONE:
Judge rebuffs green groups fighting gold project

15. WILDLIFE:
Lesser prairie chicken numbers increase in West

16. ENDANGERED SPECIES:
La. researchers cheer whooping crane births

17. WILDLIFE:
Warehouse holds leopards, rhinos turned into trinkets

LAW

18. PUBLIC LANDS:
Groups sue to stop N.D. refinery project near national park

19. PUBLIC HEALTH:
Johnson & Johnson ordered to pay $4.7B in talcum powder case

20. WILDFIRES:
Danish man faces 141 arson counts in massive Colo. blaze

ENERGY

21. PUERTO RICO:
Power authority loses quorum as CEO, board members resign

22. RENEWABLES:
Apple launches $300M green energy fund for Chinese suppliers

AIR AND WATER

23. WATER POLLUTION:
Army Corps plan has Floridians worried about toxic algae

24. DRINKING WATER:
Firefighting foam chemical found in suburban Denver wells

STATES

25. CALIFORNIA:

Wealthy residents fight to restrict beach access

26. MICHIGAN:

Skull discovery puts excavation on hold at gas plant site

27. FLORIDA:

In reversal, Gov. Scott pushes to open up beaches

INTERNATIONAL

28. CHINA:

Blast at chemical plant kills at least 19

29. KENYA:

8 endangered rhinos die after move to new park

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Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/4/2019 5:55:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Reg Review Materials and Regs Packet Submitted on Friday
Attachments: 1-19, Directives. Clean.docx; 1-30, FOIA Determinations. Redline.docx; 1-31. Appeals and Confidentiality Determinations. Redline.docx; 1-131, Chief FOIA Officer. Clean.docx

Tim—

Thank you for your time and feedback. Attached are the delegations for Joe and Elise's binder. FYI, I updated the Agenda with the posed question.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Monday, June 3, 2019 9:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>
Subject: Reg Review Materials and Regs Packet Submitted on Friday

Hello Tim,

Attached for your review are two sets of documents. The first are related to delegations: a two-page briefing document for reg review and four draft redline documents. The second is a draft message related to the FOIA Regulations Update.

FYI, I received the completed Typesetting Request Form on Friday and was able to submit the FOIA Regs Packet to Caryn for the Administrator's signature. I will keep you up-to-date if I hear it's made any progress.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 6/4/2019 4:36:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Awareness Notification

Will do. I asked Linda Person to change the email template for all new notices.

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Monday, June 03, 2019 4:16 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Fwd: FOIA Awareness Notification

Larry, please send out a note to the FOIA officers and coordinators telling them about this change and asking them to add Travis to their Awareness Notification emails.
Tim

Sent from my iPhone

Begin forwarded message:

> **From:** "Tran, Victoria" <tran.victoria@epa.gov>
> **Date:** June 3, 2019 at 10:57:54 AM EDT
> **To:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>
> **Cc:** "White, Elizabeth" <white.elizabeth@epa.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Subject: FOIA Awareness Notification**
>
> Larry,
>
> Please note that this Thursday the current AA of OCIR, Troy Lyons, will be leaving the Agency. I wanted to connect you with Travis Voyles, the Deputy AA of OCIR.

To ensure that the awareness notifications are sent to the correct recipients, can we make sure that Travis will act in Troy's capacity moving forward? Please let me know if you have any questions. Thank you.

VT

Message

From: Albores, Richard [Albores.Richard@epa.gov]
Sent: 3/14/2018 3:08:20 PM
To: OGC HQ ADDs [OGC_HQ_ADDs@epa.gov]
CC: OGC MGMT All [OGC_MGMT_All@epa.gov]
Subject: FW: ACTION - REVIEW: DUE 1PM TODAY!! Senate EPW Oversight Hearing Questions for the Record
Attachments: 2018.03.13 - UPDATED DRAFT - All Pruitt QFRs 01.30.2018 - COMPLETE PROGRAM OFFICE RESPONSES.docx

HELLO ADDs:

I just got these, and **I am so sorry about the turnaround time** (I had no input on it at all).

Let me know if there are any issues that need OGC IO attention, as soon as possible.

R

~~~~~

RICHARD L. ALBORES
Associate Deputy General Counsel * Office of General Counsel * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2310A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Moody, Christina
Sent: Wednesday, March 14, 2018 10:55 AM
To: Albores, Richard <Albores.Richard@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Saltman, Tamara <Saltman.Tamara@epa.gov>; Kelty, Diane <Kelty.Diane@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; Hanley, Adrian <Hanley.Adrian@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Dale <Keller.Dale@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Folkemer, Nathaniel <Folkemer.Nathaniel@epa.gov>; Emmerson, Caroline <Emmerson.Caroline@epa.gov>; Bartlett, Keith <Bartlett.Keith@epa.gov>; Grogard, Megan <Grogard.Megan@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Martin, JohnC <Martin.JohnC@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>
Cc: Williams, Thea <Williams.Thea@epa.gov>; Gomez, Laura <Gomez.Laura@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>
Subject: ACTION - REVIEW: DUE 1PM TODAY!! Senate EPW Oversight Hearing Questions for the Record

Colleagues,

Attached please find the draft package of QFRs to be sent to OMB for transmission to the hill. In order to ensure concurrence of the responses, these are being routed internally for review and comment. As the responses have all been cleared by programmatic political staff, OCIR does not anticipate that there will be major changes or edits to the package.

OW – PLEASE SEE ORD PFAS RESPONSES (#9) AND HAVE IT CLEARED THROUGH YOUR POLITICAL LEADERSHIP.
~~~~~

We are on a tight turnaround to meet the committee's request for responses, so review time is limited to 1pm today. Please note, if we have not heard from you or your programs by that time, we will assume your concurrence and that you have no further edits/comments/concerns.

Feel free to reach out with questions.

Christina J. Moody
US Environmental Protection Agency
Office of Congressional Affairs & Intergovernmental Relations
Moody.Christina@epa.gov

Message

From: Gantt, Melissa [Gantt.Melissa@epa.gov]
Sent: 6/24/2019 8:51:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: Question on benefits of directives clearance process

Good Afternoon

Yes. I will forward you an invite shortly. Thanks☺

Sent from my iPhone

On Jun 24, 2019, at 4:30 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Melissa – would it be possible to get a half hour with Vaughn and Donna sometime this week? (see below)
> Tim
>
> **Timothy R. Epp**
> |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:** Noga, Vaughn
> **Sent:** Monday, June 24, 2019 1:52 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
> **Cc:** Gantt, Melissa <Gantt.Melissa@epa.gov>
> **Subject:** RE: Question on benefits of directives clearance process
>
> Tim,
>
> No problem. Please work with Melissa Gantt to coordinate date/time.
>
> Vaughn
>
> ---
>
> **From:** Epp, Timothy
> **Sent:** Monday, June 24, 2019 12:12 PM
> **To:** Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Vizian, Donna <Vizian.Donna@epa.gov>
> **Subject:** Question on benefits of directives clearance process
>
> Hi Donna and Vaughn,

Could I get a short meeting with you to discuss the directives clearance process? As we are moving forward with a review of the 2015 Agency FOIA Policy and Procedures and also looking at updating other FOIA-related directives, Deborah Ward Beard has advised that we have the opportunity to decide not to subject the OGC updates to the directives clearance process. I'd appreciate hearing your thoughts on this question and your experience using the process.

Thanks,
Tim

Timothy R. Epp
|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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/24/2019 8:36:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: GC Email Message on FOIA update
Attachments: GC Email Message for FOIA Regulations Update (06.24.2019) ctc.docx

Minor edits attached.

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Monday, June 24, 2019 3:23 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: GC Email Message on FOIA update

Please use this version – I corrected a typo.

Timothy R. Epp
|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: Epp, Timothy
Sent: Monday, June 24, 2019 3:22 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: GC Email Message on FOIA update

Hi all,

The regs will be published on June 26 – Wednesday. Given the additional time, I'd like to give the GC mass mailer another vetting with you.

Attached is an updated version of a General Counsel mass mailer to go out to all EPA employees – the updates incorporate input from Rob this morning and include some edits growing out of my interview on background this morning. Please let me know if we have any additional thoughts or edits. I'd like to send to Matt for his approval this evening.

Nancy do you want to run by Ryan before I get Matt's final views?

Tim

Timothy R. Epp
|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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/28/2019 9:24:10 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Gardner, Allison [Gardner.Allison@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Subject: RE: Looking for possible NFO support

I was thinking about this earlier today and plan to work on it this week. My thought is to Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

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

From: Bigioni, Neil
Sent: Tuesday, May 28, 2019 11:35 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Gardner, Allison <Gardner.Allison@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: Looking for possible NFO support

Tim & Denise & Larry,

Deliberative Process / Ex. 5

Hope the three of you were able to enjoy the long holiday weekend,

Neil

Neil R. Bigioni
Senior Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/15/2019 4:16:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: the latest from OMB

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

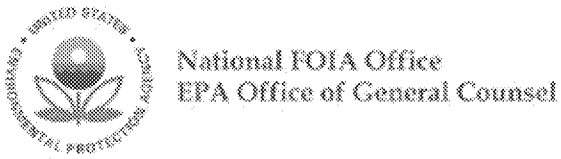
Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Wednesday, May 15, 2019 8:38 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: the latest from OMB

Hi Chris – FYI below on what I sent to Joe and Elise.

Tim

Timothy R. Epp
|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



From: Epp, Timothy
Sent: Wednesday, May 15, 2019 8:37 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: the latest from OMB

Joe and Elise,

Deliberative Process / Ex. 5

Here are options:

Deliberative Process / Ex. 5

Thanks,
Tim

Timothy R. Epp
|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: Nickerson, William
Sent: Tuesday, May 14, 2019 3:15 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: the latest

This is the latest message from OMB:

Deliberative Process / Ex. 5

And the relevant text is:

Deliberative Process / Ex. 5

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 4:01:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001084

From: Gray, Doris
Sent: Wednesday, May 15, 2019 12:01:49 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2019-001084

Thanks. I was terrified when I was doing this because is my first time. You have done all the others.

Larry asked me to do them and sent me the template (which was missing the table). I looked at one that you have sent and copy the table (it looks that I still miss something).

Well, I have a question (which you do not need to answer now, when you come back to the office is Ok.) Do I write an Awareness Notification any time I have a case where Larry is the reviewer? Is that the way for me to determine when to write them?

Thanks for all your help, training and advise.

D.

From: Hill, Kevin W.
Sent: Wednesday, May 15, 2019 11:35 AM
To: Gray, Doris <Gray.Doris@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-001084

Doris,

The template you are using is missing information under the table. Please use the attached template.

Regards,
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

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:31 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2019-001084

Sorry, but I did not attach the documents. Here they are.

D.

From: Gray, Doris
Sent: Wednesday, May 15, 2019 9:56 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001084

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request(s). We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-001084	Kevin Bogardus	*E&E News*	*11/02/2018*	05/15/2019	Requests records of all responses to Questions for the Record provided to Congress from EPA from Oct. 1 to Nov. 1, 2018. These records are responses to formal questions posed by lawmakers in association with witness testimony at congressional committee hearings.		*5*

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 6/24/2019 4:34:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: REPLY: June 27 agenda
Attachments: FOIA Mtg Agenda June 27 2019 with detail.docx; FOIA Mtg Agenda June 27 2019.docx

Tim,

Since Larry is unexpectedly on leave I am forwarding the FOIA Professionals meeting agenda (June 27) to you for comment/approval.

There are two because Bisa provided a version with greater detail than we usually use. She also suggested asking Tim Crawford to attend. I can contact him if you like.

The second version contains small edits from the rest of the staff.

Please let me know if you have any edits. If not, which version do you approve for posting.?

Thanks, Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 5/17/2019 8:06:31 PM
To: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Fee waiver and expedited processing tasks are closed as of about 20 minutes ago.

Thanks again.

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Gottesman, Larry
Sent: Friday, May 17, 2019 3:16 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Just signed the letter.

When Sabrina called I told her to email Linda Person, since I was in a meeting and tell Linda she can send me the letter an I can electronically sign the letter. Linda send the letter and it has been signed and provided back to Linda to close out the tasks.

Thanks for letter us know.

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Lubetsky, Jonathan
Sent: Friday, May 17, 2019 2:58 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: Fwd: FOIA Assignment for EPA-HQ-2019-005633

Tim and Larry
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Any assistance with addressing this type of issue in the future would be appreciated.
Thank you,
Jonathan Lubetsky

Begin forwarded message:

> **From:** "Person, Linda" <Person.Linda@epa.gov>
> **Date:** May 17, 2019 at 2:16:33 PM EDT
> **To:** "Hamilton, Sabrina" <Hamilton.Sabrina@epa.gov>
> **Cc:** "Lubetsky, Jonathan" <Lubetsky.Jonathan@epa.gov>
> **Subject: RE: FOIA Assignment for EPA-HQ-2019-005633**
>
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>
> **From:** Hamilton, Sabrina
> **Sent:** Friday, May 17, 2019 2:15 PM
> **To:** Person, Linda <Person.Linda@epa.gov>

Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Only Larry can sign off on the letter?

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

From: Person, Linda
Sent: Friday, May 17, 2019 2:14 PM
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Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

My letter is complete but it won't be signed until Tuesday.

From: Hamilton, Sabrina
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To: Person, Linda <Person.Linda@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Linda,

I'm going to be off on Monday and wanted to close this FOIA. Will you be finished with your "tasks" today?

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

From: Person, Linda
Sent: Thursday, May 16, 2019 9:48 AM
To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>

Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Yes I will.

From: Hamilton, Sabrina
Sent: Thursday, May 16, 2019 9:29 AM
To: Person, Linda <Person.Linda@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Linda,

Can you let me know once you complete your "tasks" in FOIAonline for this case so that I can close it? Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

From: Person, Linda
Sent: Wednesday, May 15, 2019 9:54 AM
To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Sabrina,

My task will be closed tomorrow. I'm teleworking today.

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Subject: FW: FOIA Assignment for EPA-HQ-2019-005633

Linda,

OAR is ready to close out this FOIA. Can you please close your tasks? Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
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From: Hamilton, Sabrina
Sent: Wednesday, May 15, 2019 8:08 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Cc: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Carroll, Maria <carroll.maria@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Thanks for the signed response. ☺

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
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Subject: FW: FOIA Assignment for EPA-HQ-2019-005633

Jonathan,

Please have someone print the attached response on OAR letterhead ASAP and have John sign. I want to beat the awareness review assignment and close this FOIA this morning. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460

Tel: (202) 564-1083

From: admin@foiaonline.gov <admin@foiaonline.gov>
Sent: Tuesday, May 14, 2019 3:33 PM
To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: FOIA Assignment for EPA-HQ-2019-005633

Your office has been assigned to the FOIA request - EPA-HQ-2019-005633. Additional details for this item are as follows:

- Tracking Number: EPA-HQ-2019-005633
- Requester: Mr. Mark Walker
- Request Track: Simple
- Submitted Date: 05/09/2019
- Due Date: 06/12/2019
- Short Description: N/A
- Description: I request all documents detailing Assistant Administrator of the Office of Air and Radiation Bill Wehrum's schedule from March 1 and March 31, 2019. Such documents include but are not limited to itineraries, scheduling documents, and "tick-tocks" detailing Wehrum's activities and records of in-person, telephonic or electronic meetings, including a list of who participated in those meetings and the topics discussed. If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information.

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 5/17/2019 7:59:58 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Shoaff, John [Shoaff.John@epa.gov]
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

I just closed the assignment. Thanks everyone.

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
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Just signed the letter.

When Sabrina called I told her to email Linda Person, since I was in a meeting and tell Linda she can send me the letter an I can electronically sign the letter. Linda send the letter and it has been signed and provided back to Linda to close out the tasks.

Thanks for letter us know.

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Agency FOIA Officer
National FOIA Office
Office of General Counsel
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202-566-2162 (Direct line)
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National FOIA Office
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> *Sabrina Hamilton*
>
> Sabrina Hamilton
> Air and Radiation Liaison Specialist

and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
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and FOIA Coordinator
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Washington, D.C. 20460
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Thanks for the signed response. ☺

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
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U.S. Environmental Protection Agency (EPA)
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Tel: (202) 564-1083

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- Requester: Mr. Mark Walker
- Request Track: Simple
- Submitted Date: 05/09/2019
- Due Date: 06/12/2019
- Short Description: N/A
- Description: I request all documents detailing Assistant Administrator of the Office of Air and Radiation Bill Wehrum's schedule from March 1 and March 31, 2019. Such documents include but are not limited to itineraries, scheduling documents, and "tick-tocks" detailing Wehrum's activities and records of in-person, telephonic or electronic meetings, including a list of who participated in those meetings and the topics discussed. If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information.

Message

From: Collazo, Beatriz [collazo.beatriz@epa.gov]
Sent: 6/24/2019 3:37:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: RE: FOIA EPA-HQ-2019-005922 Final Response Letter for Signature
Attachments: FOIA EPA-HQ-2019-005922 Final Response Letter 2019-06-24.pdf

Hello Tim,

I worked with Wendy to prepare the document for signature and included more current language about fees.

When this is approved with your signature, I will need to send an awareness notification. It is ready to go out.

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Collazo, Beatriz
Sent: Thursday, June 13, 2019 4:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Collazo, Beatriz <collazo.beatriz@epa.gov>
Subject: FOIA EPA-HQ-2019-005922 Final Response Letter for Signature

Hi Tim,

Larry mentioned that you have to sign the final response letter?

I converted it to PDF, but am not sure how the digital signature process works here. My apologies.

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Collazo, Beatriz
Sent: Thursday, June 13, 2019 3:15 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Collazo, Beatriz <collazo.beatriz@epa.gov>
Subject: FOIA EPA-HQ-2019-005922 Fee Waiver to Close Request

Hello Larry and Wendy,

As discussed, the final response letter is pending the fee waiver determination to close the request as no records.

There are no fees associated with the 2 hours search, however, this was a media requester, and there were no records found.

Please advise about the status of the fee waiver as soon as possible, and thank you!

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Collazo, Beatriz
Sent: Monday, June 10, 2019 4:23 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Collazo, Beatriz <collazo.beatriz@epa.gov>
Subject: Fee Waiver on Request EPA-HQ-2019-005922

Hi Larry,

This request can be closed as no records, and I am giving you a heads up to advise that I will be sending the final determination letter, with a fee waiver request letter to follow. Please let me know if you have any questions!

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)

Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Collazo, Beatriz [collazo.beatriz@epa.gov]
Sent: 6/24/2019 3:28:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: RE: NFO Backlog Report
Attachments: NFO Backlog 2019-06-24.xlsx

Good morning Tim,

Here is the information you requested.

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Collazo, Beatriz
Sent: Thursday, June 20, 2019 4:12 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: NFO Backlog Report

Hi Tim,

Regarding the report, yes. Wendy and I are meeting on Monday to go over FOIA Online tips, so this is good timing.

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Thursday, June 20, 2019 4:05 PM
To: Collazo, Beatriz <collazo.beatriz@epa.gov>
Subject: RE: NFO FOIA Assignment
Thanks Beatriz,

This reminds me – can you prepare a report for me by 1 pm on Monday showing the backlog as of that date for every person in the NFO (but only of OGC backlog FOIAs)?

Tim

Timothy R. Epp
|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

Message

From: Williams, LaShawn [williams.lashawn@epa.gov]
Sent: 5/17/2019 2:32:12 PM
To: OGC HQ ADDs [OGC_HQ_ADDs@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: OGC FOIA Report
Attachments: 05-07-2019 OGC FOIA Report.xlsx

Good Morning All,

Please find attached the OGC FOIA report. If you have any questions or need assistance with the FOIA requests assigned to your office, please do not hesitate to contact me.

Thanks much,
LaShawn

LaShawn H. Williams
Paralegal Specialist/OGC FOIA Coordinator
Office of General Counsel
General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue (MC 2377A)
Washington, D.C. 20460
(202) 564-3822 (office)
(202) 564-5432 (fax)

CONFIDENTIALITY STATEMENT: The information contained in this electronic message is privileged and confidential information for the use of the individual or entity named above. If you are not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete the message.

Message

From: Holden, Allison [Holden.Allison@epa.gov]
Sent: 6/6/2019 5:50:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you! Will send something to you to review after we get something drafted.

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

From: Epp, Timothy
Sent: Thursday, June 6, 2019 11:18 AM
To: Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Hi Allison,

Here are some bullets:

- The National FOIA Office (NFO) serves as the Agency's national program office, under the direction of the Chief FOIA Officer, for implementing and establishing policy, procedures, and directives to implement the Freedom of Information Act (FOIA) to coordinate FOIA response processing in each of the Agency's Regional and Program Offices.
- The NFO reviews and recommends changes and updates to the Agency's FOIA regulations, policies, and procedures – in FY2019, the NFO is publishing a regulation update and updates to the Agency's national FOIA Policy and Procedures. In FY2019, the NFO anticipates taking public comment on and publishing a second update to the Agency's FOIA regulations and further updates to the Agency's national FOIA Policy and Procedures.
- The NFO provides policy guidance and training to EPA's FOIA Officers, Coordinators, and professions located in each of the Agency's Regional and Program Offices, including providing interpretive statement updates, monthly training meetings, and response to questions.
- The NFO developed a web-based (FedTalent) training for all EPA staff on FOIA responsibilities, and the NFO developed and is delivering in person training to supervisors on their FOIA review responsibilities.
- The NFO provides the FOIA Expert Assistance Team (FEAT) of expert attorneys and government information specialists to assist Regional and Program Offices respond to particularly complicated FOIA requests, including multiple FOIA requests regarding the same or similar circumstances and that require response from multiple offices and involve litigation. In FY2019, the NFO is providing FEAT FOIA response assistance on more than 15 complex circumstances, and the NFO is providing FEAT consultation, management, and assistance to the Administrator's Office on its backlog of more than 1,300 FOIA requests. The NFO is currently in discussions with a program office and two regional offices regarding the NFO providing similar services to those offices to help them address those office's overdue FOIA backlogs.
- The NFO issues monthly reports to the Regions and Program Offices on their FOIA backlog and the NFO provides reports for the Agency's Bowling Charts and tracks and implements corrective actions for missed goals and targets regarding FOIA response.

- The NFO developed a Lean Management Flowboard toolkit for FOIA processing and is providing training to offices in the regions and programs regarding use of FOIA processing flowboards, and the NFO is developing a national pulseboard of data regarding FOIA response processing at the Agency.
- The NFO currently receives, reviews, and assigns all FOIA requests submitted for response by EPA Headquarters Programs and the NFO will perform these functions for the whole agency beginning in July 2019 when EPA's regulation update is effective. The NFO is enhancing its FOIA intake functions to include: 1) issuing an initial letter to requesters on all FOIA requests; 2) assigning FOIA requests to the simple and complex processing tracks; and 3) to make determinations regarding whether unusual circumstances exist justifying longer processing time. In FY2018, EPA received 11,518 FOIA requests.
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for waiver of processing fees. In FY2018, the NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications. In FY2019
- The NFO reviews and issues the Agency's determinations on FOIA requester applications for expedited processing. In FY2018, the NFO issued 668 decisions on expedited processing applications.

I look forward to your questions or comments,
Tim

Timothy R. Epp
|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

From: Holden, Allison
Sent: Tuesday, June 04, 2019 1:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Pls Send NFO Workflow Statistics for Budget Docs

Hi Tim,

I'm working on a budget document for Elise related to the Working Capital Fund. Can you please send me any and all workflow statistics you may have been tracking for the NFO? (For example, if you've been tracking number of issues handled, number of programs assisted, number of cases closed, etc. etc.) I can get statistics on dollars/FTE from RMO, but I'm looking for more numbers about what you actually *do*. No need to generate any new documents, but if you already have any spreadsheets/reports on hand, such as numbers you may have used in connection with the reorganization or your most recent budget request, that would be helpful.

Thank you!!

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

Message

From: Sigel, Jeremy [Sigel.Jeremy@epa.gov]
Sent: 6/6/2019 4:31:30 PM
To: Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]
CC: Stewart, Sabrena [Stewart.Sabrena@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Hearns, Liza [Hearns.Liza@epa.gov]; Young, Brenda [young.brenda@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Key, Rena [Key.Rena@epa.gov]; Brevard, Rudy [Brevard.Rudy@epa.gov]; Butler, Kathlene [Butler.Kathlene@epa.gov]; Christensen, Kevin [Christensen.Kevin@epa.gov]; Eyermann, Richard [Eyermann.Richard@epa.gov]; El-Zoghbi, Christine [El-Zoghbi.Christine@epa.gov]; Lagda, Jeffrey [Lagda.Jeffrey@epa.gov]; Johnston, Robert [Johnston.Robert@epa.gov]; Ellis, John [Ellis.john@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]; Holland, Ramona [Holland.Ramona@epa.gov]; Townsend, Charleen [Townsend.Charleen@epa.gov]
Subject: Draft Report - Congressionally Requested Audit: EPA Took Steps to Improve Records Management ,but FOIA Program Needs Management Emphasis (Project No. OA&E-FY18-0217)
Attachments: Draft Report - EPA FOIA Program Needs Management Emphasis (Project No OAE-FY18-0217).pdf

Importance: High

Please see attached draft report. Let us know if you have any questions.

Thanks,

Jeremy Sigel *CISA*
Project Manager, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
Office: 202-566-0852
Cell: Personal Phone / Ex. 6

Message

From: Crawford, Tim [Crawford.Tim@epa.gov]
Sent: 5/30/2019 7:11:18 PM
To: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Yes

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Lubetsky, Jonathan
Sent: Thursday, May 30, 2019 3:10 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Tim C, your time slot would now be 10:30 to 11:00. Does that work?

From: Crawford, Tim
Sent: Thursday, May 30, 2019 3:08 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Sorry for any confusion I may have created.
I'm currently NOT available from 9:00 – 10:15.
I CAN make a 11:00 – 12:00 time slot.

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Lubetsky, Jonathan
Sent: Thursday, May 30, 2019 2:54 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Would 9:15 to 10:15 work for the OGC Panel? Gautum, see the chain below. We are trying to move the OGC panel to a new time slot.
Otherwise, we could move it to 11-12.
Let me know what works best. Unfortunately I do not have access to that calendar invite at the moment.

From: Crawford, Tim
Sent: Thursday, May 30, 2019 2:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Thanks for the VM Tim—I didn't see that this was a question for me—I just moved a meeting and can make a 10:15-11:00 time slot.
I hope that will work.

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Thursday, May 30, 2019 1:40 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer
Importance: High

Hi Kristina and Jonathan,

I'm very sorry to create confusion at this late date in your Energizer Schedule – Any chance we could flip the OGC & FOIAonline timeslots? I need to attend a meeting with Henry Darwin during the 10-to 11 hour.

Thanks for your consideration.
Tim

Timothy R. Epp
|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: Sandfoss, Kristina
Sent: Wednesday, May 29, 2019 8:51 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Good morning!

Based on feedback from staff involved in processing FOIA requests, we have identified questions and/or issues of interest we believe would benefit from OGC discussion and guidance. We plan to touch on all of these questions during the session. Please review them below to determine if your office would participate in the topic area and/or be the appropriate point of contact for further concerns. Please let Jonathan or myself know if you have any questions, and once again, we appreciate your attendance and continued contributions to strengthening the OAR FOIA program.

Thanks again and Have a great day!
Kristina

ACP, Deliberative Process / Ex. 5

Kristina Sandfoss
Office of Air and Radiation
U.S. Environmental Protection Agency Headquarters
1200 Pennsylvania Avenue NW, Washington, DC 20460
202-564-7177 WJC-N 5442R

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/30/2019 4:24:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2019-5502
Attachments: EPA-HQ-2019-005502 Final.5.28.19.pdf

From: Cubeddu, Mariana
Sent: Thursday, May 30, 2019 12:24:43 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hill, Kevin W.; Donahue, Sean; Hope, Brian; Tran, Victoria; Epp, Timothy; Walker, Denise; Konkus, John; Richardson, RobinH; Lyons, Troy; Gottesman, Larry; Grantham, Nancy
Cc: Cubeddu, Mariana
Subject: Awareness Notification - EPA-HQ-2019-5502

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-005502	***Mr. Kevin Bogardus***	***E&E News***	***5/09/2019***	***05/30/2019***	*Copies* of all responses to QFR provided to Congress From EPA from April 1	***Final Response***	***No records.***

					to May 1, 2018.		

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

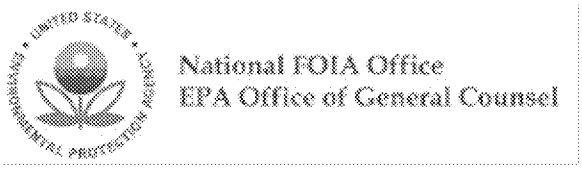
From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 5/23/2019 2:52:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: To-Dos from FEAT/ILPG meeting

Re Toolkit: The answer that Kevin Miller was looking for last week on the Info Law Monthly call! We may want to

Deliberative Process / Ex. 5

Re: Tech Control Board: I haven't seen anything from Lynn about this.

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov



From: Epp, Timothy
Sent: Thursday, May 23, 2019 10:46 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: To-Dos from FEAT/ILPG meeting

Hi Denise – I'm intentionally holding the FOIA toolkit for us to review in the context of the new regulations, fully committed to centralized intake, and our new enhanced intake standard. To me, it makes no sense to finalize an update to the toolkit now, and then do it again in a month.
Tim

Timothy R. Epp
|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
Sent: Thursday, May 23, 2019 10:36 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: To-Dos from FEAT/ILPG meeting

I have some outstanding items to follow up on with everyone before Tim's meeting with ILPG this afternoon:

For Larry/Wendy – Still Outstanding- Where are we with this

Deliberative Process / Ex. 5

to work with records office.

Ask: Follow up with John Ellis (records)

Deliberative Process / Ex. 5

For Chris- Completed - Thank you!

Deliberative Process / Ex. 5

For Tim – Still Outstanding. Who is assigned to update Toolkit?
Ask: Follow up with Wendy
Toolkit- Modify Awareness notification
Any other templates to add when we're done.

For Denise - done

Deliberative Process / Ex. 5

For FOIA Coordinator Meeting/NFO (Larry/Wendy) – Did we do this? I thought we did but cannot recall.
Ask: Please add Relativity reminders to the agenda
Presentation to FOIA coordinators

Deliberative Process / Ex. 5

FOR (maybe Nicole or Heather) Tech Savvy ILPG and FEAT members

Deliberative Process / Ex. 5

Denise A. Walker
Acting Assistant Director, FOIA Expert Assistance Team | 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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/23/2019 2:49:59 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: To-Dos from FEAT/ILPG meeting

OK Thanks - I agree completely.

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

From: Epp, Timothy
Sent: Thursday, May 23, 2019 10:46 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: To-Dos from FEAT/ILPG meeting

Hi Denise – I'm intentionally holding the FOIA toolkit for us to review in the context of the new regulations, fully committed to centralized intake, and our new enhanced intake standard. To me, it makes no sense to finalize an update to the toolkit now, and then do it again in a month.
Tim

Timothy R. Epp
|National FOIA Office
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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
Sent: Thursday, May 23, 2019 10:36 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: To-Dos from FEAT/ILPG meeting

I have some outstanding items to follow up on with everyone before Tim's meeting with ILPG this afternoon:

For Larry/Wendy – Still Outstanding- Where are we with this

Deliberative Process / Ex. 5

For Chris- Completed - Thank you!

Deliberative Process / Ex. 5

For Tim – Still Outstanding. Who is assigned to update Toolkit?
Ask: Follow up with Wendy

Deliberative Process / Ex. 5

For Denise - done

Deliberative Process / Ex. 5

For FOIA Coordinator Meeting/NFO (Larry/Wendy) – Did we do this? I thought we did but cannot recall.
Ask: Please add Relativity reminders to the agenda
Presentation to FOIA coordinators

Deliberative Process / Ex. 5

documents.

FOR (maybe Nicole or Heather) Tech Savvy ILPG and FEAT members

Deliberative Process / Ex. 5

Denise A. Walker
Acting Assistant Director, FOIA Expert Assistance Team | 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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/24/2019 2:52:06 PM
To: Abboud, Michael [abboud.michael@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA Regulations - Documents to Provided to FR and Others
Attachments: FINAL Regulations.pdf; Signed Action Memo.pdf; FR Cover Sheet Form.pdf; FR Typsetting Request Form.pdf; DRAFT Nonsignificant Justification Letter 03.01.2019.docx

Hello Tim and Michael,

Attached are documents related to the FOIA Regulations:

1. Final Regulations – signed copy of what will be published by the FR
2. Signed Action Memo – This was not provided to the FR, but was used by OP in facilitating the Admin. signature process
3. FR Cover Sheet – simple request form provided to the FR (may be completely extraneous)
4. FR Typesetting Request Form – funding mechanism for FR to format and publish the rulemaking (may be completely extraneous)
5. Draft Nonsignificant Justification Letter – This was provided to OIRA; it was not provided to FR. It summarizes the changes we made to the regulations and the justification for not going through notice and comment.

Thank you and please let me know if there were any other types of documents that may be helpful.

Thanks,

Christopher T. Creech
Attorney–Adviser, National FOIA Office
Office of General Counsel, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A), Washington, DC 20460
WJCN 7353E | (202) 564-4286 | creech.christopher@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Mutz, John [mutz.john@epa.gov]
Sent: 5/28/2019 3:54:52 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Documents for Admin

Thanks, Tim.

From: Epp, Timothy
Sent: Tuesday, May 28, 2019 11:53 AM
To: Mutz, John <mutz.john@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIA Documents for Admin

Please use this for sending to the Administrator for advance reading for tomorrow's briefing.

(I updated it based on my conversation with Matt this morning.)

Thanks,
Tim

Timothy R. Epp
|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: Mutz, John
Sent: Tuesday, May 28, 2019 9:59 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Documents for Admin

I think you have until about Noon. I'll send in whatever you have at that time.

From: Epp, Timothy
Sent: Tuesday, May 28, 2019 9:58 AM
To: Mutz, John <mutz.john@epa.gov>
Subject: RE: FOIA Documents for Admin

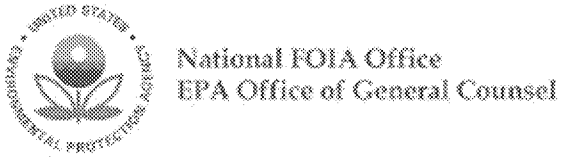
Yes – thanks much.

(I had assumed we would only send the summary – but wanted to double check my assumption. Thanks for helping.)

Do you know the process of getting this into the Administrator's binder? When does it need to go in? If there is time, I'd like to read it over again with the context of my call with Matt in mind. I now must run to a meeting for the next hour.

Tim

Timothy R. Epp
|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



From: Mutz, John
Sent: Tuesday, May 28, 2019 9:55 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Documents for Admin

He said he thought you were just going to give him the summary. Does that sound right?

From: Epp, Timothy
Sent: Tuesday, May 28, 2019 9:14 AM
To: Mutz, John <mutz.john@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FOIA Documents for Admin

Fletch and Chris,

Matt does want us to send documents to be included in the Administrator's briefing binder for our meeting with him tomorrow. Specifically, I discussed sending the attached document titled "FOIA Regulations 2 Phase Summary." Could you track getting this into the Administrator's binder?

Query: Fletch, if you have a chance to check with Matt, could you find out if Matt wants to send forward either the clean version of the regs (with preamble) or the redline showing our planned changes?

Thanks,
Tim

Timothy R. Epp
|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: Epp, Timothy
Sent: Friday, May 24, 2019 1:20 PM
To: Mutz, John <mutz.john@epa.gov>
Cc: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Subject: FW: Matt's weekend binder: FOIA Documents

I forgot one of the documents – this collection is complete.
Tim

Timothy R. Epp
|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: Epp, Timothy
Sent: Friday, May 24, 2019 1:18 PM
To: Mutz, John <mutz.john@epa.gov>
Cc: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Matt's weekend binder: FOIA Documents

Hi Fletch,

Attached are the following documents for Matt's weekend binder:

Table of Contents (FOIA Regulations Update Documents)
Memo FOIA Regulation Steps
FOIA Action Memo
FOIA Regulations (Preamble and Regulation Text)
Redline of FOIA Regulations showing updates from EPA's current regulations
Two-page summary of the 2-phases approach

Let me know if you have any questions. I will also place these document into Matt's electronic reading room.

Tim

Timothy R. Epp
|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: Mutz, John
Sent: Friday, May 24, 2019 12:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Heads up on Matt weekend reading

Ok, thanks for the heads-up.

From: Epp, Timothy
Sent: Friday, May 24, 2019 12:42 PM
To: Mutz, John <mutz.john@epa.gov>
Cc: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Subject: Heads up on Matt weekend reading

Fletch,
I want to give you a quick heads up that I have some documents coming for Matt's weekend reading binder – just in case I'm a bit after the 1pm deadline.
Tim

Timothy R. Epp
|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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/29/2019 8:34:52 PM
To: Mutz, John (Fletcher) [mutz.john@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: For Matt's Signature, FOIA Regulations Action Memo
Attachments: ACTION MEMO FOIA Regulations Update.docx

Hello Fletcher,

Thank you for your help. Please let me know if you have any questions.

As I mentioned, Matt previously reviewed this document, and this is the document that will be routed with the FOIA Regulations when transmitted to the Administrator for his signature.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 7:52:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)
Attachments: Responsive RIF Not Produced DMC DOJ v3.pdf; Responsive RIF Not Produced DMC OEX OPA OGC OP AO R8 v3pdf.pdf; Responsive RWR Not Produced DMC DOJ USDA DOI SBA v3.pdf; Responsive RWR Not Produced DMC OEX OGC OPA OP OCFO R8 AO v3.pdf; Stage 1-4 No Coding KWH SBA v3.pdf

---

From: Barr, Linda
Sent: Thursday, May 16, 2019 3:52:14 PM (UTC-05:00) Eastern Time (US & Canada)
To: Thompson, Heather; Hill, Kevin W.
Cc: Mooney, Charlotte; Cuthbertson, Becky
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Hi Heather and Kevin,

I've made the redactions to be consistent between 1780B_00015380 and 1780B_00013346. However, I'm not sure how to handle the combining of documents. See attached forms - Relativity came back with the following regarding pulling the PDFs together:

From Relativity –

"Could you confirm the DOC IDs that should be produced with each of the five requested forms? I am currently pulling in zero documents for two of the requested groups and wanted to confirm all five. Please see the counts below.

- Responsive RIF Not Produced DMC DOJ v3: **0 docs**
- Responsive RIF Not Produced DMC OEX OPA OGC OP AO R8 v3pdf: **0 docs**
- Responsive RWR Not Produced DMC DOJ USDA DOI SBA v3: **2 docs**
- Responsive RWR Not Produced DMC OEX OGC OPA OP OCFO R8 AO v3: **13 docs**
- Stage 1-4 No Coding KWH SBA v3: **3 docs**

Thank you"

There were a couple of documents that had been RIF, but actually needed to be WIF – so there was that coding change that could have resulted in a saved search no longer having documents (but I recall this only being the case for a couple of documents). So a document that had been in an RIF saved search would now be moved to RWR or WIF. I'm not sure how to verify. Please advise – thanks!

Linda

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
Office of Resource Conservation and Recovery
US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

Location:
2777 S. Crystal Drive
Arlington, VA 22202

For Delivery:
1200 Pennsylvania Ave., NW
Mail Code 5306P
Washington, DC 20460

From: Thompson, Heather
Sent: Thursday, May 16, 2019 3:22 PM
To: Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

I just started looking at this and right away it looks like the combining of files may be one issue. I'm finding 1780B_00015380 at p. 1 of the file and again at p. 26 of the file. I also do not see 1780B_00015380 in any of the 4 files I looked at last week however one of the files does not have a bates stamp so hard to do a complete comparison. Therefore, I'm also wondering if the production run by eDiscovery does not include the same files as the ones Taylor recently reviewed.

1780_00015380 does require additional redaction to be consistent with redactions in other documents with this email thread. See 1780B_00013346 for comparison and to ensure consistent redactions.

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

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 3:10 PM
To: Barr, Linda <Barr.Linda@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Thank you, Linda.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Barr, Linda
Sent: Thursday, May 16, 2019 3:08 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Hi Taylor,

I will take a look and see if I can figure out what is going on.

Linda

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
Office of Resource Conservation and Recovery
US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

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To: Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

The three PDFs I reviewed totaled 118 pages, and this PDF is 82. Seems like more than one or two are missing? Maybe the duplicates were deleted?

I'm using ctrl + F in advanced Adobe to find my changes, so maybe it's not working? But it's usually reliable.

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OEX OPA OGC OP AO R8 – that email is not in this PDF for me to ensure the redacted attachment isn't legible.
DOJ USDA DOI SBA – can't find the email on pg 5 to check; inconsistent redaction on page 12; slightly inconsistent redaction now on page 18.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Barr, Linda
Sent: Thursday, May 16, 2019 2:40 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

I'm confused because Heather and I went through and made all of Taylor's corrections to ensure consistency. Which specific cases were not corrected?

The only records that would be missing would be those that were changed to WIF (I think there were one or two that were originally coded as RIF and should actually have been WIF because they were documents that were identified as deliberative). If you have document IDs, I can look them up in Relativity to see what's going on.

Linda Barr
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To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Yes, I reviewed three PDFs with those file names, but when I try to cross-check those files with this one, a lot of those records are missing. I also noticed the inconsistent redactions I pointed out weren't corrected and remain inconsistent.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 2:26 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>

Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Taylor,

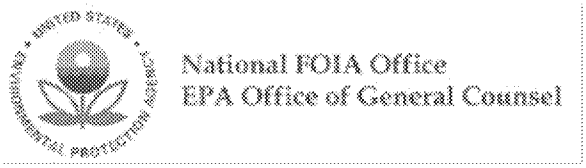
We combined three files that Linda produced from eDiscovery. Do these names help?

DOJ USDA DOI SBA v3
OEX OGC OPA OP OCFO R8 Ao v3
Stage 1-4 No Coding KWH SBA v3

If not, perhaps Linda had a different way of naming it. I cc'ed her just in case.

Regards,
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



From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:22 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Kevin,

What was the name of this file when I reviewed it? Looking through the FOIAs I reviewed and don't see any that are 82 pages or with a similar file name. Thanks!

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>

Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

To whom it may concern,

The Office of Land and Emergency Management (OLEM)/Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID) is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

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The following offices have equities in these records and have reviewed the relevant records:

One file:

- **EPA-HQ-2018-004659 Fourteenth Interim Response 5.21.19**
  All documents reviewed by Taylor Hoverman (OLEM); The Equities documents were reviewed by either DOJ, USDA,DOI, SBA, or OEX, OGC, OPA and/or Region 8.

The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/
Office of Resource Conservation and Recovery (ORCR)/
Program Implementation and Information Division (PIID)

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-004659	*Amanda Goodin*	*Earthjustice*	*2/21/2018*	*5/16/2019*	Records regarding information about financial responsibility requirements under CERCLA section 108(b), Docket No. EPA-HQ-SFUND.2015-0781	*Interim Response*	*82 pages*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 7:22:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Thompson, Heather
Sent: Thursday, May 16, 2019 3:22:24 PM (UTC-05:00) Eastern Time (US & Canada)
To: Barr, Linda; Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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Heather L. Thompson
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Thank you, Linda.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
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Linda Barr
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Regards,
Kevin

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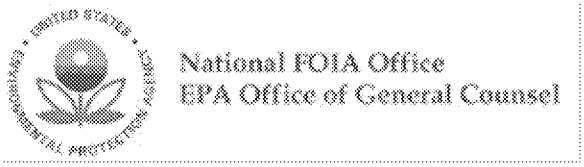
Phone 202-564-1652| hill.kevinw@epa.gov



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C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna

<bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/
Office of Resource Conservation and Recovery (ORCR)/
Program Implementation and Information Division (PIID)

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
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Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 7:10:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 3:09:59 PM (UTC-05:00) Eastern Time (US & Canada)
To: Barr, Linda
Cc: Thompson, Heather; Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Thank you, Linda.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Barr, Linda
Sent: Thursday, May 16, 2019 3:08 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Hi Taylor,

I will take a look and see if I can figure out what is going on.

Linda

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
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US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

Location:
2777 S. Crystal Drive
Arlington, VA 22202

For Delivery:
1200 Pennsylvania Ave., NW
Mail Code 5306P

Washington, DC 20460

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 3:00 PM
To: Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
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Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
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The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

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Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 7:07:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Barr, Linda
Sent: Thursday, May 16, 2019 3:07:42 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hoverman, Taylor
Cc: Thompson, Heather; Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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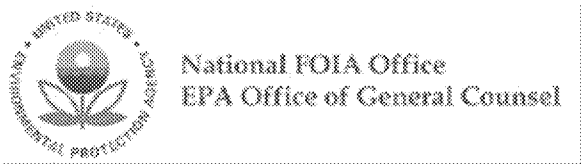

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Sent: 5/16/2019 6:59:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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Sent: Thursday, May 16, 2019 2:59:49 PM (UTC-05:00) Eastern Time (US & Canada)
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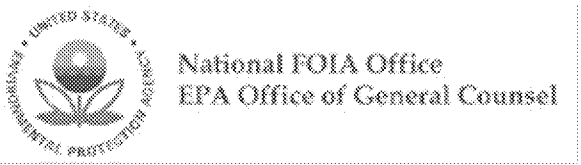
Attorney-Adviser | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov



From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:22 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Kevin,

What was the name of this file when I reviewed it? Looking through the FOIAs I reviewed and don't see any that are 82 pages or with a similar file name. Thanks!

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

To whom it may concern,

The Office of Land and Emergency Management (OLEM)/Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID) is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The following offices have equities in these records and have reviewed the relevant records:

One file:

- **EPA-HQ-2018-004659 Fourteenth Interim Response 5.21.19**
  All documents reviewed by Taylor Hoverman (OLEM); The Equities documents were reviewed by either DOJ, USDA,DOI, SBA, or OEX, OGC, OPA and/or Region 8.

The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.

Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/ Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-004659	*Amanda Goodin*	*Earthjustice*	*2/21/2018*	*5/16/2019*	Records regarding information about financial responsibility requirements under CERCLA section 108(b), Docket No. EPA-HQ-SFUND.2015-0781	*Interim Response*	*82 pages*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 6:35:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:35:02 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Cc: Barr, Linda
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Yes, I reviewed three PDFs with those file names, but when I try to cross-check those files with this one, a lot of those records are missing. I also noticed the inconsistent redactions I pointed out weren't corrected and remain inconsistent.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 2:26 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Taylor,

We combined three files that Linda produced from eDiscovery. Do these names help?

DOJ USDA DOI SBA v3
OEX OGC OPA OP OCFO R8 Ao v3
Stage 1-4 No Coding KWH SBA v3

If not, perhaps Linda had a different way of naming it. I cc'ed her just in case.

Regards,
Kevin

Kevin W. Hill
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Phone 202-564-1652| hill.kevinw@epa.gov

National FOIA Office
EPA Office of General Counsel

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C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

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hill.kevinw@epa.gov

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Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/16/2019 6:21:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:21:43 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Kevin,

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Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

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The records are attached.

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Office: 202-564-1652
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					SFUND.2015-0781		

Message

From: Lewis, Jen [Lewis.Jen@epa.gov]
Sent: 2/17/2017 8:45:16 PM
To: OGC ALL USERS [OGC_ALL_USERS@epa.gov]; OGC RCs and DRCs [OGC_RCs_and_DRCs@epa.gov]
Subject: Notes from 2/14 OGC Senior Staff Meeting
Attachments: 018 Opinion granting MSJ.PDF; Summary of Win in CEI OGC Emails FOIA Case.docx

Kevin Minoli chaired the meeting and noted that the Senate was expected to vote on Scott Pruitt's nomination by the end of the week (and in fact, the Senate confirmed his nomination this afternoon).

Wendy Blake (GLO) reported on a favorable decision in a Freedom of Information Act (FOIA) case involving a request for Office of General Counsel (OGC) documents relating to former Administrator Gina McCarthy and text messaging. The decision and a summary are attached.

Jen

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 2:30:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001084
Attachments: QFR Responses 10.1.2018-11.1.2018.pdf

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:30:42 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Donahue, Sean
Subject: FW: Awareness Notification EPA-HQ-2019-001084

Sorry, but I did not attach the documents. Here they are.

D.

From: Gray, Doris
Sent: Wednesday, May 15, 2019 9:56 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001084

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Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-001084	Kevin Bogardus	*E&E News*	*11/02/2018*	05/15/2019	Requests records of all responses to Questions for the Record provided to Congress from EPA from Oct. 1 to Nov. 1, 2018. These records are responses to formal questions posed by lawmakers in association with witness testimony at congressional committee hearings.		*5*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 2:27:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001309
Attachments: QFR Responses 10.1.2018-10.31.2018.pdf

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:27:54 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Donahue, Sean
Subject: FW: Awareness Notification EPA-HQ-2019-001309

Sorry, but I did not attach the documents. Here they are.

D.

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:04 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001309

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Washington, D.C. 20460
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gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-001309	Alexander Guillen	*POLITICO*	*11/13/2018*	05/15/2019	all responses to congressional Questions for the Record sent from EPA to Congress from October 1 through October 31, 2018.		*5*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 2:25:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-002611
Attachments: QFR Responses 12.1.2018-1.1.2019.pdf

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:25:23 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Donahue, Sean
Subject: FW: Awareness Notification EPA-HQ-2019-002611

Sorry, but I did not attach the documents. Here they are.

D.

From: Gray, Doris
Sent: Wednesday, May 15, 2019 9:49 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
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EPA-HQ-2019-002611	Kevin Bogardus	*E&E News*	*01/04/2019*	05/15/2019	Requests records of all responses to Questions for the Record provided to Congress from EPA from Dec. 1, 2018 to Jan. 1, 2019. These records are responses to formal questions posed by lawmakers in association with witness testimony at congressional committee hearings.		*19*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 2:03:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001309

From: Gray, Doris
Sent: Wednesday, May 15, 2019 10:03:34 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Donahue, Sean
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After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-001084	Kevin Bogardus	*E&E News*	*11/02/2018*	05/15/2019	Requests records of all responses to Questions for the Record provided to Congress from EPA from Oct. 1 to Nov. 1, 2018. These records are responses to formal questions posed by lawmakers in association with witness testimony at congressional committee hearings.		*5*

Message

From: Bhatt, Krishna [bhatt.krishna@epa.gov]
Sent: 5/29/2019 3:34:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: May 28 NFO FOIA Guidance Meeting

Hi Tim,

I have created a folder on our Sharepoint site where we will put notes from our meetings. Please let me know if the link below does not work for you:

Personal Matter / Ex. 6

Thank you,

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/23/2019 2:05:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Draft Memo for Matt
Attachments: 4. Draft ACTION MEMO FOIA Regulations Update.docx; Draft MEMO Final FOIA Regulations Steps.docx

Hi Tim,

Please find a draft memo for Matt attached along with a copy of the Action Memo. Please let me know if you have any questions. Once we are set with these two. I will move the memo out of draft form so Matt can sign and route hardcopies to his desk. I will alert Joe to this action, as well.

ACP/DPP Ex. 5

Reach out with any questions.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/23/2019 1:53:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; OGC NFO [OGC-NFO@epa.gov]
Subject: RE: You Are Moving Fast!

Thanks for attending our Document Review kickoff!
From Brian Twillman of the AO4 Tiger Team…

Regards,
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

From: Epp, Timothy
Sent: Thursday, May 23, 2019 9:05 AM

To: OGC NFO <OGC-NFO@epa.gov>
Subject: You Are Moving Fast!

Dear NFO,

We had a great week – the FOIA Professionals meeting last week got people talking about your vision, your drive to improve and raise the profile of FOIA work; the exemptions discussion pulled us together and propelled forward the front office's goals; you broke through barriers on Sterigenics and the regulations; you took another leap forward on the intake process enhancement; we are tackling the front office FOIAs, setting up an intranet webpage, leading on training and flowboards, and stepping in to help other EPA offices including the AO, OCSPP and several regions; and the proof of the success of our earlier work on MyProperty is growing.

Swing – its emerging in our work together – it's a rowing term for when each team member is attentive to complement the strengths and differences of others and the team synchronizes every motion without unnecessary friction to propel the shell forward in rhythm.

All of our work is a priority. We cannot do it all at once and must sequence our efforts to build momentum. For the next weeks, we will need to perfect our swing on intake so that we can seamlessly take on intake for the full agency – most probably by mid-July. We will need to roll out the regulation change, with communication to our EPA clients and stakeholders and to the public; and we will need to lay in place the supporting documents – policy, procedures, delegations. And, at the same time, Matt asked us to help him lead by example in bringing the FOIA backlog down – thank you to everyone who is taking on document review and to those who have closed backlogged FOIAs!

Most important: I love seeing how you are helping each other, stepping in, stepping up, forgiving, confronting, and moving on to get the work done. This is becoming the best place to work in EPA right now!

Tim

Timothy R. Epp
|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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/23/2019 1:46:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: You Are Moving Fast!

Thanks for this.

D

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

From: Epp, Timothy
Sent: Thursday, May 23, 2019 9:05 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: You Are Moving Fast!

Dear NFO,

We had a great week – the FOIA Professionals meeting last week got people talking about your vision, your drive to improve and raise the profile of FOIA work; the exemptions discussion pulled us together and propelled forward the front office's goals; you broke through barriers on Sterigenics and the regulations; you took another leap forward on the intake process enhancement; we are tackling the front office FOIAs, setting up an intranet webpage, leading on training and flowboards, and stepping in to help other EPA offices including the AO, OCSPP and several regions; and the proof of the success of our earlier work on MyProperty is growing.

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All of our work is a priority. We cannot do it all at once and must sequence our efforts to build momentum. For the next weeks, we will need to perfect our swing on intake so that we can seamlessly take on intake for the full agency – most probably by mid-July. We will need to roll out the regulation change, with communication to our EPA clients and stakeholders and to the public; and we will need to lay in place the supporting documents – policy, procedures, delegations. And, at the same time, Matt asked us to help him lead by example in bringing the FOIA backlog down – thank you to everyone who is taking on document review and to those who have closed backlogged FOIAs!

Most important: I love seeing how you are helping each other, stepping in, stepping up, forgiving, confronting, and moving on to get the work done. This is becoming the best place to work in EPA right now!

Tim

Timothy R. Epp
|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

Message

From: Miller, Kevin [Miller.Kevin@epa.gov]
Sent: 5/29/2019 2:13:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer
Attachments: OAR FOIA Retreat Agenda.docx

Does it make sense to talk about this for a couple of minutes at tomorrow's weekly mtg?

From: Sandfoss, Kristina
Sent: Wednesday, May 29, 2019 8:51 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Good morning!

Based on feedback from staff involved in processing FOIA requests, we have identified questions and/or issues of interest we believe would benefit from OGC discussion and guidance. We plan to touch on all of these questions during the session. Please review them below to determine if your office would participate in the topic area and/or be the appropriate point of contact for further concerns. Please let Jonathan or myself know if you have any questions, and once again, we appreciate your attendance and continued contributions to strengthening the OAR FOIA program.

Thanks again and Have a great day!
Kristina

Attorney Client, DPP / Ex. 5

Kristina Sandfoss
Office of Air and Radiation
U.S. Environmental Protection Agency Headquarters
1200 Pennsylvania Avenue NW, Washington, DC 20460
202-564-7177 WJC-N 5442R

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 5/24/2019 8:19:16 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]
Subject: RE: FOIA May A3
Attachments: Improvement Actions Table 5 24 19 FOIA.docx; Agency FOIA May A3_Updated.pptx

Tim,

Here are the updated Improvement Actions Table and A3.

Joan has an out-of-office message. If you approve the other changes would you like me to upload to Sharepoint or wait until she responds?

Thanks, Wendy
Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Friday, May 24, 2019 3:57 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>
Subject: RE: FOIA May A3

Use this table for submitting today.

Joan, please look Deliberative Process / Ex. 5

Wendy, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Larry, regarding Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Schumacher, Wendy
Sent: Friday, May 24, 2019 2:41 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>
Subject: FOIA May A3

Tim,

Since I didn't get any response to my emails about adding the three new rows to this month's Action Registry it only covers the previously shared items.

Here is the A3 that I am posting to the Sharepoint site which now includes the line chart of the incoming site specific requests.

Please let me know if you have any questions.

Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 1:48:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-002611

From: Gray, Doris
Sent: Wednesday, May 15, 2019 9:48:33 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Donahue, Sean
Subject: Awareness Notification EPA-HQ-2019-002611

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request(s). We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-002611	Kevin Bogardus	*E&E News*	*01/04/2019*	05/15/2019	Requests records of all responses to Questions for the Record provided to Congress from EPA from Dec. 1, 2018 to Jan. 1, 2019. These records are responses to formal questions posed by lawmakers in association with witness testimony at congressional committee hearings.		*19*

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 12:37:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

From: Cubeddu, Mariana
Sent: Wednesday, May 15, 2019 8:37:54 AM (UTC-05:00) Eastern Time (US & Canada)
To: Gottesman, Larry
Cc: Hill, Kevin W.
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Larry,

FYI- These 2 actions are pending for your approval.

EPA-HQ-2017-009910 and EPA-HQ-2017-009619

Awareness was sent out several weeks ago, but we just had to change the closeout letter. Sean had indicated that it should not hold up the clock for awareness approval. Hoping you are ok to move these along now that we have gotten Beth's signature. Please let me know if you need anything further from me.

Thanks,

Mariana Cubeddu

From: Cubeddu, Mariana
Sent: Tuesday, May 14, 2019 8:40 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Larry,

I wanted to alert you that Beth has signed the closeout letters and I initiated the closeout process in FOIAonline this morning for both of these case files.

Please let me know if you need anything further.

Very best,

Mariana Cubeddu

From: Hope, Brian
Sent: Monday, May 13, 2019 4:39 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Signed finals attached. Thanks!

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 1:45 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Kevin and I just met and discussed the closeout letters for both of these. We revised the letter to have one combined file with Nancy's calendars –instead of 11 separate files. Therefore, please find attached a slightly revised version of closeout letters to reflect this change.

From: White, Elizabeth
Sent: Monday, May 13, 2019 1:41 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana – this looks good. Just confirm with Brian that the letters have all the right language and formatting and I will get them signed. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White

Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is	***Final Response***	***1433 pages***

					completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.		

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/22/2019 6:18:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: FOIA follow-up -- EPA-HQ-2018-002538
Attachments: Other-20190517183104-EPA-HQ-2018-002538 Final.5.9.19.pdf

FYSA---I spoke with Beth and she is taking up the issue with the OPA staff and with Joe B. I made myself available for any meetings. Also, she asked me not to close additional requests that had passed through awareness notification on similar topics to the same requester pending the outcome of these meetings.

Regards,
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

From: Hill, Kevin W.
Sent: Monday, May 20, 2019 5:34 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: FOIA follow-up -- EPA-HQ-2018-002538

Hi Beth & Brian,
cc- Denise & Tim

Please see the email below about several potential FOIA Appeals of Scott Pruitt multimedia requests. I closed out a number of these on Friday and others are in awareness notification. Please let me know if you would like me to acknowledge the correspondence or take any action.

Regards,
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

From: Hill, Kevin
Sent: Monday, May 20, 2019 1:51 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: FW: FOIA follow-up -- EPA-HQ-2018-002538

Hi Kevin,

I believe this email message is for you.

From: Alex Guillen <aguillen@politico.com>
Sent: Monday, May 20, 2019 11:49 AM
To: Hill, Kevin <hill.kevin@epa.gov>
Subject: FOIA follow-up -- EPA-HQ-2018-002538

Kevin,

I'm writing in response to FOIA request EPA-HQ-2018-002538 (and some similar requests covering different periods of time). Please see the attached document. My requests sought "all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at events which he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor." My request covered public and non-public activities, as well as "materials not previously made public by EPA."

In a response sent Friday, Elizabeth White wrote that the records I seek are posted on EPA's publicly accessible YouTube page.

From speaking to former EPA multimedia staff members, my understanding is that they sometimes shot video of the administrator that went unused and was not otherwise made public, including footage known in industry terminology as "b-roll." That footage qualifies as a record under 5 USC § 552(f)(2). However, I do not see it posted on EPA's YouTube channel, which is made up primarily of fully produced videos or footage of public events.

Could you please clarify EPA's decision to direct me to the YouTube page for the records I seek, as they do not appear to be posted there? The letter does not otherwise indicate that the records I seek either do not exist or are subject to an exemption preventing their release. If either of those is correct, please clarify the disposition further, including, for example, which exemption is being cited to withhold the records.

Since EPA has started a 90-day clock on my ability to appeal the disposition, I hope you will help clarify things quickly so I can effectuate an appeal in a timely manner.

Thank you,

Alex Guillen | Energy Reporter | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Phone: 703.341.4619
Email: aguillen@politico.com | Twitter: @alexcguillen | Website: www.POLITICOPro.com

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/22/2019 3:59:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

From: White, Elizabeth
Sent: Wednesday, May 22, 2019 11:59:41 AM (UTC-05:00) Eastern Time (US & Canada)
To: Cubeddu, Mariana
Cc: Hill, Kevin W.; Donahue, Sean
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

These are fine. I'll get the letters printed and signed today.

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars,	***Final Response***	***1433 pages***

					programs and timetables.		

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

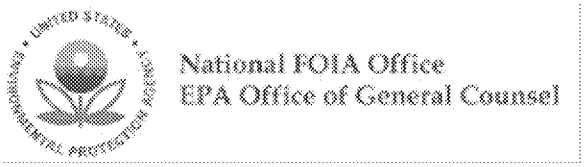
Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 5/22/2019 3:30:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: EPA-HQ-2017-009859

Update on the process for closing out review tasks for withdrawn requests that were identified for Awareness Notification.

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



From: White, Elizabeth
Sent: Wednesday, May 22, 2019 11:19 AM
To: Farren, Victor <Farren.Victor@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: EPA-HQ-2017-009859

Yes, I agree that withdrawn requests do not need to go through the awareness process. Thank you!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Farren, Victor
Sent: Wednesday, May 22, 2019 11:17 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: EPA-HQ-2017-009859

Good morning Larry,

Looping in Beth. We discussed the issue of withdrawn requests and awareness notification this morning and it was determined that there is no need to proceed with this process in these instances. Beth, please confirm.

Larry, Is there anything more you need in order to approve the pending review task?

Thank you,

Victor

From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 9:48 AM
To: Farren, Victor <Farren.Victor@epa.gov>
Subject: EPA-HQ-2017-009859

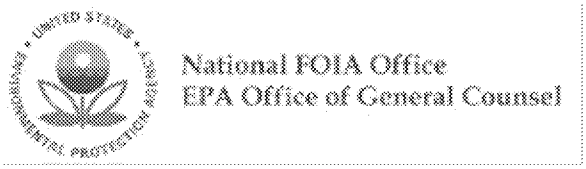
I am still awaiting an awareness notification email so I can approve the pending review task.

If I missed the email, please send it to me and upload it into FOIAonline under Correspondence "Other."

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 5/14/2019 2:11:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

I think Tim's suggested language Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Epp, Timothy
Sent: Tuesday, May 14, 2019 8:36 AM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Hi Carol Ann,

Your language in the memo Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Siciliano, CarolAnn
Sent: Monday, May 13, 2019 5:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FW: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Rett Deliberative Process / Ex. 5 I've attached the document for context.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Nelson, Leverett
Sent: Friday, May 10, 2019 4:18 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Lupton, Jane <lupton.jane@epa.gov>
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

CarolAnn/Larry:

I didn't have any substantive comments, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks.

-Rett

From: Siciliano, CarolAnn
Sent: Thursday, May 09, 2019 7:49 AM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Draft Roles RC/OECA/OGC roles memo -- UPDATE

As a joint OECA/OGC product, I should have sent this request for comments on my own and Larry's behalf. Larry joins me in requesting your thoughts. Please send your comments to both of us. Thanks.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Siciliano, CarolAnn
Sent: Thursday, May 09, 2019 7:59 AM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: Draft Roles RC/OECA/OGC roles memo

Attached is the latest draft of the RC/OECA/OGC roles memo. Matt is still looking at it, and I'm continuing to work with Larry Starfield on it.

As we discussed yesterday, I would be grateful for your thoughts about Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

I am particularly interested in your thoughts about Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Larry, Susan, Matt and I plan to share this with the RAs when it's near-final. We'll copy you, of course. If you have comments on the draft memo, suggestions or reassurances, let me know by **COB Thursday May 16.**

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 5/14/2019 1:23:52 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Thank you, Tim. Deliberative Process / Ex. 5

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Epp, Timothy
Sent: Tuesday, May 14, 2019 8:36 AM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Hi Carol Ann,

Your language in the memo is Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Siciliano, CarolAnn
Sent: Monday, May 13, 2019 5:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FW: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Rett **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Nelson, Leverett
Sent: Friday, May 10, 2019 4:18 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Lupton, Jane <lupton.jane@epa.gov>
Subject: RE: Draft Roles RC/OECA/OGC roles memo -- UPDATE

CarolAnn/Larry:

I didn't have any substantive comments, **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks.

-Rett

From: Siciliano, CarolAnn
Sent: Thursday, May 09, 2019 7:49 AM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Draft Roles RC/OECA/OGC roles memo -- UPDATE

As a joint OECA/OGC product, I should have sent this request for comments on my own and Larry's behalf. Larry joins me in requesting your thoughts. Please send your comments to both of us. Thanks.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Siciliano, CarolAnn
Sent: Thursday, May 09, 2019 7:59 AM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: Draft Roles RC/OECA/OGC roles memo

Attached is the latest draft of the RC/OECA/OGC roles memo. Matt is still looking at it, and I'm continuing to work with Larry Starfield on it.

As we discussed yesterday, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

I am particularly interested in your thoughts about Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Larry, Susan, Matt and I plan to share this with the RAs when it's near-final. We'll copy you, of course. If you have comments on the draft memo, suggestions or reassurances, let me know by **COB Thursday May 16.**

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel

WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 3:27:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

From: Hoverman, Taylor
Sent: Tuesday, May 21, 2019 11:27:40 AM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.; Barr, Linda
Cc: Thompson, Heather
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Thank you, Kevin.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Tuesday, May 21, 2019 11:27 AM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Taylor,

Still working on it. We will not send any documents out, including those I sent for awareness notification, until OLEM has identified and remedied the issue.

Regards,
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

From: Hoverman, Taylor
Sent: Tuesday, May 21, 2019 10:08 AM

To: Barr, Linda <Barr.Linda@epa.gov>
Cc: Thompson, Heather <Thompson.Heather@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: Re: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Good morning all,

Did we figure out what happened here?

Taylor Hoverman
Policy Counsel
OLEM

Sent from my iPhone. Please excuse typos or brevity.

On May 16, 2019, at 3:07 PM, Barr, Linda <Barr.Linda@epa.gov> wrote:

> Hi Taylor,
>
> I will take a look and see if I can figure out what is going on.
>
> Linda
>
> Linda Barr
> Economist
> Cleanup Programs Branch
> Program Implementation and Information Division
> Office of Resource Conservation and Recovery
> US Environmental Protection Agency
>
> 703-605-0768
> Barr.Linda@epa.gov
>
> Location:
> 2777 S. Crystal Drive
> Arlington, VA 22202
>
> For Delivery:
> 1200 Pennsylvania Ave., NW
> Mail Code 5306P
> Washington, DC 20460
>
> ---
>
> **From:** Hoverman, Taylor
> **Sent:** Thursday, May 16, 2019 3:00 PM
> **To:** Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
> **Subject:** RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)
>
> The three PDFs I reviewed totaled 118 pages, and this PDF is 82. Seems like more than one or two are missing? Maybe the duplicates were deleted?
>
> I'm using ctrl + F in advanced Adobe to find my changes, so maybe it's not working? But it's usually reliable.

Stage 1-4 No Coding SBA – my one IR comment is unchanged. "If EPA still intends to potentially intends to move forward on a…" inconsistently redacted.
OEX OPA OGC OP AO R8 – that email is not in this PDF for me to ensure the redacted attachment isn't legible.
DOJ USDA DOI SBA – can't find the email on pg 5 to check; inconsistent redaction on page 12; slightly inconsistent redaction now on page 18.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Barr, Linda
Sent: Thursday, May 16, 2019 2:40 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

I'm confused because Heather and I went through and made all of Taylor's corrections to ensure consistency. Which specific cases were not corrected?

The only records that would be missing would be those that were changed to WIF (I think there were one or two that were originally coded as RIF and should actually have been WIF because they were documents that were identified as deliberative). If you have document IDs, I can look them up in Relativity to see what's going on.

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
Office of Resource Conservation and Recovery
US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

Location:
2777 S. Crystal Drive
Arlington, VA 22202

For Delivery:
1200 Pennsylvania Ave., NW
Mail Code 5306P
Washington, DC 20460

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:35 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Yes, I reviewed three PDFs with those file names, but when I try to cross-check those files with this one, a lot of those records are missing. I also noticed the inconsistent redactions I pointed out weren't corrected and remain inconsistent.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 2:26 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Taylor,

We combined three files that Linda produced from eDiscovery. Do these names help?

DOJ USDA DOI SBA v3
OEX OGC OPA OP OCFO R8 Ao v3
Stage 1-4 No Coding KWH SBA v3

If not, perhaps Linda had a different way of naming it. I cc'ed her just in case.

Regards,
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

<image001.png>

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:22 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Kevin,

What was the name of this file when I reviewed it? Looking through the FOIAs I reviewed and don't see any that are 82 pages or with a similar file name. Thanks!

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency

O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

To whom it may concern,

The Office of Land and Emergency Management (OLEM)/Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID) is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records:

One file:

- **EPA-HQ-2018-004659 Fourteenth Interim Response 5.21.19**
  All documents reviewed by Taylor Hoverman (OLEM); The Equities documents were reviewed by either DOJ, USDA,DOI, SBA, or OEX, OGC, OPA and/or Region 8.

The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/ Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-004659	*Amanda Goodin*	*Earthjustice*	*2/21/2018*	*5/16/2019*	Records regarding information about financial responsibility requirements under CERCLA section 108(b), Docket No. EPA-HQ-SFUND.2015-0781	*Interim Response*	*82 pages*

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 5/21/2019 9:50:48 PM
To: Bhatt, Krishna [bhatt.krishna@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: NFO Kickoff Slides and Coding Memo
Attachments: EPA-HQ-2019-002989 NFO Coding Memo 20190521 v1.0.pdf; NFO Exemptions Training 2.0.pptx

Good evening, NFO:

Thank you for your participation and attention during today's training and document review kickoff! I thought the questions were awesome, and Chris, Kevin, Rasheena, and I were able to really give a glimpse into the nitty gritty of FOIA analysis and exhibit that FOIA review is so much more than drawing some boxes! ☺

As a courtesy, attached to this email are the slides from today and an electronic version of the Coding Memo that we distributed at the training. Also, these documents are saved in the NFO document library in the NFO training folder.

I will be available all day tomorrow and Thursday in The Bridge reviewing documents in ED_002511. Please stop on by to review documents at one of the workstations or ask questions you have as you come across issues in documents in your batches.

It would be helpful if everyone could email me (and cc Tim, Larry, or Denise) how many batches you think you could commit to reviewing by COB Thursday, so I can collect and present to Tim an estimated timeframe/projected plan for the next steps of the review for ED_002511.

If you are having trouble accessing the workspace, please contact Relativity Support (relativitysupport@epa.gov), so they can assist you and troubleshoot your issue.

Thanks!
Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 2:29:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2019-002597 (Request all responses to congressional Questions for the Record sent from EPA to Congress from Dec 1-Dec 31, 2018)
Attachments: QFR Responses 12.1.2018-12.31.2018.pdf

From: Gray, Doris
Sent: Tuesday, May 21, 2019 10:29:16 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Epp, Timothy; Donahue, Sean
Cc: Hill, Kevin W.
Subject: Awareness Notification - EPA-HQ-2019-002597 (Request all responses to congressional Questions for the Record sent from EPA to Congress from Dec 1-Dec 31, 2018)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-002597	Alexander Guillen	POLITICO	01/29/2019	05/21/2019	Request all responses to congressional Questions for the Record sent from EPA to Congress from December 1 through December 31, 2018.		19

The following offices have equities in these records and have reviewed the relevant records: N/A

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are attached.

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/16/2019 3:51:33 PM
To: Thompson, Heather [Thompson.Heather@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Relativity 9.5 Guidance Document

Heather,

This is excellent! I just had a chance to review it. I have had more than one OGC colleague reach out asking for this update so I'm so glad to see it!!

I think we should add it to the agenda for our FEAT/ILPG meeting today and then speak to eDD. I was part of the team that generated the 8.2 guidance document. I don't believe we reached out to eDD at that time. Unless they have made meaningful contributions, I think this should remain an OGC NFO product. However, reaching out to them is the collegial thing to do. ☺

A few edits.

1. Please add a title page that includes the title of the document, the NFO logo, the date, and notes that this is a draft version.
2. Please include page numbers.
3. Include a header on every page "OGC NFO Relativity 9.5 Guidance (5/16/19)"

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

From: Thompson, Heather
Sent: Wednesday, May 15, 2019 10:51 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Relativity 9.5 Guidance Document

Hi Nicole and Denise,

Here's a first draft of the Relativity 9.5 guidance document. Let me know if you have any edits/comments.

Also, I was thinking that we may want to include this as an item we discuss with the eDiscovery Division – it's availability; that many customers have found it to be useful; whether it should be a joint OGC/eDiscovery Division product; etc. I'm not sure if there was any outreach when the 8.2 guidance document was created so let me know what you think!

Relativity 9.5 Guidance

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

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 2:08:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)
Attachments: image001.png

From: Hoverman, Taylor
Sent: Tuesday, May 21, 2019 10:08:04 AM (UTC-05:00) Eastern Time (US & Canada)
To: Barr, Linda
Cc: Thompson, Heather; Hill, Kevin W.
Subject: Re: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Good morning all,

Did we figure out what happened here?

Taylor Hoverman
Policy Counsel
OLEM

Sent from my iPhone. Please excuse typos or brevity.

On May 16, 2019, at 3:07 PM, Barr, Linda <Barr.Linda@epa.gov> wrote:

> Hi Taylor,
>
> I will take a look and see if I can figure out what is going on.
>
> Linda
>
> Linda Barr
> Economist
> Cleanup Programs Branch
> Program Implementation and Information Division
> Office of Resource Conservation and Recovery
> US Environmental Protection Agency
>
> 703-605-0768
> Barr.Linda@epa.gov
>
> Location:
> 2777 S. Crystal Drive
> Arlington, VA 22202
>
> For Delivery:
> 1200 Pennsylvania Ave., NW
> Mail Code 5306P
> Washington, DC 20460

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 3:00 PM
To: Barr, Linda <Barr.Linda@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

The three PDFs I reviewed totaled 118 pages, and this PDF is 82. Seems like more than one or two are missing? Maybe the duplicates were deleted?

I'm using ctrl + F in advanced Adobe to find my changes, so maybe it's not working? But it's usually reliable.

Stage 1-4 No Coding SBA – my one IR comment is unchanged. "If EPA still intends to potentially intends to move forward on a…" inconsistently redacted.
OEX OPA OGC OP AO R8 – that email is not in this PDF for me to ensure the redacted attachment isn't legible.
DOJ USDA DOI SBA – can't find the email on pg 5 to check; inconsistent redaction on page 12; slightly inconsistent redaction now on page 18.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Barr, Linda
Sent: Thursday, May 16, 2019 2:40 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

I'm confused because Heather and I went through and made all of Taylor's corrections to ensure consistency. Which specific cases were not corrected?

The only records that would be missing would be those that were changed to WIF (I think there were one or two that were originally coded as RIF and should actually have been WIF because they were documents that were identified as deliberative). If you have document IDs, I can look them up in Relativity to see what's going on.

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
Office of Resource Conservation and Recovery
US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

Location:
2777 S. Crystal Drive
Arlington, VA 22202

For Delivery:

1200 Pennsylvania Ave., NW
Mail Code 5306P
Washington, DC 20460

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:35 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Yes, I reviewed three PDFs with those file names, but when I try to cross-check those files with this one, a lot of those records are missing. I also noticed the inconsistent redactions I pointed out weren't corrected and remain inconsistent.

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 2:26 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Cc: Barr, Linda <Barr.Linda@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Taylor,

We combined three files that Linda produced from eDiscovery. Do these names help?

DOJ USDA DOI SBA v3
OEX OGC OPA OP OCFO R8 Ao v3
Stage 1-4 No Coding KWH SBA v3

If not, perhaps Linda had a different way of naming it. I cc'ed her just in case.

Regards,
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

<image001.png>

From: Hoverman, Taylor
Sent: Thursday, May 16, 2019 2:22 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

Kevin,

What was the name of this file when I reviewed it? Looking through the FOIAs I reviewed and don't see any that are 82 pages or with a similar file name. Thanks!

Taylor Hoverman
Policy Counsel to the Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
O: 202-566-2705
C: 202-494-3662

From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

To whom it may concern,

The Office of Land and Emergency Management (OLEM)/Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID) is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The following offices have equities in these records and have reviewed the relevant records:

One file:

- **EPA-HQ-2018-004659 Fourteenth Interim Response 5.21.19**
  All documents reviewed by Taylor Hoverman (OLEM); The Equities documents were reviewed by either DOJ, USDA,DOI, SBA, or OEX, OGC, OPA and/or Region 8.

The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/ Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-004659	*Amanda Goodin*	*Earthjustice*	*2/21/2018*	*5/16/2019*	Records regarding information about financial responsibility requirements under CERCLA section 108(b), Docket No. EPA-HQ-SFUND.2015-0781	*Interim Response*	*82 pages*

Message

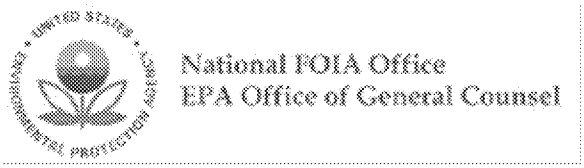
From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/30/2019 10:58:27 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: NRDC 10 Day Letter Case Next Steps

Peter,

The language looks good to me. No changes.

Regards,
Kevin H.

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



From: Bermes, Peter
Sent: Thursday, May 30, 2019 5:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Hi all,

If folks are in tomorrow and can provide thoughts on the draft language, please do. The AUSA would like

AWP, ACP, Deliberative Process / Ex. 5

AWP, ACP, Deliberative Process / Ex. 5

Peter

From: Bermes, Peter
Sent: Wednesday, May 29, 2019 4:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Hello all,

AWP, ACP, Deliberative Process / Ex. 5

AWP, ACP, Deliberative Process / Ex. 5

Peter

-----Original Appointment-----
From: Bermes, Peter
Sent: Tuesday, May 21, 2019 3:31 PM
To: Bermes, Peter; Epp, Timothy; Gottesman, Larry; Walker, Denise; Hill, Kevin W.; Miller, Kevin
Subject: NRDC 10 Day Letter Case Next Steps
When: Thursday, May 23, 2019 10:00 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).
Where: Call in (855) 564-1700; Ex. 1107783; PC 234567

Hello all,

AWP, ACP, Deliberative Process / Ex. 5

AWP, ACP, Deliberative Process / Ex. 5

Peter

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:29:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-007240 (Pruitt multimedia)

From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:29:30 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-007240 (Pruitt multimedia)

One more

From: Hill, Kevin W.
Sent: Friday, May 17, 2019 6:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-007240 (Pruitt multimedia)

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records: Office of the Administrator

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://www.youtube.com/user/usepagov *(link publicly available)*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-007240	*Alexander Guillen*	*POLITICO*	05/02/2018	5/17/2019	all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at events which he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor on or between April 1 and April 30, 2018	*Final Response*	*Link-publicly available*

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/4/2019 1:38:16 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Reg Review Materials and Regs Packet Submitted on Friday
Attachments: Delegations Briefing Paper.docx; 1-19, Directives. Redline.docx; 1-131, Chief FOIA Officer. Redline.docx; 1-30, FOIA Determinations. Redline.docx; 1-31. Appeals Determinations and Confidentiality Determinations. Redli.docx; DRAFT Messaging for FOIA Regulations Update.docx

Hello Tim,

Attached for your review are two sets of documents. The first are related to delegations: a two-page briefing document for reg review and four draft redline documents. The second is a draft message related to the FOIA Regulations Update.

FYI, I received the completed Typesetting Request Form on Friday and was able to submit the FOIA Regs Packet to Caryn for the Administrator's signature. I will keep you up-to-date if I hear it's made any progress.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 5/24/2019 6:40:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]
Subject: FOIA May A3
Attachments: Agency FOIA May A3_Updated.pptx

Tim,

Since I didn't get any response to my emails about adding the three new rows to this month's Action Registry it only covers the previously shared items.

Here is the A3 that I am posting to the Sharepoint site which now includes the line chart of the incoming site specific requests.

Please let me know if you have any questions.

Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/14/2019 12:39:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)
Attachments: EPA-HQ-2017-009619 Final.5.13.19.pdf; EPA-HQ-2017-009910 Final.5.13.19.pdf

---

From: Cubeddu, Mariana
Sent: Tuesday, May 14, 2019 8:39:53 AM (UTC-05:00) Eastern Time (US & Canada)
To: Gottesman, Larry
Cc: Hill, Kevin W.; Donahue, Sean; Hope, Brian
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Larry,

I wanted to alert you that Beth has signed the closeout letters and I initiated the closeout process in FOIAonline this morning for both of these case files.

Please let me know if you need anything further.

Very best,

Mariana Cubeddu

From: Hope, Brian
Sent: Monday, May 13, 2019 4:39 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Signed finals attached. Thanks!

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 1:45 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Kevin and I just met and discussed the closeout letters for both of these. We revised the letter to have one combined file with Nancy's calendars –instead of 11 separate files. Therefore, please find attached a slightly revised version of closeout letters to reflect this change.

From: White, Elizabeth
Sent: Monday, May 13, 2019 1:41 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana – this looks good. Just confirm with Brian that the letters have all the right language and formatting and I will get them signed. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM

To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran,

Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
	Mr. Eric Lipton	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA	***Final Response***	***1433 pages***

EPA-HQ-2017-009910					Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.		

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.	***Final Response***	***1433 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:29:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-006069 (Pruitt multimedia)

From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:29:21 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-006069 (Pruitt multimedia)

Same

From: Hill, Kevin W.
Sent: Friday, May 17, 2019 6:52 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-006069 (Pruitt multimedia)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The following offices have equities in these records and have reviewed the relevant records: Office of the Administrator

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://www.youtube.com/user/usepagov *(link publicly available)*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-006069	*Alexander Guillen*	*POLITICO*	04/02/2018	5/17/2019	all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at events which he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor on or between March 1 and March 31, 2018	*Final Response*	*Link-publicly available*

Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 6/3/2019 10:55:52 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: NRDC 10 Day Letter Case Next Steps

Thanks Kevin,

I think I have input from all. A clean version is below. Please let me know if there are any last minute concerns, otherwise I will send this over to the AUSA tomorrow.

DRAFT

Deliberative/ AWP / Ex. 5

From: Miller, Kevin
Sent: Monday, June 03, 2019 8:49 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Peter –

Deliberative/ AWP / Ex. 5

From: Walker, Denise
Sent: Friday, May 31, 2019 2:15 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Thanks all!

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

From: Gottesman, Larry
Sent: Friday, May 31, 2019 2:07 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Deliberative/ AWP / Ex. 5

All good,

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
Personal Privacy / Ex. 6
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Hill, Kevin W.
Sent: Friday, May 31, 2019 1:53 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Deliberative/ AWP / Ex. 5

Regards,
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

From: Gottesman, Larry
Sent: Friday, May 31, 2019 1:46 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Peter, I suggest r **Deliberative/ AWP / Ex. 5**

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
Personal Privacy / Ex. 6
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Bermes, Peter
Sent: Thursday, May 30, 2019 5:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Hi all,

Deliberative/ AWP / Ex. 5

Peter

From: Bermes, Peter
Sent: Wednesday, May 29, 2019 4:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: NRDC 10 Day Letter Case Next Steps

Hello all,

Deliberative/ AWP / Ex. 5

Please let the group know of any comments or edits. We'd like to get this out to the AUSA by the end of the week.
Thanks all,

Peter

-----Original Appointment-----
From: Bermes, Peter
Sent: Tuesday, May 21, 2019 3:31 PM
To: Bermes, Peter; Epp, Timothy; Gottesman, Larry; Walker, Denise; Hill, Kevin W.; Miller, Kevin
Subject: NRDC 10 Day Letter Case Next Steps
When: Thursday, May 23, 2019 10:00 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).
Where: Call in (855) 564-1700; Ex. 1107783; PC 234567

Hello all,

Deliberative/ AWP / Ex. 5

Look for that invite, thanks all,

Peter

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:29:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:29:07 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

And here.

Larry

From: Hill, Kevin W.
Sent: Friday, May 17, 2019 6:51 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://www.youtube.com/user/usepagov *(link publicly available)*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-008268	*Alexander Guillen*	*POLITICO*	06/05/2018	5/17/2019	all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at events which he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor on or between May 1 and May 31, 2018.	*Final Response*	*Link-publicly available*

Message

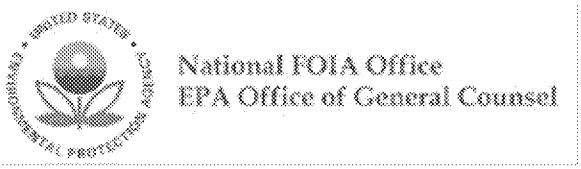
From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:28:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:28:37 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

Same here, no task to close.

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



From: Hill, Kevin W.
Sent: Friday, May 17, 2019 6:51 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of

this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records: Office of the Administrator

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://www.youtube.com/user/usepagov *(link publicly available)*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-008268	*Alexander Guillen*	*POLITICO*	06/05/2018	5/17/2019	all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at events which	*Final Response*	*Link-publicly available*

					he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor on or between May 1 and May 31, 2018.								

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 5/15/2019 9:17:59 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: FOIA Standard Functions: substantiating CBI claims
Attachments: FOIA Standard Functions 5.3.19.doc.R9.docx

Wendy, Kevin & Lynn – I am finalizing the FOIA Standard Functions document, which specifies tasks and responsibilities for various people in the Regions. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices

Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Busterud, Gretchen
Sent: Tuesday, May 07, 2019 6:33 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Cc: Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: RE: "Near-Final" version of FOIA Standard Functions document

Hi Carol Ann –

As you finalized the document, attached are a few last suggestions. Please let me know if you have any questions.

Thanks,
Gretchen

From: Siciliano, CarolAnn
Sent: Friday, May 3, 2019 5:33 AM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: "Near-Final" version of FOIA Standard Functions document

Attached is what I consider to be the last version of the FOIA Standard Functions document we've all worked so hard on. (I extend a special thanks to Dave Cozad, Tim Epp, Neil Bigioni and their team.)

Deliberative Process / Ex. 5

Thank you all for your work on this document, certainly. AND, thank you especially for your supreme efforts to incorporate these FOIA standard functions into your operations. I recognize the transition will present many challenges. Let's keep talking, especially over the next six months, as you achieve successes and grapple with frustrations. Although every Region is different, I predict you will continue to learn from each other on this matter as you do on so many others.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450

(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:28:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

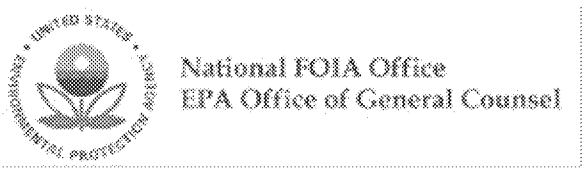
From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:28:11 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

I have no task to close tomorrow at 4.

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



From: Hill, Kevin W.
Sent: Friday, May 17, 2019 6:51 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-008268 (Pruitt multimedia)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018

memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records: Office of the Administrator

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://www.youtube.com/user/usepagov *(link publicly available)*

Regards,

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

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-008268	*Alexander Guillen*	*POLITICO*	06/05/2018	5/17/2019	all multimedia or audiovisual recordings of EPA Administrator Scott Pruitt, or any related materials recorded at	*Final Response*	*Link-publicly available*

					events which he attended, that were created by the Office of Multimedia or any temporarily assigned employee or contractor on or between May 1 and May 31, 2018.			

Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 5/21/2019 1:29:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Levine, Brandon [levine.brandon@epa.gov]
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Hi Tim,

Attorney Work Product / Ex. 5

Peter

From: Epp, Timothy
Sent: Monday, May 20, 2019 5:25 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Levine, Brandon <levine.brandon@epa.gov>
Subject: Re: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Hi Peter, Attorney Work Product / Ex. 5

For the first two, I'd answer as follows:

Attorney Work Product / Ex. 5

Sent from my iPhone

On May 20, 2019, at 6:01 PM, Bermes, Peter <Bermes.Peter@epa.gov> wrote:

Hi Tim,

The answer is due on Wednesday, Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

That said, would you be comfortable with the following language:

COMPLAINT

47. On information and belief, EPA does not utilize a telephone line dedicated to tracking FOIA request status, instead relying on an online tracking system found at https://foiaonline.gov/foiaonline/action/public/home. As of the filing date of this Complaint, EPA' s online system provided an estimated completion date for the request of October 3, 2018 and lacked a current estimated date by which EPA would complete the FOIA Request. If EPA does use a dedicated FOIA tracking telephone line then, on information and belief, it also does not include a current estimated completion date for the FOIA Request.

DRAFT ANSWER

Deliberative / Attorney Work Product / Ex. 5

From: Epp, Timothy
Sent: Monday, May 20, 2019 2:56 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Hi Peter – when is the answer due?

Attorney Work Product / Ex. 5

Tim

Timothy R. Epp
|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
<image001.jpg>

From: Gottesman, Larry
Sent: Monday, May 20, 2019 3:40 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Perter,

Thanks for talking with me.

Attorney Work Product / Ex. 5

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
Personal Privacy / Ex. 6
202-566-1667 (Main line)

<image002.png>

From: Bermes, Peter
Sent: Monday, May 20, 2019 2:01 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Larry,

I want to make sure I understand correctly.

Attorney Work Product / Ex. 5

Appreciate your thoughts, thanks,

Peter

Peter Bermes
Attorney-Advisor, Office of General Counsel
United States Environmental Protection Agency
312-886-6631 | Room R1325

From: Gottesman, Larry
Sent: Friday, May 17, 2019 2:49 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Kevin

Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
Personal Privacy / Ex. 6
202-566-1667 (Main line)

<image002.png>

From: Miller, Kevin
Sent: Friday, May 17, 2019 3:28 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>
Subject: RE: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Attorney Work Product / Ex. 5

From: Bermes, Peter
Sent: Friday, May 17, 2019 2:20 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Levine, Brandon <levine.brandon@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: EcoRights II Litigation (19-0980, BAH), Phone Line Issue

Larry and Tim,

I have a question regarding the above referenced litigation. Attorney Work Product / Ex. 5

Attorney Work Product / Ex. 5

Peter

COMPLAINT

47. On information and belief, EPA does not utilize a telephone line dedicated to tracking FOIA request status, instead relying on an online tracking system found at https://foiaonline.gov/foiaonline/action/public/home. As of the filing date of this Complaint, EPA' s online system provided an estimated completion date for the request of October 3, 2018 and lacked a current estimated date by which EPA would complete the FOIA Request. If EPA does use a dedicated FOIA tracking telephone line then, on information and belief, it also does not include a current estimated completion date for the FOIA Request.

DRAFT ANSWER

Deliberative / Attorney Work Product / Ex. 5

Peter Bermes
Attorney-Advisor, Office of General Counsel
United States Environmental Protection Agency
312-886-6631 | Room R1325

Message

From: Collazo, Beatriz [collazo.beatriz@epa.gov]
Sent: 5/29/2019 12:27:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

Thank you.

Thank you and have a great day,

Beatriz Collazo
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7409K
Phone 202-564-1259| collazo.beatriz@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, May 29, 2019 8:19 AM
To: Collazo, Beatriz <collazo.beatriz@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: OGC FOIA Review Checklist & Cover Sheet

Hi Beatriz,

Nicole has been working with me to produce a standard form communication that you can use as OGC FOIA coordinator to communicate with the OGC Associates & Directors. See drafts attached.

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Rementer, Nicole
Sent: Monday, May 13, 2019 2:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

The hard copies I just delivered to you include, in order:

1. Checklist and Cover Sheet (Cover Sheet tabbed)
2. Email Templates (with your edits incorporated); and
3. FOIA Review Guidance document.

I've attached electronic copies of the same.

Let me know if there is anything else you need for your meeting with Elise!

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Monday, May 13, 2019 12:13 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: OGC FOIA Review Checklist & Cover Sheet

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Rementer, Nicole
Sent: Monday, May 06, 2019 9:51 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: OGC FOIA Review Checklist & Cover Sheet

Tim:

Attached for your review are the OGC FOIA Review Checklist & Cover Sheet and the OGC FOIA Coordinator email templates that I drafted. There are 4 email templates: (1) Email to Associate requesting assignment of staff for FOIA request; (2) Email to Staff notifying assignment of FOIA request; (2) Email to Associate requesting assignment of staff for Equity Review; (4) Email to Staff notifying assignment of Equity Review.

I think we're almost at the finish line. ☺

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 5/14/2019 12:00:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Veney, Carla [Veney.Carla@epa.gov]
Subject: RE: Notice of Deadline Violation Letter and Offer to Assist RE: EPA-HQ-2019-004979 (EPA Interagency Pesticide Working Group)
Attachments: Court document US DIS DCD 1.19cv1315_05.07.19.pdf; Court_Document _US_DIS_DCD_1.19cv1318_ 05.07.2019.pdf

Here are the request numbers from the four recent suits – the ones that are highlighted are part of the two attached cases. It's odd to me that they would send a NOV letter on different cases than they would sue over (i.e. it's odd that there is not complete overlap).

Personal Privacy / Ex. 6

EPA-HQ-2018-007662
EPA-HQ-2019-001072
EPA-HQ-2019-001581
EPA-HQ-2019-001595

EPA-HQ-2019-001590

EPA-HQ-2019-003068

EPA-HQ-2019-001925

Lynn Kelly | Temporary Assistant General Counsel for FOIA Litigation & Special Projects | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460 | phone: (202) 564-3266

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

From: Epp, Timothy
Sent: Tuesday, May 14, 2019 7:09 AM
To: Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Veney, Carla <Veney.Carla@epa.gov>
Subject: Fwd: Notice of Deadline Violation Letter and Offer to Assist RE: EPA-HQ-2019-004979 (EPA Interagency Pesticide Working Group)

Hi Lynn, which of these are in litigation?

Sent from my iPhone

Begin forwarded message:

> **From:** Margaret Townsend <MTownsend@biologicaldiversity.org>
> **Date:** May 13, 2019 at 6:12:15 PM EDT
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>, Virginia Vu <VVu@biologicaldiversity.org>, FOIA HQ <FOIA_HQ@epa.gov>
> **Cc:** "Kelly, Lynn" <Kelly.Lynn@epa.gov>, FOIA <foia@biologicaldiversity.org>

Subject: RE: Notice of Deadline Violation Letter and Offer to Assist RE: EPA-HQ-2019-004979 (EPA Interagency Pesticide Working Group)

Dear Mr. Epp,

Thank you for your email. For some of these requests you mention in your email the Center has filed FOIA complaints and initiated litigation, so I am not able to discuss those requests with you unless the attorneys involved are also on the call. For any other request not currently the subject of litigation, I would be happy to join a call with you and anyone else from the agency.

Thanks,
Margaret

Margaret E. Townsend
Open Government Staff Attorney | Endangered Species Program
Center for Biological Diversity
P.O. Box 11372
Portland, OR 97211-0374
Office: (971) 717-6409
Fax: (503) 283-5528
mtownsend@biologicaldiversity.org

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Epp, Timothy <Epp.Timothy@epa.gov>
Sent: Thursday, May 9, 2019 2:57 PM
To: Virginia Vu <VVu@biologicaldiversity.org>; FOIA HQ <FOIA_HQ@epa.gov>
Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>; FOIA <foia@biologicaldiversity.org>
Subject: RE: Notice of Deadline Violation Letter and Offer to Assist RE: EPA-HQ-2019-004979 (EPA Interagency Pesticide Working Group)

Dear Ms. Vu,

I have received your letter sent today alleging violations of the FOIA with respect to request number EPA-HQ-2019-004979, and offering your assistance. Please see the attached letter that EPA sent on this same FOIA request two days ago providing the status of EPA's records search.

Have you had a chance to consider my email from last Friday, May 3, offering times for us to discuss your letters sent on the four FOIA requests (EPA-HQ-2019-001925, EPA-HQ-2017-006018, EPA-HQ-2019-001581, and EPA-HQ-2018-009235) as well as to discuss the FOIA requests listed in Ms. Townsend's April 12 letter to EPA?

Tim

Timothy R. Epp
|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

From: Virginia Vu <VVu@biologicaldiversity.org>
Sent: Thursday, May 09, 2019 3:42 PM
To: FOIA HQ <FOIA_HQ@epa.gov>
Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; FOIA <foia@biologicaldiversity.org>
Subject: Notice of Deadline Violation Letter and Offer to Assist RE: EPA-HQ-2019-004979 (EPA Interagency Pesticide Working Group)

Dear FOIA Officer,

Please see attached and below, from the Center for Biological Diversity providing notice of deadline violation, request for determination, and offer to assist. If you could please acknowledge that you have received this notice, I would appreciate it.

If you have any questions, please feel free to contact me. We look forward to your response.

Regards,

Virginia Vu, Filing Clerk

Endangered Species Program

Center for Biological Diversity

P.O. Box 11374

Portland, OR 97211

vvu@biologicaldiversity.org

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/21/2019 9:21:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

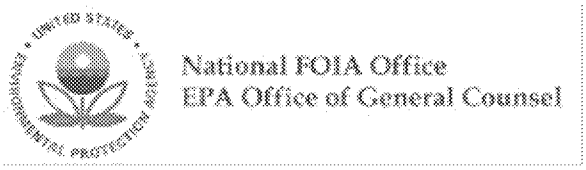
From: Gottesman, Larry
Sent: Tuesday, May 21, 2019 5:21:48 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

I have no task to close.

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



From: Hill, Kevin W.
Sent: Thursday, May 16, 2019 1:53 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Cc: Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Carusiello, Chris <Carusiello.Chris@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Bhatt, Krishna <bhatt.krishna@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-004659 (CERCLA108b)

To whom it may concern,

The Office of Land and Emergency Management (OLEM)/Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID) is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

The following offices have equities in these records and have reviewed the relevant records:

One file:

- **EPA-HQ-2018-004659 Fourteenth Interim Response 5.21.19**
  All documents reviewed by Taylor Hoverman (OLEM); The Equities documents were reviewed by either DOJ, USDA,DOI, SBA, or OEX, OGC, OPA and/or Region 8.

The manager who approved this release is: Sonya Sasseville, Division Director, OLEM/ORCR/PIID

The records are attached.

Regards,

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-1652
hill.kevinw@epa.gov

Office of Land and Emergency Management (OLEM)/ Office of Resource Conservation and Recovery (ORCR)/ Program Implementation and Information Division (PIID)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-	*Amanda Goodin*	*Earthjustice*	*2/21/2018*	*5/16/2019*	Records regarding	*Interim Response*	*82 pages*

2018-004659					information about financial responsibility requirements under CERCLA section 108(b), Docket No. EPA-HQ-SFUND.2015-0781		

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/15/2019 7:18:17 PM
To: Bhatt, Krishna [bhatt.krishna@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: NFO Improvement Project: FOIA Guidance Documents

This is great! I've been getting a lot of random counselling questions lately. So I can help craft and distribute whatever documents we come up with.

Regards,
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

From: Bhatt, Krishna
Sent: Wednesday, May 15, 2019 3:05 PM
To: Thompson, Heather <Thompson.Heather@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Spears, Rasheena <spears.rasheena@epa.gov>; Collazo, Beatriz <collazo.beatriz@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>; Lewis, Judith <Lewis.Judith@epa.gov>; Green, LindaE <Green.LindaE@epa.gov>; Lewis, Monica <lewis.monica@epa.gov>; Person, Linda <Person.Linda@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: NFO Improvement Project: FOIA Guidance Documents

Good Afternoon All,

Tim has asked Heather and I to take the lead on a new NFO improvement project. The NFO will be drafting and putting together FOIA Guidance Documents that can be used by the Agency for FOIA related questions/issues.

We will set up a time for a brainstorming session to discuss topics that would benefit from research and guidance. If you would be interested in contributing or just listening in, please join us.

Thanks!

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 5/15/2019 6:35:03 PM
To: Tran, Victoria [tran.victoria@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Question about OGC/Ethics FOIA

Will do. Thanks everyone for the quick responses!

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Tran, Victoria
Sent: Wednesday, May 15, 2019 2:23 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Question about OGC/Ethics FOIA

Shannon,

In reference to equity review for the Administrator and FOIA, you can either go through me/Beth or Molina. In this particular FOIA, I would agree with Joe and have it sent to Molina. Thank you.

VT

From: Epp, Timothy
Sent: Wednesday, May 15, 2019 2:20 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Question about OGC/Ethics FOIA

Will do. Shannon, thanks for flagging the additional request.

Tim

Timothy R. Epp
|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: Griffo, Shannon
Sent: Wednesday, May 15, 2019 2:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Question about OGC/Ethics FOIA

Forwarding to Tim because he wasn't cc'd on the email below.

If this one should have been flagged for awareness notification, then you probably also want to look at EPA-HQ-2019-005505. Same language as the request below from Kevin B. except the timeframe is April 1 to May 1. Kevin B. will probably be submitting these each month (like he does for the financial conflict of interest waivers).

We will wait to hear back from Victoria about how to complete equity review for Administrator Wheeler's updated recusal statement.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Brazauskas, Joseph
Sent: Wednesday, May 15, 2019 1:56 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Question about OGC/Ethics FOIA

Thanks Shannon, cc-ing Tim and Victoria. I defer to Victoria but believe this should go to Michael Molina for equity review. I also believe it should receive awareness notification, but it is likely that it was not identified on the front end. Tim would you please make sure that this request undergoes the awareness notification? Thank you, Joe

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Griffo, Shannon
Sent: Wednesday, May 15, 2019 9:59 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Question about OGC/Ethics FOIA

Hi Joe,

Thanks again for meeting with us yesterday. Soon I'll start sending you emails with our responsive records. But in the meantime, we had a question regarding equity review for one of our requests that is NOT flagged for the awareness notification process (Larry is not listed as a reviewer in FOIA Online and we haven't been notified otherwise).

Here's the request information:

- Kevin Bogardus (E&E News), EPA-HQ-2019-005444 – requesting copies of recusal statements/screening arrangements, impartiality determinations, outside activity forms etc. for all political appointees from January 1 to April 1, 2019.

When releasing recusal statements, our previously approved process when a request isn't flagged for awareness notification has been to: (1) notify the individual for awareness/equity review; and (2) coordinate with OCIR. One of the responsive recusal statements for this request is the Administrator's updated recusal statement. I believe it has already been released to the press by OPA and is in the public domain. However, I'm not sure about FOIA.

We were wondering who to contact to provide a heads up that we will be releasing the Administrator's updated recusal statement through FOIA. See attached. Should Justina reach out to Mike Molina? We were hoping to close this out by Friday, but I'll wait until we get your thoughts on how to proceed.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

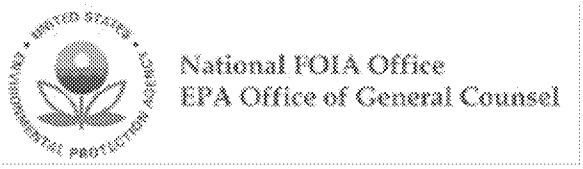
From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 5/15/2019 6:26:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: new awareness numbers

I added myself as a reviewer.

Thanks

Larry F. Gottesman
Agency FOIA Officer
National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
Personal Privacy / Ex. 6
202-566-1667 (Main line)



From: Epp, Timothy
Sent: Wednesday, May 15, 2019 2:22 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: new awareness numbers

Larry,

Please flag the following for awareness notification, if not already flagged:

EPA-HQ-2019-005505
EPA-HQ-2019-005444

Tim

Timothy R. Epp
|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

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 5/15/2019 5:53:38 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Great thank you

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Griffo, Shannon
Sent: Wednesday, May 15, 2019 11:24 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

To close the loop on this - Matt returned the package to us with no comments. So we shall proceed with releasing at the end of the three-day awareness notification period.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Fugh, Justina
Sent: Monday, May 13, 2019 2:50 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Yep, we know. As I said, we got the timing wrong. I've dropped off the package for Matt for his evening reading folder.

From: Brazauskas, Joseph
Sent: Monday, May 13, 2019 2:47 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Thanks for the quick responses. Generally, we need to have the equity review completed before it heads to awareness notification. Including Tim, I think we should be fine in this instance but just in case there are errors or questions.

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Fugh, Justina
Sent: Monday, May 13, 2019 12:56 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Eek! Shannon and I got our signals crossed about timing! I was on travel last week and then took the day off on Friday. Will give the package to Fletcher this afternoon after I have my last mid-year review.

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: Monday, May 13, 2019 12:48 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Hi Joe,

First, thanks for checking. And second, my apologies because Justina has a package ready to drop off for Matt with these documents, but I send out the awareness notification before she got it to him. Please note that these documents have already been released in other condo-related FOIA requests, including the litigation for EPA-HQ-006474. But we will provide Matt with a heads up about this specific request ASAP.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Brazauskas, Joseph
Sent: Monday, May 13, 2019 12:24 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Hi Shannon, I just want to be sure that this was sent to Matt for equity review? Thank you, Joe

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Epp, Timothy
Sent: Monday, May 13, 2019 12:15 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: FW: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

From: Griffo, Shannon
Sent: Monday, May 13, 2019 12:15:11 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry
Cc: Cozad, David; Fugh, Justina
Subject: Awareness Notification - OGC/Ethics, correspondence with Campaign Legal Center (EPA-HQ-2018-006287)

Hi all,

OGC/Ethics is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. OGC/Ethics has completed review and obtained management approval consistent with the Agency's FOIA policy and procedures.

After 4:00pm on the third business day after transmission of this email, OGC/Ethics will issue the Agency's FOIA determination to the requestor. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OGC/Ethics – communications between Ethics office and Campaign Legal Center (condo)							
FOIA ID	**Requestor**	**Date FOIA Request Perfected**	**Date Sent for Awareness Notification**	**Brief Description**	**Interim or Final Response**	**Number of Pages**	**FOIA Exemptions Used**
EPA-HQ-2018-006287	Jason Hopkins (The Daily Caller News Foundation)	4/6/18	5/13/19	"correspondence between the ethics officers and the Campaign Legal Center regarding the leaked memo from Agency Ethics	Final	35	None

				Official Kevin Minoli. The memo details Minoli's assessment of EPA Administrator Scott Pruitt's past living arrangement, and was shared with CNN."			

Victoria Tran has completed equity review and reviewed the relevant records. Justina Fugh with OGC/Ethics has approved the release, and the records are attached.

Please let us know if you have any questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/13/2019 5:44:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)
Attachments: EPA-HQ-2017-009619 Closeout.5.13.19.docx; EPA-HQ-2017-009910 Closeou5.13.19.docx

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From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 1:44:54 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian
Cc: Hill, Kevin W.; Donahue, Sean
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Kevin and I just met and discussed the closeout letters for both of these. We revised the letter to have one combined file with Nancy's calendars –instead of 11 separate files. Therefore, please find attached a slightly revised version of closeout letters to reflect this change.

From: White, Elizabeth
Sent: Monday, May 13, 2019 1:41 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana – this looks good. Just confirm with Brian that the letters have all the right language and formatting and I will get them signed. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
Personal Privacy / Ex. 6

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
Personal Privacy / Ex. 6

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
Personal Privacy / Ex. 6

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages

EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.	***Final Response***	***1433 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 5/20/2019 3:14:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: Draft Memorandum for your review
Attachments: MEMORANDUM-Noga-Procedure for Secondary Accounts-3-25-2019.BTH Edits.4.30.19.docxWB 5 20.docx

Tim and Denise,

Attached is the current draft of the secondary accounts memo, which has been approved by Brian Thompson, Rebecca Moser, and Brian Hope. Liza Hearns is reviewing the document now.

Could you let me know if you have any comments by this Wednesday, as I would like to provide Joe and Elise a draft to review.

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: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 5/20/2019 2:46:49 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx
Attachments: FOIA Standard Functions CAS 5.20.19.docx

Carol Ann,

I have responded to your comments and redraft. If I did not comment back I am fine with your proposed change. I made a few additional conforming changes to the text and re-wrote some things in response to your comments. If I re-wrote and did not think the basis was obvious, I responded to your comment with my rationale for the revisions I propose.

Neil

Neil R. Bigioni
Senior Counsel
U.S. EPA Region III (3RC00)
1650 Arch St.
Philadelphia, PA 10103
(215) 814-2781 (Tel.)
(215) 814-2603 (Fax)

The information contained in this communication may be protected by the attorney-client privilege, other privileges, and/or the attorney work product doctrine and should be treated accordingly.

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/23/2019 9:53:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Draft Memo for Matt
Attachments: ACTION MEMO FOIA Regulations Update.docx; FOIA Reg Update, Clean Preamble and Reg Text (05.23.2019).docx; FOIA Reg Update, Redline Reg Text.docx; Old Regulations for Compare.docx; Typsetting Request Form.pdf

Hi Tim,

Attached are the documents for Matt's binder and your review.

1) Action Memo
2) Clean Version of the Regs and Preamble
3) Redlined Version of the Regulatory Text
4) Old Regulations for "Compare" function (if necessary)

Also attached is the Typesetting Request Form. This needs to be provided with the package for the FR. The calculation on that form ($5,088) will be accurate unless there are changes that alter the number of pages in clean version.

I will check my email and my desk phone will roll over if you need me tomorrow. I will be in transit until around 1:30.

Thanks and have a good holiday,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Thursday, May 23, 2019 10:05 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>
Subject: Draft Memo for Matt

Hi Tim,

Please find a draft memo for Matt attached along with a copy of the Action Memo. Please let me know if you have any questions. Once we are set with these two. I will move the memo out of draft form so Matt can sign and route hardcopies to his desk. I will alert Joe to this action, as well.

The one issue that I did not include in the memo was whether we wanted Matt to provide his feedback directly to you or to Joe. Either way, once we do get Matt's signature and greenlight, Joe will need to set a date for Matt to meet with the Admin.

Reach out with any questions.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 5/20/2019 1:55:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: CAS close read of FOIA Standard Functions document
Attachments: FOIA Standard Functions CAS 5.20.19.docx

Tim and Neil -- The good news is that I finally took a super-close read of the May 3 FOIA Standards Functions document (so that you wouldn't have to). But I have a lot of suggestions. See attached.

Even though it looks like a lot, I think most are conforming edits, questions and clarifications. None of this should be hard – ????.

My deadline is your deadline. Thanks, guys.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/7/2019 1:07:31 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-009312 (Request a copy of all direct messages to and from the twitter account @EPAScottPruitt)
Attachments: Pruitt Archived Tweets and Retweets.pdf; Pruitt Twitter Data - Tweets 2017-2018 (002).pdf

---

From: Gray, Doris
Sent: Thursday, June 6, 2019 9:07:25 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Epp, Timothy; Donahue, Sean
Cc: Hill, Kevin W.
Subject: FW: Awareness Notification - EPA-HQ-2018-009312 (Request a copy of all direct messages to and from the twitter account @EPAScottPruitt)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-009312	CJ Ciaramella	Muck Rock News	07/12/2018	06/06/2019	Request a copy of all direct messages to and from the twitter account @EPAScottPruitt		67

The following offices have equities in these records and have reviewed the relevant records: N/A

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are attached.

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/7/2019 12:56:40 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-009334 (Request Twitter archive for "tweets", retweets" and "likes" for Administrator Pruitt)
Attachments: Pruitt Archived Tweets and Retweets.pdf; Pruitt Twitter Data - Tweets 2017-2018 (002).pdf

---

From: Gray, Doris
Sent: Thursday, June 6, 2019 8:56:33 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Epp, Timothy; Donahue, Sean
Cc: Hill, Kevin W.
Subject: Awareness Notification - EPA-HQ-2018-009334 (Request Twitter archive for "tweets", retweets" and "likes" for Administrator Pruitt)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-009334	Bryan Menegus	Gizmodo	07/13/2018	06/06/2019	Request Twitter archive for "tweets", retweets" and "likes" for Administrator Pruitt		67

The following offices have equities in these records and have reviewed the relevant records: N/A

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are attached.

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/10/2019 10:05:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Task sent. Thanks.

Regards,
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

From: Epp, Timothy
Sent: Friday, May 10, 2019 4:06 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: Re: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Translation: he needs you to task him in FOIAonline with the production to review so that he can indicate his approval.

Tim

Sent from my iPhone

On May 10, 2019, at 4:01 PM, Hill, Kevin W. <hill.kevinw@epa.gov> wrote:

> **From:** Gottesman, Larry
> **Sent:** Friday, May 10, 2019 4:01:45 PM (UTC-05:00) Eastern Time (US & Canada)
> **To:** Hill, Kevin W.
> **Subject:** RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)
>
> I HAVE NOT TASK TO CLOSE.
>
> Thanks
>
> Sorry about the caps.
>
> Larry F. Gottesman

Agency FOIA Officer
Acting Assistant Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

<image001.png>

From: Hill, Kevin W.
Sent: Tuesday, May 07, 2019 6:27 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Office of the Administrator (OA)				

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-011827	*Justin Glawe*		*10/02/2017*	5/7/2019	From January 1, 2017 to present: A copy of any and all visitors logs kept for visits with the Administrator and/or to the Office of the Administrator.	Final	*755 pg*

The following offices have equities in these records and have reviewed the relevant records: OMS, AO

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *attached*

Regards,

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/10/2019 4:09:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: materials for briefing on FOIA regs
Attachments: Responses to OIRA's Comments (05.10.2019).docx; EPA FOIA Reg Update Redline - OIRA Comments (05.10.2019).docx; FOIA Reg Update, Clean Preamble and Reg Text (05.10.2019).docx

Hello Tim,

Attached is a packet of documents for your consideration.

1) "Responses to OIRA's Comments" is an updated version of the chart you saw previously. It has greater detail, and your comments are incorporated
2) "FOIA Reg Update, Clean Preamble and Reg Text" is the latest text of the regulations and preamble. It includes redlining for: the two options selections issues (cut-off date and appeals authority); edits based on OIRA's feedback; and, the designation of NFO by the CFO.
3) "EPA FOIA Reg Update Redline – OIRA Comments" compares the current text of the regs to the proposed phase I changes.

The Clean and Redline versions cross-reference OIRA's comments. Please let me know if you have any questions or want me to make any changes.

Denise is on for situational awareness.

Thanks,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Wednesday, May 8, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: materials for briefing on FOIA regs

This is very helpful – some edits/comments in the attached.

Tim

Timothy R. Epp
| 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: Creech, Christopher
Sent: Tuesday, May 07, 2019 2:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: materials for briefing on FOIA regs

Hi Tim,

Please let me know if you would like me to walk through our potential responses to OIRA's comments. Some are straightforward and acceptable comments. Some may be outside of the scope of Phase I.

Attached:

1. Responses to OIRA's comments - Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5
2. EPA FOIA Reg Update Redline - Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5
3. FOIA Reg Update, Clean - Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5

-Chris

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Tuesday, May 7, 2019 9:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: materials for briefing on FOIA regs

Thanks, Tim,

I'll go about putting together potential adjustments/responses to OIRA's comments. Let me know if Bill has any feedback.

Best,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Tuesday, May 7, 2019 8:14 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: materials for briefing on FOIA regs

FYI

Timothy R. Epp
Acting Director | 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: Epp, Timothy
Sent: Tuesday, May 07, 2019 8:14 AM
To: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: materials for briefing on FOIA regs

Thanks Bill. I have meetings starting this morning at 9 am. My meeting from 9-9:30, I could cut short. I could step out of my 9:30 to 10:30 meeting. What works for you?

The comments are mostly framed as recommendations or observations, many of which appear useful. (I have not fully worked through them; just first impression.)

What is the path to get the nonsignificant determination? Do we need to indicate acceptance of these changes; have further conversations on the questions; do we need to resubmit with changes?

Tim

Timothy R. Epp
Acting Director | 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: Nickerson, William
Sent: Tuesday, May 07, 2019 7:52 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: materials for briefing on FOIA regs

I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB < Ex. 6 > wrote:

> Good evening,
>
> Please find attached OIRA's comments on your proposed FOIA rule. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Thank you,
>
> Jonathan

From: Nickerson, William <Nickerson.William@epa.gov>
Sent: Friday, April 26, 2019 4:37 PM
To: Whiteman, Chad S. EOP/OMB < Ex. 6 >
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson
Director, Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA_PB.docx>

Appointment

From: Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]
Sent: 6/5/2019 1:18:32 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Zenick, Elliott [Zenick.Elliott@epa.gov]; Krallman, John [krallman.john@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]

Subject: OAR FOIA Energizer OGC Refresher Session
Attachments: OAR FOIA Retreat Agenda.docx
Location: WJCN 1332

Start: 6/5/2019 1:15:00 PM
End: 6/5/2019 2:15:00 PM
Show Time As: Tentative

→ Join Skype Meeting

Trouble Joining? Try Skype Web App

Join by phone

Toll number: Ex 6 English (United States)

Find a local number

Conference ID: 1119575 (same as access code above)

Forgot your dial-in PIN? | Help

The OAR FOIA Team is organizing the second annual "OAR FOIA Energizer" and would like to invite your office to join us once again. In the spirit of following up on last year's Meet & Greet, OAR envisions this session as a refresher for the team on the roles & responsibilities our colleagues in OGC contribute to the processing of OAR requests. Please feel free to forward this invite to fellow attendees. Prior to the session, we will provide you with a few questions and/or topics of interest that would allow your team to demonstrate the part your office plays in successful FOIA compliance. The Energizer is going to be held all day June 4th & half day June 5th, this session has been rescheduled to 9:15am to 10:15am.

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/4/2019 11:07:18 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Feedback Requested - EPA FOIA Reg Announcement
Attachments: DRAFT Messaging for FOIA Regulations Update (06.04.2019).docx

Hello Team,

I am requesting a quick review and edits from the group on the attached draft message regarding the updates to the FOIA regulations. We hope to provide these tomorrow at the Reg Review, so please provide me with any feedback by 12 noon tomorrow. Thank you in advance for your help and thoughtfulness.

Best,

Christopher T. Creech
Attorney–Adviser, National FOIA Office
Office of General Counsel, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A), Washington, DC 20460
WJCN 7353E | (202) 564-4286 | creech.christopher@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/6/2019 9:28:11 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-009430 (Request Twitter archive for the @EPAScottPruitt Twitter)
Attachments: Pruitt Archived Tweets and Retweets.pdf; Pruitt Twitter Data - Tweets 2017-2018 (002).pdf

---

From: Gray, Doris
Sent: Thursday, June 6, 2019 5:28:06 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry; Epp, Timothy; Donahue, Sean
Cc: Hill, Kevin W.
Subject: Awareness Notification - EPA-HQ-2018-009430 (Request Twitter archive for the @EPAScottPruitt Twitter)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Regards,

(Carmen) Doris Gray
Program Specialist
Environmental Protection Agency
Office of Public Affairs (OPA)
1200 Pennsylvania Avenue, N.W.
WJC-N, 2512-U, Mail Code: 1703A
Washington, D.C. 20460
202-564-0649 (Direct)
gray.doris@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-009430	Alexander Rony	POLITICO	07/16/2018	06/06/2019	Request Twitter archive for the @EPAScottPruitt Twitter		67

The following offices have equities in these records and have reviewed the relevant records: N/A

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are attached.

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 6/6/2019 8:42:52 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]
Subject: Draft Fees Email
Attachments: DRAFT_Fee Refresher Email to FOIA Professionals.docx

Tim:

Attached is the draft email Krishna and I drafted together. It is saved in the NFO document library on sharepoint: Policy, Procedures, and Guidance>NFO FOIA Guidance and Briefing Papers.

Please let us know if you have any questions or concerns. We hope this captures what you intended. ☺

Nicole and Krishna

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 5/10/2019 12:44:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Weekly Selected Requests 05/01/2019 to 05/08/2019

No attachment.

From: Epp, Timothy
Sent: Friday, May 10, 2019 8:42 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Baptist, Erik <Baptist.Erik@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: Weekly Selected Requests 05/01/2019 to 05/08/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 05/01/2019 to 05/08/2019. Please note, during this period we received 190 requests and 68 were selected at this first stage.

This is the first step in the awareness notification selection process; these are not yet selected for that process.

Tim

Timothy R. Epp
| 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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/23/2019 6:16:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: Weekly Selected Requests 05.15.2019-05.22.2019
Attachments: Selected FOIA Requests. 05.15.2019.-05.22.2019xlsx.xlsx; Selected FOIA Requests. 05.15.2019-05.22.2019.docx

Hello Tim,

Please find the weekly selected requests for the period of 05.15.2019–05.22.2019. During this period we received 146 requests and 47 were selected.

Thank you,

Christopher T. Creech
Attorney–Adviser, National FOIA Office
Office of General Counsel, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A), Washington, DC 20460
WJCN 7353E | (202) 564-4286 | creech.christopher@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Payne, James [payne.james@epa.gov]
Sent: 5/9/2019 10:56:11 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: Regional signing authority citations

Thanks!

Sent from my iPhone

On May 9, 2019, at 2:58 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Jim,
>
> A number of documents were updated or issued in 2016: The delegation 1-30 was updated; the Agency FOIA Policy was issued (CIO 2157.1); the Agency Procedure was issued (CIO 2157-P-01.1). These documents use the same language that is in the regulations, particularly section 2.104(h).
>
> **Deliberative Process / Ex. 5**
>
> Tim
>
> **Timothy R. Epp**
> |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
> <image001.jpg>
>
> **From:** Payne, James
> **Sent:** Thursday, May 09, 2019 2:11 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
> **Subject:** Re: Regional signing authority citations
>
> Thanks Tim. Adding Suzanne.
>
> I had also heard of a development in 2016 related to limiting downward delegation of signing responses. Is that development reflected in the rule provisions cited below? Do you have a cite for that 2016 development?
>
> Sent from my iPhone
>
> On May 9, 2019, at 1:00 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> > Hi Jim,

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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
<image001.jpg>

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 5/9/2019 9:36:27 PM
To: Simon, Paul [Simon.Paul@epa.gov]; Ferrara, Helen [Ferrara.Helen@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Flowboard kit
Attachments: FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx

Hi Paul and Helen,

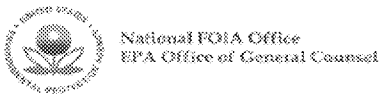
We are happy to share this toolkit with you! If you find that you would like to use the proxy cards shown in the toolkit just let me know and I will send you templates.

Unfortunately, I do not have copies of the Excel-based tracking systems being used in Regions 8 and 9. If you contacted Alan Engels in Region 8 , I am sure he would be happy to share his spreadsheet with you.

Please let us know if we can answer questions or help you with the flow board process.

Joan

Joan Moumbleaux
Government Information Specialist I National FOIA Office
U.S. Environmental Protection Agency I Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC2310A)
Washington, D.C. 20460 I WJCN 7426L
Phone (202) 564-7872 I Cell (202) 573-1835 I moumbleaux.joan@epa.gov



From: Epp, Timothy
Sent: Thursday, May 9, 2019 5:25 PM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Cc: Simon, Paul <Simon.Paul@epa.gov>; Ferrara, Helen <Ferrara.Helen@epa.gov>
Subject: Flowboard kit

Hi Joan,

Could you send the FOIA Flowboard Toolkit to Paul Simon and Helen Ferrara, who are on copy? Paul and Helen are in the Regional Counsel's Office and are now taking on oversight of the Region 2 FOIA program.

Do you also have a copy of either the Region 8 or Region 9 Excell-based tracking system? Although not recommended for Lean Management purposes, Paul and Helen indicated an interest in an electronic system due to the high volume that Region 2 has.

Thanks,

Tim
Timothy R. Epp
|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

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/9/2019 9:21:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Badalamente, Mark [Badalamente.Mark@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Blake, Wendy [Blake.Wendy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION
Attachments: RE: Status on Adobe Portfolio ; Re: e-Discovery issue

Tim,

ACP, Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Epp, Timothy
Sent: Thursday, May 9, 2019 4:13 PM

To: Thompson, BrianK <Thompson.BrianK@epa.gov>
Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Brian,

ACP, Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Schumacher, Wendy
Sent: Thursday, May 09, 2019 3:31 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Tim,

Please see R6's suggestion for the Toolkit.

Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Ho, Nancy
Sent: Thursday, May 09, 2019 11:58 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Hi Wendy/Larry –

ACP, Deliberative Process / Ex. 5

Thanks,
Nancy

Nancy Ho
EPA Region 6 FOIA Team
Mailing Address: 1445 Ross Ave Ste 1200, Mail Code ORCDF, Dallas, TX 75202-2733
Tel: 214-665-3179 || Email: ho.nancy@epa.gov

From: Ford, Mark
Sent: Wednesday, May 08, 2019 10:58 AM
To: Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Lane, Leticia <Lane.Leticia@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Please use Ediscovery EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions

Hi Nancy,

ACP, Deliberative Process / Ex. 5

Many thanks,

Mark Ford
Senior Attorney/ORC
FOIA Branch

From: Ho, Nancy
Sent: Friday, May 03, 2019 2:24 PM
To: Langley, Shirley <Langley.Shirley@epa.gov>; Lane, Leticia <Lane.Leticia@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>
Subject: Please use Ediscovery EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions
Importance: High

Hi Derek, Mark, and DeeDee –

ACP, Deliberative Process / Ex. 5

Thanks,
Nancy

Nancy Ho
EPA Region 6 FOIA Team
Mailing Address: 1445 Ross Ave Ste 1200, Mail Code ORCDF, Dallas, TX 75202-2733
Tel: 214-665-3179 || Email: ho.nancy@epa.gov

From: Kirst, Tina
Sent: Friday, May 03, 2019 1:28 PM
To: Calderon, Wanda <Calderon.Wanda@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>; Kercheval, Stephanie <Kercheval.Stephanie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; McLendon, Wanda <McLendon.Wanda@epa.gov>; Reynolds, David <Reynolds.David@epa.gov>
Cc: Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom <Malooly.Tom@epa.gov>; Whitener, Susan <Whitener.Susan@epa.gov>; Geisel, Alison <geisel.alison@epa.gov>; Wright, Bianca <wright.bianca@epa.gov>; Albright, Glodine <albright.glodine@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>; Stanley, Deborah-j <Stanley.Deborah-J@epa.gov>
Subject: Freedom of Information Act Request # EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions

Dear Wanda C., Kaushal, Jessica, Stephanie, Michele, Wanda M., and David:

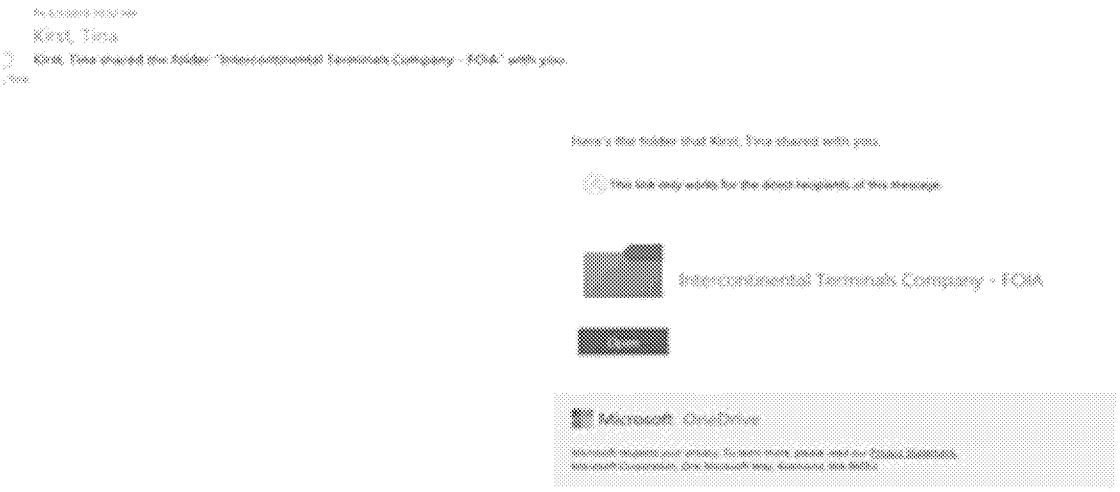
As you know, EPA Region 6 Superfund Division is in receipt of the attached FOIA request # EPA-R6-2019-004705, for information on the Intercontinental Terminals Company Facility Fire. Today, we are providing you with this email for a preliminary review of the process. We expect to notify all of the identified custodians of the process and with access to their OneDrive folder on Monday, May 6, 2019.

The individuals listed below have been identified has having information for this incident that may be responsive to the FOIA request. If there are any other known individuals from your Region that participated in the emergency response, please let us know.

Region 2 - Idrissa Ouedraogo and Paul Kahn
Region 5 - Sylvia Griffin, Robert Snyder, Danielle Kleinmaier, Lawrence Zintek
Region 10 – Richard Franklin
OLEM – Knolyn Jones, Stephen Blaze, Dave Mickunas, Timothy Curry, Marc Thomas
HQ – Office of Land and Emergency Management – Site Team not identified

The method for making the documents available to Region 6 is via OneDrive. Each Region will be provided with access to a OneDrive folder assigned specifically to that Region's custodian(s).

Each custodian will receive an email from Tina Kirst, Toeroek Associates, providing sharing/access to your OneDrive folder. A screenshot is below.



Once you receive the sharing OneDrive email, please complete the following:

1) The custodian will need to complete a search in Outlook. (Please see the attached instructions on Outlook E-Mail Collection)
2) The custodian must use the approved Boolean search terms: ("Intercontinental Terminals Company" OR " ITC " OR "A6SN") AND received :>= 03/15/2019
3) Once you have completed your search, please upload the records to your assigned OneDrive folder. (To access the folder, please click on the sharing email you receive. Please note, you will not be able to share the folder. If anyone needs access, please notify the sender sharing the OneDrive folder. Access can be given to other custodians upon request.)
4) Complete the attached Document Retrieval form. This form is to signify that you have conducted the search and have provided all known records for this response.
5) Once you have completed steps 1 – 4 above, please send an email to Region 6 staff, Diana Ortiz (Ortiz.diana@epa.gov) and Mary Beth Pemberton (Pemberton.Mary@epa.gov) , notifying them you have completed your search and attach your completed Document Retrieval form to the email.
6) Once the documents are captured by Region 6, they will be processed into SEMS.
7) Each custodian will be notified via email that their documents are ready for review in OneDrive.
8) Each custodian will receive a copy of their documents and a corresponding metadata to review for releasability and responsiveness through the assigned OneDrive folder.
9) Once the review is finished, the documents will be completed in SEMS, and provided in response to the FOIA request. If the document is uncontrolled it will be released, and if controlled it will be withheld accordingly.

If you have any questions or any issues in accessing the OneDrive folder and / or in conducting your search, please let us know.

Thank you,

Tina Kirst
Toeroek Associates, Inc., A Subcontractor for AAR
Contractor - U.S. Environmental Protection Agency Region 6 Superfund Division
Phone: 214-665-2242 - Email: kirst.tina@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/13/2019 8:38:40 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)
Attachments: EPA-HQ-2017-009619 Final.5.13.19.pdf; EPA-HQ-2017-009910 Final.5.13.19.pdf

---

From: Hope, Brian
Sent: Monday, May 13, 2019 4:38:37 PM (UTC-05:00) Eastern Time (US & Canada)
To: Cubeddu, Mariana; White, Elizabeth
Cc: Hill, Kevin W.; Donahue, Sean
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Signed finals attached. Thanks!

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 1:45 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Kevin and I just met and discussed the closeout letters for both of these. We revised the letter to have one combined file with Nancy's calendars –instead of 11 separate files. Therefore, please find attached a slightly revised version of closeout letters to reflect this change.

From: White, Elizabeth
Sent: Monday, May 13, 2019 1:41 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana – this looks good. Just confirm with Brian that the letters have all the right language and formatting and I will get them signed. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>;

Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.	***Final Response***	***1433 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

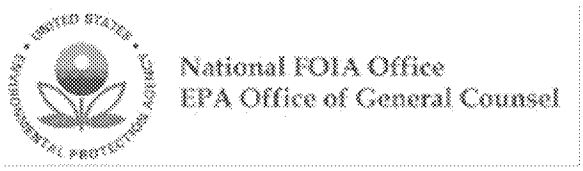
From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 5/9/2019 8:09:31 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

ACP, Deliberative Process / Ex. 5

Thanks

Larry F. Gottesman
Agency FOIA Officer
Acting Assistant Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)



From: Epp, Timothy
Sent: Thursday, May 09, 2019 4:07 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

ACP, Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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: Schumacher, Wendy
Sent: Thursday, May 09, 2019 3:31 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Tim,

Please see R6's suggestion for the Toolkit.

Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Ho, Nancy
Sent: Thursday, May 09, 2019 11:58 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Hi Wendy/Larry –

ACP, Deliberative Process / Ex. 5

Thanks,
Nancy

Nancy Ho
EPA Region 6 FOIA Team
Mailing Address: 1445 Ross Ave Ste 1200, Mail Code ORCDF, Dallas, TX 75202-2733
Tel: 214-665-3179 || Email: ho.nancy@epa.gov

From: Ford, Mark
Sent: Wednesday, May 08, 2019 10:58 AM
To: Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Lane, Leticia <Lane.Leticia@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>
Subject: RE: Please use Ediscovery EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions

Hi Nancy,

ACP, Deliberative Process / Ex. 5

Mark Ford
Senior Attorney/ORC
FOIA Branch

From: Ho, Nancy
Sent: Friday, May 03, 2019 2:24 PM
To: Langley, Shirley <Langley.Shirley@epa.gov>; Lane, Leticia <Lane.Leticia@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>
Subject: Please use Ediscovery EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions
Importance: High

Hi Derek, Mark, and DeeDee –

ACP, Deliberative Process / Ex. 5

Thanks,
Nancy

Nancy Ho
EPA Region 6 FOIA Team
Mailing Address: 1445 Ross Ave Ste 1200, Mail Code ORCDF, Dallas, TX 75202-2733
Tel: 214-665-3179 || Email: ho.nancy@epa.gov

From: Kirst, Tina
Sent: Friday, May 03, 2019 1:28 PM
To: Calderon, Wanda <Calderon.Wanda@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>; Kercheval, Stephanie <Kercheval.Stephanie@epa.gov>; Indermark, Michele <Indermark.Michele@epa.gov>; McLendon, Wanda <McLendon.Wanda@epa.gov>; Reynolds, David <Reynolds.David@epa.gov>
Cc: Ortiz, Diana <Ortiz.Diana@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ragon, Derek <Ragon.Derek@epa.gov>; Malooly, Tom <Malooly.Tom@epa.gov>; Whitener, Susan <Whitener.Susan@epa.gov>; Geisel, Alison <geisel.alison@epa.gov>; Wright, Bianca <wright.bianca@epa.gov>; Albright, Glodine <albright.glodine@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Ford, Mark <Ford.Mark@epa.gov>; Stanley, Deborah-j <Stanley.Deborah-J@epa.gov>
Subject: Freedom of Information Act Request # EPA-R6-2019-004705 - Intercontinental Terminals Company (ITC) Facility Fire - Multi-Regions

Dear Wanda C., Kaushal, Jessica, Stephanie, Michele, Wanda M., and David:

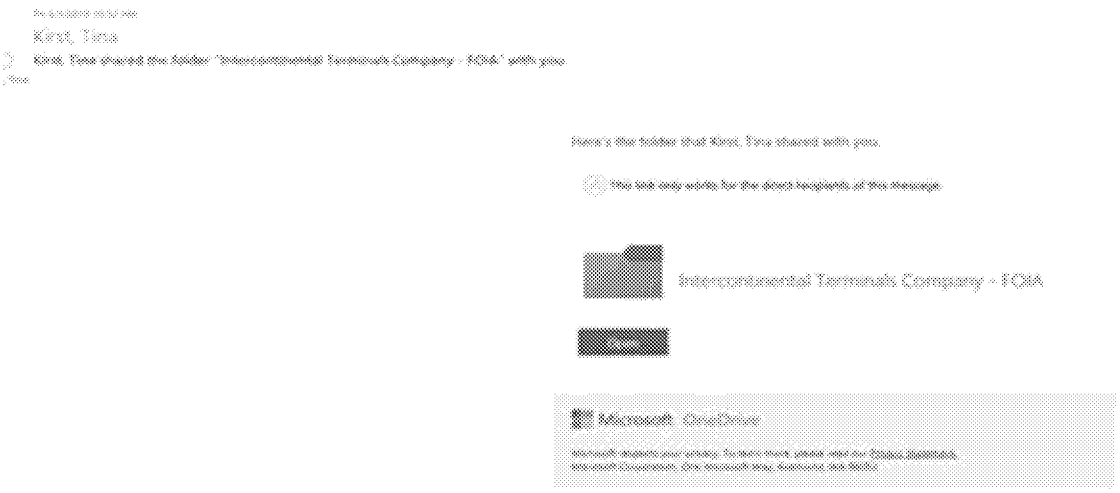
As you know, EPA Region 6 Superfund Division is in receipt of the attached FOIA request # EPA-R6-2019-004705, for information on the **Deliberative Process / Ex. 5** preliminary review of the process. We expect to notify all of the identified custodians of the process and with access to their OneDrive folder on Monday, May 6, 2019.

The individuals listed below have been identified has having information for this incident that may be responsive to the FOIA request. If there are any other known individuals from your Region that participated in the emergency response, please let us know.

Region 2 - Idrissa Ouedraogo and Paul Kahn
Region 5 - Sylvia Griffin, Robert Snyder, Danielle Kleinmaier, Lawrence Zintek
Region 10 – Richard Franklin
OLEM – Knolyn Jones, Stephen Blaze, Dave Mickunas, Timothy Curry, Marc Thomas
HQ – Office of Land and Emergency Management – Site Team not identified

The method for making the documents available to Region 6 is via OneDrive. Each Region will be provided with access to a OneDrive folder assigned specifically to that Region's custodian(s).

Each custodian will receive an email from Tina Kirst, Toeroek Associates, providing sharing/access to your OneDrive folder. A screenshot is below.



Once you receive the sharing OneDrive email, please complete the following:

1) The custodian will need to complete a search in Outlook. (Please see the attached instructions on Outlook E-Mail Collection)
2) The custodian must use the approved Boolean search terms: ("Intercontinental Terminals Company" OR " ITC " OR "A6SN") AND received :>= 03/15/2019
3) Once you have completed your search, please upload the records to your assigned OneDrive folder. (To access the folder, please click on the sharing email you receive. Please note, you will not be able to share the folder. If anyone needs access, please notify the sender sharing the OneDrive folder. Access can be given to other custodians upon request.)
4) Complete the attached Document Retrieval form. This form is to signify that you have conducted the search and have provided all known records for this response.
5) Once you have completed steps 1 – 4 above, please send an email to Region 6 staff, Diana Ortiz (Ortiz.diana@epa.gov) and Mary Beth Pemberton (Pemberton.Mary@epa.gov) , notifying them you have completed your search and attach your completed Document Retrieval form to the email.
6) Once the documents are captured by Region 6, they will be processed into SEMS.
7) Each custodian will be notified via email that their documents are ready for review in OneDrive.
8) Each custodian will receive a copy of their documents and a corresponding metadata to review for releasability and responsiveness through the assigned OneDrive folder.
9) Once the review is finished, the documents will be completed in SEMS, and provided in response to the FOIA request. If the document is uncontrolled it will be released, and if controlled it will be withheld accordingly.

If you have any questions or any issues in accessing the OneDrive folder and / or in conducting your search, please let us know.

Thank you,

Tina Kirst
Toeroek Associates, Inc., A Subcontractor for AAR
Contractor - U.S. Environmental Protection Agency Region 6 Superfund Division
Phone: 214-665-2242 - Email: kirst.tina@epa.gov

Message

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 5/8/2019 1:00:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: draft EPA interoperability plan for the National FOIA Portal
Attachments: National FOIA Office and Natl FOIA Portal Interoperability - 05-07-2019 clean.ebp.docx

What about this?

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

From: Epp, Timothy
Sent: Tuesday, May 07, 2019 4:57 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: draft EPA interoperability plan for the National FOIA Portal

Elise,

Attached is my draft memo to OMB identifying EPA's plan to rely on FOIAonline to achieve interoperability with the National FOIA Portal. Also attached is the OMS draft plan for FOIAonline with my one suggested edit. This is due by Friday.

Let me know if you have any comments or questions, and when I can send to Joe for his review.

Tim

Timothy R. Epp
|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

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/8/2019 12:18:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Attachments: EDD Communication on Relativity Duplicate Spare Defect 5820190817.docx

Attached is a copy of the communication that will be sent out at 9am. Please let me know if there are any additional changes the Office of General Counsel recommends.

-Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Epp, Timothy
Sent: Wednesday, May 8, 2019 8:02 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Both – see attached.

Timothy R. Epp
|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: Thompson, BrianK
Sent: Wednesday, May 08, 2019 7:58 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca

<Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: Re: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Do you just want a phone number or do you want to add an email address to mirror ILPG's contact information? Please provide the edits in the document and I'll send it out in a few.

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Mission Support (OMS)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

On May 8, 2019, at 7:53 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thanks all,
>
> Rather than the NFO general number, let's refer folks to Heather Thompson at 202-566-1025.
>
> Adding Heather – let me know if you have any questions.
>
> Thanks,
> Tim
>
> **Timothy R. Epp**
> |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
> <image002.jpg>

From: Kaminer, Joan
Sent: Wednesday, May 08, 2019 12:26 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

A (very) few edits in addition to, or in response to, what you and Wendy identified. Just in case Tim is unable review, I did confirm the NFO contact number is the number currently listed on the website as the National FOIA Office contact number.

Thanks Brian.

Joan G. Kaminer

Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Wednesday, May 08, 2019 12:03 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Attached is the updated copy of what will be sent out by 9am tomorrow. We have completed the creation of the saved searches so I intend to send this communication out before most people will log into the system and see a new saved search in their workspace.

_Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Blake, Wendy
Sent: Tuesday, May 7, 2019 11:49 PM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Importance: High

Brian – Thanks for working to address our comments. I made a few other small tweaks, which may need further massaging from you to ensure technical accuracy. Joan had a few comments to add as well.

TIM – Please see the attached which references the foia hotline. I wondered if that was the right contact – we could also direct folks to the foia email box. See attached comment.

Brian – Tim gets in very early, so hopefully he can take a quick look in the morning. 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

From: Thompson, BrianK
Sent: Tuesday, May 07, 2019 9:52 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Joan,

Thank you for the editorial suggestions to the email. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here is the revised communication (and attached in word document if needed)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Kaminer, Joan
Sent: Tuesday, May 7, 2019 4:25 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Brian,

Wendy asked me to review your draft email and I have a few suggestions. Please send the revised email back to this group prior to sending.

First, the email needs to clarify the issue. The first paragraph currently reads Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

As I mentioned above, please provide us with an opportunity to review your revised draft.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 06, 2019 8:29 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Wendy and Tim:

Below is the draft email that I plan to send regarding the issue Relativity identified to all its users in Relativity 9.5 or higher. As Rebecca mentioned Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-Brian

All:

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)

Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/8/2019 11:57:33 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
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Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Mission Support (OMS)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

On May 8, 2019, at 7:53 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thanks all,
>
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> Thanks,
> Tim
>
> **Timothy R. Epp**
> |National FOIA Office
> U.S. Environmental Protection Agency | Office of General Counsel
> 1200 Pennsylvania Avenue, N.W. (MC 2310A)
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> Phone (202) 564-2830| epp.timothy@epa.gov
> <image002.jpg>

From: Kaminer, Joan
Sent: Wednesday, May 08, 2019 12:26 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

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Thanks Brian.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Wednesday, May 08, 2019 12:03 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

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_Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Blake, Wendy
Sent: Tuesday, May 7, 2019 11:49 PM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Importance: High

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TIM – Please see the attached which references the foia hotline. I wondered if that was the right contact – we could also direct folks to the foia email box. See attached comment.

Brian – Tim gets in very early, so hopefully he can take a quick look in the morning. 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

From: Thompson, BrianK
Sent: Tuesday, May 07, 2019 9:52 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Joan,

Thank you for the editorial suggestions to the email. Deliberative Process / Ex. 5 ur

Deliberative Process / Ex. 5

Here is the revised communication (and attached in word document if needed)

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Kaminer, Joan
Sent: Tuesday, May 7, 2019 4:25 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Brian,

Wendy asked me to review your draft email and I have a few suggestions. Please send the revised email back to this group prior to sending.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

As I mentioned above, please provide us with an opportunity to review your revised draft.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

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Sent: Monday, May 06, 2019 8:29 PM
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Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Wendy and Tim:

Below is the draft email that I plan to send regarding the issue Relativity identified to all its users in Relativity 9.5 or higher. As Rebecca mentioned, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-Brian

All:

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/13/2019 4:37:48 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)
Attachments: Redacted_Beck_Calendar6.17.pdf; Redacted_Beck_Calendar7.17.pdf; Redacted_Beck_Calendar8.17.pdf; Redacted_Beck_Calendar9.17.pdf; Redacted_Beck_Calendar10.17.pdf; Redacted_Beck_Calendar11.17.pdf; Redacted_Beck_Calendar12.17.pdf; Redacted_Beck_Calendar2.18.pdf; Redacted_Beck_Calendar5.17.pdf; EPA-HQ-2017-009910_ Nancy Beck Calendar_Closeout Letter_4.12.2019.docx; EPA-HQ-2017-009619_Nancy Beck Calendar_Closeout Letter.4.17.2019.docx; EPA-HQ-2017-009910_ Nancy Beck Calendar_Closeout Letter_4.12.2019.docx

---

From: Cubeddu, Mariana
Sent: Monday, May 13, 2019 12:37:00 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth
Cc: Hill, Kevin W.; Donahue, Sean
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

I am forwarding as a reminder, 2 closeout letters for cases 2017-009910 and 2017-009619 on Nancy Beck's calendars for your approval and signature.

Thank You,

Mariana

From: White, Elizabeth
Sent: Thursday, April 18, 2019 11:43 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules) on Nancy Beck's claendars
Got it. Thanks!

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 direct
cell

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 irect
ell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.	***Final Response***	***1433 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Kaminer, Joan [Kaminer.Joan@epa.gov]
Sent: 5/8/2019 4:25:46 AM
To: Thompson, BrianK [Thompson.BrianK@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Attachments: EDD Communication on Relativity Duplicate Spare Defect 582019 JGK.docx

A (very) few edits in addition to, or in response to, what you and Wendy identified. Just in case Tim is unable review, I did confirm the NFO contact number is the number currently listed on the website as the National FOIA Office contact number.

Thanks Brian.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Wednesday, May 08, 2019 12:03 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Attached is the updated copy of what will be sent out by 9am tomorrow. We have completed Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

_Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Blake, Wendy
Sent: Tuesday, May 7, 2019 11:49 PM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>

Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Importance: High

Brian – Thanks for working to address our comments. I made a few other small tweaks, which may need further massaging from you to ensure technical accuracy. Joan had a few comments to add as well.

TIM – Please see the attached which references the foia hotline. I wondered if that was the right contact – we could also direct folks to the foia email box. See attached comment.

Brian – Tim gets in very early, so hopefully he can take a quick look in the morning. 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

From: Thompson, BrianK
Sent: Tuesday, May 07, 2019 9:52 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
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Joan,

Thank you for the editorial suggestions to the email. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here is the revised communication (and attached in word document if needed)

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

REL-304946 - Duplicate Spare Defect

This saved search may be over-inclusive and could include documents that were in fact previously viewable in an *Inclusive Email* workflow. Relativity has erred on the side of caution and this saved search finds all documents that could *possibly* have be impacted by the defect; therefore, it may return some false positives.

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
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Deliberative Process / Ex. 5

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As I mentioned above, please provide us with an opportunity to review your revised draft.

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Attorney-Advisor
EPA/OGC/GLO/ILPG
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Kaminer.joan@epa.gov

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Wendy and Tim:

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Deliberative Process / Ex. 5

-Brian

All:

Deliberative Process / Ex. 5

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Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/8/2019 4:02:58 AM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Attachments: EDD Communication on Relativity Duplicate Spare Defect 582019.docx

Attached is the updated copy of what will be sent out by 9am tomorrow. We have completed the creation of the saved searches so I intend to send this communication out before most people will log into the system and see a new saved search in their workspace.

_Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

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Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Joan,

Thank you for the editorial suggestions to the email. I have tried to incorporate as many of your suggestions into EDD's communication to its users as practical given the need for quick and expedient communication on the subject. I have also instructed the team, and we are currently working throughout the night, to populate the saved search in the 309 impacted workspaces. Therefore I will be sending out the below communication tomorrow morning. If you have a different or more specific point of contact for individuals to reach out to in OGC, please let me know. Otherwise the below will go out as is once we complete our work.

Here is the revised communication (and attached in word document if needed)

All:

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

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Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Brian,

Wendy asked me to review your draft email and I have a few suggestions. Please send the revised email back to this group prior to sending.

Deliberative Process / Ex. 5

As I mentioned above, please provide us with an opportunity to review your revised draft.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 06, 2019 8:29 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Wendy and Tim:

Below is the draft email that I plan to send regarding the issue Relativity identified to all its users in Relativity 9.5 or higher. As Rebecca mentioned, EDD has already applied the fix, but we are waiting on running the Saved Search (see below) until we are ready with the appropriate communication. Once you have determined if the communication meets your needs, please let me know and my team will begin the process of creating saved searches in the 300+ impacted workspaces. Once that is completed I will send out the communication.

-Brian

All:

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Green, Holly [Green.Holly@epa.gov]
Sent: 6/21/2019 6:17:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Agenda and Final Materials for June 25 OMB/EPA Strategic Review Meeting
Attachments: EPA 2019 SR Agenda_6-21-2019.docx

FYI

From: Lipton, Adam S. EOP/OMB Personal Email / Ex. 6
Sent: Friday, June 21, 2019 12:09 PM
To: Green, Holly <Green.Holly@epa.gov>
Cc: Personal Email / Ex. 6 OBrien, Kathy <Obrien.Kathy@epa.gov>
Subject: RE: Agenda and Final Materials for June 25 OMB/EPA Strategic Review Meeting

Hi Holly, as I mentioned on our call earlier this morning, there's a lot of good, separate engagement already occurring between OMB and EPA on FOIAOnline, so we'll take that brief update off the agenda – which frankly, kind of works out so we can have more time to address items related to the FOIA backlog discussion.

I've also updated the attendee list for OMB – Adrienne Lucas, the Deputy Associate Director for NRD will now be attending. See attached.

Let me know if you have any questions – we'll send an email on Monday showing who still needs to submit their info to WAVES. Thanks,
Adam

From: Green, Holly <Green.Holly@epa.gov>
Sent: Thursday, June 20, 2019 5:50 PM
To: Lipton, Adam S. EOP/OMB <Personal Email / Ex. 6>
Cc: Burgess, Scott H. EOP/OMB <Personal Email / Ex. 6>; OBrien, Kathy <Obrien.Kathy@epa.gov>
Subject: FW: Agenda and Final Materials for June 25 OMB/EPA Strategic Review Meeting

Adam,

To clarify, the ppt presentation attached would serve as our briefing materials. It includes the dashboards as an appendix. If you could have that document printed for participants, we would be all set.

Thank you!
Holly

From: Green, Holly
Sent: Thursday, June 20, 2019 4:46 PM
To: Lipton, Adam S. EOP/OMB <Personal Email / Ex. 6>; Personal Email / Ex. 6
Cc: Crump, Julie EOP/OMB Personal Email / Ex. 6; Ladue, Erik N. EOP/OMB Personal Email / Ex. 6; Greaves, Holly <greaves.holly@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; OBrien, Kathy <Obrien.Kathy@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Martiyan, Stefan <MARTIYAN.STEFAN@EPA.GOV>; Benson, Sheila <Benson.Sheila@epa.gov>; Wilson, Rita <Wilson.Rita@epa.gov>; Gross, Hayley <gross.hayley@epa.gov>; Mandolia,

Michelle <Mandolia.Michelle@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>
Subject: Agenda and Final Materials for June 25 OMB/EPA Strategic Review Meeting

Adam, Scott,

Please find attached our materials for the June 25 OMB/EPA Strategic Review Meeting. We made a few tweaks to the agenda you provided to reference the correct slide numbers and included "Next Steps" as part of the closing.

Looking forward to a great meeting.

Regards,
Holly

Holly Sage Green
Director, Planning Division
Office of Planning, Analysis, and Accountability
USEPA Office of the Chief Financial Officer
1200 Pennsylvania Ave. NW
Washington, DC 20004
Desk: (202) 566-0654
Cell: (Personal Phone / Ex. 6

From: Lipton, Adam S. EOP/OMB [Personal Email / Ex. 6
Sent: Thursday, June 20, 2019 9:28 AM
To: OBrien, Kathy <Obrien.Kathy@epa.gov>; Personal Email / Ex. 6
Cc: Green, Holly <Green.Holly@epa.gov>; Gross, Hayley <gross.hayley@epa.gov>; Mandolia, Michelle <Mandolia.Michelle@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>; Hicklin, Linda <Hicklin.Linda@epa.gov>; Crump, Julie EOP/OMB <Personal Email / Ex. 6>; Ladue, Erik N. EOP/OMB Personal Email / Ex. 6
Subject: RE: Revised Agenda for June 25 OMB/EPA Strategic Review Meeting

Hi Kathy, attached is the final agenda (note: no changes in topics, just re-formatted) and attendee list. For the meeting, we'll have copies printed of EPA's performance dashboards – if there are other materials you'd like to brief from, please send 'em and we will be sure to print off copies of those as well.

As a reminder, please remind attendees to submit their info to WAVES at the following URL in order to be cleared for building access Personal Matter / Ex. 6.

Look forward to seeing you next week – thanks!
Adam

From: OBrien, Kathy <Obrien.Kathy@epa.gov>
Sent: Friday, June 7, 2019 4:56 PM
To: Burgess, Scott H. EOP/OMB <Personal Email / Ex. 6>; Lipton, Adam S. EOP/OMB Personal Email / Ex. 6
Cc: Green, Holly <Green.Holly@epa.gov>; Gross, Hayley <gross.hayley@epa.gov>; Mandolia, Michelle <Mandolia.Michelle@epa.gov>; Brookshire, Malena <Brookshire.Malena@epa.gov>; Hicklin, Linda <Hicklin.Linda@epa.gov>; OBrien, Kathy <Obrien.Kathy@epa.gov>
Subject: Revised Agenda for June 25 OMB/EPA Strategic Review Meeting

Hello Scott and Adam,

Thank you so much for a great discussion this week about the agenda for our upcoming meeting as well as feedback on the strategic plan goal language.

We have revised the June 25 meeting agenda to reflect your input, expected participants from both OMB and EPA, and the revised meeting location (attached). Please note, that based on discussion at yesterday's Administrator's Quarterly Performance Review, we added discussion of objective 3.2, reducing reporting and recordkeeping hours, an area where we think OMB might be of help.

Our plan is to prepare the briefing materials and conduct the pre-briefs over the next couple of weeks. As we discussed, we will provide our materials in advance.

Also, I shared your feedback on the Strategic Plan goal language, specifically the edit to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks again. Let me know if you have any questions.

Kathy
564--1167

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 5/8/2019 3:49:05 AM
To: Thompson, BrianK [Thompson.BrianK@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Attachments: EDD Communication on Relativity Duplicate Spare Defect 572019.docxWB.docx

Importance: High

Brian – Thanks for working to address our comments. I made a few other small tweaks, which may need further massaging from you to ensure technical accuracy. Joan had a few comments to add as well.

TIM – Please see the attached which references the foia hotline. I wondered if that was the right contact – we could also direct folks to the foia email box. See attached comment.

Brian – Tim gets in very early, so hopefully he can take a quick look in the morning. 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

From: Thompson, BrianK
Sent: Tuesday, May 07, 2019 9:52 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Joan,

Thank you for the editorial suggestions to the email. I have tried to incorporate as many of your suggestions into EDD's communication to its users as practical given the need for quick and expedient communication on the subject. I have

Deliberative Process / Ex. 5

Here is the revised communication (and attached in word document if needed)

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Kaminer, Joan
Sent: Tuesday, May 7, 2019 4:25 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Brian,

Wendy asked me to review your draft email and I have a few suggestions. Please send the revised email back to this group prior to sending.

Deliberative Process / Ex. 5

As I mentioned above, please provide us with an opportunity to review your revised draft.

Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 06, 2019 8:29 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Wendy and Tim:

Below is the draft email that I plan to send regarding the issue Relativity identified to all its users in Relativity 9.5 or

Deliberative Process / Ex. 5

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/8/2019 1:51:50 AM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect
Attachments: EDD Communication on Relativity Duplicate Spare Defect 572019.docx

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Deliberative Process / Ex. 5

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All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Kaminer, Joan
Sent: Tuesday, May 7, 2019 4:25 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
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Deliberative Process / Ex. 5

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Thank you,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334

Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 06, 2019 8:29 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
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Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Thompson, BrianK [Thompson.BrianK@epa.gov]
Sent: 5/13/2019 3:43:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; relativitysupport [relativitysupport@epa.gov]; Scully, Carolyn [Scully.Carolyn@epa.gov]; Perkins, Shannon [perkins.shannon@epa.gov]
Subject: RE: Relativity Duplicate Spare Defect

Tim,

I thought your reviewer was raising concerns over slowness in the system *during* our work to push the Duplicate Spare Saved Search to the workspaces. Am I to understand that in fact he/she was raising a concern with you regarding how my team set up the Duplicate Spare Saved Search itself and slowness within that Saved Search? If so, here is my response assuming we are all talking about ED_002308.

Deliberative Process / Ex. 5

I am happy to continue to have this discussion if this group finds it helpful, but I would prefer this to be handled by Relativity Support as normal. This is not something that needs to be elevated to me or this group.

-Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Epp, Timothy
Sent: Monday, May 13, 2019 10:53 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; relativitysupport <relativitysupport@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>; Perkins, Shannon <perkins.shannon@epa.gov>
Subject: RE: Relativity Duplicate Spare Defect

HI Brian – the employee I mentioned did think it was associated with the fix you applied last week – I'll get back to you with more information on that. However, it seems that Joan is identifying a broader issue?

Tim

Timothy R. Epp
|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: Thompson, BrianK
Sent: Monday, May 13, 2019 9:06 AM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; relativitysupport <relativitysupport@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>; Perkins, Shannon <perkins.shannon@epa.gov>
Subject: RE: Relativity Duplicate Spare Defect

Joan,

I thought Tim was referencing a slowdown that occurred during our work and that our creation of the saved searches impacted ongoing review during that specific time period. That appears to not be the case, and in fact you are experiencing lag time when you open and view any Saved Search. Is that correct?

Is this issue limited to any particular workspace or is this something you are experiencing on a global level? If limited to a specific workspace, please let me know the specific ED#.
What is slow to respond? Is it slow to open a document, slow to save, slow to go to the next, or just an overall lag time in the entire process?
Is this slowdown occuring while connected to the EPA Network (from the office) or only when remote?

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Kaminer, Joan
Sent: Monday, May 13, 2019 9:00 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: Relativity Duplicate Spare Defect

Hi Brian, We are also experiencing a slow down when opening any of the saved searches in ED_002308. It seems to slow down only when opening saved searches (any saved searches not only the duplicate spare defect search) but opening documents from the all documents list isn't particularly slow.

I was going to send an email in to relativity support this morning when I saw Tim's email. I can still send in an email to relativity support. We aren't under a deadline right now but we noticed it was unusually slow starting last Thursday. I wasn't in the workspace earlier last week.

Thanks.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 13, 2019 8:26 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: Relativity Duplicate Spare Defect

Tim,

Nothing we did would have caused or contributed to a "slow down", especially a significant one. I would need more information to better address or respond to the claim. Specifically, in what workspace was the 'slowdown' experienced, at what time, which users, what actions were being done by the user, and if possible the specific documents.

-Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Epp, Timothy
Sent: Monday, May 13, 2019 8:11 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Relativity Duplicate Spare Defect

Hi Brian,

I don't know whether there is anything you can do in the future about the situation described below, but I figured you'd want to know about it if you can do anything.

Apparently, Wednesday evening, one of the NFO document reviewers working to get a litigation production out for a Friday deadline experienced significant slowdown in Relativity workspace responsiveness due to the saved search activity being conducted for the duplicate spare defect.

Tim

Timothy R. Epp
|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: Thompson, BrianK
Sent: Wednesday, May 08, 2019 8:18 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Attached is a copy of the communication that will be sent out at 9am. Please let me know if there are any additional changes the Office of General Counsel recommends.

-Brian

_____

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Epp, Timothy
Sent: Wednesday, May 8, 2019 8:02 AM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Both – see attached.

Timothy R. Epp
|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: Thompson, BrianK
Sent: Wednesday, May 08, 2019 7:58 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: Re: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Do you just want a phone number or do you want to add an email address to mirror ILPG's contact information? Please provide the edits in the document and I'll send it out in a few.

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Mission Support (OMS)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

On May 8, 2019, at 7:53 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thanks all,
>
> Rather than the NFO general number, let's refer folks to Heather Thompson at 202-566-1025.
>
> Adding Heather – let me know if you have any questions.
>
> Thanks,
> Tim
>
> **Timothy R. Epp**
> |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
> <image002.jpg>

> **From:** Kaminer, Joan
> **Sent:** Wednesday, May 08, 2019 12:26 AM

To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

A (very) few edits in addition to, or in response to, what you and Wendy identified. Just in case Tim is unable review, I did confirm the NFO contact number is the number currently listed on the website as the National FOIA Office contact number.

Thanks Brian.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Wednesday, May 08, 2019 12:03 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Attached is the updated copy of what will be sent out by 9am tomorrow. We have completed the creation of the saved searches so I intend to send this communication out before most people will log into the system and see a new saved search in their workspace.

_Brian

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

From: Blake, Wendy
Sent: Tuesday, May 7, 2019 11:49 PM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
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Brian – Tim gets in very early, so hopefully he can take a quick look in the morning. Thanks!

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Wendy L. Blake
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U.S. Environmental Protection Agency
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Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
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Joan,

Thank you for the editorial suggestions to the email. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here is the revised communication (and attached in word document if needed)

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
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Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Brian,

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First, the email needs to clarify the issue Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you,

Joan G. Kaminer
Attorney-Advisor
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202-564-0334
Kaminer.joan@epa.gov

From: Thompson, BrianK
Sent: Monday, May 06, 2019 8:29 PM
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Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: Draft Communication from EDD re: Relativity Duplicate Spare Defect

Wendy and Tim:

Below is the draft email that I plan to send regarding the issue Relativity identified to all its users in Relativity 9.5 or higher. As Rebecca mentioned, EDD has already applied the fix, but we are waiting on

Deliberative Process / Ex. 5

-Brian

All:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Brian K. Thompson | Director
eDiscovery Division
Office of Enterprise Information Programs (OEIP)
Office of Environmental Information (OEI)
U.S. Environmental Protection Agency
phone: (202) 564-4256
e-mail: Thompson.BrianK@epa.gov

Message

From: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Sent: 5/8/2019 12:03:15 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Crawford, Tim [Crawford.Tim@epa.gov]
Subject: FW: Draft separate responses to OMB's Nation Portal Interoperability requirement
Attachments: National FOIA Office and Natl FOIA Portal Interoperability - 05-07-2019 redline.docx; FOIAonline National FOIA Portal Integration Plan_ 05-7-2019v3.docx

Tim:

Thank you.

I incorporated your suggested edit in the FOIAonline response, and I have attached the version I'll be sending to Vaughn for his review.

I liked your latest version of the NFO response; and I'll share that draft with Vaughn as well, just for his information and reference.

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

From: Epp, Timothy
Sent: Tuesday, May 7, 2019 4:32 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Schroeder, Tobias <Schroeder.Tobias@epa.gov>; Whiting, Michael <Whiting.Mike@epa.gov>; Douglas, Holly <Douglas.Holly@epa.gov>
Subject: RE: Draft separate responses to OMB's Nation Portal Interoperability requirement

Hi Rebecca and Tim,

Thanks for taking the laboring oar to initially draft these. Attached is the EPA plan draft that I will send up my management chain for approval (without the redlines & strikeout noted in the attached).

For OMS' draft plan for FOIAonline, I'd sugges Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have any recommendations or concerns with my edits.

Thanks,
Tim

Timothy R. Epp
|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: Moser, Rebecca
Sent: Tuesday, May 07, 2019 3:03 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schroeder, Tobias <Schroeder.Tobias@epa.gov>; Whiting, Michael <Whiting.Mike@epa.gov>; Douglas, Holly <Douglas.Holly@epa.gov>
Subject: RE: Draft separate responses to OMB's Nation Portal Interoperability requirement

Tim C.: Thanks so much for creating the two separate memos. I had a few revisions to each memo & my versions are attached.

Tim C. & Tim E.: Let me know if you have any further changes. I'd like to send both versions to Vaughn this afternoon for his review, if possible. (Of course, he'd only be sending the FOIAonline Program's response.)

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

From: Crawford, Tim
Sent: Tuesday, May 7, 2019 11:37 AM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: Draft separate responses to OMB's Nation Portal Interoperability requirement

I've split to two responses with a revised implementation date of Q4 FY21 for your review and issuance.
Please let me know if you need anything else.
--thank you

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c Personal Phone / Ex. 6

Message

From: Nickerson, William [Nickerson.William@epa.gov]
Sent: 5/9/2019 5:44:49 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: materials for briefing on FOIA regs

That is my plan when I talk to them at 4pm. Deliberative Process / Ex. 5 right?

Sent from my iPhone

On May 9, 2019, at 12:21 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|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
<image001.jpg>

From: Nickerson, William
Sent: Tuesday, May 07, 2019 7:52 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: materials for briefing on FOIA regs

I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB Ex. 6 wrote:

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you,

Jonathan

From: Nickerson, William <Nickerson.William@epa.gov>
Sent: Friday, April 26, 2019 4:37 PM
To: Whiteman, Chad S. EOP/OMB < Ex. 6 >
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson
Director, Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA_PB.docx>

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/7/2019 10:39:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:39:57 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Perfect. Thank you. Now get out of here and take the night off!

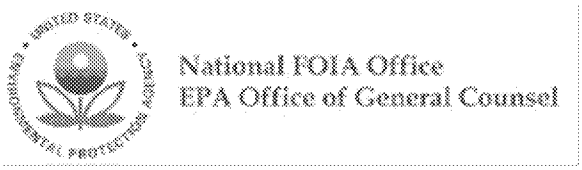
VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:38 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

"People in EPA with the link can view"

Regards,
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



From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:37 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

It worked for me. Do you have it set where anyone that has the link at EPA has access or just specified people?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:36 PM

To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Hope that link works.

Regards,
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

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:35 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Haha. Here for ya!

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:31 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Just noticed and beat me to it!

Regards,
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

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:30 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Kevin,

Can I get a copy of the attachment?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:27 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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EPA-HQ-2017-011827	*Justin Glawe*		*10/02/2017*	5/7/2019	From January 1, 2017 to present: A copy of any	Final	*755 pg*

					and all visitors logs kept for visits with the Administrator and/or to the Office of the Administrator.		

The following offices have equities in these records and have reviewed the relevant records: OMS, AO

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *attached*

Regards,

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

Message

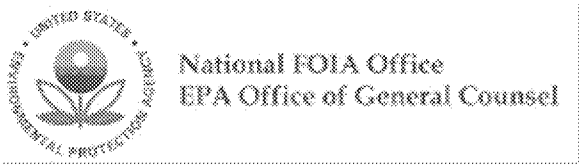
From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/9/2019 5:00:57 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Summary of Interior's proposed FOIA regs
Attachments: Memo on Interior's proposed FOIA regs.docx

Chris- From Wendy.
I can't remember if she sent this to us already.

Let us know what you think.

Denise

Denise A. Walker
Acting Assistant Director, FOIA Expert Assistance Team | 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 Personal Phone / Ex. 6 | walker.denise@epa.gov



From: Blake, Wendy
Sent: Thursday, May 09, 2019 12:59 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: FW: Summary of Interior's proposed FOIA regs

FYI – our clerk's workproduct on the DOI proposed regs.

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

From: Wilkinson, Alexander
Sent: Monday, March 04, 2019 4:26 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Schneider, Paul <Schneider.Paul@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Summary of Interior's proposed FOIA regs

Hey everyone,
Attached is my summary of Interior's proposed FOIA regulations. I would appreciate any feedback you may have.

Alexander Wilkinson
Extern
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Phone: (202) 564-6522

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/7/2019 10:36:47 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:36:46 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

It worked for me. Do you have it set where anyone that has the link at EPA has access or just specified people?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:36 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Hope that link works.

Regards,
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

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:35 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Haha. Here for ya!

VT

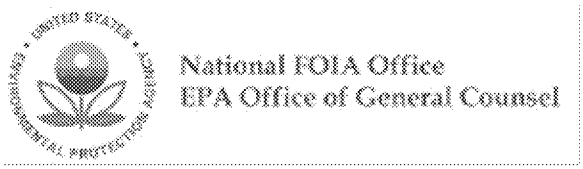
From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:31 PM

To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Just noticed and beat me to it!

Regards,
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



From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:30 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Kevin,

Can I get a copy of the attachment?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:27 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

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FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-011827	*Justin Glawe*		*10/02/2017*	5/7/2019	From January 1, 2017 to present: A copy of any and all visitors logs kept for visits with the Administrator and/or to the Office of the Administrator.	Final	*755 pg*

The following offices have equities in these records and have reviewed the relevant records: OMS, AO

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *attached*

Regards,

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

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/7/2019 10:35:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:35:02 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Haha. Here for ya!

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:31 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Just noticed and beat me to it!

Regards,
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

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:30 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Kevin,

Can I get a copy of the attachment?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:27 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

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EPA-HQ-2017-011827	*Justin Glawe*		*10/02/2017*	5/7/2019	From January 1, 2017 to present: A copy of any and all visitors logs kept for visits with the Administrator and/or to the Office of the Administrator.	Final	*755 pg*

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The records are located at: *attached*

Regards,

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

Message

From: Fugh, Justina [Fugh.Justina@epa.gov]
Sent: 5/13/2019 1:50:36 PM
To: Tran, Victoria [tran.victoria@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Woo hoo! Thanks!

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: Tran, Victoria
Sent: Monday, May 13, 2019 9:12 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Justina,

No comments. This is ready for awareness. Please let me know if you need anything else. Thank you.

VT

From: Fugh, Justina
Sent: Tuesday, May 7, 2019 7:23 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Thanks, Victoria! Could you get back to us by the end of next week? I don't have any sense for how long the process takes, so if that's unreasonable, let me know!
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: Tran, Victoria
Sent: Tuesday, May 07, 2019 5:21 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Justina,

I can help with this. When do you need this by? I will make sure to conduct one myself and send it along, if necessary. Thank you.

VT

From: Fugh, Justina
Sent: Tuesday, May 7, 2019 4:43 PM
To: Tran, Victoria <tran.victoria@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Hi Victoria,
Your friends in OGC/Ethics need your help. Beginning on March 19 and again on April 2, Shannon Griffo of OGC/Ethics asked Beth and Helena to review the attached documents for equity review. We have yet to hear a peep since. Can you provide any insight into how to speed up the processing of this review? Please?
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: Tuesday, March 19, 2019 10:53 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Hi Beth and Helena,

FOIA Request no. EPA-HQ-2018-006287, Jason Hopkins (The Daily Caller News Foundation), has requested "the correspondence between the ethics officers and the Campaign Legal Center regarding the leaked memo from Agency Ethics Official Kevin Minoli. The memo details Minoli's assessment of EPA Administrator Scott Pruitt's past living arrangement, and was shared with CNN."

For equity review purposes, please see attached for the responsive records (35 pgs). These are all documents that have been shared with a third party. No redactions have been made.

Once you've reviewed, I will send these documents through the awareness notification process.

Thanks!
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics

U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/7/2019 10:30:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

From: Tran, Victoria
Sent: Tuesday, May 7, 2019 6:30:28 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: RE: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

Kevin,

Can I get a copy of the attachment?

VT

From: Hill, Kevin W.
Sent: Tuesday, May 7, 2019 6:27 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-011827 (Visitor Logs)

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Office of the Administrator (OA)				

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-011827	*Justin Glawe*		*10/02/2017*	5/7/2019	From January 1, 2017 to present: A copy of any and all visitors logs kept for visits with the Administrator and/or to the Office of the Administrator.	Final	*755 pg*

The following offices have equities in these records and have reviewed the relevant records: OMS, AO

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *attached*

Regards,

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/8/2019 9:43:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: Weekly Selected Requests 05.01.2019-05.08.2019
Attachments: Selected FOIA Requests. 05.01.2019-05.08.2019.xlsx; Selected FOIA Requests. 05.01.2019-05.08.2019.docx

Hello Tim,

Please find the weekly selected requests for the period of 05.01.2019-05.08.2019. During this period we received 190 requests and 68 were selected.

Thank you,

Christopher T. Creech
Attorney–Adviser
Office of General Counsel | U.S. Environmental Protection Agency
(202) 564-4286 | WJCN Room 7353E | creech.christopher@epa.gov

Message

From: Williams, LaShawn [williams.lashawn@epa.gov]
Sent: 5/8/2019 9:41:42 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: OGC FOIA Report
Attachments: 05-07-2019 OGC FOIA Report.xlsx

Hi Wendy,

Here is the latest OGC FOIA report.

Tim – copying you, as requested.

Note – With the exception of 1 (assigned to Resheena Spears), this report does not include all of the NFO requests, only those assigned to members of the FEAT.

Please let me know if you have any questions.

Thanks,
LaShawn

LaShawn H. Williams
Paralegal Specialist/OGC FOIA Coordinator
Office of General Counsel
General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue (MC 2377A)
Washington, D.C. 20460
(202) 564-3822 (office)
(202) 564-5432 (fax)

CONFIDENTIALITY STATEMENT: The information contained in this electronic message is privileged and confidential information for the use of the individual or entity named above. If you are not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete the message.

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 5/8/2019 9:38:11 PM
To: Rhines, Dale [rhines.dale@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: flow chart
Attachments: FOIA Lean Toolkit- The Flowboard_Version_May 2019.docx

Hi Dale!

Our Flow Board Toolkit is attached. I can also give you templates for proxy cards if you decide to use this model.

Please let me know if you have questions or if we can help.

Joan

Joan Moumbleaux
Government Information Specialist I National FOIA Office
U.S. Environmental Protection Agency I Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC2310A)
Washington, D.C. 20460 I WJCN 7426L
Phone (202) 564-7872 I Cell (202) 573-1835 I moumbleaux.joan@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, May 8, 2019 5:30 PM
To: Rhines, Dale <rhines.dale@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: Re: flow chart

Adding Joan.

Hi Joan, can you provide Dale information on the flow board toolkit you created. Dale is the deputy in ECRCO and wants to see if it might help them track their FOIA process.

Tim

Sent from my iPhone

On May 8, 2019, at 4:39 PM, Rhines, Dale <rhines.dale@epa.gov> wrote:

> Can you share the kit with me that you were just discussing?
>
> Dale Rhines

Deputy Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4174

Message

From: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Sent: 5/7/2019 7:02:44 PM
To: Crawford, Tim [Crawford.Tim@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schroeder, Tobias [Schroeder.Tobias@epa.gov]; Whiting, Michael [Whiting.Mike@epa.gov]; Douglas, Holly [Douglas.Holly@epa.gov]
Subject: RE: Draft separate responses to OMB's Nation Portal Interoperability requirement
Attachments: National FOIA Office and Natl FOIA Portal Interoperability - 05-07-2019.docx; FOIAonline National FOIA Portal Integration Plan_ 05-7-2019v2.docx

Tim C.: Thanks so much for creating the two separate memos. I had a few revisions to each memo & my versions are attached.

Tim C. & Tim E.: Let me know if you have any further changes. I'd like to send both versions to Vaughn this afternoon for his review, if possible. (Of course, he'd only be sending the FOIAonline Program's response.)

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

From: Crawford, Tim
Sent: Tuesday, May 7, 2019 11:37 AM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: Draft separate responses to OMB's Nation Portal Interoperability requirement

I've split to two responses with a revised implementation date of Q4 FY21 for your review and issuance.
Please let me know if you need anything else.
--thank you

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 5/7/2019 6:38:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: materials for briefing on FOIA regs
Attachments: Responses to OIRA's comments.docx; EPA FOIA Reg Update Redline - OIRA_PB CTC.docx; FOIA Reg Update, Clean Preamble and Reg Text.docx

Hi Tim,

Please let me know if you would like me to walk through our potential responses to OIRA's comments. Some are straightforward and acceptable comments. Some may be outside of the scope of Phase I.

Attached:

1. Responses to OIRA's comments – this provides the subject, OIRA's comment, and background/potential responses to each comment
2. EPA FOIA Reg Update Redline – OIRA_PB CTC – this is the document that included the comments from OIRA. I also numbered each comment so that it lines up with the responses document in 1.
3. FOIA Reg Update, Clean – this is the latest draft of the final regs. I have redline changes that would reflect some of my proposed approaches.

-Chris

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Creech, Christopher
Sent: Tuesday, May 7, 2019 9:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: materials for briefing on FOIA regs

Thanks, Tim,

I'll go about putting together potential adjustments/responses to OIRA's comments. Let me know if Bill has any feedback.

Best,

Christopher T. Creech
Attorney–Adviser

Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Tuesday, May 7, 2019 8:14 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: materials for briefing on FOIA regs

FYI

Timothy R. Epp
Acting Director | 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: Epp, Timothy
Sent: Tuesday, May 07, 2019 8:14 AM
To: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: materials for briefing on FOIA regs

Thanks Bill. I have meetings starting this morning at 9 am. My meeting from 9-9:30, I could cut short. I could step out of my 9:30 to 10:30 meeting. What works for you?

The comments are mostly framed as recommendations or observations, many of which appear useful. (I have not fully worked through them; just first impression.)

What is the path to get the nonsignificant determination? Do we need to indicate acceptance of these changes; have further conversations on the questions; do we need to resubmit with changes?

Tim

Timothy R. Epp
Acting Director | 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: Nickerson, William
Sent: Tuesday, May 07, 2019 7:52 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: materials for briefing on FOIA regs

I can't see the extent of their edits on my phone so let's talk after I'm in the office on how to proceed.

Sent from my iPhone

On May 6, 2019, at 9:03 PM, Hill, Jonathan W. EOP/OMB <Ex. 6> wrote:

> Good evening,
>
> Please find attached OIRA's comments on your proposed FOIA rule. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Thank you,
>
> Jonathan

From: Nickerson, William <Nickerson.William@epa.gov>
Sent: Friday, April 26, 2019 4:37 PM
To: Whiteman, Chad S. EOP/OMB <Ex. 6>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: materials for briefing on FOIA regs

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson

Director, Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

<EPA FOIA Reg Update Redline - OIRA_PB.docx>

Message

From: Crawford, Tim [Crawford.Tim@epa.gov]
Sent: 5/7/2019 3:36:31 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schroeder, Tobias [Schroeder.Tobias@epa.gov]
Subject: Draft separate responses to OMB's Nation Portal Interoperability requirement
Attachments: FOIAonline National FOIA Portal Integration Plan_ 05-7-2019.docx; Draft Email Response from National FOIA program to OMB.docx

I've split to two responses with a revised implementation date of Q4 FY21 for your review and issuance.
Please let me know if you need anything else.
--thank you

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c Personal Phone / Ex. 6

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/20/2019 8:43:08 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: DOJ FOIA Litigation Seminar Materials for June 25th training
Attachments: Litigation Considerations - June 25th.pdf; Vaughn Declarations and Indices - June 25th.pdf; Significant new decisions-June 25th.pdf; Vaughn Declarations & Indices Handout.pdf

Passing along the materials.

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 | Personal Phone / Ex. 6 | walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/20/2019 5:00:07 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Unusual Circumstances
Attachments: FOIA Toolkit Appendix.docx; FOIA Toolkit.pdf; B - EPA FOIA Regulations (2016).pdf; Email Templates_Enhancing Intake_draft 6.20.19.docx

INTERNAL DELIBERATIVE
DO NOT RELEASE UNDER FOIA

Workgroup,

Deliberative Process / Ex. 5

Thanks.

Regards,
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: Bhatt, Krishna [bhatt.krishna@epa.gov]
Sent: 6/20/2019 4:31:33 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: 2019-006019 Fee Wavier Denial
Attachments: EPA FOIA IQA 5.docx; EPA FOIA IQA 5.pdf

Hi Tim,

I have attached the word and PDF version of the request. There is no additional information on FOIAonline.

Thanks,

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Thursday, June 20, 2019 12:28 PM
To: Bhatt, Krishna <bhatt.krishna@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: 2019-006019 Fee Wavier Denial

Please send the fee waiver request. And, make sure that the attached PDF includes all information on the fee waiver (ie. That there was nothing additional stated in the FOIAonline field.

Timothy R. Epp
|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: Bhatt, Krishna
Sent: Thursday, June 20, 2019 11:38 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: 2019-006019 Fee Wavier Denial

Hi Tim,

Please find attached my draft fee waiver determination letter for EPA-HQ-2019-006019.

Thank you,

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Rementer, Nicole
Sent: Thursday, June 20, 2019 9:16 AM
To: Bhatt, Krishna <bhatt.krishna@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: 2019-006019 Fee Wavier Denial

Krishna:

When you're done the first draft for 2019-006019, please send to Tim for his review. He'd like the opportunity to review before Reg Review.

Tim:

I'm working on 2019-004012 and will send the draft to you when I'm finished.

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Bhatt, Krishna
Sent: Tuesday, June 18, 2019 4:35 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: 2019-006019 Fee Wavier Denial

Hey Nicole,

This is what I have so far. I will keep working on it tomorrow and Thursday morning.

Thanks!

Krishna Bhatt
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 5307B
Phone 202-564-6714| bhatt.krishna@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 4/25/2019 10:54:19 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Functional Statement: a few questions
Attachments: FOIA Functional Statement clean 4.25.19.docx

Thank you! See my responses in blue. The attached 4/25 version reflects these edits. I'll communicate with Paul.

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Bigioni, Neil
Sent: Monday, April 22, 2019 11:59 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Functional Statement: a few questions

My comments in red below

From: Epp, Timothy
Sent: Friday, April 19, 2019 3:50 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Cc: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Functional Statement: a few questions

Hi Carol Ann, (adding Neil)

Thank you for taking a careful look at earlier comments from the Regions and seeking to understand the decisions made by the group that Neil and I co-chaired. Please understand that the resolution of earlier comments was a group exercise and that balanced judgments were made by the group.

Please see my reactions/comments below in **Bold.**

Timothy R. Epp
Acting Director | 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: Siciliano, CarolAnn
Sent: Friday, April 19, 2019 2:36 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Functional Statement: a few questions

Dear Tim – In the process of finalizing the FOIA Standard Functions document, I looked at the Regions' comments. I have a few questions and suggestions. I'd like your thoughts. I've attached a "clean" version of the document, which I believe incorporates the comments you received from the Regions in February (?). The only changes tracked in this document are the ones identified below, along with two edits you & I discussed in response to FN 2 and item # 11 on p. 4. (Actually, I cleaned up the FN to make it easier to read, so you won't see track changes there. But I call your attention to it.)

While you are pondering my questions, I will read the document closely from beginning to end to ensure that it still makes sense (in light of the edits). I won't have any policy suggestions, but if I'm confused, I'll reach out to you.

Per your suggestion (thank you), I'll also ask the RCs how they feel about the edit to #11 on page 4. I'll copy you on that email. When I send that email, I'd like to attach this clean version – but only after I get your views for the items below.

Thanks for your patience, Tim. And for your help. Feel free to edit the attachment. This document is yours.

Background:

1. Deliberative Process / Ex. 5

Regional FOIA Manager:

1. Region 1 suggests that we add this responsibility to the Regional FOIA Manager minimum function: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I agree with Tim Great. I've added the language in blue above.

Regional FOIA Officer:

1. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I agree with Tim

Regional Legal Counsel:

1. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Do you agree, Neil?

Deliberative Process / Ex. 5

RFP Professional Staff:

1. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I like the clarity & precision of your proposed language, Neil. **I'll include it**, but I've modified the last clause. Do I get the gist? (And I agree we can dispense with the bracketed text; I agree with you and that applies to all of us in any context].

Deliberative Process / Ex. 5

1. Deliberative Process / Ex. 5

Office Director: Did we take care of that particular issue?

I don't have a strong view and don't recall the discussion. Neil?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Neil

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Nickerson, William [Nickerson.William@epa.gov]
Sent: 4/26/2019 8:37:00 PM
To: Whiteman, Chad S. EOP/OMB [Chad_S_Whiteman@omb.eop.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Subject: materials for briefing on FOIA regs
Attachments: EPA FOIA Reg Update, Redline.docx; FOIA Regs Update Briefing for OMB.pptx

Chad,

Please find attached the slide deck we plan to walk through during our briefing on April 30 at 4pm. For reference and convenience, a redline is also attached that shows all the planned changes to current reg text.

Bill

William (Bill) Nickerson
Director, Office of Regulatory Policy and Management
Office of Policy
Phone: (202) 566-0326

Message

From: Tran, Victoria [tran.victoria@epa.gov]
Sent: 4/26/2019 5:12:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: Fwd: Awareness Notification EPA-HQ-2019-002991

Sent from my iPhone

Begin forwarded message:

From: "Martinez, Doris" <Martinez.Doris@epa.gov>
Date: April 26, 2019 at 6:48:42 AM EDT
To: "Tran, Victoria" <tran.victoria@epa.gov>
Cc: "White, Elizabeth" <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-002991

Hi Victoria,

We provide the records in Excel spreadsheets.

Doris Rosario Martinez | OMS | Workforce Planning Branch | Room 1419 East | Mail Code: 3601M | 202-564-7894

From: Tran, Victoria
Sent: Thursday, April 25, 2019 4:32 PM
To: Martinez, Doris <Martinez.Doris@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-002991

Doris,

Thank you for the awareness notification. I wanted to double-check on something—when the Agency plans on releasing these records, will we be providing these documents in PDF form instead of excel sheets?

VT

From: Martinez, Doris
Sent: Thursday, April 25, 2019 2:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Carpenter, Wesley <Carpenter.Wesley@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-002991

Subject: Awareness Notification EPA-HQ-2019-002991 - For each year from 2009 to 2019, number of total employees by race; SES/SL/ST employees by race. Include:

Ethnic group, number of employees, sum of compensation, average compensation, sum of awards, average awards

To whom it may concern,

Office of Mission Support is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

Office of Mission Support							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2019-002991	Nick C Allen	MM Paralegals	01/28/2019	4/25/2019	For each year from 2009 to 2019, number of total employees by race; SES/SL/ST employees by race.	Final response	5 pages (documents)

The manager who approved this release is: Debbi Hart, Director, Policy, Planning & Training Division, OMS/OHR

The records are attached.

Doris Rosario Martinez | OMS | Workforce Planning Branch | Room 1419 East | Mail Code: 3601M | 202-564-7894

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 4/26/2019 4:43:20 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-010695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.
Attachments: Final Response Letter to Kevin Bogardus for FOIA No. EPA-HQ-2018-010695 -- Ex 5 ACP DPP & Ex 6 PP - DW.pdf

Linda or Wendy,

The final response has been sent to the requestor via FOIAonline. Please approve the closeout "task" send to Larry so that OAR can close this FOIA today. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

From: Schumacher, Wendy
Sent: Friday, April 26, 2019 8:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Person, Linda <Person.Linda@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-010695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Task closed.

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Friday, April 26, 2019 8:15 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Person, Linda <Person.Linda@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>

Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Adding Wendy and Linda.

Wendy or Linda, please go into FOIAonline and approve the task that was assigned to Larry today for an interim release in the above-referenced FOIA request. This went through awareness notification several weeks ago, and we only needed to hold it up to complete OGC equity review, which is now fully complete.

Please send a reply email to all when this is done.

Thanks,
Tim

Timothy R. Epp
Acting Director | 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

From: Lubetsky, Jonathan
Sent: Friday, April 26, 2019 8:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Thank you Tim. I did not send a notice regarding the delay. The records are uploaded in FOIAonline and waiting approval of the task for 10695. I am not sure the status of the other FOIAs that documents for this request would be responsive to that are OGC FOIAs.

From: Epp, Timothy
Sent: Friday, April 26, 2019 7:56 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Hi Shannon and Jonathan,

OGC front office has now indicated that OGC's equity review on this production is complete.

Did we ever provide a notice to the folks on the Awareness Notification email regarding the delay in release of the production? If not, then perhaps we can release based on the prior awareness notification, without resending another one. Would you agree?

If so, I can do a soft touch just with Beth White so that se knows what we are doing and it could go out today, with the responses on the related FOIA requests following after.

Tim

Timothy R. Epp
Acting Director | 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: Eagles, Tom
Sent: Tuesday, April 09, 2019 3:17 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

To whom it may concern:

OAR is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OAR

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date Sent for Awareness Notification	Brief Description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-010695 Also responsive to: EPA-HQ-2019-000795	Kevin Bogardus Hudson Munoz	eenews	8/22/2018	4/9/2019	Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.	Final Response	409 pages

The following offices have equities in these records and have reviewed the relevant records:

OAR, OGC

The manager who approved this release is: John Shoaff

The records are:

_X__ attached

___ may be found at the following link:

___ Other: No records

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 5/1/2019 6:51:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Case File Review Task: EPA-HQ-2019-004794

Draft response to Lynn, Kevin and Joan.

Attorney Client / Ex. 5

Thanks

Larry F. Gottesman
Agency FOIA Officer
Acting Assistant Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Kelly, Lynn
Sent: Wednesday, May 01, 2019 2:12 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Case File Review Task: EPA-HQ-2019-004794

Awareness notification if the request is being administratively closed for failure to clarify? This question is being posed to Larry. I know we said it was required for no records responses, as that is a final response.

This is also a "final response" in one view, so should get the notice.

But it also doesn't reflect a substantive final response (or search) so just thought I would check. And what part of the memo language we're keying off of so Larry can help respond to the question about where does the process specify it is required.

Lynn Kelly | Temporary Assistant General Counsel for FOIA Litigation & Special Projects | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460 | phone: (202) 564-3266

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

From: Clausen, Rebecca
Sent: Wednesday, May 1, 2019 7:19 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Routt, Christiane <Routt.Christiane@epa.gov>; Silzer, Stefan <Silzer.Stefan@epa.gov>; Heckman, Deborah <Heckman.Deborah@epa.gov>
Subject: RE: Case File Review Task: EPA-HQ-2019-004794

Larry,

Can you point to where this rule is written? It would seem to be an unfruitful use of my Director's time to send an Awareness Notification e-mail for a FOIA that we are administratively closing, and providing no records.

The process is laborious and time consuming enough.

Rebecca Clausen

Rebecca Clausen
U.S. EPA | ORD | OPARM | FOIA
109 TW Alexander Dr., RTP, NC 27711
Ph: (919) 541-3002; Alt: Personal Phone / Ex. 6

Wake up. Be awesome. Be kind. Repeat.

From: Gottesman, Larry
Sent: Tuesday, April 30, 2019 5:45 PM
To: Clausen, Rebecca <Clausen.Rebecca@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Routt, Christiane <Routt.Christiane@epa.gov>
Subject: RE: Case File Review Task: EPA-HQ-2019-004794

The rule is, you still need to send the Awareness Notification email for any request that is flagged.

Larry F. Gottesman
Agency FOIA Officer
Acting Assistant Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

Personal Phone / Ex. 6 (Direct line)
202-566-[illegible] (Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Clausen, Rebecca
Sent: Tuesday, April 30, 2019 5:03 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Routt, Christiane <Routt.Christiane@epa.gov>
Subject: Case File Review Task: EPA-HQ-2019-004794

This FOIA Request had been flagged for Awareness Notification.

The requester, Natasha Gilbert (a freelance journalist) has not responded to the Agency's request for clarification of her request within the 10 business days. In the clarification e-mail, we provided information about the publication she presumed to exist, which does not, and asked her to confirm she still wanted the two e-mails searches she requested that involved that supposed publication. She has not responded. This FOIA is being closed. She is being provided her appeal rights in the release "letter" from the system.

Would you please reject the Case File Review Task, so I can proceed to close this FOIA request?

Rebecca

Rebecca Clausen
U.S. EPA | ORD | OPARM | FOIA
109 TW Alexander Dr., RTP, NC 27711
Ph: (919) 541-3002; Alt: Personal Phone / Ex. 6

Wake up. Be awesome. Be kind. Repeat.

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 5/1/2019 6:43:48 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
CC: Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: The latest FOIA TAXONOMY
Attachments: FOIA Subject Taxonomy May 1 2019.xlsx

FEATsters –

FYI, here is the latest version.

If you have an opportunity, I would very much like your review and feedback.

The changes made since the "red" version result from testing the taxonomy against the Weekly Selected list of incoming FOIAs.

Joan Moumbleaux
Government Information Specialist I National FOIA Office
U.S. Environmental Protection Agency I Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC2310A)
Washington, D.C. 20460 I WJCN 7426L
Phone (202) 564-7872 I Cell (202) 573-1835 I moumbleaux.joan@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/1/2019 6:34:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: UPDATED Awareness Notification: EPA-HQ-2018-010177 (QFR- July)
Attachments: EPA-HQ-2018-010177 Final 5.1.2019.pdf

From: Donahue, Sean
Sent: Wednesday, May 1, 2019 2:34:41 PM (UTC-05:00) Eastern Time (US & Canada)
To: Tran, Victoria; White, Elizabeth; Knapp, Kristien; Voyles, Travis
Cc: Hill, Kevin W.; Cubeddu, Mariana
Subject: RE: UPDATED Awareness Notification: EPA-HQ-2018-010177 (QFR- July)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-010177	***Mr. Alexander Guillen***	***POLITICO***	***8/01/2018***	***04/30/2019***	*Copies* of the records of all responses to QFR provided to Congress From EPA from July 1 to July 31, 2018.	***Final Response***	***0 pages (No records)***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Sean Donahue
(202) 564-5007

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 9:59 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Konkus, John <konkus.john@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Awareness Notification: EPA-HQ-2018-010177 (QFR- July)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-010177	***Mr. Alexander Guillen***	***POLITICO***	***8/01/2018***	***04/30/2019***	*Copies* of the records of all responses to QFR provided to Congress From EPA from July 1 to July 31, 2018.	***Final Response***	***9 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/1/2019 6:34:37 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: UPDATED Awareness Notification: EPA-HQ-2018-007391 (QFR)
Attachments: EPA-HQ-2018-007391 Final 5.1.2019.pdf; QFR Responses 4.1.2018-5.1.2018 (EPA-HQ-2018-007391).pdf

---

From: Donahue, Sean
Sent: Wednesday, May 1, 2019 2:34:34 PM (UTC-05:00) Eastern Time (US & Canada)
To: Tran, Victoria; White, Elizabeth; Knapp, Kristien; Voyles, Travis
Cc: Hill, Kevin W.; Cubeddu, Mariana
Subject: RE: UPDATED Awareness Notification: EPA-HQ-2018-007391 (QFR)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-007391	***Mr. Kevin Bogardus***	***E&E News***	***5/07/2018***	***04/30/2019***	*Copies* of the records of all responses to QFR provided to Congress From EPA from April 1	***Final Response***	***2 pages***

					to May1, 2018.		

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Sean Donahue
(202) 564-5007

From: Tran, Victoria
Sent: Wednesday, May 1, 2019 1:29 PM
To: Voyles, Travis <Voyles.Travis@epa.gov>
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Looping Sean in. We will have new production soon.

VT

From: Voyles, Travis
Sent: Wednesday, May 1, 2019 8:21 AM
To: Tran, Victoria <tran.victoria@epa.gov>
Cc: Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Same here. Like Kristien notes—only pgs. 13-14 is a QFR response cover letter. The rest are not QFRs.

Travis Voyles
O: (202) 564-6399
C: (202) 309-6931

From: Knapp, Kristien
Sent: Tuesday, April 30, 2019 10:10 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Similar to the earlier FOIA response, I don't see how letters are responsive to a request for QFRs. Only pages 13-14 of the production are QFRs.

From: Brazauskas, Joseph
Sent: Tuesday, April 30, 2019 10:00 AM

To: Voyles, Travis <Voyles.Travis@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Fwd: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Sent from my iPhone

Begin forwarded message:

From: "Epp, Timothy" <Epp.Timothy@epa.gov>
To: "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Moumbleaux, Joan" <moumbleaux.joan@epa.gov>
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 9:46:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: Gottesman, Larry; White, Elizabeth; Hope, Brian; Hill, Kevin W.; Donahue, Sean; Grantham, Nancy; Richardson, RobinH; Lyons, Troy; Epp, Timothy; Walker, Denise; Tran, Victoria; Konkus, John
Subject: Awareness Notification: EPA-HQ-2018-007391 (QFR)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages

EPA-HQ-2018-007391	***Mr. Kevin Bogardus***	***E&E News***	***5/07/2018***	***04/30/2019***	*Copies* of the records of all responses to QFR provided to Congress From EPA from April 1 to May1, 2018.	***Final Response***	***14 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 4/30/2019 8:09:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: Request to close out Awareness Notification early

Done

From: Epp, Timothy
Sent: Monday, April 29, 2019 5:31 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Fwd: Request to close out Awareness Notification early

Shannon and Larry,
This should allow us to get these out on Tuesday.
Tim

Sent from my iPhone

Begin forwarded message:

> **From:** "White, Elizabeth" <white.elizabeth@epa.gov>
> **Date:** April 29, 2019 at 5:21:59 PM EDT
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Cc:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Subject: Re: Request to close out Awareness Notification early**
>
> I'm good with this. Thank you!
>
> Sent from my iPhone
>
> On Apr 29, 2019, at 10:41 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
>> Hi Beth, Robin, and Nancy,
>>
>> The email below provided Awareness Notification on three FOIA requests for which the responsive documents all went through an awareness notification a few weeks ago. Can we have your approval to shorten the Awareness Notification send the responses out to these additional requests today?
>>
>> Thanks,
>> Tim
>>
>> **Timothy R. Epp**
>> Acting Director | 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: Griffo, Shannon
Sent: Friday, April 26, 2019 11:41 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: Awareness Notification - OGC/Ethics, Bill Wehrum Ethics Counseling (EPA-HQ-2018-006960; EPA-HQ-2018-002440; EPA-HQ-2019-001277)

Hi all,

OGC/Ethics is responding to the above-referenced FOIA requests. Please note that the **same documents released TODAY, April 26th for FOIA Request EPA-HQ-2018-10695 (Kevin Bogardus),** are also responsive to these requests.

We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. OGC/Ethics has completed review and obtained management approval consistent with the Agency's FOIA policy and procedures.

After 4:00pm on the third business day after transmission of this email, OGC/Ethics will issue the Agency's FOIA determination to the requestor. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OGC/Ethics – Bill Wehrum Ethics Counseling/Advice							
FOIA ID	**Requestor**	**Date FOIA Request Perfected**	**Date Sent for Awareness Notification**	**Brief Description**	**Interim or Final Response**	**Number of Pages**	**FOIA Exem Used**
EPA-HQ- 2018-006960	Eric Lipton (NY Times)	4/24/18	4/26/19	Records of all certifications of qualified trusts;	Final	409	Ex. 5 and 6

				certificates of divestiture; impartiality determinations; notices of disqualification; recusals; screening arrangements; waivers and all other ethics-related records, including ethics counseling, filed by and/or given to William L. Wehrum.			
EPA-HQ-2018-002440	Sean Reilly (E&E)	12/8/17	4/26/19	All ethics letters, ethics advice and other records documenting specific legal, regulatory and administrative matters from which William Wehrum is recused or otherwise restricted from participation.	Final	409	Ex. 5
EPA-HQ-2019-001277	Ellen Knickmeyer (AP)	11/21/18	4/26/19	All ethics-related communications regarding Bill Wehrum, both prior to and after his start date at EPA. This includes all communications to and from ethics officials involving Mr. Wehrum, and all emails, documents and other material among and between any other individual, including but	Interim	409	Ex. 5

				not limited to Mr. Wehrum, discussing any ethics or possible ethics matters, questions or determinations involving Mr. Wehrum.			

Please note that these records were previously reviewed and sent through OGC and OAR equity review in response to EPA-HQ-2018-10695. These records were released today, April 26th and are available on FOIA Online. They are attached again here.

Please let us know if you have any questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

<20190409_Production.pdf>

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/29/2019 7:18:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FY19 Mandatory FOIA training slides
Attachments: EPA FOIA Mandatory Storyboard 3-1-19.docx

Tim,

Karen sent this version, but it doesn't have all the final edits (e.g., Acting Administrator Wheeler) from the contractor. However, this version may be useful for determining how many slides need editing.

Will forward the latest once she replies.

Wendy
Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Monday, April 29, 2019 1:41 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Hamlett, Karen <hamlett.karen@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: FY19 Mandatory FOIA training slides

Thanks Wendy,

Can you send me the slides so that I can look at them to answer these questions?
Thanks,
Tim

Timothy R. Epp
Acting Director | 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: Schumacher, Wendy
Sent: Monday, April 29, 2019 1:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Hamlett, Karen <hamlett.karen@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FY19 Mandatory FOIA training slides

Tim,

Spoke to Karen Hamlett from the Training Office. She said that it will take about 48 hours to pull the training since they must wait until there are no users in the system.

Karen had two questions for me to forward:

1) Would you consider the option of removing the impacted slide(s) instead of pulling down the whole course?

2) What is the timeline to provide the revised slides?

Thanks, Wendy

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/26/2019 4:25:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Cozad, David [Cozad.David@epa.gov]
Subject: Re: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Thank you Tim.

Sent from my iPhone

> On Apr 26, 2019, at 10:54 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> Hi Matt,
>
> Because the attached documents involve OGC senior officials and because the OGC equity review was completed back in 2017 when the documents were first released in litigation, I am raising this planned release to your attention as part of the Awareness Notification process. The attached "Production" PDF has been converted to be text searchable to make it more convenient for you to search through it.
>
> The production would be scheduled for release after 4 pm on Monday.
>
> Let me know if you have any questions or concerns.
>
> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director | National FOIA Office<https://www.epa.gov/foia/forms/contact-us-about-freedom-information-act-and-foia-requests>
> 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<mailto:epp.timothy@epa.gov>
> [#2p4]
>
>
>
>
> From: Griffo, Shannon
> Sent: Wednesday, April 24, 2019 4:32 PM
> To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
> Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Cozad, David <Cozad.David@epa.gov>
> Subject: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)
>
> Hi all,
>
> OGC/Ethics is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.
>
> There is no requirement for you to respond to this email or otherwise take action. OGC/Ethics has completed review and obtained management approval consistent with the Agency's FOIA policy and procedures.
>
> After 4:00pm on the third business day after transmission of this email, OGC/Ethics will issue the Agency's FOIA determination to the requestor. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.
>
> The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.
>
> OGC/Ethics – Scott Pruitt, Oklahoma lawsuits
>

>
> FOIA ID
>
> Requestor
>
> Date FOIA Request Perfected
>
> Date Sent for Awareness Notification
>
> Brief Description
>
> Interim or Final Response
>
> Number of Pages
>
> FOIA Exemptions Used
>
> EPA-HQ- 2017-005096
>
> Patrick Ambrosio (BNA Bloomberg)
>
> 3/31/2017
>
> 4/24/2019
>
> any and all communications between the Office of the Administrator (including, but not limited to, Administrator Pruitt and his chief of staff) and EPA's Ethics Office related to lawsuits Scott Pruitt brought against the EPA while serving as Oklahoma's attorney general.
>
> Final
>
> 189 released in full and in part
>
> 38 WIF
>
> Ex. 5 (DPP, AWP, ACP)
>
>
> Please note that the responsive records for this FOIA request are found in previously released records from the NRDC litigation for FOIA requests EPA-HQ-2017-004720 and EPA-HQ-2017-005963 ; and are publicly available on FOIA Online. These records were previously reviewed and sent through equity review pursuant to the litigation production. The records that are available on FOIA Online by searching for EPA-HQ-2017-004720 are attached here.
>
> Please let us know if you have any questions.
>
> Thanks,
> Shannon
>
> Shannon Griffo
> Ethics Attorney
> Office of General Counsel, Ethics
> U.S. Environmental Protection Agency
> (202) 564-7061
> Griffo.Shannon@epa.gov<mailto:Griffo.Shannon@epa.gov>
>
> <Withheld in Full Index 9-19-17.pdf>
> <EPA-HQ-2017-005963 PRODUCTION 9-19-17_FINAL.pdf>
> <image001.jpg>

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 4/26/2019 3:33:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: FOIA Standard Functions

If Paul and R2 can't take you up on the training offer, R3 is interested. We can discuss when I am in HQ next Thursday.

Neil

From: Epp, Timothy
Sent: Friday, April 26, 2019 11:19 AM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Cc: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Thank you Carol Ann,

I am hopeful that we do not need the call.

Paul, we had a very successful pilot run of the new FOIA Training for Supervisors this week. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director | 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: Siciliano, CarolAnn
Sent: Thursday, April 25, 2019 7:01 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Hi, Paul. This is where I think we are:

Comment #1 Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Comment #2 (A.11): Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Comment #3: Thanks for double checking. Matt/David signed off on this, so I think we're ok.

Perhaps we don't need our Monday call?

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Simon, Paul
Sent: Monday, April 22, 2019 10:35 AM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Standard Functions

Hi, CarolAnn. Thanks so much for getting back to me. I've inserted my thoughts in yellow below. Thanks!

Paul Simon
Deputy Regional Counsel
EPA Region 2
212-637-3152

From: Siciliano, CarolAnn
Sent: Friday, April 19, 2019 2:10 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: FOIA Standard Functions

Hi, Paul. I apologize for my delayed response. I've chatted with Tim and Neil. Here's how I propose addressing your good suggestions:

1. Comment #1: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Comment 2: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here's my proposal: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. Comment 3: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

What do you think of these edits in response to your comments?

Carol Ann Siciliano
Acting Deputy General Counsel
for Environmental Media and Regional Law Offices
Office of General Counsel
WJC North, Room 7526E
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW,
Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

From: Simon, Paul
Sent: Wednesday, March 13, 2019 6:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Cozad, David <Cozad.David@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>
Subject: FOIA Standard Functions

Tim and Neil – it was good seeing you in DC last week. Can you please make 3 changes to the FOIA Standard Functions document?:

1. In the Background section there is a sentence saying, Deliberative Process / Ex. 5 t

   Deliberative Process / Ex. 5

   - *Explanation*: Deliberative Process / Ex. 5

     Deliberative Process / Ex. 5

2. Deliberative Process / Ex. 5

3. Please delete footnote 2.

Thank you.

Paul Simon
Deputy Regional Counsel
EPA Region 2
212-637-3152

From: Epp, Timothy
Sent: Wednesday, March 6, 2019 8:04 PM
To: Cozad, David <Cozad.David@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>; OGC HQ ADDs

<OGC_HQ_ADDs@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: RE: "Final" agenda for next week

Hi All,

For tomorrow's session 4 of the ORC-OGC meeting on FOIA, attached is the latest draft of the "Standard Functions of Regional FOIA Programs" document. We will dedicate a portion of the session to discuss these final changes made in response to the last round of comments.

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Cozad, David
Sent: Thursday, February 28, 2019 12:19 PM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>; OGC HQ ADDs <OGC_HQ_ADDs@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>
Subject: "Final" agenda for next week

Hi all,

Attached please find the "final" agenda for next week's in-person meeting on Thursday and Friday. I'm pleased to report that we've lined up a session with the Administrator on Friday morning and with the AAs/DAAs from the four major media program offices on Thursday (thank you David and Justin). Also, we will have a social event at the end of the day Thursday, in Matt's office. Looking forward to seeing everyone next week. Please let me know if questions –

Dave

Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
Personal Phone / Ex. 6 (c)

Message

From: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Sent: 5/6/2019 6:07:49 PM
To: Crawford, Tim [Crawford.Tim@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Whiting, Michael [Whiting.Mike@epa.gov]
Subject: FW: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification
Attachments: EPA and FOIAonline National FOIA Portal Integration Plan_ 05-06-2019.docx

Tim & Tim:

Attached is a revised version of the memo, which moves up the schedule by one quarter (starting FY20 Q4) and includes a couple of revised sentences in the 1st paragraph to clarify the role of the OGC/National FOIA Office versus the FOIAonline Program. I'll talk to Vaughn about this at 4 pm today, so if you see this before then, let me know what you think. Thanks.

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

From: Moser, Rebecca
Sent: Monday, May 6, 2019 1:11 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Whiting, Michael <Whiting.Mike@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

Tim & Tim:

Is there a revised version of the memo at this point? I am talking with Vaughn at 4 p.m. today and would like to share the latest draft.

Deliberative Process / Ex. 5

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

From: Crawford, Tim
Sent: Monday, May 6, 2019 10:56 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Whiting, Michael <Whiting.Mike@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

On the uniqueness question, Deliberative Process / Ex. 5 e

Deliberative Process / Ex. 5

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Monday, May 06, 2019 10:21 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>
Cc: Whiting, Michael <Whiting.Mike@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

Thanks Tim,

What would we say in response to an assertion, if it were made by DOJ, that the developer page has nearly all of the code already created and that FOIAonline's move to open source should make it more easy to take advantage of the code DOJ has provided?

And, a related question: how much of our problem is driven by a few agencies with specialized needs, such as the pre-payment requirement?

Tim

Timothy R. Epp
Acting Director | 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: Crawford, Tim
Sent: Monday, May 06, 2019 10:04 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Whiting, Michael <Whiting.Mike@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

None—I've raised the requirement during program updates with development team. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Monday, May 06, 2019 8:48 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

Good morning,

BTW, Tim, what analysis have you done so far regarding the information provided on National FOIA Portal interoperability at this link: https://foia.gov/developer/ ?

Do you have anything written down on this analysis? I'm thinking about this from the APA perspective of what is the basis of our conclusions we are stating in the draft memo to DOJ and from the perspective of what information will be available if it is FOIA-ed.

Tim

Timothy R. Epp
Acting Director | 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: Crawford, Tim
Sent: Friday, May 03, 2019 2:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>

Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification

The attached includes a notation that the schedule is based on current budgetary limitations but the possibility exists that it could be accelerated if that changes.

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Crawford, Tim
Sent: Friday, May 03, 2019 9:32 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Hi Tim:
I appreciate your perspective and have provided responses below.
Standing by for follow up direction.
--thanks

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) 202.603.8538

From: Epp, Timothy
Sent: Friday, May 03, 2019 8:35 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Thanks Rebecca and Tim,

Several questions:

1) Can we add a description of the contingencies under which we could move faster? I see two contingencies worth mentioning: a) you recruit more partners and the expanded budget allows you to start earlier; and b) you explore a more simplified and inexpensive interoperability as a start for the partners with simpler needs. (There is value in telling DOJ/OMB how they can help us – presumably, they look better to Congress if they are able to help us move faster.)

RESPONSE Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2) How much of the problems you currently anticipate are caused by the system needs of particular departments/agencies and not by all?

RESPONSE Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3) Your proposal is that I submit this for EPA – what are the other 19 partner agencies submitting?

RESPONSE Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

For your convenience, the text below is being provided for your response to OMB due by May 10:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

4) Frankly, this reads as work fully within OMS' responsibility and control and, therefore, I wonder why it should come from the OGC-NFO rather than from OMS, the provider of the shared service?

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director | 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: Crawford, Tim
Sent: Friday, May 03, 2019 8:18 AM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Good Morning Rebecca/Tim:
This looks very reasonable to me given our current status Deliberative Process / Ex. 5 t

Deliberative Process / Ex. 5

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Moser, Rebecca
Sent: Thursday, May 02, 2019 10:36 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>
Subject: Revised Draft FOIAonline Interoperability Plan

Tim & Tim:

I developed a revised version of the draft FOIAonline Interoperability Plan, and the clean version is attached.

A thought: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I'll be out of the office tomorrow, but can touch base with you both on Monday. I'll plan to talk with Vaughn about it during my Biweekly on Monday afternoon.

Hope you have a great weekend!

Rebecca

Rebecca G. Moser
Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 4/30/2019 12:19:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Request to close out Awareness Notification early

Thanks Tim!

Larry, you should have a total of 5 tasks assigned to you from OGC/Ethics to close today.

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Epp, Timothy
Sent: Monday, April 29, 2019 5:31 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Fwd: Request to close out Awareness Notification early

Shannon and Larry,
This should allow us to get these out on Tuesday.
Tim

Sent from my iPhone

Begin forwarded message:

> **From:** "White, Elizabeth" <white.elizabeth@epa.gov>
> **Date:** April 29, 2019 at 5:21:59 PM EDT
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Cc:** "Richardson, RobinH" <Richardson.RobinH@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Subject: Re: Request to close out Awareness Notification early**
>
> I'm good with this. Thank you!
>
> Sent from my iPhone
>
> On Apr 29, 2019, at 10:41 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
>> Hi Beth, Robin, and Nancy,
>>
>> The email below provided Awareness Notification on three FOIA requests for which the responsive documents all went through an awareness notification a few weeks ago. Can we have your approval to shorten the Awareness Notification send the responses out to these additional requests today?
>>
>> Thanks,
>> Tim

Timothy R. Epp
Acting Director | 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: Griffo, Shannon
Sent: Friday, April 26, 2019 11:41 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: Awareness Notification - OGC/Ethics, Bill Wehrum Ethics Counseling (EPA-HQ-2018-006960; EPA-HQ-2018-002440; EPA-HQ-2019-001277)

Hi all,

OGC/Ethics is responding to the above-referenced FOIA requests. Please note that the **same documents released TODAY, April 26th for FOIA Request EPA-HQ-2018-10695 (Kevin Bogardus),** are also responsive to these requests.

We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. OGC/Ethics has completed review and obtained management approval consistent with the Agency's FOIA policy and procedures.

After 4:00pm on the third business day after transmission of this email, OGC/Ethics will issue the Agency's FOIA determination to the requestor. The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OGC/Ethics – Bill Wehrum Ethics Counseling/Advice

FOIA ID	Requestor	Date FOIA Request Perfected	Date Sent for Awareness Notification	Brief Description	Interim or Final Response	Number of Pages	FOIA Exem Used
EPA-HQ-2018-006960	Eric Lipton (NY Times)	4/24/18	4/26/19	Records of all certifications of qualified trusts; certificates of divestiture; impartiality determinations; notices of disqualification; recusals; screening arrangements; waivers and all other ethics-related records, including ethics counseling, filed by and/or given to William L. Wehrum.	Final	409	Ex. 5 and 6
EPA-HQ-2018-002440	Sean Reilly (E&E)	12/8/17	4/26/19	All ethics letters, ethics advice and other records documenting specific legal, regulatory and administrative matters from which William Wehrum is recused or otherwise restricted from participation.	Final	409	Ex. 5
EPA-HQ-2019-001277	Ellen Knickmeyer (AP)	11/21/18	4/26/19	All ethics-related communications regarding Bill Wehrum, both prior to and after his start date at EPA. This includes all communications to and from ethics officials involving Mr. Wehrum, and all emails, documents and other material among and between any other individual, including but not limited to Mr. Wehrum, discussing any ethics or possible ethics matters, questions or determinations involving Mr. Wehrum.	Interim	409	Ex. 5

Please note that these records were previously reviewed and sent through OGC and OAR equity review in response to EPA-HQ-2018-10695. These records were released today, April 26th and are available on FOIA Online. They are attached again here.

Please let us know if you have any questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

<20190409_Production.pdf>

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 5/6/2019 1:51:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: OGC FOIA Review Checklist & Cover Sheet
Attachments: Office of General Counsel FOIA Review Checklist & Cover Sheet.pdf; OGC FOIA Coordinator Template Emails for use with OGC FOIA Checklist.docx

Tim:

Attached for your review are the OGC FOIA Review Checklist & Cover Sheet and the OGC FOIA Coordinator email templates that I drafted. There are 4 email templates: (1) Email to Associate requesting assignment of staff for FOIA request; (2) Email to Staff notifying assignment of FOIA request; (2) Email to Associate requesting assignment of staff for Equity Review; (4) Email to Staff notifying assignment of Equity Review.

I think we're almost at the finish line. ☺

Nicole

Nicole M. Rementer
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 7426NN
Phone 202-564-3692| rementer.nicole@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
Sent: 5/3/2019 9:59:11 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification
Attachments: FOIA Efficiency Memo (1).pdf; Awareness Notificiation Temp 1 (002).docx

Tim – Just a comment on the Awareness Notification Process – is it possible to add a column for the requestor name in the table? Each time we have received notification, there is always an "ask" for the requestor name. I've asked this same question. Just a suggestion --

Lynnann Hitchens, Director
Office of Resources and Business Operations
Office of Mission Support
P: 202-564-3184
M: Personal Phone / Ex. 6
Room WJC North 3330-E

From: Vizian, Donna
Sent: Friday, May 3, 2019 12:58 PM
To: Hitchens, Lynnann <hitchens.lynnann@epa.gov>; Coogan, Daniel <Coogan.Daniel@epa.gov>
Subject: FW: Awareness Notification

Hi, can you please let me know the requester. thanks

From: Person, Linda
Sent: Friday, May 03, 2019 12:32 PM
To: Vizian, Donna <Vizian.Donna@epa.gov>; Jablonski, Janice <jablonski.janice@epa.gov>
Cc: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness Notification

(This is being sent on behalf of Larry Gottesman.)

Dear Ms. Vizian:

The following FOIA requests, assigned to your office, have been selected for the Awareness Notification Process set forth in the attached Chief of Staff's Memorandum.

The FOIAonline tracking number(s) for the selected FOIA requests is/are:

OFFICE	FOIA NUMBER	SUBJECT
OMS	EPA-HQ-2019-005225	documents relating to Oracle Corp.'s (Oracle) or any subsidiary, agent, contractor, etc., for Cloud Services (specifically Software as a Service ("SaaS")). I am requesting a copy of the below documents from 2010-Present: (1) contracts (including but not limited to Service Level Agreements ("SLA") and data use agreements) between Environmental Protection Agency (EPA) and Oracle or Coalfire Systems, Inc.(Coalfire); (2) attestations or certifications from Oracle re: the relevant SaaS contracts;

		(3) EPA audits for the relevant Oracle SaaS contracts; (4) third-party FedRAMP audits commissioned by Oracle from Coalfire or any other third-party auditor submitted to EPA; (5) recurring attestations or certifications by Oracle to EPA re: the relevant SaaS contracts; and (6) bids from EPA for relevant SaaS contracts with Oracle.
OMS	EPA-HQ-2019-005245	any and all communication sent and received by Dr. Michael Honeycutt since January 1, 2018 relating to his work on the EPA's Science Advisory Board.

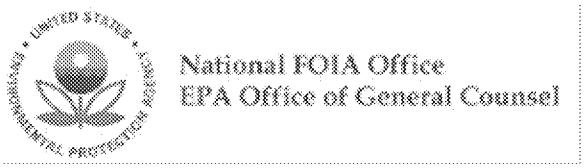
For these FOIA requests, please follow the procedures set out in the attached Chief of Staff's Memorandum. For steps 4 and 5, an email template is attached for your use.

Please contact me if you have any questions.

Thank you,

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)



Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 4/26/2019 1:27:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Let's discuss at our one on one

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Griffo, Shannon
Sent: Friday, April 26, 2019 9:24 AM
To: Tran, Victoria <tran.victoria@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi Victoria,

Sorry for the delay in responding as I was out of the office yesterday on leave. I've spoken with Tim Epp about this release and informed him that the GLO attorney assigned to this case had the production reviewed and approved by the Front Office. As the awareness notification email below indicates, these were produced through litigation in September 2017 and are publicly available on FOIA Online. This was before the awareness notification and equity review process was established, but everyone who was here at that time in the Front Office reviewed the records and was on notice of the release.

Please let me know if you have any other questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Tran, Victoria
Sent: Thursday, April 25, 2019 1:38 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Shannon,

I'm now just doing the AO equity for this production, and I was curious to see if these documents have gone through equity with Matt Leopold, Justin Schwab, and David Fotouhi? If not, is it possible for us to do proper equity review before releasing these records? Please let me know. Thank you.

VT

From: Griffo, Shannon
Sent: Wednesday, April 24, 2019 4:32 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Subject: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi all,

OGC/Ethics is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OGC/Ethics – Scott Pruitt, Oklahoma lawsuits							
FOIA ID	**Requestor**	**Date FOIA Request Perfected**	**Date Sent for Awareness Notification**	**Brief Description**	**Interim or Final Response**	**Number of Pages**	**FOIA Exemptions Used**
EPA-HQ-2017-005096	Patrick Ambrosio (BNA Bloomberg)	3/31/2017	4/24/2019	any and all communications between the Office of the Administrator (including, but not limited to, Administrator Pruitt and his chief of staff) and EPA's Ethics Office related to lawsuits Scott Pruitt brought against	Final	189 released in full and in part 38 WIF	Ex. 5 (DPP, AWP, ACP)

				the EPA while serving as Oklahoma's attorney general.			

Please note that the responsive records for this FOIA request are found in previously released records from the NRDC litigation for FOIA requests EPA-HQ-2017-004720 and EPA-HQ-2017-005963 ; and are publicly available on FOIA Online. These records were previously reviewed and sent through equity review pursuant to the litigation production. The records that are available on FOIA Online by searching for EPA-HQ-2017-004720 are attached here.

Please let us know if you have any questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 4/25/2019 9:15:56 PM
To: Levine, Brandon [levine.brandon@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Records Format Question

Thanks for meeting with us on this issues this afternoon. Based upon our conversation, I would agree that Region 9 should provide the records, that are currently available on FOIAonline, to the requester on a CD.

I am not aware of whom in Region 9 raised the issue, so if you could share this information with Region 9, that would be appreciated.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Acting Assistant Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 3:06 PM
To: Levine, Brandon <levine.brandon@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Records Format Question

Hi Brandon and Kevin,

ACP Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director | 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: Levine, Brandon
Sent: Wednesday, April 17, 2019 11:35 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FOIA Records Format Question

Hi Tim,

ACP Deliberative Process / Ex. 5

ACP Deliberative Process / Ex. 5

I understand that other programs may be receiving similar questions. Please let me know if you would like me to discuss this at an upcoming GLO-FEAT bi-weekly.

Best,

Brandon Levine
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC 2377A)
Washington, DC 20460
(202) 564-6625 | levine.brandon@epa.gov

Message

From: Crawford, Tim [Crawford.Tim@epa.gov]
Sent: 5/3/2019 6:50:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
CC: Shenefiel, Pam [shenefiel.pam@epa.gov]; Schroeder, Tobias [Schroeder.Tobias@epa.gov]
Subject: RE: Revised Draft FOIAonline Interoperability Plan--modified to include possible schedule modification
Attachments: EPA and FOIAonline National FOIA Portal Integration Plan_ 05-03-2019.docx

The attached includes a notation that the schedule is based on current budgetary limitations but the possibility exists that it could be accelerated if that changes.

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Crawford, Tim
Sent: Friday, May 03, 2019 9:32 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Hi Tim:
I appreciate your perspective and have provided responses below.
Standing by for follow up direction.
--thanks

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Friday, May 03, 2019 8:35 AM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Thanks Rebecca and Tim,

Several questions:

1) Can we add a description of the contingencies under which we could move faster? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2) How much of the problems you currently anticipate are caused by the system needs of particular departments/agencies and not by all?

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3) Your proposal is that I submit this for EPA – what are the other 19 partner agencies submitting?

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

For your convenience, the text below is being provided for your response to OMB due by May 10:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

4) Frankly, this reads as work fully within OMS' responsibility and control and, therefore, I wonder why it should come from the OGC-NFO rather than from OMS, the provider of the shared service?

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director | 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: Crawford, Tim
Sent: Friday, May 03, 2019 8:18 AM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>
Subject: RE: Revised Draft FOIAonline Interoperability Plan

Good Morning Rebecca/Tim:

Deliberative Process / Ex. 5

Tim Crawford, FOIAonline Program Manager
Office of Enterprise Information Programs
Environmental Protection Agency
crawford.tim@epa.gov
(o) 202.566.1574
(c) 202.603.8538

From: Moser, Rebecca
Sent: Thursday, May 02, 2019 10:36 PM
To: Crawford, Tim <Crawford.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Shenefiel, Pam <shenefiel.pam@epa.gov>
Subject: Revised Draft FOIAonline Interoperability Plan

Tim & Tim:

I developed a revised version of the draft FOIAonline Interoperability Plan, and the clean version is attached.

A thought: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I'll be out of the office tomorrow, but can touch base with you both on Monday. I'll plan to talk with Vaughn about it during my Biweekly on Monday afternoon.

Hope you have a great weekend!

Rebecca

Rebecca G. Moser

Director, Office of Enterprise Information Programs
Office of Mission Support
U.S. Environmental Protection Agency
Phone: 202-566-0252

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 4/26/2019 12:54:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Oh and one other note – Since this release was in September 2017, this was before the awareness notification and equity review process was established. That being said, Quoc still got everyone to review the records and be on notice of its release.

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Griffo, Shannon
Sent: Friday, April 26, 2019 8:50 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi Tim,

The GLO attorney assigned to this case (Quoc Nguyen) told me that this production was reviewed and approved by the Front Office (Kevin Minoli). She said she didn't produce until she got the sign off from Kevin, and all of her productions in litigation implicating the OGC Front Office have been reviewed by David, Justin, Erik etc.

These were produced in September 2017, before Matt was here.

Please let me know if you have any other questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

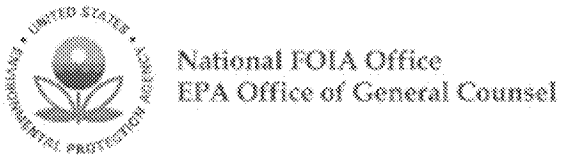
From: Epp, Timothy
Sent: Friday, April 26, 2019 7:59 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Good morning, Shannon, can you confirm whether Matt and David had an opportunity for equity review on their emails in this production?

I have a one-on-one meeting with Joe at 10 and would like to report to him on this at that time.

Thanks,
Tim

Timothy R. Epp
Acting Director | 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



From: Fugh, Justina
Sent: Thursday, April 25, 2019 2:20 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Shannon is on Personal Matter / Ex. 6 leave today but will be back tomorrow. I did a quick search of my emails, though, and found a note she sent to Justin Schwab back on October 26, 2018, which precedes Joe B's arrival at EPA.

From: Epp, Timothy
Sent: Thursday, April 25, 2019 1:40 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi Shannon – see Joe's note below. Can you confirm whether the FO equity review was completed as he requests?
Thanks,
Tim

Timothy R. Epp
Acting Director | 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: Brazauskas, Joseph
Sent: Thursday, April 25, 2019 1:31 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi Tim, Can you confirm that David, Justin, and Matt were given the opportunity to conduct equity review on this FOIA? I am still very concerned that FOIA responses are getting to awareness review before there is an opportunity to conduct an equity review. Thank you, Joe

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Epp, Timothy
Sent: Wednesday, April 24, 2019 4:33 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: FW: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

From: Griffo, Shannon
Sent: Wednesday, April 24, 2019 4:32:20 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hope, Brian; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise; Gottesman, Larry
Cc: Fugh, Justina; Cozad, David
Subject: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Hi all,

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FOIA ID	**Requestor**	**Date FOIA Request Perfected**	**Date Sent for Awareness Notification**	**Brief Description**	**Interim or Final Response**	**Number of Pages**	**FOIA Exemptions Used**
EPA-HQ- 2017-005096	Patrick Ambrosio (BNA Bloomberg)	3/31/2017	4/24/2019	any and all communications between the Office of the Administrator (including, but not limited to, Administrator Pruitt and his chief of staff) and EPA's Ethics Office related to lawsuits Scott Pruitt brought against the EPA while serving as Oklahoma's attorney general.	Final	189 released in full and in part 38 WIF	Ex. 5 (DPP, AWP, ACP)

Please note that the responsive records for this FOIA request are found in previously released records from the NRDC litigation for FOIA requests EPA-HQ-2017-004720 and EPA-HQ-2017-005963 ; and are publicly available on FOIA Online. These records were previously reviewed and sent through equity review pursuant to the litigation production. The records that are available on FOIA Online by searching for EPA-HQ-2017-004720 are attached here.

Please let us know if you have any questions.

Thanks,
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 5/3/2019 5:08:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

From: Cubeddu, Mariana
Sent: Friday, May 3, 2019 1:08:55 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Here is link that Sean sent for Nancy Beck

From: Donahue, Sean
Sent: Thursday, April 18, 2019 11:39 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

If it's helpful, they were released to American Oversight on 08/31/2018:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2018-000798&type=request

Sean

From: Cubeddu, Mariana
Sent: Thursday, April 18, 2019 11:35 AM
To: Donahue, Sean <donahue.sean@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Beth,

Sean has confirmed that Nancy's calendars were previously released.

Thank you,

Mariana

From: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi Mariana and Kevin,

Nancy's calendars (up to February 2018) have been released.

Sean

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:17 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Hi guys,

Do you know if these have been released? Beth just wants to know if Nancy has already seen these files…?

Thank you,

Mariana

From: White, Elizabeth
Sent: Wednesday, April 17, 2019 4:11 PM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

Mariana -do you know if these are calendars that have already been released?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

All,

Please see attached files for awareness review for both **EPA-HQ-2017-009910** and **EPA-HQ-2017-009619** (Nancy Beck schedules- same 10 document files for both case files).

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:03 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009619 (Nancy Beck schedules)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-009910	***Mr. Eric Lipton***	***The New York Times***	***8/04/2017***	***04/17/2019***	*Copies* of Deputy AA Nancy Beck's schedules from the date of hiring up until the date of fulfillment of this request, including attachments to her calendar.	***Final Response***	***1433 pages***

AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for	Brief description of request as clarified	Interim or Final Response	Number of Records

				Awareness Notification			and/or pages
EPA-HQ-2017-009619	***Mr. Corbin Hiar***	***E&E news***	***8/04/2017***	***04/17/2019***	*Copies* of all records concerning Deputy AA Nancy Beck's schedule from her first day at EPA until the date this request is completed, including agenda sheets, appointments, day calendars, calendars, programs and timetables.	***Final Response***	***1433 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]
Sent: 4/26/2019 12:25:09 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-010695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Thanks so much.

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)
Washington, D.C. 20460
Tel: (202) 564-1083

From: Schumacher, Wendy
Sent: Friday, April 26, 2019 8:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Person, Linda <Person.Linda@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-010695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Task closed.

Wendy Schumacher, Ph.D., PMP
Government Information Specialist | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310 A)
Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Friday, April 26, 2019 8:15 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Person, Linda <Person.Linda@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Adding Wendy and Linda.

Wendy or Linda, please go into FOIAonline and approve the task that was assigned to Larry today for an interim release in the above-referenced FOIA request. This went through awareness notification several weeks ago, and we only needed to hold it up to complete OGC equity review, which is now fully complete.

Please send a reply email to all when this is done.

Thanks,
Tim

Timothy R. Epp
Acting Director | 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: Lubetsky, Jonathan
Sent: Friday, April 26, 2019 8:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Thank you Tim. I did not send a notice regarding the delay. The records are uploaded in FOIAonline and waiting approval of the task for 10695. I am not sure the status of the other FOIAs that documents for this request would be responsive to that are OGC FOIAs.

From: Epp, Timothy
Sent: Friday, April 26, 2019 7:56 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Hi Shannon and Jonathan,

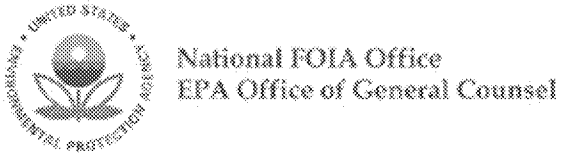
OGC front office has now indicated that OGC's equity review on this production is complete.

Did we ever provide a notice to the folks on the Awareness Notification email regarding the delay in release of the production? If not, then perhaps we can release based on the prior awareness notification, without resending another one. Would you agree?

If so, I can do a soft touch just with Beth White so that se knows what we are doing and it could go out today, with the responses on the related FOIA requests following after.

Tim

Timothy R. Epp
Acting Director | 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



From: Eagles, Tom
Sent: Tuesday, April 09, 2019 3:17 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

To whom it may concern:

OAR is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OAR							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date Sent for Awareness Notification	Brief Description of request as clarified	Interim or Final Response	Number of Records and/or pages

EPA-HQ-2018-010695 Also responsive to: EPA-HQ-2019-000795	Kevin Bogardus Hudson Munoz	eenews	8/22/2018	4/9/2019	Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.	Final Response	409 pages

The following offices have equities in these records and have reviewed the relevant records:

OAR, OGC

The manager who approved this release is: John Shoaff

The records are:

_X__ attached

___ may be found at the following link:

___ Other: No records

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 4/23/2019 4:15:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Thanks Tim

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Epp, Timothy
Sent: Tuesday, April 23, 2019 12:15 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

The ED # is 002159

Timothy R. Epp
Acting Director | 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: Willey, Katharine
Sent: Tuesday, April 23, 2019 12:02 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Do you have the ED # for this workspace?

From: Epp, Timothy
Sent: Tuesday, April 23, 2019 11:42 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Here is the full set – my earlier email was a subset containing Matt's emails.

Tim

Timothy R. Epp
Acting Director | 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: Eagles, Tom
Sent: Tuesday, April 09, 2019 3:17 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

To whom it may concern:

OAR is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

After 4 p.m. on the third business day after transmission of this email, the Action Office will issue the Agency's FOIA determination to the requester(s). The determination will be issued promptly, but in no event later than one business day following completion of the three-day awareness notification period.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OAR

FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date Sent for Awareness Notification	Brief Description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-010695 Also responsive to: EPA-HQ-2019-000795	Kevin Bogardus Hudson Munoz	eenews	8/22/2018	4/9/2019	Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.	Final Response	409 pages

The following offices have equities in these records and have reviewed the relevant records:

OAR, OGC

The manager who approved this release is: John Shoaff

The records are:

_X__ attached

___ may be found at the following link:

___ Other: No records

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 6/19/2019 9:23:44 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Still Interested DOJ Guidance and Template
Attachments: Still Interested Guidance oip-guidance-8.pdf; Request Withdrawn (DOJ Guidance).pdf

Denise,

Here's an example of the kinds of unsolicited requests I am getting now from having answered past inquiries for OMS and others. Should I still answer these as they come in? I was planning to, just will take up more time.

Regards,
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

From: Abercrombie, Almethyist
Sent: Wednesday, June 19, 2019 12:49 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: FW: Still Interested DOJ Guidance and Template

Hi, Kevin-

I left you a voicemail this morning – sorry for calling, I didn't realize that you were out of the office. I just have a couple questions / would like to get your thoughts on a FOIA Request.

Thanks very much,
-Methi

Almethyist Abercrombie
Special Assistant
OARM-Cincinnati / IO
Phone – 513-569-7751

From: Almazan, Christina
Sent: Wednesday, June 12, 2019 3:20 PM
To: Abercrombie, Almethyist <Abercrombie.Almethyist@epa.gov>
Subject: Still Interested DOJ Guidance and Template

Hi Methi,

Per our phone conversation, I would reference to the following closed FOIA request as an example of a FOIA closed out administratively due to a nonresponsive requester. I have also attached OIP and DOJ guidance on FOIA's that are eligible for "still interested" letters. Please let me know if you have any questions and if you need legal advice you can contact Kevin Hill in the NFO at 202-564-1652 or by email at hill.kevinw@epa.gov.

Thanks,
Christina Almazan

Program Analyst
Office of Mission Support
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW
WJC North | 3353-G
Washington, DC – 20460
Mail Code 3102A
Office: 202·564·6681
almazan.christina@epa.gov

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/30/2019 2:42:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: Donahue, Sean
Sent: Tuesday, April 30, 2019 10:42:24 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Cubeddu, Mariana
Cc: Hill, Kevin W.
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

The first one is AL-18-000-3868.
The second is AL-18-000-6760.

Sean

From: White, Elizabeth
Sent: Tuesday, April 30, 2019 10:32 AM
To: Donahue, Sean <donahue.sean@epa.gov>; Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Do you know which QFRs?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Tuesday, April 30, 2019 10:31 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Hi all,

Pages 1-10 consists of a QFR Response, just not in the typical format. They are written out in the text of the letter.
11-14 is made up of another QFR Response (first the letter and the actual response attachment—in the typical format of QFR responses, only shorter than normal).

I hope this helps.

Best regards,

Sean M. Donahue
Special Advisor
Office of the Executive Secretariat

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
O: (202) 564-5007
Donahue.Sean@epa.gov

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 10:23 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

I'm looping Sean to see if he has a response as well. This is one I received in a batch of 8 closeouts that all relate to QFR Response Assignments.

From: White, Elizabeth
Sent: Tuesday, April 30, 2019 10:19 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

I'm not sure that these are responses to QFRs so I'm not sure how they are responsive the FOIA request. Can I get some more info?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 9:47 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Konkus, John <konkus.john@epa.gov>
Subject: Awareness Notification: EPA-HQ-2018-007391 (QFR)

To whom it may concern,

The AO4 FOIA team is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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AO4							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-007391	***Mr. Kevin Bogardus***	***E&E News***	***5/07/2018***	***04/30/2019***	*Copies* of the records of all responses to QFR provided to Congress From EPA from April 1 to May1, 2018.	***Final Response***	***14 pages***

The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

The manager who approved this release is: Elizabeth White, Office of the Executive Secretariat, Office of the Administrator.

The records are attached.

Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/30/2019 2:31:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: White, Elizabeth
Sent: Tuesday, April 30, 2019 10:31:33 AM (UTC-05:00) Eastern Time (US & Canada)
To: Donahue, Sean; Cubeddu, Mariana
Cc: Hill, Kevin W.
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Do you know which QFRs?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Donahue, Sean
Sent: Tuesday, April 30, 2019 10:31 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Hi all,

Pages 1-10 consists of a QFR Response, just not in the typical format. They are written out in the text of the letter.
11-14 is made up of another QFR Response (first the letter and the actual response attachment—in the typical format of QFR responses, only shorter than normal).

I hope this helps.

Best regards,

Sean M. Donahue
Special Advisor
Office of the Executive Secretariat
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
O: (202) 564-5007
Donahue.Sean@epa.gov

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 10:23 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>

Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

I'm looping Sean to see if he has a response as well. This is one I received in a batch of 8 closeouts that all relate to QFR Response Assignments.

From: White, Elizabeth
Sent: Tuesday, April 30, 2019 10:19 AM
To: Cubeddu, Mariana <Cubeddu.Mariana@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

I'm not sure that these are responses to QFRs so I'm not sure how they are responsive the FOIA request. Can I get some more info?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 9:47 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Konkus, John <konkus.john@epa.gov>
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The following offices have equities in these records and have reviewed the relevant records: AO Office of the Administrator.

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Regards,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/30/2019 2:30:39 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: Donahue, Sean
Sent: Tuesday, April 30, 2019 10:30:39 AM (UTC-05:00) Eastern Time (US & Canada)
To: Cubeddu, Mariana; White, Elizabeth
Cc: Hill, Kevin W.
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

Hi all,

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Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/30/2019 2:23:27 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: Cubeddu, Mariana
Sent: Tuesday, April 30, 2019 10:23:26 AM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Donahue, Sean
Cc: Hill, Kevin W.
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

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To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)

From: White, Elizabeth
Sent: Tuesday, April 30, 2019 10:19:03 AM (UTC-05:00) Eastern Time (US & Canada)
To: Cubeddu, Mariana
Cc: Hill, Kevin W.
Subject: RE: Awareness Notification: EPA-HQ-2018-007391 (QFR)

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