Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 4/24/2019 2:52:36 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]
Subject: RE: Next Steps on NRDC v. EPA, 17-cv-1243 (D.D.C.)- Clarification Letter Case
Attachments: Re: FOIA online: Add for closed--> reason --> administratively closed; Attachment C OGC General Request to Modify or Clarify a FOIA Request.docx; EPA-HQ-2017-004877 improper request email.pdf

Great!

My original calendar invite was for Friday. I will add Kevin and Denise. Please accept or decline as you are available, and If that time doesn't work, I can look for something else that will. We would like to get a sense of direction soon.

Deliberative Process / Attorney Client Ex. 5/ Attorney Work Product Ex. 5

I'll update the meeting invite for Denise and Kevin, please let me know if you can make it. Thanks!

Peter

-----Original Message-----
From: Walker, Denise
Sent: Wednesday, April 24, 2019 9:25 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Hill, Kevin W.

<hill.kevinw@epa.gov>
Subject: RE: Next Steps on NRDC v. EPA, 17-cv-1243 (D.D.C.)- Clarification Letter Case

Hi all:

Happy to discuss.
We're working on template letters now for the NFO correspondence & piloting so this is good timing. We're editing these letters as we speak, in fact. And just incorporated this concept.

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 202-816-9872| walker.denise@epa.gov

-----Original Message-----
From: Epp, Timothy
Sent: Tuesday, April 23, 2019 6:07 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Re: Next Steps on NRDC v. EPA, 17-cv-1243 (D.D.C.)- Clarification Letter Case

Thanks Peter. Adding Denise.

Should we schedule a meeting? What is your timing need for our views?

Tim

Sent from my iPhone

> On Apr 23, 2019, at 5:11 PM, Bermes, Peter <Bermes.Peter@epa.gov> wrote:
>
> Hello all,
>

Deliberative Process / Attorney Client Ex. 5/ Attorney Work Product Ex. 5

>
> We're still evaluating other options, but want to seek your input before moving further. Feel free to invite others who should be a part of the discussion, and please let me know if this time is not convenient.
>
> PLEASE CALL ME FROM THE CONFERENCE ROOM 312-886-6631
>
>
> DECISION SUMMARY:
>

Deliberative Process / Attorney Client Ex. 5/ Attorney Work Product Ex. 5

>
> 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.
>
> <2019.04.22 - Mem. Op. - NRDC.pdf>
> <meeting.ics>

Message

From: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 4/24/2019 1:02:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: FW: Awareness Notification
Attachments: FOIA Efficiency Memo (1).pdf; Awareness Notificiation Temp 1.docx

Hi Tim and Dave,

I have two quick questions related to ethics FOIA requests that have been flagged for the awareness notification process:

1. If we have no responsive records, do I still send the request through awareness notification? We have standing monthly requests for financial conflict of interest waivers (for all employees), and these are now being flagged. Most months we have nothing.

2. If we are referring a requestor to previously released documents on FOIA Online, I'm assuming we still send our request(s) through awareness notification, but there's no need for equity review again right?

Thanks!
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Williams, LaShawn
Sent: Friday, April 19, 2019 9:54 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Awareness Notification

Hi Justina,

I just wanted to let you know that FOIA number 2019-004837 has been flagged for awareness notification. Please see the email below from Linda Person. I am copying Shannon as an FYI only because the request is assigned to her.

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.

From: Person, Linda
Sent: Thursday, April 18, 2019 1:39 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Williams, LaShawn <williams.lashawn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness Notification

(This is being sent on behalf of Larry Gottesman.)

Dear Mr. Fotouhi:

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
OGC	EPA-HQ-2019-004658	copy of documents containing information on the calendar or calendar entries of EPA General Counsel Matthew Leopold from March 1, 2019, to March 31, 2019.
OGC	EPA-HQ-2019-004810	any records at EPA Headquarters that are the basis for EPA's public assertion that blending of CSO flow is prohibited by statute (i.e., the working law of the agency on this specific issue). This would include any briefing sheets or legal/regulatory analyses prepared by EPA as the basis for reaching this regulatory conclusion and/or for addressing/discussing this regulatory issue with the Office of Water or Office of General Counsel management (e.g., Division Directors, Assistant Administrators or Deputy Assistant Administrators, General Counsel). The request also seeks any document indicating that the Assistant Administrator David Ross and/or General Counsel's Office have approved this regulatory interpretation.
OGC	EPA-HQ-2019-004837	EPA employees' ethics waivers in resolving financial conflicts of interest from March 1 to April 1, 2019.

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)

National FOIA Office
EPA Office of General Counsel

Appointment

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 5/3/2019 12:53:57 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

UPDATED WITH CALL IN INFORMATION FOR REMOTE PARTICIPANTS

Conference Line/Code / Ex. 6

RESCHEDULED TO NEXT WEEK

Hello all,

Kevin and I would like to touch base to discuss the possibility of Attorney Client / Ex. 5/ Deliberative Process/ Work Product

Attorney Client / Ex. 5/ Deliberative Process/ Work Product

The AUSA has proposed a possible path forward Attorney Client / Ex. 5/ Deliberative Process/ Work Product

Attorney Client / Ex. 5/ Deliberative Process/ Work Product

We're still evaluating other options, but want to seek your input before moving further. Feel free to invite others who should be a part of the discussion, and please let me know if this time is not convenient.

PLEASE CALL ME FROM THE CONFERENCE ROOM 312-886-6631

Attorney Client / Ex. 5/ Deliberative Process/ Work Product

Attorney Client / Ex. 5/ Deliberative Process/ Work Product

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.

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 5/3/2019 12:33:20 PM
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
Attachments: FOIA Standard Functions 5.3.19.docx

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.)

It incorporates the edits from the last version you saw, dated March 6, and adds a few more edits (in track-changes).

I am giving this version to Matt for his last review. If you spot any errors, please let me know.

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: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Sent: 5/3/2019 2:35:49 AM
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
Attachments: EPA and FOIAonline National FOIA Portal Integration Plan_2 - rgm edits - 05-02-2019.docx

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/23/2019 7:26:49 PM
To: OGC National FOIA Office [OGC_National_FOIA_Office@epa.gov]
CC: Bermes, Peter [Bermes.Peter@epa.gov]
Subject: Challenge to EPA's 'Voluntarily Withdrawn' FOIA Policy
Attachments: 2019.04.22 - Mem. Op. - NRDC.pdf

All:

ACP/ AWP/ Deliberative Process / Ex. 5

Good job with the litigation and summary, Peter!! Keep us posted!

Best,
Denise

From: Bermes, Peter
Sent: Tuesday, April 23, 2019 10:29 AM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; OGC GLO ILPG <OGC_GLO_ILPG@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: NEW DECISION: Natural Resources Defense Council v. EPA, 17-cv-1243 (D.D.C.)

Hello, below please find a summary of the recent decision in *Natural Resources Defense Council v. EPA*, 17-cv-1243 (D.D.C.).

ACP/ AWP/ Deliberative Process / Ex. 5

ACP/ AWP/ Deliberative Process / Ex. 5

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.

Peter Bermes
Attorney-Advisor, Office of General Counsel
United States Environmental Protection Agency
312-886-6631 | Room R1325

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/24/2019 9:13:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Bill Nickerson reached out to OMB (eom)
Attachments: EPA FOIA Reg Update, Redline.docx; EPA FOIA Regs Update Changes Explanation.docx

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, April 24, 2019 4:50 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Bill Nickerson reached out to OMB (eom)

Hi Tim,

Caryn's recommendation was to go with Bill's recommendation and didn't have any feedback between slides or redline. I am putting together the redline now and can have slides together for your review early tomorrow morning.

-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, April 23, 2019 12:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Bill Nickerson reached out to OMB (eom)

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: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 4/29/2019 2:12:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: FW: Awareness Notification - OGC/Ethics, Bill Wehrum Ethics Counseling (EPA-HQ-2018-006960; EPA-HQ-2018-002440; EPA-HQ-2019-001277)
Attachments: 20190409_Production.pdf

Hi Tim,

Last week you mentioned asking Beth if we could send these Wehrum documents out sooner than the 3 day waiting period since they were released by OAR on Friday. Please let me know if you hear anything.

Thanks!
Shannon

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 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 Exemptions 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 (DPP) 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 and 6
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	Interim	409	Ex. 5 and 6

				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.			

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

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/30/2019 1:46:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification: EPA-HQ-2018-007391 (QFR)
Attachments: QFR Responses 4.1.2018-5.1.2018 (EPA-HQ-2018-007391).pdf; EPA-HQ-2018-007391 Final.4.29.19.pdf

---

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	***Final Response***	***14 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,

Mariana Cubeddu

AO4 FOIA Team
(202) 564-6566

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/22/2019 7:28:08 PM
To: Nguyen, Quoc [Nguyen.Quoc@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FOIA for Managers and Supervisors 4-22-2019 draft (daw).pptx
Attachments: FOIA for Managers and Supervisors 4-22-2019 draft (daw).pptx

With the revisions to the last slide.

Adding Tim and Wendy for a last look before tomorrow.

Thanks everyone!!
Denise

Message

From: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 4/22/2019 7:05:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: Weekly Selected Requests 04/10/2019 to 04/17/2019

No worries — thanks!

Taylor Hoverman
Policy Counsel
OLEM

Sent from my iPhone. Please excuse typos or brevity.

On Apr 22, 2019, at 2:57 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> I'm sorry Taylor – I had put a tickler on my calendar on Friday to make sure that I added you, and then I did not get to this task on Friday. I'll put a tickler on again.
>
> 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
> <image001.jpg>
>
> ---
>
> **From:** Hoverman, Taylor
> **Sent:** Monday, April 22, 2019 2:23 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Subject:** FW: Weekly Selected Requests 04/10/2019 to 04/17/2019
>
> Tim,
>
> Were you able to add me to this distribution list? 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:** Cook, Steven
> **Sent:** Monday, April 22, 2019 2:20 PM

To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: FW: Weekly Selected Requests 04/10/2019 to 04/17/2019

FYI

From: Epp, Timothy
Sent: Monday, April 22, 2019 9:35 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>
Subject: RE: Weekly Selected Requests 04/10/2019 to 04/17/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/10/2019 to 04/17/2019. Please note, during this period we received 156 requests and 48 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
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
<image001.jpg>

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/22/2019 6:33:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2018-004538, -- Doug Eriksen calendars (Feb-Mar)
Attachments: EPA-HQ-2018-004538_February-March Calendar Doug Ericksen (All)_Redacted (002).pdf

---

From: Cubeddu, Mariana
Sent: Monday, April 22, 2019 2:33:41 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.; Donahue, Sean; White, Elizabeth; Hope, Brian; Gottesman, Larry; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Epp, Timothy; Walker, Denise; Konkus, John; Lyons, Troy; Richardson, RobinH
Subject: Awareness Notification EPA-HQ-2018-004538, -- Doug Eriksen calendars (Feb-Mar)

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-2017-004538	***Mr. Joseph O'Sullivan***	***The Seattle Times***	***3/07/2017***	***04/22/2019***	*Copies* of the public calendar for EPA transition team member Doug	***Final Response***	***112 pages***

					Ericksen between Feb. 2, 2017, and March 3, 2017.		

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: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 4/22/2019 6:23:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Weekly Selected Requests 04/10/2019 to 04/17/2019
Attachments: Selected FOIA Requests. 04.10.2019-04.17.2019.docx

Tim,

Were you able to add me to this distribution list? 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: Cook, Steven
Sent: Monday, April 22, 2019 2:20 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: FW: Weekly Selected Requests 04/10/2019 to 04/17/2019

FYI

From: Epp, Timothy
Sent: Monday, April 22, 2019 9:35 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>
Subject: RE: Weekly Selected Requests 04/10/2019 to 04/17/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/10/2019 to 04/17/2019. Please note, during this period we received 156 requests and 48 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
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

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/17/2019 8:05:16 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_Calendar1.18.pdf; Redacted_Beck_Calendar2.18.pdf; Redacted_Beck_Calendar5.17.pdf; 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

---

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 4:04:33 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hill, Kevin W.; Donahue, Sean; Hope, Brian; Gottesman, Larry; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise
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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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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/16/2019 10:35:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Everyone is stacked up with meetings. Nicole and I will meet tomorrow afternoon and put this together.

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 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 6:16 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Re: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Thanks Denise — I went out on the issue and will walk it back. I would appreciate help in **Deliberative Process / Ex. 5** **Deliberative Process / Ex. 5**

Tim

Sent from my iPhone

On Apr 16, 2019, at 6:12 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> Hm. OK, well that isn't good. I can explain that to Beth. Let's talk tomorrow.
> 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 202-816-9872| walker.denise@epa.gov
>
> <image001.png>

From: Rementer, Nicole
Sent: Tuesday, April 16, 2019 6:11 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Deliberative Process / Ex. 5

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

<image001.png>

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 5:15 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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
<image002.jpg>

From: White, Elizabeth
Sent: Tuesday, April 16, 2019 3:37 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Following up on this – can someone send the letter Tim referenced in his email?

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

From: Newton, Jonathan
Sent: Monday, April 15, 2019 12:25 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Good Morning Tim:

Deliberative Process / Ex. 5

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Epp, Timothy
Sent: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte

<Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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
<image002.jpg>

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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.

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Office of the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Miller, Kevin [Miller.Kevin@epa.gov]
Sent: 4/17/2019 7:07:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Levine, Brandon [levine.brandon@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: FOIA Records Format Question

Larry is correct. We gave an initial position, but did a deeper dive. Brandon's email represents our view.

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

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: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/17/2019 7:02:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009910 (Nancy Beck schedules)

From: Cubeddu, Mariana
Sent: Wednesday, April 17, 2019 3:02:40 PM (UTC-05:00) Eastern Time (US & Canada)
To: White, Elizabeth; Hill, Kevin W.; Donahue, Sean; Hope, Brian; Gottesman, Larry; Tran, Victoria; Epp, Timothy; Grantham, Nancy; Lyons, Troy; Richardson, RobinH; Konkus, John; Walker, Denise
Cc: Cubeddu, Mariana
Subject: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009910 (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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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	***Final Response***	***1433 pages***

					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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/17/2019 6:57:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: FOIA Records Format Question

Tim,

Larry has left, but my recollection was that Deliberative Process / Ex. 5 Attorney Client / Ex. 5

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: Wednesday, April 17, 2019 2:50 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Records Format Question

Deliberative Process / Ex. 5

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: Gottesman, Larry
Sent: Wednesday, April 17, 2019 2:29 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Records Format Question

I am suggesting that before we raise the issue wth the FOIA Officers and Coordinators we coordinate with GLO.

A few weeks ago, a requester asked us to upload records to his site directly and the advice from GLO was Deliberative Process / Ex. 5 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

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: Wednesday, April 17, 2019 2:23 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Records Format Question

So, Larry, are you suggesting that 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: Gottesman, Larry
Sent: Wednesday, April 17, 2019 2:05 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Records Format Question

Tim

Deliberative Process / Ex. 5

Can we discuss this entire issue next week?

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)

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 1:50 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: FOIA Records Format Question

Wendy, can you add a place on tomorrow's agenda where we could mention the below legal advice?

BTW, I now have a meeting with Elise that conflicts with the last half hour of the call and thus will need to excuse myself.

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: 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,

This responds to Region 9's question concerning the Agency's requirement to provide responsive documents in the preferred format of a FOIA requester. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Attorney Client / 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: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 4/19/2019 2:40:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Triage Tick Sheet Information for Elise - Expect Data form OAR on Monday 3/22
Attachments: OW Flow Board Triage April 2019.jpg; OW Flow Board Collection April 2019.jpg; OW Flow Board Review April 2019.jpg; OW Flow Board Production April 2019.jpg; OW List of FOIA Offices Processing FOIAs April 2019.jpg; OMS Flow Board Triage and Collection April 2019.jpg; OMS List of Offices Processing FOIAs April 2019.jpg; OMS Processing Key April 2019.jpg; OAR Flow Board April 2019.jpg; OAR Performance Board Celebrations April 2019.jpg; OAR Performance Board Celebrations April 2019.jpg; OAR Performance Board Current Backlog April 2019.jpg; FOIA Lean Toolkit- The Flowboard_Version_April 2019.docx

Tim, Denise:

Of the three offices from which I am gathering flow board data, (OAR/OMS/OW) OAR/Jonathan is keeping a tick sheet on Triage.

He will send you his data on Monday. (I will be out next week.) Because he has the most mature flow board, it makes sense that Jonathan is the only one currently tracking this information

The boards can potentially produce a tremendous amount of data but none of the data collection is passive. People must be constantly "babysitting" the boards and culling the data into spreadsheets. And these three offices, like many others, have been overwhelmed with FOIA-request volume, and productions for FOIA litigations.

For your reference, I am attaching flow board April photos to give you a sense of how complex the process is on a FOIA Processing flow board.

I am also attaching the Flow Board Toolkit that is being shared with offices and Regions.

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/18/2019 4:33:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: To-Dos from FEAT/ILPG meeting

Putting at the top of your inbox.

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

From: Walker, Denise
Sent: Thursday, April 11, 2019 2:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schumacher, Wendy <schumacher.wendy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: To-Dos from FEAT/ILPG meeting

Follow-up from FEAT Weekly meeting

For Larry/Wendy

Deliberative Process / Ex. 5

For Chris
Ask: Follow up with Kevin Miller

Deliberative Process / Ex. 5

For Tim
Ask: Follow up with Wendy
Toolkit-
Awareness notification
Any other templates to add when we're done.

For Denise

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

For FOIA Coordinator Meeting/NFO (Larry/Wendy)
Ask: Please add Relativity reminders to the agenda
Presentation to FOIA coordinators

Explain responsive attachments and Relativity (responsive children make the parents responsive)

Remind folks that in the relativity workspaces- native track changes can still show up. Check native word documents.

FOR (maybe Nicole or Heather) Tech Savvy ILPG and FEAT members
Ask: Create Tech control board- ILPG/OEI/FEAT – Lynn Kelly is setting up a meeting
Ask: update the Relativity 8.2 toolkit to 9.5

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: Cozad, David [Cozad.David@epa.gov]
Sent: 4/18/2019 2:55:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: Detail on my VM to you

Tim,

Justina/Ethics will prepare a package for Matt to review when he returns from China. They'll keep you in the loop

Thanks

Dave

Sent from my iPhone

> On Apr 18, 2019, at 7:50 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> Hi David,
>
> I'm following up on the voicemail message that I left for you on Tuesday. Below is the write-up Justina provided for me on the Ethics FOIA production at issue.

Deliberative Process / Ex. 5

> Let me know how you would like to proceed.
>
> 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: Fugh, Justina
> Sent: Wednesday, April 10, 2019 6:41 PM
> To: Epp, Timothy <Epp.Timothy@epa.gov>
> Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
> Subject: for your briefing with Matt
>
> Hi Tim,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

>
> Shannon and I will be in the office tomorrow, but both teleworking on Friday. But if you need to reach us, I can give you our contact information!
> Thanks,
> Justina
>
> Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772
>
>
>
>
>
>
>
> From: Epp, Timothy
> Sent: Wednesday, April 10, 2019 9:00 AM
> To: Fugh, Justina <Fugh.Justina@epa.gov<mailto:Fugh.Justina@epa.gov>>; Griffo, Shannon <Griffo.Shannon@epa.gov<mailto:Griffo.Shannon@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.
> Importance: High
>
> Justina and Shannon,
>
> Deliberative Process / Ex. 5
>
> 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: Eagles, Tom
> Sent: Tuesday, April 09, 2019 3:17 PM
> To: White, Elizabeth <white.elizabeth@epa.gov<mailto:white.elizabeth@epa.gov>>; Hope, Brian <Hope.Brian@epa.gov<mailto:Hope.Brian@epa.gov>>; Tran, Victoria <tran.victoria@epa.gov<mailto:tran.victoria@epa.gov>>; Epp, Timothy <Epp.Timothy@epa.gov<mailto:Epp.Timothy@epa.gov>>; Grantham, Nancy <Grantham.Nancy@epa.gov<mailto:Grantham.Nancy@epa.gov>>; Lyons, Troy <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Richardson, RobinH <Richardson.RobinH@epa.gov<mailto:Richardson.RobinH@epa.gov>>; Konkus, John <konkus.john@epa.gov<mailto:konkus.john@epa.gov>>; Walker, Denise <Walker.Denise@epa.gov<mailto:Walker.Denise@epa.gov>>; Gottesman, Larry <Gottesman.Larry@epa.gov<mailto:Gottesman.Larry@epa.gov>>

> Cc: Shaw, Betsy <Shaw.Betsy@epa.gov<mailto:Shaw.Betsy@epa.gov>>; Shoaff, John <Shoaff.John@epa.gov<mailto:Shoaff.John@epa.gov>>; Harlow, David <harlow.david@epa.gov<mailto:harlow.david@epa.gov>>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov<mailto:Lubetsky.Jonathan@epa.gov>>; Eagles, Tom <Eagles.Tom@epa.gov<mailto:Eagles.Tom@epa.gov>>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov<mailto:Srinivasan.Gautam@epa.gov>>; Griffo, Shannon <Griffo.Shannon@epa.gov<mailto: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
>
> <20190409_Production.pdf>
> <image001.jpg>
> <FW: Ethics FOIA Production Set for your review.eml>

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/18/2019 2:11:12 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: Donahue, Sean
Sent: Thursday, April 18, 2019 10:11:11 AM (UTC-05:00) Eastern Time (US & Canada)
To: Cubeddu, Mariana; Hill, Kevin W.
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	***Final Response***	***1433 pages***

					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: James, Kimberly M (Jones) [James.Kimberly@epa.gov]
Sent: 4/16/2019 10:21:24 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]
CC: Lattimore, Kraig [lattimore.kraig@epa.gov]; Logan, Shanita [logan.shanita@epa.gov]
Subject: Materials for Tomorrow's Pre-brief re: Strategic Review and Risk Assessment
Attachments: Strategic Reviews and Risk Assessment Pre.docx; FY 2019 Summary of Findings OGC 2.2 and 3.2.pptx; Obj 3.2 FY 2019 Risk Assessment4.16.19.xlsm; Copy of Obj 2.2 FY 2019 Risk Assessment TRE edits.xlsm

David and Elise - attached are the materials for tomorrow's 9:00am pre-brief regarding the Strategic Review and Risk Assessment.

1) Background document to explain the purpose and requirements of a Strategic Review and Risk Assessment

2) Risk Assessment excel spreadsheets for Strategic Objectives 2.2: Increase Transparency and Public Participation; and 3.2: Create Consistency and Certainty.

3) Summary of Findings Slide for Strategic Objectives 2.2: Increase Transparency and Public Participation; and 3.2: Create Consistency and Certainty.

Sincerely,

Kimberly M. James (Jones)
Management Analyst
Member of EPA's Coaching Cadre |ICF Associate Certified Coach

U.S. EPA- OGC- Resource Management Office
(202) 564-3001 |james.kimberly@epa.gov

***Please Note**: I will be out of the office April 26th – May 3rd ***

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/16/2019 10:18:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

OK!

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

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 6:16 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Re: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Thanks Denise — I went out on the issue and will walk it back. I would appreciate help in Deliberative Process / Ex. 5 Deliberative Process / Ex. 5

Tim

Sent from my iPhone

On Apr 16, 2019, at 6:12 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

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

<image001.png>

From: Rementer, Nicole
Sent: Tuesday, April 16, 2019 6:11 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Deliberative Process / Ex. 5

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

<image001.png>

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 5:15 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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
<image002.jpg>

From: White, Elizabeth
Sent: Tuesday, April 16, 2019 3:37 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Following up on this – can someone send the letter Tim referenced in his email?

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

From: Newton, Jonathan
Sent: Monday, April 15, 2019 12:25 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Good Morning Tim:

Deliberative Process / Ex. 5

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Epp, Timothy
Sent: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>

Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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
<image002.jpg>

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat

1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/16/2019 10:12:34 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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

From: Rementer, Nicole
Sent: Tuesday, April 16, 2019 6:11 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Deliberative Process / Ex. 5

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: Tuesday, April 16, 2019 5:15 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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: White, Elizabeth
Sent: Tuesday, April 16, 2019 3:37 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Following up on this – can someone send the letter Tim referenced in his email?

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

From: Newton, Jonathan
Sent: Monday, April 15, 2019 12:25 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Good Morning Tim:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Epp, Timothy
Sent: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced***

							as a courtesy

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 4/16/2019 8:33:47 PM
To: Zipf, Lynn [Zipf.Lynn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

I received the task, and it has been closed.

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)

National FOIA Office
EPA Office of General Counsel

From: Zipf, Lynn
Sent: Tuesday, April 16, 2019 1:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim – Please let me know if something in the awareness notification process has changed. This FOIA should have been approved for release on Friday, April 12, 2019 at 4 pm. I even sent an email to Wendy as an FYI on Tuesday, April 9 since I thought Larry was out last week. See attached email.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 15, 2019 2:03 PM

To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Please approve this FOIA now.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Tuesday, April 09, 2019 11:11 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>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

To whom it may concern,

OW 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 Water							
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
	Nidhi Subbaraman	*BuzzFeed News*	*11/30/18*	*4/09/19*	*PFAS/Gen X*	*Final response*	*No Records*

EPA-HQ-2019-001750							

The manager who approved this release is Eric Burneson.

No response to request for clarification; closing out FOIA administratively.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/17/2019 8:17:21 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, April 17, 2019 4:17:19 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.; Donahue, Sean
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	***Final Response***	***1433 pages***

					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

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/16/2019 6:11:46 PM
To: Person, Linda [Person.Linda@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]

Subject: Enhancing Intake SOP Workshop
Attachments: National FOIA Office Operations Manual 4 10 19.docx
Location: 5317

Start: 4/16/2019 6:00:00 PM
End: 4/16/2019 7:30:00 PM
Show Time As: Tentative

Changing location to 5317

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/16/2019 1:46:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks, Tim.

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, April 16, 2019 9:01 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

This looks good – I made a few changes in the attached. I've also suggested another final slide on the examples of other OMB nonsignificant FOIA rules. Work with Caryn to check whether putting the other examples in the slides is ok or whether it would be viewed as too strident.

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: Creech, Christopher
Sent: Monday, April 15, 2019 1:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

For your consideration. I will move onto the examples of other agencies using procedural and good cause exceptions.

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, April 15, 2019 11:38 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Roger that. I will have something for you early this afternoon.

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, April 15, 2019 9:59 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: OMB-OGC Meeting on FOIA Regulations

Chris – looks like we can explain what we are doing in more than one slide – up to 5.

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: Manibusan, Mary
Sent: Friday, April 12, 2019 5:38 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for our brief discussion this morning. As a follow-up, when you have a draft ppt slide deck (<5 pages) ready, please send me the draft so we can schedule the OMB briefing.

Please let me know if you have any questions.

Best regards,

Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks!

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: Manibusan, Mary
Sent: Friday, April 12, 2019 8:08 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hi Tim, I can call when I arrive in the office. Thanks! Mary

Sent from my iPhone

On Apr 12, 2019, at 7:43 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary, thanks for touching back quickly. If possible, could we talk before 9:30? I have meetings at 9:30 and 10:00; the latter is my one-on-one with the Deputy GC who is tracking the FOIA regs. Otherwise, I have much availability today. Let me know what works for you.
> 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
<image001.jpg>

From: Manibusan, Mary
Sent: Thursday, April 11, 2019 5:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.
>
> This is planned as the first of a possibly two-phase rulemaking – in this first phase, we plan to go straight to final without taking public comment under the APA's good cause and procedural rule exceptions. This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
<image001.jpg>

Message

From: Zipf, Lynn [Zipf.Lynn@epa.gov]
Sent: 4/16/2019 6:07:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim – thank you for the reminder. No we did not start the close out process.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 2:00 PM
To: Zipf, Lynn <Zipf.Lynn@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Hi Lynn, did you or anyone else in OW initiate a task for Larry in FOIAonline to approve the close-out?

If not, that step needs to be taken in FOIAonline as soon as you send the Awareness Notification email so that there is a task for Larry to "approve."

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: Zipf, Lynn
Sent: Tuesday, April 16, 2019 1:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim – Please let me know if something in the awareness notification process has changed. This FOIA should have been approved for release on Friday, April 12, 2019 at 4 pm. I even sent an email to Wendy as an FYI on Tuesday, April 9 since I thought Larry was out last week. See attached email.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 15, 2019 2:03 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Please approve this FOIA now.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Tuesday, April 09, 2019 11:11 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>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

To whom it may concern,

OW 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 Water							
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-2019-001750	*Nidhi Subbaraman*	*BuzzFeed News*	*11/30/18*	*4/09/19*	*PFAS/Gen X*	*Final response*	*No Records*

The manager who approved this release is Eric Burneson.

No response to request for clarification; closing out FOIA administratively.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/16/2019 5:56:48 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim,

I don't see a task for Larry from OW in the case file.

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: Tuesday, April 16, 2019 1:51 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX
Importance: High

Wendy, Larry,

Is there something going on with this that I don't know about? Or, did this just slip through the cracks?

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: Zipf, Lynn
Sent: Tuesday, April 16, 2019 1:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim – Please let me know if something in the awareness notification process has changed. This FOIA should have been approved for release on Friday, April 12, 2019 at 4 pm. I even sent an email to Wendy as an FYI on Tuesday, April 9 since I thought Larry was out last week. See attached email.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 15, 2019 2:03 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Please approve this FOIA now.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Tuesday, April 09, 2019 11:11 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>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

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The manager who approved this release is Eric Burneson.

No response to request for clarification; closing out FOIA administratively.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/16/2019 5:50:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: DRAFT OMB Non-Sig Presentation FOIA Reg Update.pptx

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, April 16, 2019 9:01 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

This looks good – I made a few changes in the attached. 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: Creech, Christopher
Sent: Monday, April 15, 2019 1:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

For your consideration. 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: Creech, Christopher
Sent: Monday, April 15, 2019 11:38 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Roger that. I will have something for you early this afternoon.

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, April 15, 2019 9:59 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: OMB-OGC Meeting on FOIA Regulations

Chris – looks like we can explain what we are doing in more than one slide – up to 5.

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: Manibusan, Mary
Sent: Friday, April 12, 2019 5:38 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for our brief discussion this morning. As a follow-up, when you have a draft ppt slide deck (<5 pages) ready, please send me the draft so we can schedule the OMB briefing.

Please let me know if you have any questions.

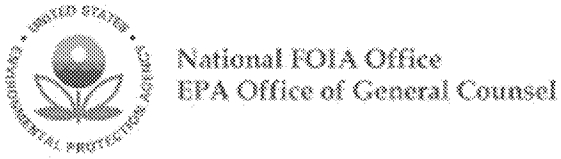
Best regards,

Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks!

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: Manibusan, Mary
Sent: Friday, April 12, 2019 8:08 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hi Tim, I can call when I arrive in the office. Thanks! Mary

Sent from my iPhone

On Apr 12, 2019, at 7:43 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary, thanks for touching back quickly. If possible, could we talk before 9:30? I have meetings at 9:30 and 10:00; the latter is my one-on-one with the Deputy GC who is tracking the FOIA regs. Otherwise, I have much availability today. Let me know what works for you.
> 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
<image001.jpg>

From: Manibusan, Mary
Sent: Thursday, April 11, 2019 5:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. Deliberative Process / Ex. 5
>
> Deliberative Process / Ex. 5
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
<image001.jpg>

Appointment

From: Thompson, Heather [Thompson.Heather@epa.gov]
Sent: 4/16/2019 3:22:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]

Subject: Accepted: FOIA workgroup updating Policy & Procedures
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 5:30:00 PM
End: 4/25/2019 6:00:00 PM
Show Time As: Busy

I'll be teleworking. Could we make a Skype meeting. If not, you can call my work line as that is forwarded to my cell phone.

Appointment

From: Bhatt, Krishna [bhatt.krishna@epa.gov]
Sent: 4/16/2019 3:12:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Accepted: FOIA workgroup updating Policy & Procedures
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 5:30:00 PM
End: 4/25/2019 6:00:00 PM
Show Time As: Busy

Appointment

From: DCRoomARN5315M-Seats 8 Individuals [DCRoomARN5315M-Seats_8_Individuals@epa.gov]
Sent: 4/16/2019 3:10:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Accepted: FOIA workgroup updating Policy & Procedures
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 5:30:00 PM
End: 4/25/2019 6:00:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: James, Kimberly M (Jones) [James.Kimberly@epa.gov]
Sent: 4/15/2019 8:50:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: ACTION & REVIEW: FY 2019 Guidance for Strategic Reviews and Internal Controls

Thank you Tim. I will review and let you know if I have any questions.

Sincerely,

Kimberly M. James (Jones)
Management Analyst
Member of EPA's Coaching Cadre |ICF Associate Certified Coach

U.S. EPA- OGC- Resource Management Office
(202) 564-3001 |james.kimberly@epa.gov

From: Epp, Timothy
Sent: Monday, April 15, 2019 4:48 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Subject: RE: ACTION & REVIEW: FY 2019 Guidance for Strategic Reviews and Internal Controls

Kimberly, here is the set for FOIA.
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: James, Kimberly M (Jones)
Sent: Wednesday, March 27, 2019 12:07 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: ACTION & REVIEW: FY 2019 Guidance for Strategic Reviews and Internal Controls

Tim & Carol Ann,

The Ask

I am reaching out regarding an ask from OCFO. It is time to complete the Annual Risk Assessment & Summary of Findings. OGC will complete this action in collaboration with Office of the Administrator who will serve as the lead.

To complete this data call, OGC needs to update the attached Risk Assessment Tool (excel spreadsheet) and Summary of Findings (2018 submittal) for Objectives 2.2 - FOIA & 3.2 Legal Deadline 3.2. I scheduled a meeting, **Tuesday, April 2nd**, for us to discuss the attachments. The initial drafts for the documents requested below are due **Wednesday, April 10th.** OCFO is offering office hours every Wednesday from 2:00-3:00pm in WJCN- 4045.

Risk Assessment Tool (*Internal*)
In preparation for Tuesday, please review the excel spreadsheet related to your objective. OCFO has provided comments in orange. We are to specifically review the *Risk, Risk Description, Risk Response, and Internal Controls (policies, training, steps to reduce backlog, measures)*. QUESTION: Are all our risk noted and can any of the risk be combined or removed?

Background: The risk assessment tool is an internal document to ensure the Agency is aware of and managing the risk associate with strategic objectives.

Summary of Findings *(External)*
Also attached for your update and review are the 2018 Summary of Findings. This year a new format was created, the single slide. On Tuesday, we will discuss what language from the 2018 can be transferred to the slide and identify new information that needs to be included. We can use language from QPRs, Kaizen/Lean event summaries, DQRs, etc. to assist with the slide formulation. Please note this will be a slide shared with other offices under the objective.

Background: The summary of findings documents will be used to develop a single-shared objective slide used to emphasize key results and facilitate agency-wide dialogue in preparation for the OMB/EPA strategic review meeting in June/July. In addition, summary of findings

Timeline

- The week of April 15th, we will participate in a dialogue with David, Elise, and Helena Aguilar-Woodard (OA) to determine the top 3 risk and finalize the **draft documents due to OCFO on April 19th**.
- Upon our submittal, OCFO will conduct one more review of the documents and provide feedback by April 24th.
- Following the OCFO review, OGC will make changes and **finalize the risk assessment tool and summary of findings by May 1st.**

Sincerely,

Kimberly M. James (Jones)
Management Analyst
Member of EPA's Coaching Cadre |ICF Associate Certified Coach

U.S. EPA- OGC- Resource Management Office
(202) 564-3001 |james.kimberly@epa.gov

From: Grzegozewski, Nicholas
Sent: Thursday, March 14, 2019 12:41 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: FY 2019 Guidance for Strategic Reviews and Internal Controls

Rob and Kimberly, FYI in case you missed this. Please familiarize yourself with the attached guidance and last year's (2018) Summary of Findings for the Strategic Reviews of Objectives 2.2 and 3.2.

There is a training session next Wed 3/20 at 11:45 specific to your strategic objectives 2.2 and 3.2 that you should see shortly that I strongly encourage you to please attend, where these documents will all be discussed.

Of course, please let me know if you have any questions in the meantime.

Thank you,
Nic

From: Greaves, Holly
Sent: Wednesday, March 13, 2019 3:35 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>;
Subject: FY 2019 Guidance for Strategic Reviews and Internal Controls

Colleagues -

I am pleased to provide the U.S. Environmental Protection Agency's *FY 2019 Guidance for Strategic Reviews and Internal Controls*. The attached guidance, reflecting agency feedback and including milestones for key deliverables, is also available at the EPA Enterprise Risk Management SharePoint site.

The guidance builds on progress the EPA has made to integrate strategic reviews, risk assessments, and internal control identification and evaluation. The guidance also describes senior leader responsibilities and deliverables to assess progress toward each strategic objective in the *FY 2018-2022 EPA Strategic Plan*, manage risks, and ensure effective internal controls and includes key due dates to submit summaries of findings for each strategic objective in the *FY 2018-2022 EPA Strategic Plan* to OCFO by April 19, 2019, and to submit the FY 2019 Assurance Letters to OCFO by August 16, 2019, among other deliverables.

New this year, the OCFO is providing targeted support with face-to-face training sessions by strategic objective this month for key agency staff. The goal of these sessions is to support more effective engagement of headquarters and regional senior leaders, share best practices to leverage data from the EPA's Lean Management System and other agency efforts, and strengthen the connection between risks and internal controls.

I appreciate your engagement and look forward to working with you. Please let me know if you have questions or your staff may contact Holly Green at (202) 566-0651 or Sherri' Anthony at (202) 564-3185.

Holly W. Greaves
Chief Financial Officer
Office of the Chief Financial Officer
Environmental Protection Agency
(202) 564-1151

Message

From: DOJ.OIP.FOIA (SMO) [DOJ.OIP.FOIA@usdoj.gov]
Sent: 4/15/2019 7:09:44 PM
To: Veney, Carla [Veney.Carla@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA for AAP April 16-17th
Attachments: April 2019 final agenda.pdf; April 2019 Course Evaluation.pdf; Cornerstone April 2019.pptx; OGIS DOJ training Admin Appeals & Mediation Services for 17 April 2019.pptx; FOIA Requests Start to Finish (Updated Handout).pdf

Thank you for registering to attend OIP's upcoming training, FOIA for Attorneys and Access Professionals, on April 16th and 17th, 2019.

This event is being held at the Department of Justice's 2Con Building located at 145 N Street, NE. Please note that the facility has vending machines but does not have a cafeteria inside of building.

Attached to this email is the agenda, course evaluation, handout and two of the slide presentations for this event. You can visit OIP's training page where we have posted our training materials for this class. Once you are on our training page scroll towards the bottom and the heading will be Training Materials for Yearly Courses The link to our page is: https://www.justice.gov/oip/training

When arriving at the building, please proceed to the security desk on the right side of the entrance. You will be asked to show your government ID and will be given a visitor's badge. Security staff will direct you through the security entrance and a member of OIP's staff will be standing in the lobby to direct you to room for the event (1W 1001).

OIP staff will be at the event to assist you with any questions. We look forward to seeing you at this event.

Sincerely,
OIP's Training Staff

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/15/2019 5:15:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: DRAFT OMB Non-Sig Presentation, FOIA Reg Update.pptx

For your consideration. **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: Creech, Christopher
Sent: Monday, April 15, 2019 11:38 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

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Attorney–Adviser
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Room 7353 E

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Subject: FW: OMB-OGC Meeting on FOIA Regulations

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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: Manibusan, Mary
Sent: Friday, April 12, 2019 5:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

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Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks!

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: Manibusan, Mary
Sent: Friday, April 12, 2019 8:08 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

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Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov
<image001.jpg>

From: Manibusan, Mary
Sent: Thursday, April 11, 2019 5:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

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Sent from my iPhone

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Hi Mary,

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks much for any assistance you can give. Caryn has been a great help so far.

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
<image001.jpg>

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/12/2019 7:51:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Nguyen, Quoc [Nguyen.Quoc@epa.gov]
Subject: FOIA for Managers and Supervisors 4-12-2019 draft.pptx
Attachments: FOIA for Managers and Supervisors 4-12-2019 draft.pptx

With some edits to the Proper Request section & little edits like Hyperlinks instead of long links.

Have a great weekend!!
Denise

Appointment

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/12/2019 6:26:36 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Person, Linda [Person.Linda@epa.gov]

Subject: Canceled: Draft letter templates - Will Be Rescheduled
Attachments: Improper FOIA Request - Administrative Closure Letter - EPA-HQ-2017-003225 jbd170127.docx; Grant-Letter-with-Records.doc; Extension-Letter-Template.docx; Full-Grant-Partial-Grant-Ex4.docx; Full-Grant-Partial-Grant-Ex5.docx; Full-Grant-Partial-Grant-Ex6.docx; Full-Grant-Partial-Grant-Ex3.docx; Full-Grant-Partial-Grant-Ex7.docx
Location: WJCN 2530 (same room as NFO weekly)

Start: 4/16/2019 3:00:00 PM
End: 4/16/2019 4:00:00 PM
Show Time As: Free

Importance: High

Let's discuss the draft FOIA letter templates (edits to the attached and should we add others). We'll review content and determine a path forward for approval and posting to: http://intranet.epa.gov/foia/FOIA-letters.html.

Here is a link to the DOI Sample Letters for your reference:
https://www.doi.gov/sites/doi.gov/files/uploads/sample_language_for_foia_responses_7.8.16.pdf

Please use this time to work on the SOP if you are attending the meeting in the afternoon.

Message

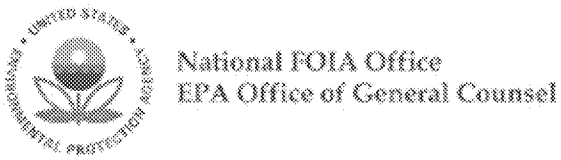
From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/12/2019 5:49:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Thank you, Caryn and Tim. I'll dive into this and circulate some examples and slides on Monday.
Have a great weekend!
-Chris

From: Epp, Timothy
Sent: Friday, April 12, 2019 1:16:34 PM
To: Muellerleile, Caryn; Creech, Christopher
Subject: RE: OMB-OGC Meeting on FOIA Regulations

I was so hopeful when I saw the spreadsheet that you had a quick answer to everything. This will be super helpful as is.
Thanks and have a great weekend.
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: Muellerleile, Caryn
Sent: Friday, April 12, 2019 1:14 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

I think Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Caryn

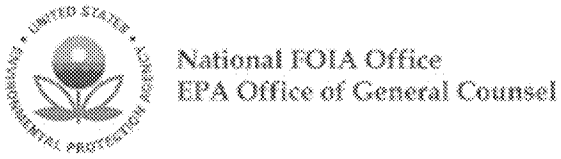
From: Epp, Timothy
Sent: Friday, April 12, 2019 1:03 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Great! Many of these specifically mention the 2016 FOIA amendment. Can we tell 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



From: Muellerleile, Caryn
Sent: Friday, April 12, 2019 12:15 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hi,

I ran a quick (advanced) search at federalregister.gov and located many, many final rules that might both of your criteria. Deliberative Process / Ex. 5

Thanks,
Caryn

From: Epp, Timothy
Sent: Friday, April 12, 2019 12:05 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Chris and Caryn,

I talked with Mary this morning – to help prepare for the OMB briefing, Chris, could you identify Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Also, Chris, can you prepare a draft PowerPoint slide that summarizes Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We don't know the timing because the OMB meeting has not been set, yet. Let's hope for and plan for a meeting soon.

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: Manibusan, Mary
Sent: Thursday, April 11, 2019 5:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.
>
> **Deliberative Process / Ex. 5**
>
> Deliberative Process / Ex. 5 This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
<image001.jpg>

Message

From: Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Sent: 4/12/2019 4:15:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: FOIA_regs_2017_2019.csv

Hi,

I ran a quick (advanced) search at federalregister.gov and located many, many final rules that might both of your criteria. Deliberative Process / Ex. 5

Thanks,
Caryn

From: Epp, Timothy
Sent: Friday, April 12, 2019 12:05 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Chris and Caryn,

I talked with Mary this morning – to help prepare for the OMB briefing, Chris, could you Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We don't know the timing because the OMB meeting has not been set, yet. Let's hope for and plan for a meeting soon.

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: Manibusan, Mary
Sent: Thursday, April 11, 2019 5:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.
>
> **Deliberative Process / Ex. 5**
>
> Deliberative Process / Ex. 5 his regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
> <image001.jpg>

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/12/2019 3:44:41 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Supervisor Training - Updated Training Slides
Attachments: FOIA for Managers and Supervisors 4-10-2019 draft.pptx

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

From: Thompson, Heather
Sent: Wednesday, April 10, 2019 4:50 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>
Subject: Supervisor Training - Updated Training Slides

Hi ladies,

Here are the updated training slides. Working on the checklist now.

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/12/2019 11:09:09 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Thompson, Heather [Thompson.Heather@epa.gov]
Subject: RE: FOIA Coordinators/Officers Monthly Meeting - April 2019
Attachments: FOIA Mtg Agenda April 2019.docx; image003.png; image004.jpg; image006.jpg; image007.png

Tim,

Revised agenda for your feedback. Spoke to Heather who is available on Thursday to take the lead on the Relativity item.

Please let me know if you approve and I will have the revised agenda posted when I get to the office this afternoon.

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<mailto:schumacher.wendy@epa.gov>

[cid:image001.png@01D4D4E7.3F7568A0]

From: Epp, Timothy
Sent: Thursday, April 11, 2019 2:39 PM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: FOIA Coordinators/Officers Monthly Meeting - April 2019

Adding Wendy.

I think it bears mentioning – to ensure that folks understand that it is a high priority as well.

We should have a conversation regarding who is reporting on each of the items on the agenda and how much time is needed for each report.

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: Moumbleaux, Joan
Sent: Thursday, April 11, 2019 11:42 AM
To: Walker, Denise <Walker.Denise@epa.gov<mailto:Walker.Denise@epa.gov>>; Epp, Timothy <Epp.Timothy@epa.gov<mailto:Epp.Timothy@epa.gov>>; Gottesman, Larry <Gottesman.Larry@epa.gov<mailto:Gottesman.Larry@epa.gov>>
Subject: FOIA Coordinators/Officers Monthly Meeting - April 2019

The Lean FOIA Processing team has not been on the agenda for the last several meetings.

Would you like one of the Team members to report on its work?

Here is the April Agenda posted at http://intranet.epa.gov/foia/monthly-meeting-agenda.html

[cid:image006.jpg@01D4F07A.85ED6130]

Joan Moumbleaux
Government Information Specialist I National FOIA Office<https://www.epa.gov/foia>
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<mailto:moumbleaux.joan@epa.gov>
[cid:image001.png@01D4D4E7.3F7568A0]

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/11/2019 11:00:48 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness notifications

From: Lewis, Monica
Sent: Thursday, April 11, 2019 7:00:47 PM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.; Person, Linda; Schumacher, Wendy; Gottesman, Larry
Cc: Epp, Timothy; Walker, Denise
Subject: RE: Awareness notifications

Per some technical hiccups, the task has been approved.

From: Hill, Kevin W.
Sent: Thursday, April 11, 2019 3:20 PM
To: Person, Linda <Person.Linda@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Lewis, Monica <lewis.monica@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness notifications

+ Monica on behalf of Wendy. Are you able to help me? Please see below.

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: Thursday, April 11, 2019 3:16 PM
To: Person, Linda <Person.Linda@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness notifications

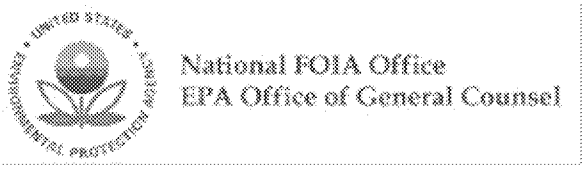
All,

Would someone be able to approve the case file review post-awareness notification for EPA-HQ-2018-006649? The

notification period expired on Tuesday at 4:00 p.m. and is now past due. Wendy informed me that the task is with Linda even though I sent the task in FO 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



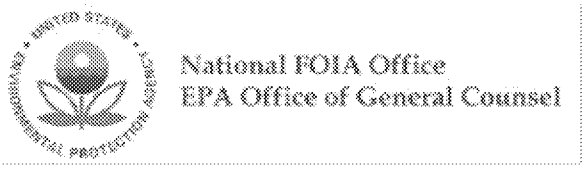
From: Schumacher, Wendy
Sent: Wednesday, April 10, 2019 8:54 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Person, Linda <Person.Linda@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: Awareness notifications

Kevin,

2018-006649 is on the list for Linda. I closed the earlier two.

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: Gottesman, Larry
Sent: Tuesday, April 09, 2019 7:26 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Awareness notifications

From: Hill, Kevin W.
Sent: Tuesday, April 9, 2019 7:25:41 PM (UTC-05:00) Eastern Time (US & Canada)
To: Schumacher, Wendy; Person, Linda

Cc: Gottesman, Larry
Subject: Awareness notifications

Wendy or Linda,

These requests have an awareness notification case file review with Larry that is now due. Can you please approve?

EPA-HQ-2017-005198
EPA-HQ-2018-000571
EPA-HQ-2018-006649

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: Manibusan, Mary [Manibusan.Mary@epa.gov]
Sent: 4/11/2019 9:51:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Wiggins, Lanelle [Wiggins.Lanelle@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.
>
> **Deliberative Process / Ex. 5**
>
> Deliberative Process / Ex. 5 This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
> <image001.jpg>

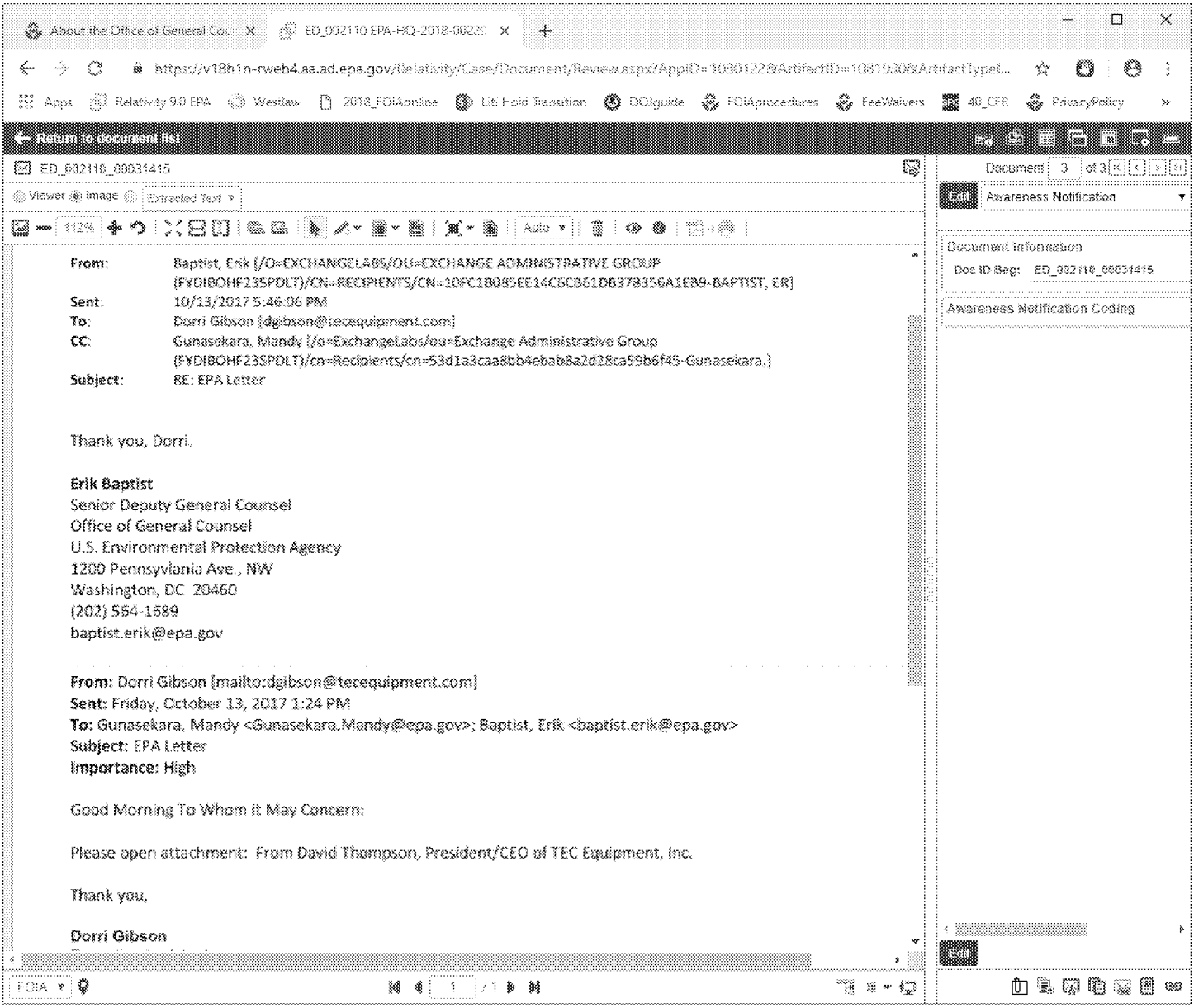
Message

From: Stilp, Mark [Stilp.Mark@epa.gov]
Sent: 4/11/2019 9:31:26 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Tim-

In my opinion, Attorney Client / Ex. 5

Attorney Client / Ex. 5



From: Baptist, Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=10FC1B085EE14C6CB61DB378356A1EB9-BAPTIST, ER]
Sent: 10/13/2017 5:46:06 PM
To: Dorri Gibson [dgibson@tecequipment.com]
CC: Gunasekara, Mandy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53d1a3caa8bb4ebab8a2d28ca59b6f45-Gunasekara,]
Subject: RE: EPA Letter

Thank you, Dorri.

Erik Baptist
Senior Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsyvlania Ave., NW
Washington, DC 20460
(202) 564-1689
baptist.erik@epa.gov

From: Dorri Gibson [mailto:dgibson@tecequipment.com]
Sent: Friday, October 13, 2017 1:24 PM
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: EPA Letter
Importance: High

Good Morning To Whom it May Concern:

Please open attachment: From David Thompson, President/CEO of TEC Equipment, Inc.

Thank you,

Dorri Gibson

-Mark Stilp

Mark Stilp | Attorney-Advisor | Office of General Counsel | U.S. Environmental Protection Agency | 1200 Pennsylvania Ave. NW | Washington, DC 20460 | mail code: 2377A | office: 202.564.4845

From: Epp, Timothy
Sent: Thursday, April 11, 2019 4:57 PM
To: Stilp, Mark <Stilp.Mark@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Attorney Client / Ex. 5

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: Stilp, Mark
Sent: Thursday, April 11, 2019 4:53 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Hi Tim-

Attorney Client / Ex. 5

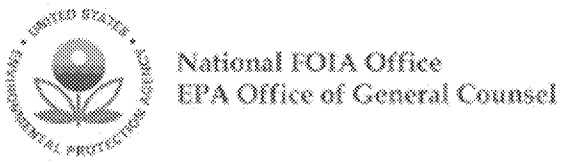
-Mark Stilp

Mark Stilp | Attorney-Advisor | Office of General Counsel | U.S. Environmental Protection Agency | 1200 Pennsylvania Ave. NW | Washington, DC 20460 | mail code: 2377A | office: 202.564.4845

From: Epp, Timothy
Sent: Thursday, April 11, 2019 4:15 PM
To: Stilp, Mark <Stilp.Mark@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Hi Mark – I cannot access the link in the awareness notification below because it is in Relativity. Can you tell me, where there any documents generated or copied to any of the folks in OGC's front office?
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: Srinivasan, Gautam
Sent: Thursday, April 11, 2019 3:54 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

FYI, Mark Stilp did the equity review here (not ARLO).

++++++++++++++++++++++++++++
(202) 564-5647 (o)
(202) 695-6287 (c)

From: Eagles, Tom
Sent: Thursday, April 11, 2019 2:01 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

To whom it may concern,

OAR 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.

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-2018-002296	Ann Brown	Center for Biological Diversity	12/4/2017	4/11/2019	All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.	Interim	211 Records

The following offices have equities in these records and have reviewed the relevant records:

OAR IO

OGC

The manager who approved this release is: John Shoaff

The records are:

___ attached

_X_ may be found at the following link: https://v18h1n-rweb3.aa.ad.epa.gov/Relativity/searchlink.aspx?SelectedSearchArtifactId=1186645&AppID=1030122

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 4/11/2019 9:08:38 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

I can chat.

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: Walker, Denise
Sent: Thursday, April 11, 2019 4:15 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

I'll touch base with Nicole. Thanks!

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

From: Hill, Kevin W.
Sent: Thursday, April 11, 2019 4:14 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

I'm off tomorrow. Can we talk between 5 and 6 today?

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: Walker, Denise
Sent: Thursday, April 11, 2019 4:12 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification FOIA Request EPA-HQ-2017-005542

Kev & Nicole:

Let's talk about this response tomorrow.

Thanks,
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 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/11/2019 8:13:46 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

I'm off tomorrow. Can we talk between 5 and 6 today?

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: Walker, Denise
Sent: Thursday, April 11, 2019 4:12 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification FOIA Request EPA-HQ-2017-005542

Kev & Nicole:

Let's talk about this response tomorrow.

Thanks,
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 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced***

							as a courtesy

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/23/2018 3:18:02 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Request for Comment on draft Regulations Options memo -- case law in particular
Attachments: Options Selection Prebrief_10.20.18_dps.docx

Hi NFO,

I've attached a clean version of Dan's current draft of the Regulation Options Memo. Dan and I would like your help in

Deliberative Process / Ex. 5

Can you provide Dan your thoughts in the next day or two?

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/8/2018 3:08:26 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Awareness SOP needed in OGC -- improper FOIA release
Attachments: [April 20 2018 e-mail] flag foias.pdf; Awareness notification process 10.30.docx

Larry,

On August 8, documents were released to ProPublica on FOIA request EPA-HQ-2008-006330. Those documents included OGC emails containing statements subject to the attorney-client privilege, including one between David Fotouhi and Elise Packard. ProPublica later published an article containing that email in its entirety. Earlier on April 20, Beth White flagged this FOIA request for awareness review (see attached) but it was never flagged in the system and consequently was never reviewed by Beth or others at her level before it was released.

Attached is the new awareness notification process that the Acting Administrator approved this past Monday. The new process is not yet finalized; Wendy is still consulting with DOJ and we are working through the details of dissemination. Thus, we have a short time before it becomes operative; we will need an SOP for running the process here in the NFO to ensure that it is consistently implemented. We will also need to review the OGC FOIA procedures to ensure that no attorney-client or work product communications are released in the future.

You will need to work on this effort and I will seek a volunteer from the NFO staff to work on it as well. Wendy Blake has assigned Peter Bermes to represent GLO on this workgroup. The SOP will need to go through both Wendy and I for approval, and then up through Elise and Joe, and likely ultimately to 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/26/2019 9:31:29 PM
To: Cunningham, Bisa [cunningham.bisa@epa.gov]
Attachments: Draft Correcting the Narrative Letter Template.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/17/2018 12:09:41 PM
To: James, Kimberly M (Jones) [James.Kimberly@epa.gov]
Subject: FW: Agency FOIA Oct 2018 A3
Attachments: Agency FOIA Oct 2018 A3_Updated.pptx

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

From: Schumacher, Wendy
Sent: Thursday, September 27, 2018 3:48 PM
To: Costa, Karen <Costa.Karen@epa.gov>
Cc: Poole, Laura <Poole.Laura@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Agency FOIA Oct 2018 A3

Karen,

I don't have your instructions to the leads so if you need the information in a different format please let me know.

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

From: Epp, Timothy
Sent: Thursday, September 27, 2018 3:45 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>; Costa, Karen <Costa.Karen@epa.gov>
Subject: RE: Agency FOIA Oct 2018 A3

Can you send this where it needs to go for submission to Laura?

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

From: Schumacher, Wendy
Sent: Thursday, September 27, 2018 1:18 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: RE: Agency FOIA Oct 2018 A3

Tim,

With your edits. No other changes received.

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

From: Epp, Timothy
Sent: Thursday, September 27, 2018 10:53 AM
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>; Costa, Karen <Costa.Karen@epa.gov>
Subject: RE: Agency FOIA Oct 2018 A3

Wendy and all, a few suggested edits:

In Box 5 – task 2: Task #2 team (FOIA Processing Centralization Team) analyzed data from first pilot and made adjusted categories of data to be collected going forward. Begin populating National Pulse Board with pilot data.

Team description: please change Executive Sponsor to Elise Packard; Use my full name – Timothy R. Epp; change Larry's role to Project Co-lead

Any other edits?

Thanks,
Tim

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

From: Schumacher, Wendy
Sent: Thursday, September 27, 2018 10:33 AM
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

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/26/2019 8:52:12 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: draft
Attachments: Draft Correcting the Narrative Letter Template.docx

Elise – here is where I'm at on this.

I'm still playing with it but did not want to delay your opportunity to look at it.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/2/2018 11:39:56 AM
To: Blake, Wendy [Blake.Wendy@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 - Clean Updated 11 1 2018.docx

Wendy, unfortunately, you made edits on a quite old version – it appears that it is my first draft responding to Matt's request. Attached is the clean copy that Joe took to Matt last night.

Refinements in this had Elise's and Joe's approval yesterday. Let's focus this morning on your core concerns.

I'm in the office and will come by at 8 am.

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: Friday, November 02, 2018 12:15 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
Importance: High

Attached are Charlotte's, Kevin's and my comments on the memo. **Deliberative Process / Ex. 5**
Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 8:24:00 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: draft memo
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:49:44 PM
To: Shaffer, Patricia [Shaffer.Patricia@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Final Draft FOIA Memo for Admin
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx; Draft FOIA Memo - redline updates 11 1 2018.docx; OGC FOIA Improvement Initiatives 2018 - updated Nov 1.pptx

Pat, please print the attached documents for Joe to take to his 5 pm 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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:48:29 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: RE: Final Draft FOIA Memo for Admin
Attachments: OGC FOIA Improvement Initiatives 2018 - updated Nov 1.pptx

Joe,
Here are the slides.

I will ask Pat to print both the slides and the memo for you.
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: 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

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Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 7:21:27 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
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx; Draft FOIA Memo - redline updates 11 1 2018.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/1/2018 3:05:52 PM
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
Attachments: Draft FOIA Memo - 08.10.18.GLO NFO Clean to Circulate Updated 11 1 2018.docx

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 / 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 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: 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 / Ex. 5
Deliberative Process / 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/31/2018 10:44:11 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: Draft FOIA memo
Attachments: 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

Importance: High

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,

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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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 10:13:12 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Fwd: Regions and FOIA
Attachments: R8 FOIA Centralization Suggestion for Creating a More Efficient EPA 07June2016.docx; ATT00001.htm; FOIA Centralization Project 3.19.18.pdf; ATT00002.htm

FYI for you and the PD team to track/consider.
Tim

Sent from my iPhone

Begin forwarded message:

From: "Cozad, David" <Cozad.David@epa.gov>
Date: October 10, 2018 at 4:46:42 PM EDT
To: "Epp, Timothy" <Epp.Timothy@epa.gov>
Subject: Regions and FOIA

Hi Tim,

Following up on our conversation yesterday at the happy hour, below is a table that we put together in February, as lead region, on how FOIA works in each region. Attached are documents from R8 and R9 on their plans to change to centralizing FOIA responsibility.

Background for you in advance of coming discussions with regions.

Dave

	Location	# of FTE	ORC Role	Other considerations
R1	Office of Administration and Resource Management	1	Legal support	Each program office has its own FOIA coordinator.
R2	Public Affairs Division	1	Legal support	Each division has its own FOIA coordinator
R3	Office of Communications and Government Relations (press office)	2	Large role in FOIA processing, including communicating with requestors and collecting and reviewing documents for responsiveness	ORC preparing to work on a regional LEAN process for FOIA, using the OAR LEAN process and results as a model (centralized FOIA)
R4	Office of Policy and Management	Centralized FOIA Office with 8 FOIA specialists, 1	1 FOIA Specialist in ORC who reviews all FOIAs that come through ORC for concurrence on	FOIA used to be housed in ORC but during a reorganization, these functions were removed; while FOIA was managed by

		Records Officer, 1 FOIA Officer and 1 Office Chief	withholdings. 1 attorney (.4 FTE) assigned to FOIA/Records Legal Support. All ORC attorneys reviews FOIAs on their assigned cases/matters.	ORC, they experienced difficulty getting the programs to respond to FOIA requests or enter responsive information into databases that could be easily searched. R4 OPM is currently encountering funding and staffing challenges that inhibit embracing Relativity or new technology.
R5	Resource Management Division	2.5 (in FOIA office)	Legal support	While R5 has a central FOIA office with 2.5 FTE, the actual processing of FOIAs is decentralized to the programs. There are approximately 11 FOIA officers in the programs. There has been some thought given to reorganization, but no concrete plan has been developed.
R6	Management Division	2	Legal support	ORC has 2 FTE dedicated to FOIA: 1 is the main information law attorney who provides legal support to the Management Division; the other works solely on Superfund FOIAs.
R7	Office of Public Affairs	1	Legal support	ORC has 2 attorneys who work on information law issues: 1 serves as the ORC expert on FOIA, records and ediscovery issues (20% time) and the other is fulltime FTE dedicated to information law.
R8	Content Management Unit	4	Legal support	R8 reorganized in 2014 to create CMU, where FOIA, records management, eDiscovery and delegations issues are consolidated and handled by 4 full-time FTE.
R9	Office of Public Affairs	1.5 FTE (1 FOIA Officer and 1 manager)	Legal support	R9 is preparing to reorganize its FOIA functions along the lines of what has been created in either R8 or R10 in the near future, using existing resources.
R10	Office of Management Programs	5 (Regional FOIA Officer and 4 FOIA case managers)	Legal support	R10 reorganized 2 years ago to create Information Services Unit, which houses FOIA team, information technology and

				records staff. ORC has 1 information law attorney, along with 2 other attorneys who work part-time on FOIA issues. One of the IT specialists has taken Relativity training, and the information law attorney is working to gain these skills in order to function as the FEAT attorneys do in OGC (assisting with each search submitted to OEI, and meeting with staff before beginning document review in Relativity).

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 10:10:54 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@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 Rob, thanks.

Just an FYI that I cleared my email with Joe before sending it.

Tim

Sent from my iPhone

On Oct 10, 2018, at 5:47 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Tim – As I understand it, Joe Brazauskas is now the OIG IO POC. Looping him in.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Wednesday, October 10, 2018 5:43 PM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; 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>
Cc: Boxton, Troy <Boxton.Troy@epa.gov>; Standifer, Juanita <Standifer.Juanita@epa.gov>; Kaufman, Michael <Kaufman.Michael@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@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,

The Office of General Counsel's responses to the two questions that you have identified as related to report 14-P-0262 are as follows:

1. Pursuant to Delegation of Authority 1-131, which delegates the Chief FOIA Officer responsibilities to the General Counsel, Matthew Z. Leopold is the Agencies Chief FOIA Officer. He has not redelegated the Chief FOIA Officer responsibilities.

2. EPA's FOIA Public Liaison functions are performed by EPA's National FOIA Office in the Office of General Counsel. Timothy R. Epp is the Acting Director of the National FOIA Office.

As I stated in my September 26 email to Jeremy Sigel, OGC is moving forward with a plan to review and put out 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). Providing further clarification on the above items will be considered as part of this updating process.

Please feel free to give me a call at the number below if you have any questions about the above.

Thanks,
Tim

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

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. <!--[if !supportLists]--><!--[endif]-->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. <!--[if !supportLists]--><!--[endif]-->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. <!--[if !supportLists]--><!--[endif]-->What was the last version of FOIAonline, and when did it expire?

  4. <!--[if !supportLists]--><!--[endif]-->When was FOIAonline 3.0 implemented and put on EPA's internet for use?

  5. <!--[if !supportLists]--><!--[endif]-->When will the entire FOIAonline 3.0 be accessible to the public for use? Please provide milestone dates.

  6. <!--[if !supportLists]--><!--[endif]-->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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 4:52:42 PM
To: Brazauskas, Joseph [brazauskas.joseph@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 Joe,

Deliberative Process, 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: Brazauskas, Joseph
Sent: Wednesday, October 10, 2018 12:18 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

Hi Tim – please let me know if you need assistance on this, it looks to be just the two questions left, I believe?

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

From: Albores, Richard
Sent: Wednesday, October 10, 2018 11:54 AM
To: Stewart, Sabrena <Stewart.Sabrena@epa.gov>; 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>; Shenefiel, Pam <shenefiel.pam@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>; Trent, Bobbie <Trent.Bobbie@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@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:

OGC is undergoing some transitions this month and our IG/GAO oversight responsibilities in our immediate office are going to Joseph Brazauskas (Associate Deputy General Counsel), and Tia Miller (Operational Special Assistant). Also, the National FOIA Office is currently being headed by Timothy Epp (Acting NFO Director). I have copied Joe and Tia on this message, and Tim is already on your address list.

I hope you and Joe, Tia, and Tim can work out the situation with your follow up questions to the 2014 closed report (Report No. 14-P-0262).

Thanks,

R

~~~~~~
RICHARD L. ALBORES
Senior Attorney * Office of General Counsel * Solid Waste & Emergency Response Law Office * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2366A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/26/2018 9:11:21 PM
To: McConkey, Diane [Mcconkey.Diane@epa.gov]
Subject: RE: Procedural rules/FEAT options paper
Attachments: Options Selection Prebrief_10.24.18_NandCsplit (CCILO comments).docx

Here it is – thanks much!

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

From: McConkey, Diane
Sent: Friday, October 26, 2018 4:53 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Procedural rules/FEAT options paper

Tim, would you mind forwarding the marked-up options paper Mark sent you? I didn't receive the attachment and he may have left for the day. Thanks.

From: Talty, Mark
Sent: Friday, October 26, 2018 4:19 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Simons, Andrew <Simons.Andrew@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>
Subject: RE: Procedural rules/FEAT options paper

Attorney Client / Ex. 5

I have to be over at DOJ Monday afternoon so I won't be able to attend, but I'll talk to Andy Monday morning.

Best regards,

Mark

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

From: Epp, Timothy
Sent: Friday, October 26, 2018 3:40 PM
To: Talty, Mark <Talty.Mark@epa.gov>

Cc: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: Procedural rules/FEAT options paper

Hi Mark,
Thank you so much for the quick turn around on this – I have asked Monique to add you and Andy to the meeting the NFO has with Elise and Joe at 4 pm on Monday.

Would it be possible to be able to provide Attorney Client / Ex. 5
Attorney Client / 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: 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/26/2018 7:32:45 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
Attachments: MyProperty handouts for 10 29 18.pdf; DRAFT MEMO Policy and Procedure Update 10.25.2018 tre ctc.docx; Options Selection Prebrief_10.24.18_NandCsplit.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/10/2018 2:30:06 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Shaffer, Patricia [Shaffer.Patricia@epa.gov]
Subject: RE: Policy/Procedure review

Hi Pat,
Could you schedule a half hour meeting for me and Chris Creech, either Friday or Monday, to discuss "FOIA Policy Review"?

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: Wednesday, October 10, 2018 9:22 AM
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/23/2018 12:04:28 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Regional FOIA Officer PD -- follow up
Attachments: Regional FOIA Officer GS-0306-14 Position Descrption_DRAFT.DOCX; 20180925_DRAFT_FOIA Determination Authority Model.pptx; FOIA Lean Event OutBrief.pptx

Hi Nicole, Wendy, and Kevin,

Thanks much for this advance work on thinking about the role and functions of the Regional FOIA Officers. I now have a first 30 minute meeting with David Cozad to discuss the Regional FOIA reorganization. I will present this work to him and seek information regarding his and Matt's thinking – and, most importantly, make a pitch for our further close involvement with him as the reorganization moves forward.

I want to make sure that I have collected all of your work product in the attached and below – is that correct?

Thanks,
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: Friday, October 05, 2018 3:23 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Regional FOIA Officer PD

Good afternoon, Tim:

Attached is the draft deliverable of the Regional FOIA Officer position description for your review and consideration.

As reflected in the document, we make the following recommendations:

- Deliberative Process / Ex. 5
- Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

certification.

Please know, we constructed this PD with the following ideas/goals in mind: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We hope our work-product goes in the direction you want/need. If you have any questions, concerns, critiques, etc., we would love to hear them! We had fun and enjoyed the intellectual challenges this task presented!

Happy reading and enjoy your holiday!

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 10:54:27 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: means to disseminate the awareness notification process

I also would not want a cover email. Thanks.

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 3:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: means to disseminate the awareness notification process

See my comments below. Thanks for clarifying.

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 10:49 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: means to disseminate the awareness notification process

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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 10:43 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: means to disseminate the awareness notification process

I am not sure we need a transmission email.

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: Tuesday, November 06, 2018 9:41 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: 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>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: means to disseminate the awareness notification process

I suggest we also circulate a template transmission email.

I can provide that.

D

Sent from my iPhone

On Nov 6, 2018, at 9:33 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> 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
>
> <DRAFT MEMO awareness.docx>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 10:51:09 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Policy and procedure memo

Thanks Wendy,

On your question Attorney Client / Ex. 5

Attorney Client / Ex. 5

Thanks for your careful read.

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, November 06, 2018 3:14 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Policy and procedure memo

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, but I assume we won't have anything.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 7:56:20 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: FW: Read-ahead material for Matt's meeting with NFO tomorrow
Attachments: FY 2018 Annual Report summary.docx; Background on FOIA Policy and Procedure update.docx; Options Selection_11.1.18.docx; Options Selection_11.1.18.docx

FYI – This is what I sent to the front office as read ahead material for Matt.

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, November 06, 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/20/2018 6:53:50 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: Draft Options Memo for FOIA Regulations
Attachments: Options Selection Prebrief_10.20.18_dps.docx

Joe,

Per your request, attached is the latest draft of the Options Memo for the FOIA Regulations.

NFO staff are in the midst of brainstorming options for improving the NFO, which might produce additional options or refinements of those laid out in this draft.

Tim

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/15/2018 1:11:24 PM
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
Attachments: 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 in the attached and give me your thoughts on Deliberative Process / Ex. 5

Deliberative Process / 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/19/2018 9:43:56 PM
To: Youngblood, Charlotte [Youngblood.Charlotte@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: RE: ANP
Attachments: Awareness notification process BB edits 10.5.18.docxWBCYTE DAW 10192018.docx

Hi Charlotte and all,
Comments from Denise and I are attached.
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: 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,

Can you please review the attached revised ANP as soon as possible, and then I'll circulate a cleaner version back to Beth for OEX's final review? You'll see Wendy and I had a couple of questions Deliberative Process / Ex. 5

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/19/2018 3:54:15 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: ANP
Attachments: Awareness notification process BB edits 10.5.18.docxWBCYTE.docx

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,

Can you please review the attached revised ANP as soon as possible, and then I'll circulate a cleaner version back to Beth for OEX's final review? You'll see Wendy and I had a couple of questions Deliberative Process / Ex. 5

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/30/2018 6:12:01 PM
To: Packard, Elise [Packard.Elise@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]
Subject: Draft briefing slides for Acting Admin FOIA
Attachments: OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

As discussed, here are the current draft slides.

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/30/2018 2:48:53 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Request for a half hour meeting/phone call

Hi Brittany,

Could you spare time this week or early next for a phone call or meeting with me and Joe Brazauskas? We want to have a first, introductory conversation with you regarding our thoughts for EPA's FOIA update regulation proposal – RIN: 2025-AA38.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Our meeting with Matt is scheduled for the morning of Wednesday, Nov. 7.

Thanks much,
Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/30/2018 2:21:29 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Draft Slides for Monday Acting Admr Briefing on FOIA
Attachments: OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

Hi Joe, here is the draft powerpoint and my email below identifying updates needed from folks.
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, October 30, 2018 8:40 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Draft Slides for Monday Acting Admr Briefing on FOIA

Hi all,

Attached are the draft slides for the Monday briefing for Wheeler on FOIA improvement initiatives. I have asked Carla to set up a pre-brief meeting with Matt for later this week.

Beth, should we **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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/25/2018 6:54:17 PM
To: Cozad, David [Cozad.David@epa.gov]
Subject: Region FIOA roles draft
Attachments: Reorganization Org Chart.docx; Regional FOIA Officer GS-0306-14 Position Descrption_DRAFT (003).DOCX

David, here are the two substantive pieces.
Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/25/2018 6:48:44 PM
To: Simons, Andrew [Simons.Andrew@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FW: Rewritten Paper
Attachments: Options Selection Prebrief_10.24.18_NandCsplit.docx

Hi Andy,
Per our discussion, attached is the latest draft of our options memo. Thanks for discussing and looking into this.
Tim

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

From: Schramm, Daniel
Sent: Wednesday, October 24, 2018 1:54 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Rewritten Paper

Tim,

Deliberative Process / Ex. 5

Would you like me to attend the meeting with Wendy tomorrow? Are there further edits you envision to this?

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/29/2018 3:51:07 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: 2 questions, one related to today's 4 pm meeting

Sorry, I meant to answer your other question as well: NFO has a meeting with Matt on 11/7; I would like to Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I also want to present to Matt on 11/7 the interim update of the OEI FOIA Policy and Procedures.

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: Monday, October 29, 2018 11:47 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: 2 questions, one related to today's 4 pm meeting

Hi Wendy,

FOIAOnline comments – we were scheduled to have a meeting last week, but had to reschedule for this week to sit down with the Key NFO folks to develop consolidated input.

Let's not confuse OEI by sending multiple from OGC. Can you send your list to us and we will incorporate?

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: Monday, October 29, 2018 10:36 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: 2 questions, one related to today's 4 pm meeting

Tim –

(1) Is today's 4 pm NFO meeting with the front office designed to cover the options selection pre-brief on the regs?
(2) FOIAOnline comments – A few weeks ago, I had sent you and Denise our comments/issues with FOIAonline. Did you all ever add to that list and send the comments to OEI? Please let me know so we can send a consolidated list to OEI.

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 6:16:50 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
Attachments: FY 2018 Annual Report summary.docx; Background on FOIA Policy and Procedure update.docx; Options Selection_11.1.18.docx; Options Selection_11.1.18.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 5:52:56 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Draft TP on FY18 Annual Report
Attachments: FY 2018 Annual Report summary.docx

Please take a look at this.

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

From: Schumacher, Wendy
Sent: Tuesday, November 06, 2018 12:04 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Draft TP on FY18 Annual Report

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 5:03:30 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Prepping for Matt briefing on Wednesday
Attachments: Background on FOIA Policy and Procedure update.docx

Take a look at the attached and give me your thoughts – I need to send this and other documents by 1 pm.

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: Tuesday, November 06, 2018 11:13 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Prepping for Matt briefing on Wednesday

Hi Tim,

Bullets below. I think 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: Tuesday, November 6, 2018 10:15 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Prepping for Matt briefing on Wednesday

It is from 10 to 11 am. I have asked Carla to add all of you to the invite.

Tim

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

From: Schramm, Daniel
Sent: Tuesday, November 06, 2018 10:13 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Prepping for Matt briefing on Wednesday

I don't have the invite for tomorrow. Can you forward? I will then touch base with Mark, Andy and Diane.

From: Epp, Timothy
Sent: Tuesday, November 6, 2018 9:56 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Prepping for Matt briefing on Wednesday

Hi Dan,
I forgot to check with you – I assume you have prepped Mark Talty, Andy, and Diane for attending and backing you up at tomorrow's NFO meeting with Matt. Let me know if there is any concern.
Thanks,
Tim

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

From: Schramm, Daniel
Sent: Monday, November 05, 2018 4:57 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Prepping for Matt briefing on Wednesday

Tim, yes, I never got further edits from anyone, so this is the paper I assume we are using, unless you want to make any suggestions.

From: Epp, Timothy
Sent: Monday, November 5, 2018 4:26 PM

To: Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Prepping for Matt briefing on Wednesday

Hi Chris and Dan,

We need to provide our over-night reading materials for Matt by 1 pm tomorrow. I am assuming that we put forward the Regulations Options Memo. If that is ok, Dan, please send to me the version we plan to use.

I am also assuming that we will put forward the Policy/Procedure update memo – could we also have a one-pager of bullets describing the reasons for our selected approach?

Concerns? Questions?

Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 3:49:26 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: means to disseminate the awareness notification process

Deliberative Process / Ex. 5

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 10:43 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: means to disseminate the awareness notification process

I am not sure we need a transmission email.

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: Tuesday, November 06, 2018 9:41 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: 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>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: means to disseminate the awareness notification process

I suggest we also circulate a template transmission email.

I can provide that.

D

Sent from my iPhone

On Nov 6, 2018, at 9:33 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

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

<DRAFT MEMO awareness.docx>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/6/2018 2:33:19 PM
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
Attachments: DRAFT MEMO awareness.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/5/2018 8:42:01 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FW: Regional FOIA Workgroup
Attachments: Regional FOIA Officer GS-0306-14 Position Descrption_DRAFT.DOCX; 20180925_DRAFT_FOIA Determination Authority Model.pptx

We should talk – tomorrow, if possible. And, then get a meeting set up.

I've got a team here backing me up – Nicole, Wendy, and Kevin (as well as Larry and Denise). They produced the attached as their thinking on a PD. And, David already shared with you the roles chart that I put together.

I do have one challenge with David's 4-6 week timeline: I have an international trip that will take me out all of the week 11/26-30.

My morning is quite flexible tomorrow – afternoon is very full, but there is some flexibility.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/5/2018 1:53:09 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: FW: Documents for Administrator for Monday Meeting
Attachments: Draft FOIA Memo - Clean Updated 11 2 2018 pm.docx; OGC FOIA Improvement Initiatives 2018 - updated Nov 2.pptx; Awareness notification process 10.30.docx

Hi Wendy, Denise, and Charlotte,

Please note that the Draft FOIA memo we sent to the Acting Administrator on Friday included edits by Matt. One edit

Deliberative Process / Ex. 5

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, November 02, 2018 2:39 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Documents for Administrator for Monday Meeting

Hi Joe,

Attached documents for the Administrator's weekend binder: updated FOIA memo with Matt's edits; updated PowerPoint after our meeting, and awareness notification process document.

Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/26/2019 1:37:25 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FW: FOIA regulation -- need your input; & report re news media
Attachments: Draft congressional letter on FOIA.ebp.docx

Here are Elise's edits.
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: Packard, Elise
Sent: Wednesday, June 26, 2019 9:35 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation -- need your input; & report re news media

Some minor thoughts, looks good though!

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

From: Epp, Timothy
Sent: Wednesday, June 26, 2019 9:13 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation -- need your input; & report re news media

Matt – here is my first draft of the letter to Congress. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

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

From: Leopold, Matt (OGC)
Sent: Wednesday, June 26, 2019 8:03 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation -- need your input; & report re news media

Thanks Tim. If you letter is ready now, please send it to this group first. Has Elise approved the draft? I would like you and Elise to come brief me on your plan to address all the matters you describe below before you take any additional steps.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Epp, Timothy
Sent: Wednesday, June 26, 2019 7:37 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FOIA regulation -- need your input; & report re news media

Matt, this covers three items – internal mass mailer; congressional letter plan; and report on OPA engagement

1) **Mass Mailer – need your approval.** The regs are published today in the Federal Register; Thus, today, would be the best day for your mass mailer to EPA employees. (See attached draft text) We have other internal communications planned to waterfall off of your mass mailer, including a FOIA Professionals mass meeting tomorrow afternoon. The attached draft has been vetted with OPA, and Nancy sent it to Ryan, although I have not seen any comments from him. Do we have your approval on the text? (OPA will execute the mass mailer distribution.) I do not think we should alter our internal communications plan based on anything in yesterday's media coverage.

2) **Congressional Letter plan.** Before sending to you by noon, I will circulate for comment from OPA and OCIR. I expect to send the draft to Joe Brazauskas and others by about 9 am. Let me know if you want to concurrently review the draft, or if you would prefer to review it before OPA and OCIR.

3) **Report on my engagement with OPA**. My email to you on Monday seeking approval of the Mass Mailer text, told you that OPA had arranged for me to provide the Hill reporter an interview and that Joe Brazauskas, John Konkus, Nancy Grantham, and Mike Abboud were in the room during the interview. Yesterday, my first engagement was a phone call mid-morning from Mike asking me to come to his desk to work with him and Joe on a response to the Hill's erroneous

headline. When I arrived, Joe and Mike were still digesting the article; we were all incredulous at the reporter's astonishing misunderstanding. We got the reporter on the phone and engaged her "on background" to explain her clear error; she asked for an on-the-record statement that she could use, which I provided (after quickly crafting with Joe and Mike). Mike and/or Joe reached out to me several more times as the morning progressed and it became apparent that the reporter was "doubling down" on her story, rather than quickly correcting it. They engaged me to fact/law check the statements they were drafting to send to her. I then had to disengage in order to go with Holly Greaves to the Strategic Review meeting with OMB (which went quite well, BTW). When I returned from the OMB meeting, the Hill had made some corrections to the article including a new headline, and John Konkus was preparing to call the Editor to push for a more clear retraction statement (Cory and Ryan had also become engaged). **My error** was being too accustomed to Joe's seamless communication with you; I should have been mindful that, as a result of his new role, I would need to ensure to pull you in. (I did mention the media challenge to Elise and Rob, but only in the context of situational awareness in the event they had the opportunity to check in with you on your approval on the Mass Mailer – I told them that I could imagine you wanting to wait on approving the Mass Mailer until the outcome of the media coverage was clear.)

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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Leopold, Matt (OGC)
Sent: Tuesday, June 25, 2019 5:27 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation news media

Thanks Tim. It's truly a shame that the Hill made a story out of nothing here and appears to have actively mislead its readers. As you know career staff drafted that section of the regulations and we accepted your recommendation. It does not do what the article says it does and we will continue to respond to FOIAs with all responsive documents.

I'm glad that the corrections were made, but I'm surprised that I was not consulted until now on how to address this mischaracterization in the press. Please let me know how NFO/OGC engaged with OPA. Also, I'd like you to write a letter that we can send to Members of Congress that explains what the provision does and why the Hill article was wrong. Please have that to me by noon tomorrow.

Thanks, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Epp, Timothy
Sent: Tuesday, June 25, 2019 4:41 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: FOIA regulation news media

Matt,

I imagine you have heard about the news media kerfuffle on the regulations today – at bottom, OPA's attempt to work with a Hill reporter yesterday to get our views on the regulations out early backfired in so far as the first version of the Hill story seriously mischaracterized our regs. The bottom line on damage control is summed in John Konkus' email below: the Hill issued two corrections to its story during the course of the day.

Politico presented a far more balanced view. I've copied the Politico story below.

Tim

From: POLITICO Pro Energy Whiteboard <politicoemail@politicopro.com>
Sent: Tuesday, June 25, 2019 11:44 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA to funnel all FOIA requests through legal office

By Alex Guillén

06/25/2019 11:42 AM EDT

EPA will consolidate all Freedom of Information Act requests into a central office in a move the agency says is meant to curb misdirected records requests.

In a final rule to be published in Wednesday's Federal Register, EPA makes a series of changes to its internal FOIA rules, which were last overhauled in 2002. Since then, Congress has passed three laws making significant changes to FOIA administration.

EPA says all FOIA requests will now be routed through its National FOIA Office in the Office of General Counsel. The public previously could choose to direct requests either to EPA headquarters or one of its ten regional offices. EPA said that having all requests clear through one office will "minimize the number of misdirected requests."

The rule also clarifies which officials have the "authority" to issue FOIA determinations, including to 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." The list includes the administrator, deputy administrator, assistant administrators and their deputies and other specific top officials. EPA said the change "eliminates a potential conflict in the existing regulations and ensures consistency of responses across the Agency."

The agency made several other minor tweaks, such as a clarification that a request must be submitted by 5 p.m. ET to be deemed received on that date.

EPA also said it will undertake a separate rulemaking with public comment for "certain discretionary and modernizing changes that the EPA is considering." It didn't further describe those potential changes.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2019/06/epa-to-funnel-all-foia-requests-through-legal-office-3484168

Timothy R. Epp
|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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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: Konkus, John
Sent: Tuesday, June 25, 2019 4:11 PM
To: Jackson, Ryan <jackson.ryan@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

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

> *CORRECTION: A previous version of this story mischaracterized the scope of the new rule and misstated some of the authorities that come with it.*

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/26/2019 1:18:53 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]
Subject: FOIA regulations -- draft letter to Congress
Attachments: Draft congressional letter on FOIA.docx

Bisa, Denise, and Chris –

Last evening, Matt asked that I draft a letter to Congress s Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

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Sent: 6/26/2019 1:12:35 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
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Deliberative Process / Ex. 5

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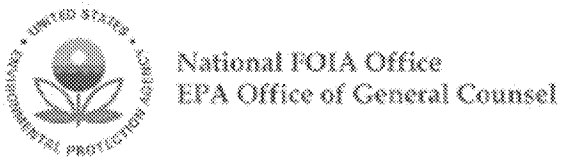

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General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

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EPA Office of General Counsel

From: Konkus, John
Sent: Tuesday, June 25, 2019 4:11 PM
To: Jackson, Ryan <jackson.ryan@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

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

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Is it enough?

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U.S. EPA
202-564-6999

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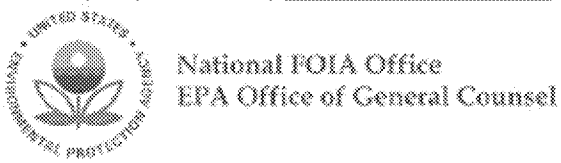
> <image001.png>
>
> Old:
> <image002.png>
>
> **Michael Abboud**
> U.S. Environmental Protection Agency
> Office of Public Affairs
> M: 202-564-6461

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/26/2019 12:05:34 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: RE: FOIA regulation -- need your input; & report re news media

I'm still working on the draft – so, no Elise has not yet seen it. I'll reach out to Fletch to get on your calendar.
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: Leopold, Matt (OGC)
Sent: Wednesday, June 26, 2019 8:03 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation -- need your input; & report re news media

Thanks Tim. If you letter is ready now, please send it to this group first. Has Elise approved the draft? I would like you and Elise to come brief me on your plan to address all the matters you describe below before you take any additional steps.

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Epp, Timothy
Sent: Wednesday, June 26, 2019 7:37 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FOIA regulation -- need your input; & report re news media

Matt, this covers three items – internal mass mailer; congressional letter plan; and report on OPA engagement

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attached draft has been vetted with OPA, and Nancy sent it to Ryan, although I have not seen any comments from him. Do we have your approval on the text? (OPA will execute the mass mailer distribution.) I do not think we should alter our internal communications plan based on anything in yesterday's media coverage.

2) **Congressional Letter plan.** Before sending to you by noon, I will circulate for comment from OPA and OCIR. I expect to send the draft to Joe Brazauskas and others by about 9 am. Let me know if you want to concurrently review the draft, or if you would prefer to review it before OPA and OCIR.

3) **Report on my engagement with OPA**. My email to you on Monday seeking approval of the Mass Mailer text, told you that OPA had arranged for me to provide the Hill reporter an interview and that Joe Brazauskas, John Konkus, Nancy Grantham, and Mike Abboud were in the room during the interview. Yesterday, my first engagement was a phone call mid-morning from Mike asking me to come to his desk to work with him and Joe on a response to the Hill's erroneous headline. When I arrived, Joe and Mike were still digesting the article; we were all incredulous at the reporter's astonishing misunderstanding. We got the reporter on the phone and engaged her "on background" to explain her clear error; she asked for an on-the-record statement that she could use, which I provided (after quickly crafting with Joe and Mike). Mike and/or Joe reached out to me several more times as the morning progressed and it became apparent that the reporter was "doubling down" on her story, rather than quickly correcting it. They engaged me to fact/law check the statements they were drafting to send to her. I then had to disengage in order to go with Holly Greaves to the Strategic Review meeting with OMB (which went quite well, BTW). When I returned from the OMB meeting, the Hill had made some corrections to the article including a new headline, and John Konkus was preparing to call the Editor to push for a more clear retraction statement (Cory and Ryan had also become engaged). **My error** was being too accustomed to Joe's seamless communication with you; I should have been mindful that, as a result of his new role, I would need to ensure to pull you in. (I did mention the media challenge to Elise and Rob, but only in the context of situational awareness in the event they had the opportunity to check in with you on your approval on the Mass Mailer – I told them that I could imagine you wanting to wait on approving the Mass Mailer until the outcome of the media coverage was clear.)

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National FOIA Office
EPA Office of General Counsel

From: Leopold, Matt (OGC)
Sent: Tuesday, June 25, 2019 5:27 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: FOIA regulation news media

Thanks Tim. It's truly a shame that the Hill made a story out of nothing here and appears to have actively mislead its readers. As you know career staff drafted that section of the regulations and we accepted your recommendation. It does not do what the article says it does and we will continue to respond to FOIAs with all responsive documents.

I'm glad that the corrections were made, but I'm surprised that I was not consulted until now on how to address this mischaracterization in the press. Please let me know how NFO/OGC engaged with OPA. Also, I'd like you to write a letter that we can send to Members of Congress that explains what the provision does and why the Hill article was wrong. Please have that to me by noon tomorrow.

Thanks, Matt

Matthew Z. Leopold
General Counsel
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Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: FOIA regulation news media

Matt,

I imagine you have heard about the news media kerfuffle on the regulations today – at bottom, OPA's attempt to work with a Hill reporter yesterday to get our views on the regulations out early backfired in so far as the first version of the Hill story seriously mischaracterized our regs. The bottom line on damage control is summed in John Konkus' email below: the Hill issued two corrections to its story during the course of the day.

Politico presented a far more balanced view. I've copied the Politico story below.

Tim

From: POLITICO Pro Energy Whiteboard <politicoemail@politicopro.com>
Sent: Tuesday, June 25, 2019 11:44 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA to funnel all FOIA requests through legal office

By Alex Guillén

06/25/2019 11:42 AM EDT

EPA will consolidate all Freedom of Information Act requests into a central office in a move the agency says is meant to curb misdirected records requests.

In a final rule to be published in Wednesday's Federal Register, EPA makes a series of changes to its internal FOIA rules, which were last overhauled in 2002. Since then, Congress has passed three laws making significant changes to FOIA administration.

EPA says all FOIA requests will now be routed through its National FOIA Office in the Office of General Counsel. The public previously could choose to direct requests either to EPA headquarters or one of its ten regional offices. EPA said that having all requests clear through one office will "minimize the number of misdirected requests."

The rule also clarifies which officials have the "authority" to issue FOIA determinations, including to 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." The list includes the administrator, deputy administrator, assistant

administrators and their deputies and other specific top officials. EPA said the change "eliminates a potential conflict in the existing regulations and ensures consistency of responses across the Agency."

The agency made several other minor tweaks, such as a clarification that a request must be submitted by 5 p.m. ET to be deemed received on that date.

EPA also said it will undertake a separate rulemaking with public comment for "certain discretionary and modernizing changes that the EPA is considering." It didn't further describe those potential changes.

To view online:
https://subscriber.politicopro.com/energy/whiteboard/2019/06/epa-to-funnel-all-foia-requests-through-legal-office-3484168

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> M: Personal Phone / Ex. 6

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CC: Packard, Elise [Packard.Elise@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: FOIA regulation -- need your input; & report re news media
Attachments: DRAFT Messaging for FOIA Regulations Update (06.24.2019).docx

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Michael Abboud
U.S. Environmental Protection Agency
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M: 202-564-6461

Message

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Sent: 11/2/2018 1:54:40 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: up dated FOIA memo
Attachments: Draft FOIA Memo - Clean Updated 11 2 2018.docx; Draft FOIA Memo - redline Updated 11 2 2018.docx

Here is both a clean and redline of the FOIA memo showing changes this morning after discussing with Wendy and Joe.

Tim

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/3/2018 12:25:07 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: RE: FOIA Workbook - LIST IN SECOND SPREADHSEET, attached

Thanks Joan. This was very helpful. I've got what I need for now.
Tim

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

From: Moumbleaux, Joan
Sent: Tuesday, October 02, 2018 6:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: FOIA Workbook - LIST IN SECOND SPREADHSEET, attached

---

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

- Deliberative Process / Ex. 5
-
-

- Deliberative Process / Ex. 5

Centralize FOIA Process

Deliberative Process / Ex. 5

Re-organize FOIA Program

- Deliberative Process / Ex. 5

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Sent: 10/12/2018 12:38:22 PM
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,
I'd like to know a bit more about this before opening a general discussion on it Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
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Tel. 202-564-2830

From: Hill, Kevin W.
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/5/2018 1:12:47 PM
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:

Deliberative Process ACP / Ex. 5

What do you all think?

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: 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 #9 and the "or other problem in with the release" language.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 10/2/2018 8:52:29 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: Request for comment on PPX
Attachments: OGC FOIA Improvement Initiatives 2018 - updated 10 2.pptx

Please take a look at this as updated version of the PPX we gave Matt a week ago. I'd appreciate your comments by 11 am tomorrow.

Deliberative Process / 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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/21/2018 1:41:21 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]
Subject: Follow-up to FOIA mtg (For Matt's weekend folder)
Attachments: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing TRE 8 30 am.pptx

Hi Matt,

Attached is an electronic copy of the PowerPoint we used for yesterday's Hot Topics meeting on FOIA (slightly updated).

Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/20/2018 4:48:01 PM
To: Blair, Shirley [Blair.Shirley@epa.gov]
Subject: could you print 6 copies of this in color for the FEAT weekly
Attachments: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing TRE 8 30 am.pptx

Thanks, Shirley!

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/26/2018 6:12:22 PM
To: Silzer, Stefan [Silzer.Stefan@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: RE: ORD Monthly FOIA Update.

Thanks Stefan, I look forward to read it.
Tim

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

From: Silzer, Stefan
Sent: Wednesday, September 26, 2018 1:58 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.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/20/2018 1:13:26 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Re: FOIA Policy - revision

Thanks.

Sent from my iPhone

On Sep 20, 2018, at 9:13 AM, Gottesman, Larry <Gottesman.Larry@epa.gov> wrote:

No, just the draft.

Larry F. Gottesman
Agency FOIA Officer
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: Wednesday, September 19, 2018 8:39 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: FOIA Policy - revision

Thanks Larry. Were there any briefing papers providing options and explaining reasoning?

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: Tuesday, September 18, 2018 1:07 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: FOIA Policy - revision

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

Personal Phone / Ex. 6 Direct line)
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/20/2018 12:31:44 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Slides
Attachments: OGC FOIA Improvement Initiatives 2018 - 9 20 Matt Briefing TRE 8 30 am.pptx

Importance: High

Hi Wendy, Charlotte, and Denise,

I've gone through the slides and edited them. Denise, thanks for Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
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: Blake, Wendy
Sent: Wednesday, September 19, 2018 11:10 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: slides

Tim – I reviewed the revised slide deck. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I am free from 9 to 10 am tomorrow if you want to connect on our comments.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/26/2018 2:54:17 PM
To: 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

Thanks

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

From: Albores, Richard
Sent: Wednesday, September 26, 2018 10:53 AM
To: Epp, Timothy <Epp.Timothy@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
Importance: High

Tim – Sorry to not respond yesterday with Kevin's party going on. Please feel free to respond to the OIG, and copy me and Mahri. 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

From: Epp, Timothy
Sent: Tuesday, September 25, 2018 3:00 PM
To: Albores, Richard <Albores.Richard@epa.gov>; 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

Hi Rich and Mahri,
I need to send an update/response to the OIG on the 0262 report questions – how would you like me to provide that information?
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 18, 2018 11:55 AM
To: Albores, Richard <Albores.Richard@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@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

Hi Rich and Mahri,

ACP Deliberative Process / Ex. 5

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: 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/18/2018 12:27:32 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: draft FOIA regulations
Attachments: FOIA Regulations Sept 18.docx

Hi Joe,
The current draft of the FOIA regulations is attached.
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/19/2018 12:28:20 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: revised Accountability options
Attachments: FOIA improvements and Accountability options.docx

Hi Joe, Wendy and Charlotte,

Attached is a revision to the bulleted accountability options. The revisions are based both Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/18/2018 10:11:12 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: Re: GLO Reg Review for tomorrow is attached

Yep. Thanks.

Sent from my iPhone

On Sep 18, 2018, at 6:10 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> I can add something generic tomorrow like -
>
> **Deliberative Process / Ex. 5**
>
> Does that work?
>
> Sent from my iPhone
>
> On Sep 18, 2018, at 6:01 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> **Deliberative Process / Ex. 5**
>
> Sent from my iPhone
>
> On Sep 18, 2018, at 5:58 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:
>
> > Yes. I haven't had a chance to email you yet. I had planned for you to raise that at the end of the "prep for the next Admin meeting"
> >
> > **Deliberative Process / Ex. 5**
> >
> > So, you are on the agenda.
> >
> > 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, September 18, 2018 5:57 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Re: GLO Reg Review for tomorrow is attached

Wendy, were you going to give me a bit of time to raise the FOIA policy/procedure Review matter? To recommend decision to review and issue at least an interim policy update.
Tim

Sent from my iPhone

On Sep 18, 2018, at 5:36 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> 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
>
> <9 19 GLO reg review.docx>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/6/2018 2:27:04 PM
To: White, Elizabeth [white.elizabeth@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Minoli, Kevin [Minoli.Kevin@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]
Subject: RE: Weekly Selected Requests 08.29.2018-09.05.2018
Attachments: Selected FOIA Requests. 08.22.2018-08.29.2018.docx

Hi all,

Please find the selected requests for 08.22.2018–08.29.2018. During this period, the agency received 134 requests and 33 were identified for further consideration here. Also please note, FOIAonline is not populating the Requester Organization field.

Please identify requests for final selects to Beth White, Nancy Grantham, or Robin Richardson by 9am Monday morning (Beth, Nancy, and Robin will meet to discuss the lists on Monday).

In addition, based on a conversation yesterday among Beth, Nancy G., Robin, and myself, in future weekly selects reports, the NFO will exclude requests for Regional Administrator calendars and vouchers, Headquarters and Regional visitor logs, and communication logs.

The following are the criteria for generating these weekly selected request reports:

Select:

- Senior Career and Political Staff Comms, Travel, Security, Calendar/Schedule, etc.
- Congress/Senator/Representative
- Hot Issues: Flint, CAFE, PCB/PFOA/PFAS, Grant Decisions, Superfund Decisions, Chemical Decisions, Climate Change, etc.
- Litigation, Enforcement, Penalties, etc.

Do Not Select:

- MyProperty Requests: "Phase I", Underground Storage Tanks, Private Environmental Assessments
- Basic Pesticide Requests: MRID, Notice of Arrival
- Additional items noted above for future reports.

Let me know if you have any questions.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 9/6/2018 2:05:37 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FOIA improvements & accountability options
Attachments: FOIA improvements and Accountability options.docx

Welcome your comments on the attached. Copied below for easy of reading on iPhone.

Discussion Draft: Options for Improving FOIA Response including Accountability

Deliberative Process / Ex. 5

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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 8/27/2018 3:29:13 PM
To: 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 Ex 6

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 8/22/2018 5:41:04 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: ANP Comments
Attachments: Awareness Notification Process for FOIA Release 7 18 18_daw JJH comment.docxwb.docx

Hi Wendy,

Per our discussion, the attached contain suggested revisions to the draft awareness procedures. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Blake, Wendy
Sent: Wednesday, August 22, 2018 12:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: ANP Comments

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 Ex 6

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 Ex 6 so go ahead and give me a call at Personal Phone / Ex. 6 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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 8/24/2018 5:14:34 PM
To: 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: (202) 991-0477; conference Id: 4291354

Start: 8/27/2018 5:00:00 PM
End: 8/27/2018 5:30:00 PM
Show Time As: Tentative

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

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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 8/31/2018 6:09:44 PM
To: White, Elizabeth [white.elizabeth@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Minoli, Kevin [Minoli.Kevin@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]
Subject: Weekly Selected Requests 08/22/2018-08/29/2018
Attachments: Selected FOIA Requests. 08.22.2018-08.29.2018.docx

Hi all,

Please find the selected requests for 08.22.2018–08.29.2018. During this period, the agency received 206 requests and 55 were selected here. Also please note, FOIAonline is not populating the Requester Organization field.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/12/2019 5:11:52 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,

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 se

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

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 ([redacted] Deliberative Process / Ex. 5 [redacted]) 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/11/2019 7:10:29 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: messaging for FOIA regulations
Attachments: DRAFT Messaging for FOIA Regulations Update (06.11.2019).docx

Chris, I've worked further on the message for the FOIA regulations. Latest is 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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/24/2019 9:43:07 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: 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
Attachments: GC Email Message for FOIA Regulations Update (06.24.2019).docx

Matt – I apologize for the resend – please use this file.
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: Monday, June 24, 2019 5:41 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: 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

Hi Matt,

The FOIA regs will be published on Wednesday, June 26.

Attached is an updated version of a General Counsel mass mailer to go out to all EPA employees – this version

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

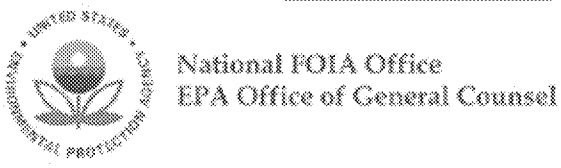
National FOIA Office
EPA Office of General Counsel

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/24/2019 7:23:08 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
Attachments: GC Email Message for FOIA Regulations Update (06.24.2019).docx

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



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 – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/24/2019 7:22:08 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
Attachments: GC Email Message for FOIA Regulations Update (06.24.2019).docx

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.

Deliberative Process / Ex. 5

Nancy do you want to run by Ryan before I get Matt's final views?

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

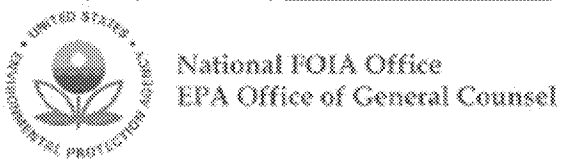
Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/24/2019 5:43:38 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: RE: FOIA Desk Statement
Attachments: DRAFT Messaging for FOIA Regulations Update (06.24.2019).docx

Rob – thanks much for your comments 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



From: Stachowiak, Robert
Sent: Monday, June 24, 2019 10:37 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Desk Statement

OK, how would you like to connect? Should I call you?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Monday, June 24, 2019 10:36 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Re: FOIA Desk Statement

Hi Rob, I'm down in OPA waiting to talk with a reporter on this. Would welcome your thoughts.

Sent from my iPhone

On Jun 24, 2019, at 10:34 AM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Thanks Tim –

I had a couple of thoughts on Matt's e-mail, that I think could bring forward the underlying policy rationale. Do you have a couple of minutes to chat here?

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Monday, June 24, 2019 8:56 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FOIA Desk Statement

I heard from Michael Abboud over the weekend 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
<image001.jpg>

From: Stachowiak, Robert
Sent: Monday, June 24, 2019 8:52 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FOIA Desk Statement

Hi Tim and Elise –

(Dropping Matt and Fletcher.) Can someone please share these (e-mail, desk statement) with me? Also, did anyone contact/hear back from OPA?

Thank you!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel

Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Friday, June 21, 2019 3:29 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: FOIA Desk Statement

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: Leopold, Matt (OGC)
Sent: Friday, June 21, 2019 3:26 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: FOIA Desk Statement

Thanks when do you suggest that I send this?

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Epp, Timothy
Sent: Friday, June 21, 2019 1:13 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: FOIA Desk Statement

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).
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: Packard, Elise
Sent: Friday, June 21, 2019 9:47 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/30/2019 8:36:31 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Crawford, Tim [Crawford.Tim@epa.gov]; Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Thank you all very much. 9:15 to 10:15 works for me as well. I will need to leave a minute or two prior because I am due at the next meeting at 10:15.

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: Srinivasan, Gautam
Sent: Thursday, May 30, 2019 4:18 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

I think 915 works for me as well.

++++++++++++++++++++++++++++
(202) 564-5647 (o)
Personal Phone / Ex. 6 (c)

From: Miller, Kevin
Sent: Thursday, May 30, 2019 3:05 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

We can make it work.

Kevin

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/24/2019 12:56:16 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: FOIA Desk Statement
Attachments: Desk Statement for FOIA Regulations Update (06.20.2019) (003).docx; DRAFT Messaging for FOIA Regulations Update (06.21.2019).docx

I heard from Michael Abboud over the weekend - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Stachowiak, Robert
Sent: Monday, June 24, 2019 8:52 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: FOIA Desk Statement

Hi Tim and Elise –

(Dropping Matt and Fletcher.) Can someone please share these (e-mail, desk statement) with me? Also, did anyone contact/hear back from OPA?

Thank you!

-R

Robert Stachowiak
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Sent: Friday, June 21, 2019 3:29 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: FOIA Desk Statement

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: Leopold, Matt (OGC)
Sent: Friday, June 21, 2019 3:26 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Mutz, John (Fletcher) <mutz.john@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: FOIA Desk Statement

Thanks when do you suggest that I send this?

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Epp, Timothy
Sent: Friday, June 21, 2019 1:13 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: FOIA Desk Statement

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).
Tim

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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: Packard, Elise
Sent: Friday, June 21, 2019 9:47 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/28/2019 3:53:04 PM
To: Mutz, John [mutz.john@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: FOIA Documents for Admin
Attachments: FOIA Regulations 2 Phase summary 05282019.docx

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
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Washington, D.C. 20460 | WJCN 7309B
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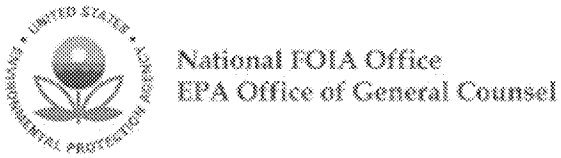

From: Mutz, John
Sent: Tuesday, May 28, 2019 9:59 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Documents for Admin

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

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National FOIA Office
EPA Office of General Counsel

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
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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)
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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
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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
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Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/29/2019 2:18:52 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Questions/Issues of Interest for 6/5 OGC Panel at the OAR FOIA Energizer

Yes, let's coordinate tomorrow.

Some of these appear to be clearly your lead; some ours; and some that could be either.

One message that I think we want to be clear is: whomever they contact in OGC will help navigate the question to the best lead.

BTW, Denise will be out the remainder of this week.

Tim

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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Miller, Kevin
Sent: Wednesday, May 29, 2019 10:14 AM
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

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/28/2019 1:14:27 PM
To: Mutz, John [mutz.john@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FOIA Documents for Admin
Attachments: FOIA Regulation Update Documents.docx; MEMO Final FOIA Regulations Steps May 23.docx; FOIA Reg Update Clean Preamble and Reg Text (05.23.2019).docx; FOIA Reg Update Redline Reg Text.docx; FOIA Regulations 2 Phase summary 05242019.docx; ACTION MEMO FOIA Regulations Update.docx

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

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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: 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

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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

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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
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/24/2019 8:13:24 PM
To: Person, Linda [Person.Linda@epa.gov]
Subject: Weekly selct
Attachments: Selected FOIA Requests. 05.15.2019.-05.22.2019xlsx.xlsx; Selected FOIA Requests. 05.15.2019-05.22.2019.docx

Here are the files

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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/10/2019 2:07:52 PM
To: Mutz, John (Fletcher) [mutz.john@epa.gov]
Subject: FW: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Fletch – this is an FYI on the prior notice of status w/in Office of Policy.
Tim

Timothy R. Epp
|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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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: 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/14/2019 1:08:39 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: FOIA Request EPA-HQ-2019-004493 - Awareness Review
Attachments: FOIA Request EPA-HQ-2019-004493 - Awareness Notification (Signed).pdf; FOIA Request EPA-HQ-2019-004493 - Response Letter (Signed and Dated).pdf; Ratifications of Unauthorized Commitments - OAS-Headquarters (Releasable).pdf; Ratification of Unauthorized Commitments - Office of Acquisition Solutions (OAS) - Cincinnati Acquisition Division (CAD) (Redacted).pdf; Ratifications of Unauthorized Commitments - Office of Acquisition Solutions (OAS) - Information Technology Acquisition Divsion (ITAD) - RTP (Releasable).pdf

FYI

Timothy R. Epp
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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Marusak, Kirk
Sent: Monday, May 13, 2019 5:27 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.Robin@epa.gov; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Long, Brian <Long.Brian@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>; Hauser, Mitchell <hauser.mitchell@epa.gov>
Subject: FOIA Request EPA-HQ-2019-004493 - Awareness Review

Kirk R. Marusak
Government Information Specialist (FOIA)
Office of Acquisition Solutions
U.S. Environmental Protection Agency
Phone: (202) 564-4493
Fax: (202) 564-2553
Marusak.Kirk@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/4/2019 12:23:51 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx
Attachments: FOIA Standard Functions CAS 5.20.19 (002).docx

Here are my edits/comments – I hope you can decipher them.

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

From: Siciliano, CarolAnn
Sent: Tuesday, May 21, 2019 4:06 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Understood!

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 21, 2019 3:50 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Thanks Neil and Carol Ann – I'm not as fast as Neil. I'm still working on it.
Tim

Timothy R. Epp
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U.S. Environmental Protection Agency | Office of General Counsel
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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: Siciliano, CarolAnn
Sent: Monday, May 20, 2019 5:12 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Neil's comments on revised FOIA Standard Functions CAS 5.20.19.docx

Thank you, 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

From: Bigioni, Neil
Sent: Monday, May 20, 2019 10:47 AM
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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/4/2019 9:29:55 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: draft communication
Attachments: DRAFT Messaging for FOIA Regulations Update tre edits.docx

Hi Chris – take a look at these edits, accept as you see fit, and then circulate to the NFO and ask for quick editing so that we can take to Reg Review tomorrow if possible,

Tim

Timothy R. Epp
|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/16/2019 11:38:50 AM
To: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: PII breach -- long ago

Yes – those are not the same incidents. The one I am asking about is a very limited release of one social security number for only an hour. Larry, do you know about this – it sounds from the description that it was in the FORT staff?

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

From: Walker, Denise
Sent: Wednesday, May 15, 2019 4:36 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: PII breach -- long ago

Tim:

I just sent you notes from the PII breach that I knew about from 2018 but it appears that the dates do not exactly align with the dates you provided below. Are these separate incidents?

I did not personally notify the affected individual about the release of his/her SSN.
I do recall that we discussed a data breach around this time period in our staff meeting and emphasized the importance of redacting PII from FOIA requests.
I strongly encourage staff to attend FOIA refresher training every year from DOJ that includes information about redacting PII. Deliberative Process / Ex. 5

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: Epp, Timothy
Sent: Wednesday, May 15, 2019 2:58 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: PII breach -- long ago

Hi Larry and Denise, Here is a description of a long-ago PII breach:

On May 22, 2018, a requestor submitted a request through the Agency's FOIA online request system (FOIA Online) to the Region 6 FOIA Officer. The requestor requested certification that an individual's SSN was not appearing on the exclusion list in the Agency's System for Award Management (SAM). The requestor included the individual's SSN in clear text within the description section of the FOIA Request. The FOIA Officer transferred the request to Headquarters and assigned it to Office of Administration and Resources Management (OARM), Office of Grants and Debarment OGD.

On May 30, 2018, the above mentioned FOIA request was posted on a public website with the individual's social security number listed in the description of the request. Within the hour, another employee went into FOIA online and noticed the SSN was posted. The same employee modified the request, removed the SSN, and reposted the description. The incident was called into the EPA call center on May 30, 2018.

Query: Did either of you do any of the following at or soon after the event:

Deliberative Process / Ex. 5

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/24/2019 5:20:09 PM
To: Mutz, John [mutz.john@epa.gov]
CC: OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]
Subject: FW: Matt's weekend binder: FOIA Documents
Attachments: FOIA Regulation Update Documents.docx; MEMO Final FOIA Regulations Steps May 23.docx; FOIA Reg Update Clean Preamble and Reg Text (05.23.2019).docx; FOIA Reg Update Redline Reg Text.docx; FOIA Regulations 2 Phase summary 05242019.docx; ACTION MEMO FOIA Regulations Update.docx

I forgot one of the documents – this collection is complete.
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

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

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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: 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
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/29/2019 12:19:21 PM
To: Collazo, Beatriz [collazo.beatriz@epa.gov]
CC: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: FW: OGC FOIA Review Checklist & Cover Sheet
Attachments: 20190513 Pre-Final Version for EPackard Concurrence - Office of General Counsel FOIA Review Checklist & Cover Sheet.pdf; DRAFT_OGC FOIA Coordinator Template Emails for use with OGC FOIA Checklist 20190513 to EPackard.docx; Office of General Counsel FOIA Review Checklist & Cover Sheet - NOT FINAL.pdf

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.

These have not yet been approved by Elise. However, she did approve the emails – unfortunately, the emails refer to the other documents as attachments.

Nevertheless, you could look at the email templates as you develop your interim communications.

Tim

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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

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

Deliberative Process / Ex. 5

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

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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

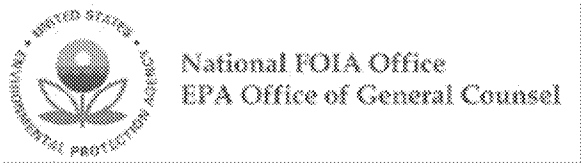
Tim:

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



Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/4/2019 6:58:02 PM
To: Crawford, Tim [Crawford.Tim@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: FOIAonline change centralizing intake

Hi Tim,

Deliberative Process / Ex. 5

When you get a chance, I'd like to talk with you regarding how this will be implemented.

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: Crawford, Tim
Sent: Tuesday, May 21, 2019 10:21 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Chris

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: 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:

Deliberative Process / Ex. 5

--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,

Deliberative Process / Ex. 5

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EPA Office of General Counsel

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/13/2019 10:47:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: Draft Roles RC/OECA/OGC roles memo -- UPDATE
Attachments: RC roles memo clean 5.9.19 draft.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Siciliano, CarolAnn" <Siciliano.CarolAnn@epa.gov>
Date: May 13, 2019 at 5:42:42 PM EDT
To: "Epp, Timothy" <Epp.Timothy@epa.gov>, "Bigioni, Neil" <bigioni.neil@epa.gov>
Subject: FW: Draft Roles RC/OECA/OGC roles memo -- UPDATE

Rett raises a FOIA management/coordination issue. What do you think? 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, other than one comment regarding this bullet taken from the section on the hallmarks of a successful RC:

- Manages the regional FOIA program;

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
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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 whether this memo

Deliberative Process / Ex. 5

Carol Ann Siciliano
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Washington, DC 20450
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/7/2019 2:53:04 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]
Subject: RE: Draft Fees Email
Attachments: Email Duty to Collect Fees under FOIA.docx

Thanks for getting this started – notwithstanding the changes I've made, it was very helpful to have your outline and starting point. Please let me know if I've miss-stated anything or if you have any concerns whatsoever. I'd like to get this off to Elise and Joe today, if possible.

This could come from me – or, I'm hopeful that I can persuade Matt to send it out to the AAs and RAs, among others.

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

From: Rementer, Nicole
Sent: Thursday, June 06, 2019 4:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Bhatt, Krishna <bhatt.krishna@epa.gov>
Subject: Draft Fees Email

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
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Phone 202-564-3692| rementer.nicole@epa.gov

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Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/20/2019 8:07:23 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: OGC Availability for June 25 OMB/EPA Strategic Review Meeting
Attachments: Strategic Objective 2.2 Review 5 17 2019.pptx; FY 2019 Q1 Administrator's Quarterly Performance Review FOIA 3 20 2019.pptx; Memo_FY 2019 Guidance for Strategic Reviews and Internal Controls_FINAL_3-13-2019.pdf; Attach_FY 2019 Guidance on Strategic Reviews and Internal Controls_FINAL_3-13-2019.pdf

Elise – FYI and for discussion at my weekly today.

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National FOIA Office
EPA Office of General Counsel

From: OBrien, Kathy
Sent: Monday, May 20, 2019 10:21 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OGC Availability for June 25 OMB/EPA Strategic Review Meeting

Hello Tim—Thanks so much for your note. Unfortunately, there is no flexibility at this point on the June 25 date and time (2:00-3:00 in the WH Conference Center) for the OMB/EPA Strategic Review Meeting.

Deliberative Process / Ex. 5

Kathy
564-1167

From: Epp, Timothy
Sent: Monday, May 20, 2019 9:08 AM
To: OBrien, Kathy <Obrien.Kathy@epa.gov>
Subject: FW: OGC Availability for June 25 OMB/EPA Strategic Review Meeting

Hi Kathy,

I can be available on the afternoon of June 25 (however, if it is acceptable to ask for a different date, I'm flagging for your awareness that the 25th is OGC's summer picnic).

I'd welcome knowing more about this meeting to help me prepare.

Tim

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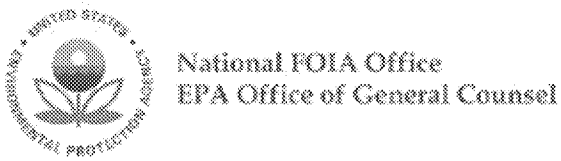

From: Lattimore, Kraig
Sent: Friday, May 17, 2019 1:06 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: OGC Availability for June 25 OMB/EPA Strategic Review Meeting

Hi Tim,

Kathy O'Brien from OCFO asked me who she should contact in OGC regarding FOIAs. I suggested your name and she wanted to know if you would available to participate in an OMB/EPA strategic review meeting to discuss FOIAs on June 25th. Feel free to follow-up directly with Kathy. Thanks.

From: OBrien, Kathy
Sent: Friday, May 17, 2019 12:54 PM
To: Lattimore, Kraig <lattimore.kraig@epa.gov>
Subject: OGC Availability for June 25 OMB/EPA Strategic Review Meeting

Hi Kraig, Good chatting with you this morning.

Asking for your help to see about Timothy Epp's availability for attending June 25 OMB/EPA strategic review meeting to discuss FOIAs. Can you help? Or who should I contact?

Not sure whether this topic will make the final cut, but wanted to see whether Tim would be available. Attached is our current draft agenda.

Thanks, Kraig. Let me know if you have questions.

Kathy

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/15/2019 6:17:04 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: OMB follow up from and to Bill

Joe and Elise,

ACP, Deliberative Process / Ex. 5

Tim

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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Epp, Timothy
Sent: Wednesday, May 15, 2019 2:14 PM
To: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: the latest

Hi Bill,

ACP, Deliberative Process / Ex. 5

Tim

Timothy R. Epp
|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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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: Nickerson, William
Sent: Wednesday, May 15, 2019 12:23 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: the latest

ACP, Deliberative Process / Ex. 5

From: Nickerson, William
Sent: Tuesday, May 14, 2019 3:14 PM
To: Epp, Timothy
Subject: the latest

This is the latest message from OMB:

ACP, Deliberative Process / Ex. 5

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/20/2019 4:41:47 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FW: PII breach -- long ago

Larry – you have not responded, yet. What history do you have on this incident?

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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: Epp, Timothy
Sent: Wednesday, May 15, 2019 2:58 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: PII breach -- long ago

Hi Larry and Denise, Here is a description of a long-ago PII breach:

On May 22, 2018, a requestor submitted a request through the Agency's FOIA online request system (FOIA Online) to the Region 6 FOIA Officer. The requestor requested certification that an individual's SSN was not appearing on the exclusion list in the Agency's System for Award Management (SAM). The requestor included the individual's SSN in clear text within the description section of the FOIA Request. The FOIA Officer transferred the request to Headquarters and assigned it to Office of Administration and Resources Management (OARM), Office of Grants and Debarment OGD.

On May 30, 2018, the above mentioned FOIA request was posted on a public website with the individual's social security number listed in the description of the request. Within the hour, another employee went into FOIA online and noticed the SSN was posted. The same employee modified the request, removed the SSN, and reposted the description. The incident was called into the EPA call center on May 30, 2018.

Query: Did either of you do any of the following at or soon after the event:

Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/23/2019 9:33:55 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: FOIA reg will be non significant

FYI -- OP received OMB's confirmation of the nonsignificant determination.

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

-----Original Message-----
From: Manibusan, Mary
Sent: Thursday, May 23, 2019 5:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIA reg will be non significant

Hello Tim,

I just received the email from OMB confirming the Non-Significance Determination for the OGC FOIA regulation (SAN 5630.1).

Please let me know if you have any additional questions.

Thanks,
Mary

-----Original Message-----
From: Epp, Timothy
Sent: Thursday, May 23, 2019 5:29 PM
To: Nickerson, William <Nickerson.William@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Manibusan, Mary <Manibusan.Mary@epa.gov>
Cc: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: FOIA reg will be non significant
Importance: High

Hi Bill and Mary --

I'm following up on Bill's email below, which he clearly intended to copy to Mary but I just realized wasn't included. This evening we received the Administrator's Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks for your help throughout this 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

-----Original Message-----
From: Nickerson, William
Sent: Wednesday, May 22, 2019 9:25 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA reg will be non significant

Not yet, but we are following up on it. You can continue to move the package toward signature in the meantime. I'm copying Mary because I'll be out of the office starting tomorrow through May 31. May can give you the latest.

-----Original Message-----
From: Epp, Timothy
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To: Nickerson, William <Nickerson.William@epa.gov>
Subject: RE: FOIA reg will be non significant

Hi Bill, have we received the nonsignificant letter yet?
Tim

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epp.timothy@epa.gov

-----Original Message-----
From: Nickerson, William
Sent: Thursday, May 16, 2019 4:53 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA reg will be non significant

You can incorporate Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Sent from my iPhone

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/23/2019 9:32:52 PM
To: Manibusan, Mary [manibusan.mary@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Curry, Bridgid [Curry.Bridgid@epa.gov]
CC: Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
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Subject: RE: FOIA reg will be non significant
Importance: High

Hi Bill and Mary --

I'm following up on Bill's email below, which he clearly intended to copy to Mary but I just realized wasn't included. This evening we received the Administrator's invite for briefing him on the FOIA regulations on next Wednesday at 3:30 pm -- we anticipate Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks for your help throughout this process.

Tim

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Deliberative Process / Ex. 5

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Sent from my iPhone

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Sent: 5/20/2019 12:44:06 PM
To: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

Jonathan, thanks for letting me know.
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: 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
I just wanted to share with you the exchange below. We are trying to close out a FOIA request. It was for a calendar that was previously released. (A good example of a FOIA that during the intake process could have been identified, and closed out without assignment.)
Given that we were able to send the documents to the requester immediately, we were ready to close the FOIA in a few days. We couldn't close it because there are tasks open in the NFO for fee waiver etc. We had asked to close them on Wednesday, but staff said they couldn't close it because they were teleworking. We are again trying to close out the task and have been told that they are teleworking today and off on Monday so the task can't be closed until Tuesday.
We realize that this FOIA is well within our 20 days, but we should still be able to close our requests like this quickly. We are hoping this is unlikely, but it is possible this FOIA will be flagged for awareness notification after we have sent the documents because we have been delayed in closing the FOIA. This would mean an additional delay in close out of a simple FOIA.
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

Yes. I'm teleworking today & I'm off on Monday as well.

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
To: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: FOIA Assignment for EPA-HQ-2019-005633

My letter is complete but it won't be signed until Tuesday.

From: Hamilton, Sabrina
Sent: Friday, May 17, 2019 2:12 PM
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
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Office of Air and Radiation
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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

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Washington, D.C. 20460
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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.

From: Hamilton, Sabrina
Sent: Wednesday, May 15, 2019 8:29 AM
To: Person, Linda <Person.Linda@epa.gov>
Cc: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
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

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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

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From: Hamilton, Sabrina
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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>
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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

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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.

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 5/20/2019 12:43:44 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Person, Linda [Person.Linda@epa.gov]

Subject: Fwd: FOIA Assignment for EPA-HQ-2019-005633
Location: Tim's Office 7309B

Start: 5/21/2019 7:00:00 PM
End: 5/21/2019 7:30:00 PM
Show Time As: Tentative

Linda and Larry, Let's meet to discuss how to prevent this from happening in the future.
Tim

From: Lubetsky, Jonathan
Sent: Friday, May 17, 2019 2:58 PM
To: Epp, Timothy; Gottesman, Larry
Cc: Hamilton, Sabrina; Shoaff, John
Subject: Fwd: FOIA Assignment for EPA-HQ-2019-005633

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Washington, D.C. 20460

Tel: (202) 564-1083

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Message

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Sent: 5/10/2019 8:05:54 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

Personal Phone / Ex. 6 (Direct line)
(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.

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.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/10/2019 3:52:50 PM
To: Williams, LaShawn [williams.lashawn@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]
CC: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: FW: OGC FOIA Report
Attachments: 05-07-2019 OGC FOIA Report.xlsx

Hi LaShawn and Beatriz,

Joan has agreed to run FOIAonline reports for Beatriz until she gets her PIV card – Thus, can you meet early in the week to create a plan for transferring the OGC FOIA Coordinator role?

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: Williams, LaShawn
Sent: Wednesday, May 08, 2019 5:46 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OGC FOIA Report

Updated report attached. I thought I should remove the request assigned to Sheena, since none of the NFO FOIAs are on the report.

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.

From: Williams, LaShawn
Sent: Wednesday, May 8, 2019 5:42 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: OGC FOIA Report

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/10/2019 1:53:16 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: RE: Draft separate responses to OMB's Nation Portal Interoperability requirement
Attachments: Natl FOIA Portal Interoperability NFO response - 05-08-2019.docx

Hi Rebecca – I have approval to send the NFO plan (minor edits in the last paragraph – see attached for final.)

Do you have any updates on the OMS version and approvals?

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 8:03 PM
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

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 suggest **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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/10/2019 1:35:23 PM
To: Ho, Nancy [Ho.Nancy@epa.gov]; Ford, Mark [Ford.Mark@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]; Smith, Suzanne [Smith.Suzanne@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Payne, James [payne.james@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Thompson, BrianK [Thompson.BrianK@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Dear Nancy, Mark, and others, (I'm adding Suzanne and Jim for awareness.)

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:

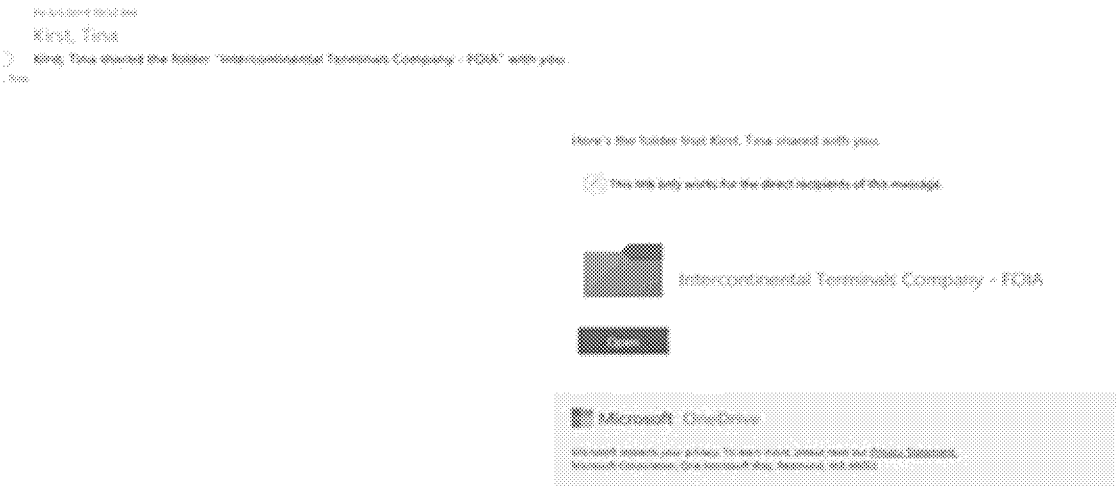
As you know, EPA Region 6 Superfund Division is in receipt of the attached FOIA request # EPA-R6-2019-004705, for information on the Intercontinental Terminals Company Facility Fire. Today, we are providing you with this email for a preliminary review of the process. We expect to notify all of the identified 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/10/2019 12:43:59 PM
To: Person, Linda [Person.Linda@epa.gov]
Subject: For next week -- wkly selected
Attachments: Selected FOIA Requests. 05.01.2019-05.08.2019.xlsx; Selected FOIA Requests. 05.01.2019-05.08.2019.docx

Linda,

Here is the raw list in both word and Excell form.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/10/2019 11:51:21 AM
To: Badalamente, Mark [Badalamente.Mark@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]; Thompson, BrianK [Thompson.BrianK@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Miller, Kevin [Miller.Kevin@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: Badalamente, Mark
Sent: Friday, May 10, 2019 5:21 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Bigioni, Neil <bigioni.neil@epa.gov>; Thompson, BrianK <Thompson.BrianK@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: Re: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

ACP, Deliberative Process / Ex. 5

Sent from my iPhone

On May 9, 2019, at 11:29 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Brian and Neil -

ACP, Deliberative Process / Ex. 5

Wendy

From: Bigioni, Neil
Sent: Thursday, May 9, 2019 5:44 PM
To: Thompson, BrianK; Epp, Timothy
Cc: Badalamente, Mark; Moser, Rebecca; Blake, Wendy
Subject: RE: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Tim, et al.,

ACP, Deliberative Process / Ex. 5

Neil

From: Thompson, BrianK
Sent: Thursday, May 09, 2019 5:21 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

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:

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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

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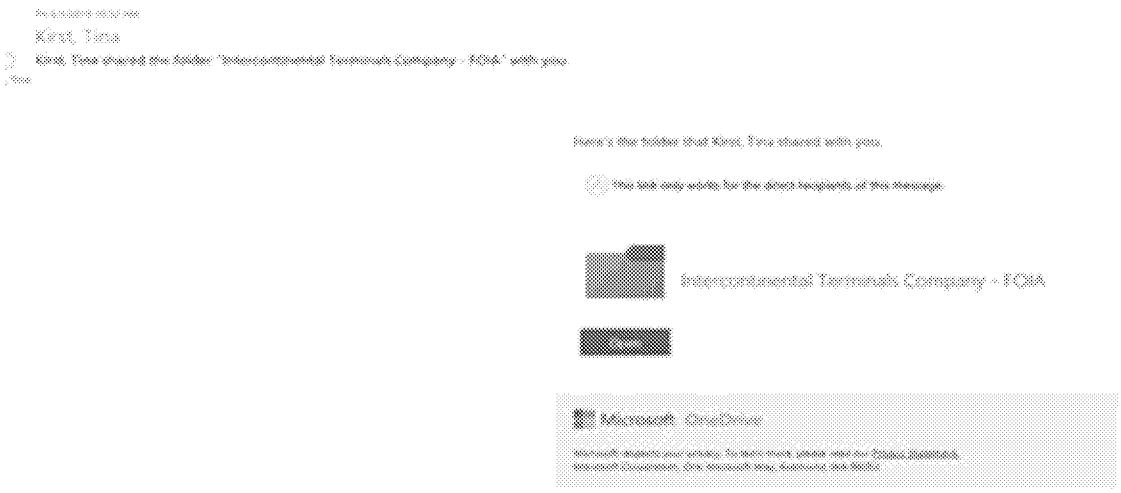

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Thank you,

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/23/2019 8:05:45 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: draft memo for Matt on FOIA
Attachments: Draft MEMO Final FOIA Regulations Steps May 23.docx

Here is a draft of a memo outlining the process to complete the FOIA regulations. I'd hope to put this in Matt's over the weekend folder along with the regs and the "Action Memo."

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

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Sent: 5/9/2019 9:29:41 PM
To: Thompson, BrianK [Thompson.BrianK@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

Brian – thanks much for the quick reply and full detail on the history.
Tim

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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: Thompson, BrianK
Sent: Thursday, May 09, 2019 5:21 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

Tim,

ACP, Deliberative Process / Ex. 5

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

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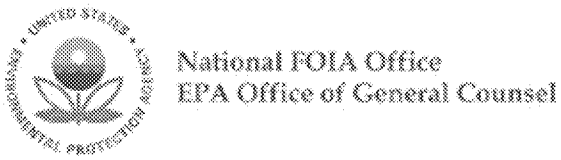

From: Schumacher, Wendy
Sent: Thursday, May 09, 2019 3:31 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

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

ACP, Deliberative Process / Ex. 5

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Mark Ford
Senior Attorney/ORC
FOIA Branch

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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

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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

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Sent: Friday, May 03, 2019 1:28 PM
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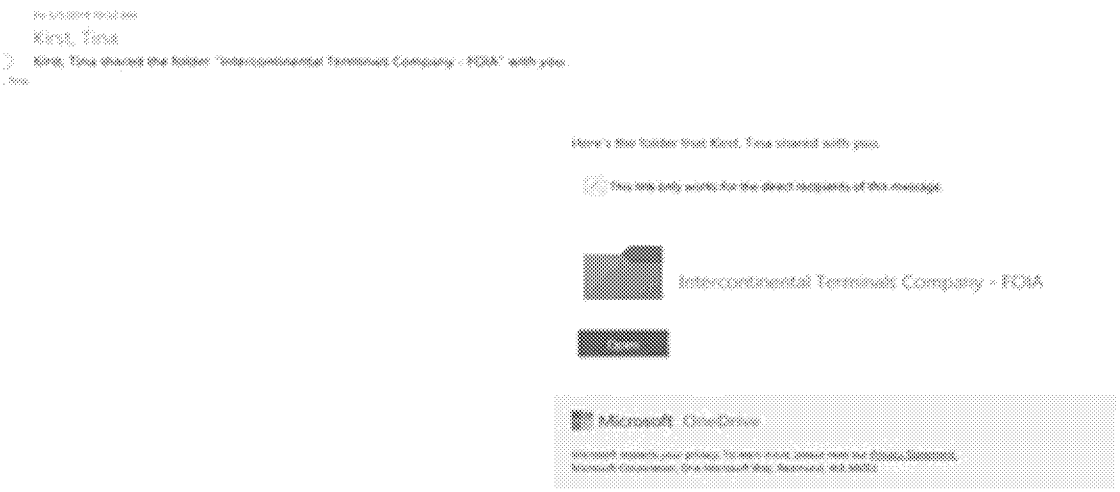

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Toeroek Associates, Inc., A Subcontractor for AAR
Contractor - U.S. Environmental Protection Agency Region 6 Superfund Division
Phone: 214-665-2242 - Email: kirst.tina@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 8:28:52 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: -- FW: 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: Blake, Wendy
Sent: Thursday, May 09, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: -- FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

ACP, 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: Thursday, May 09, 2019 4:12 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Youngblood, Charlotte

<Youngblood.Charlotte@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Not using eDiscovery -- FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

ACP, Deliberative Process / Ex. 5

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Washington, D.C. 20460 | WJCN 5315 E
Phone (202) 566-2513 | schumacher.wendy@epa.gov

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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

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ACP, Deliberative Process / Ex. 5

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Mailing Address: 1445 Ross Ave Ste 1200, Mail Code ORCDF, Dallas, TX 75202-2733
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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>
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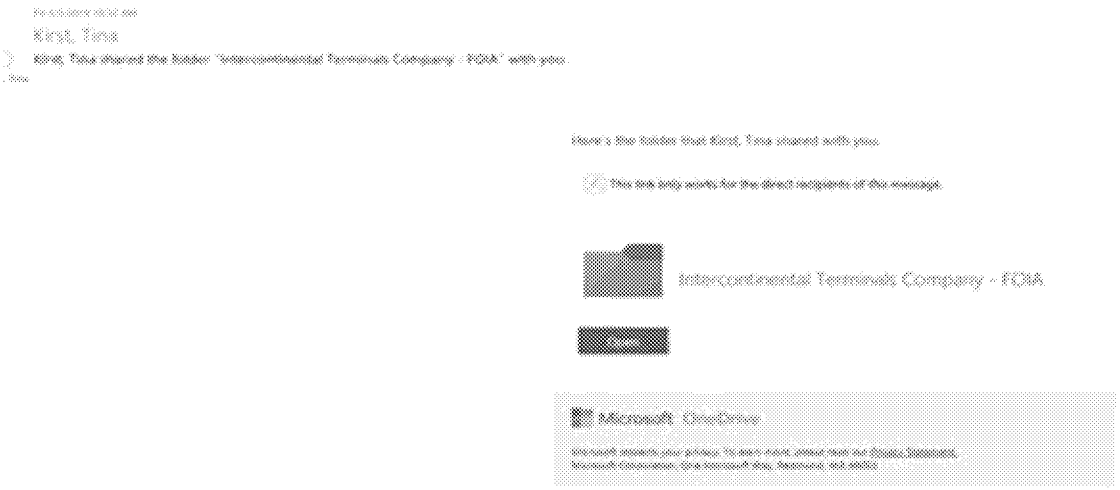

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Contractor - U.S. Environmental Protection Agency Region 6 Superfund Division
Phone: 214-665-2242 - Email: kirst.tina@epa.gov

Message

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Sent: 5/9/2019 8:12:40 PM
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Subject: FW: FOIA Toolkit and EPA FOIA Intranet RECOMMENDATION

Brian,

ACP, Deliberative Process / Ex. 5

Tim

Timothy R. Epp
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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

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 –

I encourage you to follow the Ediscovery process. Deliberative Process / Ex. 5

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.

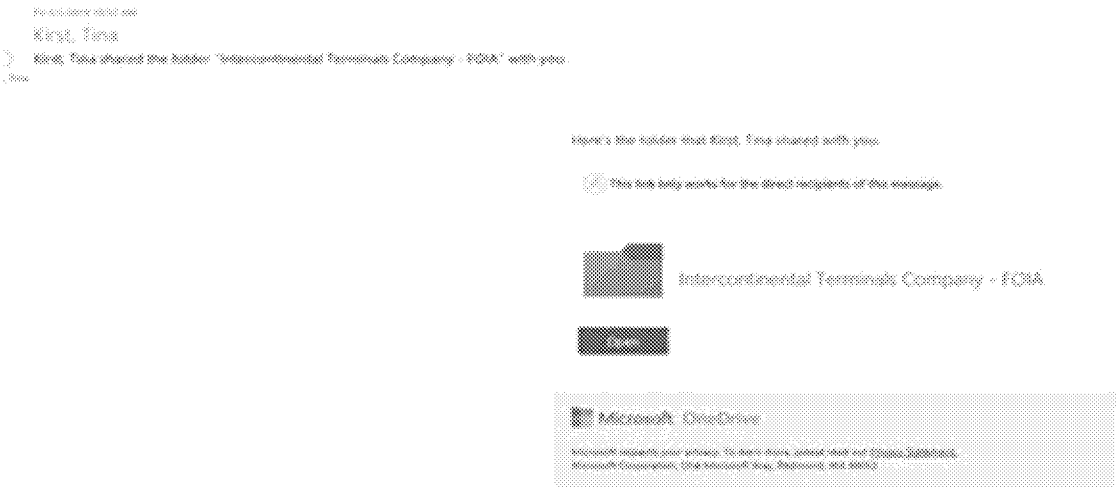
The individuals listed below have been identified has having information for this incident that may be responsive to the FOIA request. If there are any other known individuals from your Region that participated in the emergency response, please let us know.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 7:58:54 PM
To: Payne, James [payne.james@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: RE: Regional signing authority citations

Hi Jim,

Attorney Client / 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: 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.

Attorney Client / Ex. 5

Sent from my iPhone

On May 9, 2019, at 1:00 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Jim,

Attorney Client / Ex. 5

Attorney Client / 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>

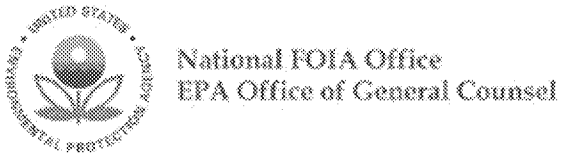
Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/8/2019 12:49:59 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: materials for briefing on FOIA regs
Attachments: Responses to OIRA's comments tre comments.docx

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



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 – 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

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. We've attempted to [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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/8/2019 12:02:16 PM
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
Attachments: EDD Communication on Relativity Duplicate Spare Defect 582019.docx

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. 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)

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

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/13/2019 4:13:24 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: OGC FOIA Review Checklist & Cover Sheet
Attachments: OGC FOIA Coordinator Template Emails for use with OGC FOIA Checklist w edits.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 5:51:01 PM
To: Nickerson, William [Nickerson.William@epa.gov]
Subject: RE: materials for briefing on FOIA regs

Yes, we I've heard a 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: Nickerson, William
Sent: Thursday, May 09, 2019 1:45 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. You are taking some of the suggestions, right?

Sent from my iPhone

On May 9, 2019, at 12:21 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Bill, checking in – have you been able to confirm 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

<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
>
> questions.
>
> 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/21/2019 5:13:02 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: FOIA Desk Statement
Attachments: DRAFT Messaging for FOIA Regulations Update (06.21.2019).docx; Desk Statement for FOIA Regulations Update (06.20.2019) (003).docx

Matt— here is an update to the draft mass mailer for you to send on FOIA. The desk statement Elise sent this morning is also attached (a typo corrected).
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: Packard, Elise
Sent: Friday, June 21, 2019 9:47 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Desk Statement

Hi Matt,

Just a heads-up that this is the draft desk statement for the FOIA regs. They should be published on Monday, though the Fed reg gives a heads-up today, so folks might call the press office. Nancy is taking it to Ryan today.

Let us know if you have any thoughts or suggestions or anything else you'd like us to do.

Elise

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 4:21:34 PM
To: Nickerson, William [Nickerson.William@epa.gov]
Subject: RE: materials for briefing on FOIA regs

Hi Bill, checking in Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: 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. We've attempted to 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/7/2019 8:57:14 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: draft EPA interoperability plan for the National FOIA Portal
Attachments: National FOIA Office and Natl FOIA Portal Interoperability - 05-07-2019 clean.docx; FOIAonline National FOIA Portal Integration Plan_ 05-7-2019v2 tre edit.docx

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
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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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 12:51:32 PM
To: Person, Linda [Person.Linda@epa.gov]
Subject: FOIA backlog
Attachments: Linda Person.xlsx

Linda, thanks for your efforts to close out the backlogged FOIA requests in April.

Please send me your plan by COB today for closing out the backlogged FOIA requests noted on the attached spreadsheet. Also, please identify for me the FOIA requests currently assigned to you that are not backlogged yet, but will be if EPA's response does not go out by the end of May.

Thanks,
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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 12:16:41 PM
To: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
CC: Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]; Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]; Shoaff, John [Shoaff.John@epa.gov]; Hopkins, Daniel [Hopkins.Daniel@epa.gov]
Subject: RE: Question re Correspondence to Requester under EPA-HQ-2019-005104

Hi Jonathan, thanks for your note.

The delay caused by Regions 5 and 9 internal processing can only be addressed by a regulation change to centralize intake to HQ of all FOIA requests. We are working on this regulatory fix.

The request was assigned to HQ on May 3 (Friday, and on Wednesday, May 8, we assigned it to OAR.

The request was originally submitted by email sent to both Region 5 and Region 9 FOIA Offices on April 17. On that date, it was entered into FOIAonline and assigned tracking number EPA-R5-2019-005104.

I'll get back to you later today regarding your other concern once I've had a chance to get more information.

Tim

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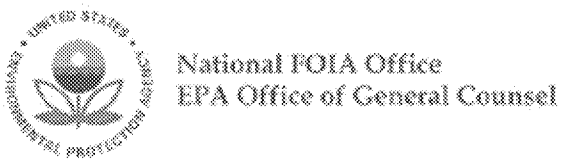
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov



From: Lubetsky, Jonathan
Sent: Thursday, May 09, 2019 7:21 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Hopkins, Daniel <Hopkins.Daniel@epa.gov>
Subject: Fwd: Question re Correspondence to Requester under EPA-HQ-2019-005104

Tim,
I wanted to forward to you an example of one issue we have seen in the intake pilot. We are working with your staff on this and other intake issues as they arise.

In this case, the requester was informed that OAR is being assigned their FOIA, but the FOIA description is not the FOIA the requester submitted. See the note below from Doris Price to Krishna for more details.

In addition, the FOIA request was assigned to OAR on the 8th with 13 days already on the clock. We recognize that this was sent to the regions, which likely explains the delay. It is unclear why this would be assigned to the regions. To help address this issue for future FOIAs, Sabrina has requested a meeting with Krishna and the team to discuss the pilot project.

OAR will continue to work with your staff to help improve the process as we implement the intake pilot. Please let us know if there is anything else we can do to help make this a success.

Jonathan Lubetsky

Begin forwarded message:

From: "Price, Doris" <Price.Doris@epa.gov>
Date: May 9, 2019 at 12:53:13 AM EDT
To: "Bhatt, Krishna" <bhatt.krishna@epa.gov>
Cc: "Hopkins, Daniel" <Hopkins.Daniel@epa.gov>, "Hamilton, Sabrina" <Hamilton.Sabrina@epa.gov>, "Lubetsky, Jonathan" <Lubetsky.Jonathan@epa.gov>, "Alpert, Adina" <Alpert.Adina@epa.gov>
Subject: Question re Correspondence to Requester under EPA-HQ-2019-005104

Hello Krishna,

I am the FOIA Coordinator for OAR's Office of Atmospheric Programs (OAP). Sabrina Hamilton asked me to look at the case file for the subject FOIA in FOIAonline and assign it to OAP for processing. The first attachment is the Requester's description of his FOIA request. I agree that the ENERGY STAR Commercial & Industrial Branch in OAP's Climate Protection Partnerships Division (CPPD) has the programmatic expertise to respond to this FOIA request and I'll forward a copy to them immediately . However, I am perplexed by the letter you sent on May 8, 2019 under Correspondence to the Requester in the FOIAonline (second attachment) on May as this FOIA request has no mention whatsoever of calendar entries of OAR Assistant Administrator Bill Wehrum. It appears that this correspondence belongs in another FOIA case file (perhaps for a another FOIA request from the same Requester).

Per Sabrina's instructions, I will assign this FOIA to myself and start CPPD on its processing even though it appears there is a mistaken entry in the FOIAonline case file. Unfortunately, I am **Ex. 6** with little if any access to EPA email.

I will contact you when I return to the office on Monday, May 19, to go over the case file. I've cc'ed Jonathan Lubetsky on the OAR FOIA Team with whom I've worked on several FOIAs. Please contact him (Lubetsky.jonathan@epa.gov; phone: 202-564-3166

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/9/2019 11:07:30 AM
To: Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: Fwd: OGC FOIA Report
Attachments: image002.gif; ATT00001.htm; 05-07-2019 OGC FOIA Report.xlsx; ATT00002.htm

Do you have FOIAonline access yet?

Sent from my iPhone

Begin forwarded message:

> **From:** "Williams, LaShawn" <williams.lashawn@epa.gov>
> **Date:** May 8, 2019 at 5:46:01 PM EDT
> **To:** "Blake, Wendy" <Blake.Wendy@epa.gov>
> **Cc:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Subject: RE: OGC FOIA Report**

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/8/2019 1:50:56 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: National FOIA Portal interoperability plan -- Due to OMB on May 10
Attachments: Natl FOIA Portal Interoperability NFO response - 05-08-2019.docx; FOIAonline National FOIA Portal Integration Plan_ 05-7-2019v2 tre edit.docx; M-19-10.pdf

Hi Joe,

You will recall that we raised at Reg Review the need for EPA **to submit to OMB by May 10** EPA's plan for achieving interoperability with the National FOIA Portal (which is run by OMB and DOJ). Attached is the incoming OMB memo calling submission of the plan.

Two draft memos are attached, one for the NFO as the EPA FOIA program, and the other for OMS as the provider of FOIAonline as a shared government service. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Rebecca Moser is simultaneously elevating the OMS draft to Vaughn for approval.

Let me know if you have any comments or questions. I'll need approval to submit by this Friday.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/7/2019 6:43:45 PM
To: Nickerson, William [Nickerson.William@epa.gov]
Subject: Re: materials for briefing on FOIA regs

Bill,

It appears Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Tim

Sent from my iPhone

On May 7, 2019, at 7:52 AM, Nickerson, William <Nickerson.William@epa.gov> wrote:

> 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/7/2019 5:38:00 PM
To: Fugh, Justina [Fugh.Justina@epa.gov]
CC: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: process question and guidance, please

Please reach out to Victoria Tran to speed the processing of this – that was the advice of Beth and Brian. You could throw in a CC to me to add emphasis.

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: Fugh, Justina
Sent: Wednesday, May 01, 2019 11:07 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: process question and guidance, please

Hey Tim,

Deliberative Process / Ex. 5

Justina

From: Griffo, Shannon
Sent: Wednesday, May 01, 2019 10:35 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Justina,

Do you want to nudge them again for comments or do we just send this to Matt Leopold for review since these are mostly Kevin's documents? They deal with Pruitt/condo and that's why I sent it to Beth and Helena in the first place for equity review.

I sent this to them March 19th, then again on April 2nd. No response.

Also, please let me know if you want me to put something together so that you can give Matt a heads up.

Thanks,
Shannon

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: Tuesday, April 02, 2019 9:16 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Hi Beth and Helena,

I wanted to circle back about this equity review to see if you have any comments. I recently discovered that most of these documents have actually already been released through FOIA litigation for request no. EPA-HQ-2018-006474. Please let me know if I can go ahead and start the awareness notification process to close it out.

Thanks,
Shannon

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: 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/7/2019 12:39:04 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: materials for briefing on FOIA regs
Attachments: EPA FOIA Reg Update Redline - OIRA_PB.docx

Here it is – let me know if you have any thoughts or questions I should raise with Bill when we discuss what the options are for next steps.

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: Hill, Jonathan W. EOP/OMB < Ex. 6
Sent: Monday, May 06, 2019 9:03 PM
To: Nickerson, William <Nickerson.William@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Whiteman, Chad S. EOP/OMB Ex. 6 Herms, Kevin W. EOP/OMB Ex. 6
Subject: RE: materials for briefing on FOIA regs

Good evening,

Please find attached OIRA's comments on your proposed FOIA rule. We've attempted to n 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 <Personal Email / 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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/20/2019 4:18:49 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: FOIAonline change centralizing intake

Chris – thanks much. Please proceed as you propose.

Clearly, centralizing intake does not mean we need to change our annual report.

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: Thursday, June 20, 2019 11:58 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hi Tim,

Have you been able to consider our response to Tim? Would you like me to follow up with Tim on this issue? I would provide Tim with my topline response and ask Tim to move forward with scheduling meetings to discuss a path forward.

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, June 18, 2019 3:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Hi Tim,

I'm happy to pass my topline response and my understanding of the reporting requirements along to Tim C or to provide you with more information. Below is a quick summary of the issue and my reasoning.

To boil Tim C's question down:

Deliberative Process / Ex. 5

Top line response:

Deliberative Process / Ex. 5

Background:

Deliberative Process / Ex. 5

Annual Report Requirements:

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: Tuesday, June 18, 2019 12:27 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Chris – because of the interaction Tim C identified with the Annual Report, we should pull Larry into these conversations with Tim C. Could you reach out to Larry to see if he has any concerns with an approach that would leave in place the Regional and HQ submission options?

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: 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 a conflict with the new regulations 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.

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: 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.

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: 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. Deliberative Process / Ex. 5

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
|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 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.

Deliberative Process / Ex. 5

--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 Address / Ex. 6

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 Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Timothy R. Epp
|National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830 **Personal Email / Ex. 6**

National FOIA Office
EPA Office of General Counsel

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/26/2019 7:38:10 PM
To: Simon, Paul [Simon.Paul@epa.gov]
Subject: RE: FOIA Standard Functions

I'll get an agenda or outline to send to you next week. But, 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: Simon, Paul
Sent: Friday, April 26, 2019 3:31 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Standard Functions

Deliberative Process / Ex. 5

From: Epp, Timothy
Sent: Friday, April 26, 2019 3:27 PM
To: Simon, Paul <Simon.Paul@epa.gov>
Subject: RE: FOIA Standard Functions

Hi Paul,

How many supervisors do you want to be trained from across the region's offices?

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: Simon, Paul
Sent: Friday, April 26, 2019 3:05 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Standard Functions

Thanks, Tim, for the offer. We'd be very happy for Region 2 supvs. to receive that FOIA training. Let's schedule it. Would it be in person or remote?

At this juncture, I don't think we need extra time beyond the 2-hour training.

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.

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

documentation for the FOIA response." Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Comment #3: Thanks for double-checking. Matt/Dana 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: Can you live with this? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. Comment 2: During our conversation weeks ago, you expressed Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

3. Comment 3: During our conversation, you pointed out 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

Deliberative Process / Ex. 5

   - *Explanation*: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

2. In section 4.A., please revise parag. 11 to read Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/26/2019 7:07:41 PM
To: Nickerson, William [Nickerson.William@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Subject: EPA FOIA Regs & OMB
Attachments: DRAFT OMB Non-Sig Presentation FOIA Reg Updat-1.pptx; EPA FOIA Reg Update, Redline.docx; EPA FOIA Regs Update Changes Explanation.docx

Bill,

Attached are three documents for the OMB meeting 1) PowerPoint slides; 2) Redlined FOIA reg changes; and 3) very short statements identifying the more key changes.

Query: do we want to send the third document to OMB? It contains summary identification of our legal theories for no notice and comment.

You may send the first two.

Tim

Timothy R. Epp
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U.S. Environmental Protection Agency | Office of General Counsel
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/26/2019 4:50:37 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: Regional Functional Statement
Attachments: FOIA Functional Statement clean 4.19.19.docx

Hi Chris,

This is still in draft; there are additional edits agreed to today that have not been added yet. That said, this is close enough to final to serve as guidance to you.

Tim

Timothy R. Epp
Acting Director | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/1/2019 11:07:33 AM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: Re: FOIA Question

I'm sorry for the ambiguity in my request. I wanted to review it before you sent it.
Tim

Sent from my iPhone

On Apr 30, 2019, at 3:21 PM, Schumacher, Wendy <schumacher.wendy@epa.gov> wrote:

Tim,

Per your email, here is my reply to Nic G.

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, April 29, 2019 12:33 PM
To: Grzegozewski, Nicholas <Grzegozewski.Nicholas@epa.gov>
Cc: James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Subject: RE: FOIA Question

Nic,

Thanks for the email. Talked to Larry and we have the following background:

Deliberative Process / Ex. 5

Please let us know if you have any other questions.

Regards, 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: Grzegozewski, Nicholas
Sent: Monday, April 29, 2019 10:31 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Subject: FOIA Question

Hi Wendy, I'm reviewing some countermeasures from offices related to the FOIA bowling chart metric and wondering how I should respond to this statement. Can you confirm whether the highlighted statements are accurate or not? Specifically, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Nic

Nic Grzegozewski
US Environmental Protection Agency | Office of the Chief Financial Officer
Office of Planning, Analysis and Accountability
☎: 202-564-2292
✉: Grzegozewski.Nicholas@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/24/2019 5:38:50 PM
To: Griffo, Shannon [Griffo.Shannon@epa.gov]; Cozad, David [Cozad.David@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Awareness Notification

Hi Shannon,

Good question and an understandable assumption that you would not need to use the awareness notification process on a no records response. However, we in the NFO still need to have a clear explanation as to why we are approving a response (because of the FOIAonline flag, your response will still require a Larry approval). It turns out to be administratively easiest for there to be one process for lifting the flag/triggering Larry's approval. So, please send even no record responses through the ANP process.

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: Griffo, Shannon
Sent: Wednesday, April 24, 2019 9:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Cozad, David <Cozad.David@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Awareness Notification

Hi Tim and Dave,

I have two quick questions related to ethics FOIA requests that have been flagged for the awareness notification process:

1. If we have no responsive records, do I still send the request through awareness notification? We have standing monthly requests for financial conflict of interest waivers (for all employees), and these are now being flagged. Most months we have nothing.

2. If we are referring a requestor to previously released documents on FOIA Online, I'm assuming we still send our request(s) through awareness notification, but there's no need for equity review again right?

Thanks!
Shannon

Shannon Griffo
Ethics Attorney
Office of General Counsel, Ethics
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Williams, LaShawn
Sent: Friday, April 19, 2019 9:54 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Awareness Notification

Hi Justina,

I just wanted to let you know that FOIA number 2019-004837 has been flagged for awareness notification. Please see the email below from Linda Person. I am copying Shannon as an FYI only because the request is assigned to her.

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)

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From: Person, Linda
Sent: Thursday, April 18, 2019 1:39 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Williams, LaShawn <williams.lashawn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness Notification

(This is being sent on behalf of Larry Gottesman.)

Dear Mr. Fotouhi:

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
OGC	EPA-HQ-2019-004658	copy of documents containing information on the calendar or calendar entries of EPA General Counsel Matthew Leopold from March 1, 2019, to March 31, 2019.
OGC	EPA-HQ-2019-004810	any records at EPA Headquarters that are the basis for EPA's public assertion that blending of CSO flow is prohibited by statute (i.e., the working law of the agency on this specific issue). This would include any briefing sheets or legal/regulatory analyses prepared by EPA as the basis for reaching this regulatory conclusion and/or for addressing/discussing this regulatory issue with the Office of Water or Office of General Counsel management (e.g., Division Directors, Assistant Administrators or Deputy Assistant Administrators, General Counsel). The request also seeks any document indicating that the Assistant Administrator David Ross and/or General Counsel's Office have approved this regulatory interpretation.
OGC	EPA-HQ-2019-004837	EPA employees' ethics waivers in resolving financial conflicts of interest from March 1 to April 1, 2019.

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/30/2019 12:36:23 PM
To: Hamlett, Karen [hamlett.karen@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Dean, StevenB [Dean.StevenB@epa.gov]
Subject: RE: FY19 Mandatory FOIA training slides
Attachments: EPA FOIA Mandatory Storyboard 3-1-19.docx

Hi Karen,

Wendy suggested that the slides you sent might not be the latest version of the training, in part because these slides still referred to "acting administrator" Wheeler. Nevertheless, I have made my edits to this version, including a significant update to the paragraph referencing Administrator Wheeler. Hopefully, these changes are not too challenging to implement quickly.

Thanks ever so much for your assistance,
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

From: Hamlett, Karen
Sent: Monday, April 29, 2019 2:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Dean, StevenB <Dean.StevenB@epa.gov>
Subject: RE: FY19 Mandatory FOIA training slides

Thank you for the information below.

Karen Hamlett
EPA University - Leadership Development Institute
1201 Constitution Avenue
WJC East, #1136 H
Washington, DC 20460
202-564-8302

From: Epp, Timothy
Sent: Monday, April 29, 2019 2:17 PM
To: Hamlett, Karen <hamlett.karen@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Dean, StevenB <Dean.StevenB@epa.gov>
Subject: RE: FY19 Mandatory FOIA training slides

Hi Karen,

Thank you for your prompt attention to this and I apologize for the inconvenience. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

(For background, the document we are currently working on was asked for by OGC senior management and was not something that was contemplated when I approved the slides back in October.)

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: Hamlett, Karen
Sent: Monday, April 29, 2019 1:38 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Dean, StevenB <Dean.StevenB@epa.gov>
Subject: RE: FY19 Mandatory FOIA training slides

Timothy,
In preparation of removing the FY19 mandatory FOIA training, can you please expand on the situation so that I may give my management some insight on why this training needs to be taken down and when we can anticipate it being available again.

Options:

Deliberative Process / Ex. 5

Thanking you in advance for your consideration,

Karen Hamlett
EPA University - Leadership Development Institute
1201 Constitution Avenue
WJC East, #1136 H
Washington, DC 20460
202-564-8302

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/6/2019 1:49:53 PM
To: Person, Linda [Person.Linda@epa.gov]
Subject: weekly selected process
Attachments: Selected FOIA Requests. 04.24.2019-05.01.2019.xlsx

Hi Linda,

If I sent you a spreadsheet like the attached, would this enable you to more quickly send out the notices to EPA offices regarding requests that have been selected for the awareness notification process? For example, could you construct a macro or mail merge that would enable the notices to be automatically generated?

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/6/2019 12:33:32 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Beatriz Collazo [collazobea@gmail.com]
Subject: FW: Interoperability with the National FOIA Portal
Attachments: M-19-10.pdf

Hi Joan and Beatriz,

Do either of you have sufficient computer programming background to give a very rough assessment regarding how difficult it will be for EPA's FOIAonline to be made to be "interoperable" with the National FOIA Portal? (See below email and attached pdf, including in particular the link on page 2 of the attached.)

Deliberative Process / Ex. 5

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: National.FOIAPortal (OIP) <National.FOIAPortal@usdoj.gov>
Sent: Monday, April 08, 2019 1:20 PM
To: National.FOIAPortal (OIP) <National.FOIAPortal@usdoj.gov>
Subject: Interoperability with the National FOIA Portal

Dear FOIA Colleagues,

This is a reminder of the upcoming deadline to submit your agency's plan for achieving interoperability between your FOIA case management system(s) and the National FOIA Portal on FOIA.gov ("interoperability plans"). As you know, agency interoperability plans are due to OMB by **May 10th, 2019**. The OMB/DOJ memorandum applies to all agencies subject to the FOIA. The Chief Financial Officers (CFO) Act agencies are specifically directed to provide an interoperability plan by May 10. All other agencies are likewise asked to report on how they intend to achieve interoperability with the National FOIA Portal. Agencies with automated FOIA case management systems are required to achieve interoperability through an API, unless granted an exception by OMB & DOJ. A copy of the joint OMB/DOJ memorandum addressing interoperability requirements is attached here for your reference.

Please include within your plans the following:

1. Identify your current FOIA case management system or systems (e.g., in-house, FOIAXpress, FOIAOnline, MS Excel, Access, etc)
    A. If your agency uses an outside service provider / vendor, identify the contract period
2. Identify whether your agency is planning to transition to a new FOIA case management system prior to Aug., 2023, and if so, describe the system that will be used to replace the current one
3. Provide the date for achieving interoperability between your current system and the National FOIA Portal on FOIA.gov
4. Where applicable, describe the estimated level of effort needed to achieve interoperability (e.g., costs being charged if provider is an external vendor, or if system is in-house estimated costs for software updates, code changes needed if known from agency's CIO, etc)

Please let us know if you have any questions.

Thank you,
-OIP

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/6/2019 12:10:43 PM
To: Hitchens, Lynnann [hitchens.lynnann@epa.gov]
Subject: RE: Awareness Notification

Hi Lynnann – just to make sure that I understand correctly: you mean in these first emails that give you notice that a recently received FOIA request has been flagged for the awareness notification process (rather than the template email for you to give awareness notification at the end of the process). Is that correct?

Tim

Timothy R. Epp
Acting Director | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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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: Hitchens, Lynnann
Sent: Friday, May 03, 2019 5:59 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification

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

Deliberative Process / Ex. 5 (Direct line)
(Mobile)
202-566-1667 (Main line)

National FOIA Office
EPA Office of General Counsel

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/3/2019 7:10:00 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Update -- Regional FOIA Standard Functions
Attachments: FOIA Standard Functions for Matt 5.3.19.docx

Hi NFO folks,

This is an update on the status of the Regional FOIA Standard Functions document. The attached is a draft that has been sent to Matt for his review and decision, with a suggestion that a decision in two weeks would be valuable.

Let me know if you have any questions.

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/25/2019 8:48:57 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Yes, thanks for reminding on the one below. I've been investigating; a bit hampered that Shannon is on leave today. She will be working tomorrow. I have confirmation that Justin was consulted on his emails on October 26, 2018. Still need to confirm on David and Matt.

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 4:45 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)

Tim, I saw your most recent email, that is fine with regard to that request (to go back to OAR). I am just elevating this issue below to the top of your inbox. Thanks, Joe

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

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,

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	Final	189 released in full and in part 38 WIF	Ex. 5 (DPP, AWP, ACP)

				chief of staff) and EPA's Ethics Office related to lawsuits Scott Pruitt brought against 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

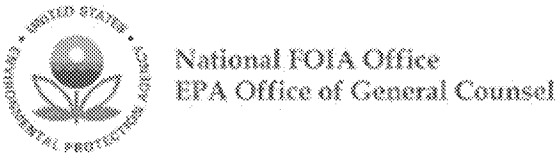
Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/23/2019 4:08:15 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.

I don't have it – the person from Ethics who worked on it did not pick up right away. I'm now reaching out to OAR.

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: 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	Kevin Bogardus	eenews	8/22/2018	4/9/2019	Any records sent to or from Bill Wehrum regarding ethics advice,	Final Response	409 pages

Also responsive to: EPA-HQ-2019-000795	Hudson Munoz				consulting, and/or guidance.		

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/25/2019 6:42:36 PM
To: Fugh, Justina [Fugh.Justina@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)

Thanks – I'll check in with her tomorrow.
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: 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)

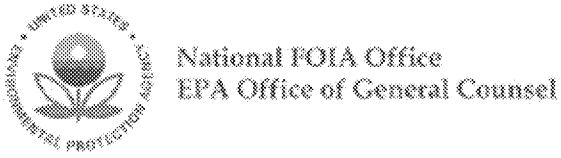
Shannon is on Deliberative Process / Ex. 5 today but will be back tomorrow. I did a quick search of my emails, though, and found a note she sent to Justin Schwab back on October 26, 2018, which precedes Joe B's arrival at EPA.

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



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,

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.

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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 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/3/2019 4:26:44 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: FW: For Matt's Notebook: FOIA Standard Functions
Attachments: FOIA Standard Functions for Matt 5.3.19.docx

For the work on the FOIA Policy and Procedure – the attached is still in Draft but has been submitted to Matt for his review.

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: Friday, May 03, 2019 9:06 AM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: For Matt's Notebook: FOIA Standard Functions

Matt – The attached 11-page draft FOIA Standard Functions reflects excellent work of Tim Epp, Neil Bigioni and Dave Cozad. And, of course, the active engagement of the Regional Counsels and Deputies. It is ready for your review.

Timing for your review: Could we hear back from you by **Thursday May 16**? I don't want to rush you; at the same time, getting this done will facilitate the FOIA transitions underway right now in the Regions.

From a practical perspective, all of the Reginal Counsels have had this document in largely its current form since early March. At that time, we invited the RCs to begin building their new FOIA units and responsibilities around it. Indeed, many RCs have used the March version to brief their Regional Administrators.

I'll use my Weeklies with you to check in on your timing needs. Therefore, if you need more time, you'll have an opportunity to let me know. By the same token, you may find this particular matter to be a satisfying and easy one to wrap up quickly.

Thanks for your attention, Matt.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/3/2019 3:32:59 PM
To: Clausen, Rebecca [Clausen.Rebecca@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Routt, Christiane [Routt.Christiane@epa.gov]; Silzer, Stefan [Silzer.Stefan@epa.gov]; Heckman, Deborah [Heckman.Deborah@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Case File Review Task: EPA-HQ-2019-004794

Hi Rebecca,

Thank you for seeking to identify the most effective and efficient way to close out cases that have been flagged for the awareness notification process. And, thank you for being attentive to make most fruitful use of your office director's time.

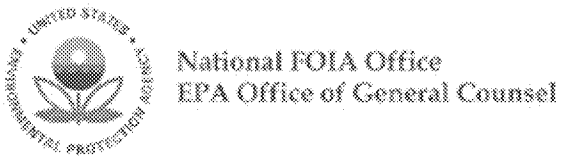
The "rule" Larry mentioned is our interpretation and understanding of the Chief of Staff Ryan Jackson's November 16 memo. That memo refers in paragraph 4 of the Process to "the FOIA determination." The memo makes no distinction among determinations to release records and determinations that the Agency has no records to release.

While I understand and appreciate your motivation to find a more simple process to close FOIA requests where we are issuing a determination that the request is not proper. Nevertheless, the EPA offices that designated the request for the awareness notification may be interested in any determination on the request (i.e., any rejection of the request might be a news worthy event depending upon the circumstances). For this reason, the only way to alert the offices entitled to awareness notification is to either follow the Awareness Notification Process or, alternatively, to obtain agreement from OPA, OCIR, OEX and the NFO to remove the flag.

I hope you can see from these options that following the Awareness Notification Process is by far the simplest approach and least burdensome for the relevant office directors.

Please let me know if you have any questions.
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: 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: (919) 451-0404

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

202-566-2162 (Direct line)
202-689-4588 (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: (919) 451-0404

Wake up. Be awesome. Be kind. Repeat.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/2/2019 10:50:47 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: process question and guidance, please

Sent from my iPhone

Begin forwarded message:

From: "Fugh, Justina" <Fugh.Justina@epa.gov>
Date: May 1, 2019 at 11:07:18 AM EDT
To: "Epp, Timothy" <Epp.Timothy@epa.gov>
Cc: "Griffo, Shannon" <Griffo.Shannon@epa.gov>
Subject: process question and guidance, please

Hey Tim

Deliberative Process / Ex. 5

Justina

From: Griffo, Shannon
Sent: Wednesday, May 01, 2019 10:35 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Justina,

Do you want to nudge them again for comments or do we just send this to Matt Leopold for review since these are mostly Kevin's documents? They deal with Pruitt/condo and that's why I sent it to Beth and Helena in the first place for equity review.

I sent this to them March 19th, then again on April 2nd. No response.

Also, please let me know if you want me to put something together so that you can give Matt a heads up.

Thanks,
Shannon

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: Tuesday, April 02, 2019 9:16 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Wooden-Aguilar, Helena <Wooden-Aguilar.Helena@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: OGC/Ethics Equity Review - Campaign Legal Center/condo docs FOIA

Hi Beth and Helena,

I wanted to circle back about this equity review to see if you have any comments. I recently discovered that most of these documents have actually already been released through FOIA litigation for request no. EPA-HQ-2018-006474. Please let me know if I can go ahead and start the awareness notification process to close it out.

Thanks,
Shannon

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: 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/24/2019 10:00:42 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: FOIA Standard Functions

I'm ok with this approach.

Thanks, Carol Ann and Neil.
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: Wednesday, April 24, 2019 5:03 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Standard Functions

Tim – Here's Neil's earlier email, which you might not have received. I can live with this. If you are troubled, could you & Neil work it out?
****
I would keep that discussion high level in this document, so I propose: 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

From: Bigioni, Neil
Sent: Wednesday, April 24, 2019 1:37 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Standard Functions

Please see my earlier email. I have issues with this language.

Neil

From: Epp, Timothy
Sent: Wednesday, April 24, 2019 1:18 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

I like this. Thanks Carol Ann.

I'm sure that folks will be comforted by your assurance that what is in FOIAonline won't limit the record and, with that background, this sentence in the functional statement can serve to help reinforce and establish a procedure to be thoughtful about having an adequately supported administrative record.

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: Siciliano, CarolAnn
Sent: Wednesday, April 24, 2019 8:24 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Standard Functions

This is all very helpful. I offer one more version:

Deliberative Process / Ex. 5

tion
into

My rewrite is intended to walk this lilne.

I'll be at my desk until 9 am if folks want to chat.

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: Wednesday, April 24, 2019 8:07 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Standard Functions

Let's discuss offline.

From: Epp, Timothy
Sent: Wednesday, April 24, 2019 7:56 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Standard Functions

Hi Neil and Carol Ann,

Here is some feedback from my folks on what is expected to be loaded into FOIAonline:

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: Bigioni, Neil
Sent: Tuesday, April 23, 2019 5:24 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>
Subject: RE: FOIA Standard Functions

Let me try to address what I think language in A.11 (Carol Ann's #2) means, or is supposed to mean.

There are certain things that in addition to the responsive documents get up loaded into FOIAonline.

1.
2.
3.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Neil

From: Epp, Timothy
Sent: Tuesday, April 23, 2019 4:18 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

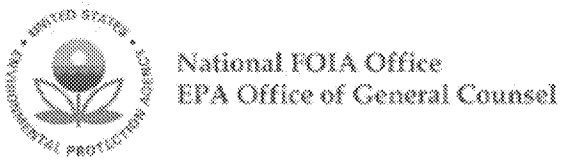
Thanks Carol Ann.

I see your point on my attempt at rewriting your re-write. 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



From: Siciliano, CarolAnn
Sent: Tuesday, April 23, 2019 4:10 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Thank you, Tim. That helps. I look forward to Neil's recollections. (I do prefer the word "that.")

Regarding the overall point: 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: Epp, Timothy
Sent: Tuesday, April 23, 2019 3:57 PM
To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Hi Carol Ann – I did not draft the sentence in question and readily see that it could be confusing. Neil, I am highly interested in what you think the group intended by the sentence.

I think your reading would be correct if it were written as follows: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

If we go another round on this, I'll likely want to pull in one of my FOIA processing experts.

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: Tuesday, April 23, 2019 3:23 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Thank you, Tim. For Comment #2, Function 11 under the RFP section (in its February 2019 form) reads as follows:

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: Monday, April 22, 2019 3:36 PM

To: Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Standard Functions

Adding Neil.

For our meeting next week, here are my comments. Neil, I'd welcome your thoughts/reactions.

Hopefully, the first item is the only one that needs discussion.

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: Monday, April 22, 2019 10:53 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>
Subject: FW: FOIA Standard Functions

Tim & Neil – Paul provided helpful responses to my suggestions below for finalizing the FOIA Standard Functions document. I think we need a conversation for you & Paul to talk these through. I'll participate too.

Deliberative Process / Ex. 5

Tim, could you schedule a call for all of us to resolve these issues?

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:

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c
r

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?:

Deliberative Process / Ex. 5

2. Deliberative Process / Ex. 5

3.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/23/2019 3:39:21 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]
Subject: FW: FOIA documents awaiting Matt for Monday review
Attachments: Pages from 20190409_Production_Leopold.pdf

Hi Joe and Katherine,

Here are the documents given to Matt on Monday.

My next step is to locate the full set of documents in the original Notification.

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: Fugh, Justina
Sent: Friday, April 19, 2019 2:29 PM
To: Cozad, David <Cozad.David@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FOIA documents awaiting Matt for Monday review

Hi there,
Shannon pulled all of the documents that were sent to or from Matt Leopold that were included in this particular Awareness Notification for EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance. I printed them all out and put a cover note on them asking Matt to review them upon his return. I gave the package to Fletcher Mutz this afternoon, and said that Matt was already aware of this because he had spoken to both of you about it.

I'll let you know when I hear something back or if you do, please share.
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: Eagles, Tom
Sent: Tuesday, April 09, 2019 3:17 PM
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/26/2019 3:53:27 PM
To: Leopold, Matt (OGC) [Leopold.Matt@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: FW: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)
Attachments: Withheld in Full Index 9-19-17.pdf; EPA-HQ-2017-005963 PRODUCTION 9-19-17_FINAL.pdf

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
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, 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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/19/2019 10:14:02 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Re: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Deliberative Process / Ex. 5

Thanks,

Tim

Sent from my iPhone

On Apr 16, 2019, at 6:10 PM, Rementer, Nicole <rementer.nicole@epa.gov> wrote:

Deliberative Process / Ex. 5

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

<image002.png>

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 5:15 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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

<image003.jpg>

From: White, Elizabeth
Sent: Tuesday, April 16, 2019 3:37 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Following up on this – can someone send the letter Tim referenced in his email?

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
Personal Phone / Ex. 6 cell

From: Newton, Jonathan
Sent: Monday, April 15, 2019 12:25 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Good Morning Tim:

Deliberative Process / Ex. 5

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Epp, Timothy
Sent: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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
<image003.jpg>

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry

<darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- <!--[if !supportLists]--><!--[endif]-->https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- <!--[if !supportLists]--><!--[endif]-->https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:13:50 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification (EPA-HQ-2017-004865)

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: Tran, Victoria
Sent: Tuesday, April 16, 2019 11:07 AM
To: Gottesman, Larry <Gottesman.Larry@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>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Yaeger, Ryan <Yaeger.Ryan@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Subject: Awareness Notification (EPA-HQ-2017-004865)

To whom it may concern,

OEX 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.

OEX							
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-2017-004865	Michael Ravnitzky		3/13/17	4/16/2019	Copy of all letter correspondence at the EPA HQ "to" or "from" the GAO during calendar years 2016 and 2017	Final	1321 pages

The manager who approved this release is: Jenny Noonan

The records are:

___ attached

_X_ may be found at the following link: https://usepa-my.sharepoint.com/:b:/g/personal/tran_victoria_epa_gov/EYF52kSqReNNiDGsWr1QXPQBubYfIZVM-vYzFKe8tyOxfg?e=qymsa0

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:13:48 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - 2019-003291
Attachments: Awareness Notification 2019-003291.docx; EPA-HQ-2019-003291 Case File.pdf; 2019-003291 Letter.pdf; FY2019 EPA Civil Enforcement Statistics - FOIA EPA-HQ-2019-003291.xlsx; FY2018 EPA Civil Enforcement Statistics - FOIA EPA-HQ-2019-003291.xlsx

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: Battle, Jernell
Sent: Tuesday, April 16, 2019 3:30 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>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>
Subject: Awareness Notification - 2019-003291

Patrick have no questions

Jernell Battle
FOIA Professional
Office of Compliance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
WJS Mailcode 2222A
Washington, DC 20460
(202) 564-5053
Email: battle.jernell@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 5/2/2019 4:12:25 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: RE: What process for adding a link to the OneEPA Workplace home page?

Thanks much, Joan. This is very helpful.

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: Moumbleaux, Joan
Sent: Thursday, May 02, 2019 11:13 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: What process for adding a link to the OneEPA Workplace home page?

Tim – if there is no time to discuss, here are the short answers to your questions.

1. Question: Status update on the project to build out the OGC-NFO page (https://usepa.sharepoint.com/sites/ogc_Community/OGC_Intranet/FOIA/Pages/default.aspx) to incorporate the content from the old FOIA intranet page (https://intranet.epa.gov/foia/index.html)?

   RESPONSE:

Deliberative Process / Ex. 5

2. Question: Incorporate into the OGC-NFO site information from the NFO private site (https://usepa.sharepoint.com/sites/OGC_National_FOIA_Office/) that we really should make available for the broader EPA community?

RESPONSE: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Thursday, May 2, 2019 8:59 AM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: RE: What process for adding a link to the OneEPA Workplace home page?

Hi Joan,

Can you give me a status update on the project to build out the OGC-NFO page

Personal Matters / Ex. 6

content from the old FOIA intranet page Personal Matters / Ex. 6 ? And, to incorporate into the OGC-

NFO site information from the NFO private site (https://usepa.sharepoint.com/sites/OGC_National_FOIA_Office/) that we really should make available for the broader EPA community?

Would you be able to provide a description of your plan and notional timeline?

(My goal here is to retire the old intranet site and begin driving internal EPA intranet set traffic to the OGC-NFO page.)

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: Moumbleaux, Joan
Sent: Tuesday, April 16, 2019 3:32 PM
To: Blackmond, Vicky <Blackmond.Vicky@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: What process for adding a link to the OneEPA Workplace home page?

Hi Vicky,
I can answer the second question.

The URL is: Personal Matters / Ex. 6

It is the National FOIA Office sub-site on the OGC Intranet site:

Personal Matters / Ex. 6

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: Blackmond, Vicky
Sent: Tuesday, April 16, 2019 2:50 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: RE: What process for adding a link to the OneEPA Workplace home page?

Hi Tim,

For your first question, scroll to the bottom of the Workplace page and click on "Contact Us" to inquire about adding a link to that page.

Can you provide the URL(s) for the page(s) you are referring to in your second question? I need to know what platform we're talking about and who owns the page(s).

Vicky Blackmond
OGC Website Administrator/
Web Council Member
Office of General Counsel
blackmond.vicky@epa.gov

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 1:18 PM
To: Blackmond, Vicky <Blackmond.Vicky@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: What process for adding a link to the OneEPA Workplace home page?

Hi Vicky,

1) What is the process to ask for a link to be added to the OneEPA Workplace home page? http://workplace.epa.gov/ I am getting lots of requests from EPA FOIA professionals for a readily available link to FOIAonline – the program that is used for tracking all aspects of the FOIA response process. Currently, we have it prominently on our old OneEPA Workplace FOIA page: https://intranet.epa.gov/foia/index.html That page, however, is no longer readily accessible from the home page.

2) What is the process for updating/upgrading the OGC community FOIA page? I'd like to migrate content from the old OneEPA Workplace FOIA page to the OGC FOIA page. I'd like to transform the OGC community FOIA page into the one-stop-shop for all EPA intranet FOIA information. (Please let me know if we can get Joan Moumbleaux sufficient authority to migrate the content over to our OGC community page.)

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/22/2019 6:57:45 PM
To: Hoverman, Taylor [hoverman.taylor@epa.gov]
Subject: RE: Weekly Selected Requests 04/10/2019 to 04/17/2019

I'm sorry Taylor – I had put a tickler on my calendar on Friday to make sure that I added you, and then I did not get to this task on Friday. I'll put a tickler on again.

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: Hoverman, Taylor
Sent: Monday, April 22, 2019 2:23 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Weekly Selected Requests 04/10/2019 to 04/17/2019

Tim,

Were you able to add me to this distribution list? 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: Personal Phone / Ex. 6

From: Cook, Steven
Sent: Monday, April 22, 2019 2:20 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>; Wright, Peter <wright.peter@epa.gov>
Subject: FW: Weekly Selected Requests 04/10/2019 to 04/17/2019

FYI

From: Epp, Timothy
Sent: Monday, April 22, 2019 9:35 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>
Subject: RE: Weekly Selected Requests 04/10/2019 to 04/17/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/10/2019 to 04/17/2019. Please note, during this period we received 156 requests and 48 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
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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:10:58 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: FOIA EPA-HQ-2018-008686: Awareness notification
Attachments: epa-hq-2018-008686 - EDF O&G Self-Audit FOIA.pdf; EPA-HQ-2018-008686 - Production 1.pdf

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: Farren, Victor
Sent: Tuesday, April 16, 2019 4:05 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>
Subject: FOIA EPA-HQ-2018-008686: Awareness notification

The Office of the Administrator 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.

- Action Office: OEX
- FOIAonline tracking number: EPA-HQ-2018-008686 (request attached)
- Name of the requester/organization: Benjamin Levitan, Environmental Defense Fund
- The date the FOIA request was perfected: 6/15/18

- Description of the request: records from February 17, 2017 through December 19, 2018 concerning the purpose, planning, drafting, and implementation of the New Owner Clean Air Act Audit Program for the oil and natural gas sector (the "New Owner Audit Program").
    - Custodians:
        - Ryan Jackson;
        - Susan Bodine;
        - Patrick Traylor;
        - Byron Brown;
        - Brittany Bolen ;
        - Patrick J. Davis (Region 8);
        - Sarah Greenwalt;
        - Daisy Letendre;
        - William Lovell;
        - George Sugiyama;
        - Samantha Dravis
        - Scott Pruitt;
- Interim response. Custodians for this interim release are Susan Bodine and Patrick Traylor.
- Number of pages to be released: 119
- Documents to be released are attached
- EPA Office equities: OEX, OPA, and OECA. All equity reviews are complete.
- Manager responsible for making the FOIA determination: Elizabeth White, Director, OEX.

Please contact me with any questions,

Sincerely,

Victor J. Farren
Attorney-Advisor
U. S. Environmental Protection Agency
Office of the Executive Secretariat
(202) 564-0808

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:10:18 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R9-2019-003548 All records concerning the Hunter's Point Naval Shipyard Restoration

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: Johnson, Ivry
Sent: Tuesday, April 16, 2019 5:42 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>; Jordan, Deborah <Jordan.Deborah@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Subject: Awareness Notification EPA-R9-2019-003548 All records concerning the Hunter's Point Naval Shipyard Restoration

To whom it may concern,

The Superfund Division 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 Office*]							
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-R9-2019-003548	Graham Lewis	SF Chronicle	*2/19/19*	*4/16/2019*	All records concerning the Hunter's Point Naval Shipyard Restoration	*Final Response*	*12 Records*

The following offices have equities in these records and have reviewed the relevant records:

N/A

The manager who approved this release is: Enrique Manzanilla

The records are

Personal Matters / Ex. 6 /R9

_X__ attached

Ivry Johnson
R9 FOIA Officer
415-947-4251

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:10:03 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001463- Final response - 2008 - 2009 Emails between OCFO Senior leadership, CGI and Keylogic employees.

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: Kennedy, Chandra
Sent: Tuesday, April 16, 2019 6:01 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@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>; Tran, Victoria <tran.victoria@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Soward, Ruth-Alene <Soward.Ruth-Alene@epa.gov>; Callewaert, Michael <Callewaert.Michael@epa.gov>; McMichael, Nate <McMichael.Nate@epa.gov>; Godfrey, Carlene <Godfrey.Carlene@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001463- Final response - 2008 - 2009 Emails between OCFO Senior leadership, CGI and Keylogic employees.

To whom it may concern,

The Office of the Chief Financial Officer 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 OCFO 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.

OCFO							
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-2019-001463	Nick C. Allen	Mixed Media Paralegals	11/15/2019	04/16/2019	2008-2009 Emails between OCFO Senior leadership, CGI and Keylogic employees.	Final	0

The following office has equities in these records and have reviewed the relevant records:

Office 1 OCFO

The manager who approved this release is: Ruth Alene Soward

The records are: N/A

___ attached

___ may be found at the following link

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:09:46 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-010585 Language Access Plan Inquiry

Importance: High

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: Peterson, Samuel
Sent: Tuesday, April 16, 2019 6:11 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>; Packard, Elise <Packard.Elise@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2017-010585 Language Access Plan Inquiry
Importance: High

Good afternoon,

Please note that FOIA request EPA-HQ-2017-010585 has been withdrawn by the requester. This follow-up is intended to clarify that this is not a denial by ECRCO.

ECRCO 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.

[*ECRCO*]							
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-2017-010585	*Solimar Mercado-Spencer*	*Georgia Legal Services Program*	*08/18/2017*	*04/16/2019*	*Materials were requested related to the negotiated GDA/ECRCO Informal Resolution Agreement*	*Final Response*	*0 records*

The following offices have equities in these records and have reviewed the relevant records:

Office 1 ECRCO
Office 2
Office 3

The manager who approved this release is: Lilian Dorka_____

The records are:

Non-applicable

___ attached

___ may be found at the following link: [*Insert link*]

Regards,

Samuel Peterson,
Equal Opportunity Investigator
U.S. Environmental Protection Agency
Office of General Counsel/External Civil Rights Compliance Office

1200 Pennsylvania Avenue, N.W.
Mail Code 2310A
Washington, DC 20460
(202) 564-5393
peterson.samuel@epa.gov

From: Peterson, Samuel
Sent: Tuesday, April 16, 2019 4:01 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>; Packard, Elise <Packard.Elise@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Peterson, Samuel <Peterson.Samuel@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-010585 Language Access Plan Inquiry

Good afternoon,

[*ECRCO*] 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.

[*ECRCO*]							
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-2017-010585	*Solimar Mercado-Spencer*	*Georgia Legal Services Program*	*08/18/2017*	*04/16/2019*	*Materials were requested related to the negotiated*	*Final Response*	*0 records*

					GDA/ECRCO Informal Resolution Agreement		

The following offices have equities in these records and have reviewed the relevant records:

Office 1 ECRCO
Office 2
Office 3

The manager who approved this release is: Lilian Dorka_____

The records are:

Non-applicable

___ attached

___ may be found at the following link: [*Insert link*]

Regards,

Samuel Peterson,
Equal Opportunity Investigator
U.S. Environmental Protection Agency
Office of General Counsel/External Civil Rights Compliance Office
1200 Pennsylvania Avenue, N.W.
Mail Code 2310A
Washington, DC 20460
(202) 564-5393
peterson.samuel@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:09:28 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-004350

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: Zipf, Lynn
Sent: Wednesday, April 17, 2019 10:28 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>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Lousberg, Macara <Lousberg.Macara@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-004350

To whom it may concern,

OW 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 Water							
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-2019-004530	*David Schultz*	*Bloomberg Environment*	*March 20, 2019*	*4/17/19*	*List of agency employees working on specified rules during 2019 shutdown*	*Final response*	*No records*

The manager who approved this release is Macara Lousberg.

No records found.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:09:16 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R1-2018-008941 - Nitrogen Loading and Great Bay (NH)

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: Knapp, Michael
Sent: Wednesday, April 17, 2019 10:40 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>; Szaro, Deb <Szaro.Deb@epa.gov>
Cc: Moraff, Kenneth <Moraff.Ken@epa.gov>; Weitzler, Ellen <Weitzler.Ellen@epa.gov>; Arsenault, Dan <Arsenault.Dan@epa.gov>; Bukhari, Samir <Bukhari.Samir@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Smart, Mark <smart.mark@epa.gov>; Schena, Cristeen <Schena.Cristeen@epa.gov>
Subject: Awareness Notification EPA-R1-2018-008941 - Nitrogen Loading and Great Bay (NH)

Awareness Notification Email

All,

EPA Region 1 Office of Ecosystem Protection (OEP) 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.

EPA Region 1 Office of Ecosystem Protection							
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-R1-2018-008941	Hall & Associates	Law Firm	6/25/2018	4/17/2019	The request seeks documents pertaining to the Great Bay (New Hampshire), total nitrogen loading therein and related permitting and CWA § 303(d) implications.	Final response pursuant to administrative appeal remand.	2

The following offices have equities in these records and have reviewed the relevant records:

- EPA Region 1 Office of Ecosystem Protection

The manager who approved this release is: Ken Moraff, Director, OEP

The records are located: Link.

Mike

Michael Knapp
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Boston, Massachusetts 02109
617-918-1053

Michael Knapp
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 1
5 Post Office Square

Boston, Massachusetts 02109
617-918-1053

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:09:12 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-4230 Interim Production #2 documents related to Linear No Threshold Hypothesis

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: Hamilton, Sabrina
Sent: Wednesday, April 17, 2019 11:07 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-4230 Interim Production #2 documents related to Linear No Threshold Hypothesis

To whom it may concern,

OAR is responding to the above-referenced FOIA request(s). 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.

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-2019-4230	Jason Fagone	San Francisco Chornicle	3/14/19	4/17/19	Documents related to Linear No Threshold Hypothesis	Interim	2442 pages

The following offices have equities in these records and have reviewed the relevant records: None

Add offices that have reviewed the documents: OAR

The manager who approved this release is: John Shoaff

The records are:

_X_ attached

___ may be found at the following link:

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:08:59 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-4230 Interim Production #2 documents related to Linear No Threshold Hypothesis

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: Hamilton, Sabrina
Sent: Wednesday, April 17, 2019 11:10 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-4230 Interim Production #2 documents related to Linear No Threshold Hypothesis

Sorry,

The file is too large to attached. Below is the link to the responsive documents:

Ex. 6

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: Hamilton, Sabrina
Sent: Wednesday, April 17, 2019 11:07 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-4230 Interim Production #2 documents related to Linear No Threshold Hypothesis

To whom it may concern,

OAR is responding to the above-referenced FOIA request(s). 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.

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-2019-4230	Jason Fagone	San Francisco Chornicle	3/14/19	4/17/19	Documents related to Linear No Threshold Hypothesis	Interim	2442 pages

The following offices have equities in these records and have reviewed the relevant records: None

Add offices that have reviewed the documents: OAR

The manager who approved this release is: John Shoaff

The records are:

_X_ attached

___ may be found at the following link:

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:08:38 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: FOIA Awareness Notification FOIA EPA-HQ-2017-007881

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: Vander Naald, Breanne
Sent: Wednesday, April 17, 2019 11:56 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>
Subject: FOIA Awareness Notification FOIA EPA-HQ-2017-007881

Good Morning,

As part of the National FOIA Office's (NFO) support of the Office of the Administrator's efforts to respond to FOIA requests of its offices, the NFO is responding to the above referenced FOIA request. We are providing this Awareness Notification 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-reference November 16, 2018 memorandum.

Action Office: OA/OEX

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-2017-007881	Mr. Brett Walton	N/A	08/08/2017	04/17/2019	Clarified description: (see below)	Final response	1 records

Clarified FOIA description:
Requester sought a copy of the first report of the EPA Regulatory Reform Task Force. This record was previously released under FOIA EPA-HQ-2017-010756.

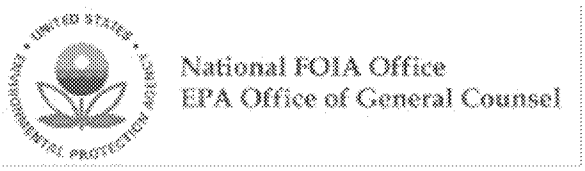
The following Office has equity in these records and has reviewed the relevant records:

OA/OP
OA/OEX

The manager who approved this release is: Beth White

The records may be found at the following link:
https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-HQ-2017-010756&type=request

Breanne Vander Naald
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 7409E
Phone 202-564-1154 | vandernaald.breanne@epa.gov



Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/17/2019 7:09:28 PM
To: Levine, Brandon [levine.brandon@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
BCC: DCRoomARN5315M-Seats 8 Individuals [DCRoomARN5315M-Seats_8_Individuals@epa.gov]

Subject: RE: FOIA Records Format Question
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 8:00:00 PM
End: 4/25/2019 8:30:00 PM
Show Time As: Tentative

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 3:06 PM
To: Levine, Brandon
Cc: Miller, Kevin; Gottesman, Larry; Schumacher, Wendy
Subject: RE: FOIA Records Format Question

Hi Brandon and Kevin,

Larry believes that he received somewhat inconsistent advice approximately a month ago regarding uploading documents to a requester's website portal. Thus, we would like to schedule a meeting on this next week.

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: 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,

Attorney Client / DPP/ Ex. 5

Attorney Client / DPP/ Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:48:54 PM
To: Levine, Brandon [levine.brandon@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: FOIA Records Format Question

Thanks Brandon.

I'll mention your advice on tomorrow's FOIA Officers/Coordinators call.

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,

Attorney Client / DPP/ Ex. 5

Attorney Client / DPP/ Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/18/2019 6:04:17 PM
To: Smith, Suzanne [Smith.Suzanne@epa.gov]
Subject: RE: FOIA Standard Functions document
Attachments: FOIA Functional Statement 03062019.docx

Suzanne, (copying as FYI for Carol Ann and Neil)

Attached is the latest version of the Functional Statement – Carol Ann is working through a couple of final adjustments, but for practical purposes, this is effectively final.

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: Smith, Suzanne
Sent: Thursday, April 18, 2019 2:00 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Standard Functions document

Hi Tim,

Can you send me the latest version/ final version of the FOIA functional statement? I'm trying to begin standing up our FOIA Branch here and it seems like this would be a good place to start. ☺

Suzanne J. Smith | Multimedia Counseling Branch Chief
Office of Regional Counsel | EPA Region 6 | 214.665.8027

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/18/2019 3:09:01 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Fugh, Justina [Fugh.Justina@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Detail on my VM to you

Thanks.

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

-----Original Message-----
From: Cozad, David
Sent: Thursday, April 18, 2019 10:55 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Re: Detail on my VM to you

Tim,

Justina/Ethics will prepare a package for Matt to review when he returns from China. They'll keep you in the loop

Thanks

Dave

Sent from my iPhone

> On Apr 18, 2019, at 7:50 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
> Hi David,
>
> I'm following up on the voicemail message that I left for you on Tuesday. Below is the write-up Justina provided for me on the Ethics FOIA production at issue.
>

Deliberative Process / Ex. 5

>
> Let me know how you would like to proceed.
>
> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director | National FOIA
> Office<https://www.epa.gov/foia/forms/contact-us-about-freedom-informa
> tion-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: Fugh, Justina
> Sent: Wednesday, April 10, 2019 6:41 PM
> To: Epp, Timothy <Epp.Timothy@epa.gov>
> Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
> Subject: for your briefing with Matt
>
> Hi Tim,

Deliberative Process / Ex. 5

> Thanks,
> Justina
>
> Justina Fugh | Director, Ethics Office | Office of General Counsel |
> US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton
> Federal Building | Washington, DC 20460 (for ground deliveries, use
> 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772
>
>
>
>
>
>
>
> From: Epp, Timothy
> Sent: Wednesday, April 10, 2019 9:00 AM
> To: Fugh, Justina <Fugh.Justina@epa.gov<mailto:Fugh.Justina@epa.gov>>;
> Griffo, Shannon
> <Griffo.Shannon@epa.gov<mailto:Griffo.Shannon@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.
> Importance: High
>
> Justina and Shannon,

Deliberative Process / Ex. 5

> Tim

>
> Timothy R. Epp
> Acting Director | National FOIA
> Office<https://www.epa.gov/foia/forms/contact-us-about-freedom-informa
> tion-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: Eagles, Tom
> Sent: Tuesday, April 09, 2019 3:17 PM
> To: White, Elizabeth
> <white.elizabeth@epa.gov<mailto:white.elizabeth@epa.gov>>; Hope, Brian
> <Hope.Brian@epa.gov<mailto:Hope.Brian@epa.gov>>; Tran, Victoria
> <tran.victoria@epa.gov<mailto:tran.victoria@epa.gov>>; Epp, Timothy
> <Epp.Timothy@epa.gov<mailto:Epp.Timothy@epa.gov>>; Grantham, Nancy
> <Grantham.Nancy@epa.gov<mailto:Grantham.Nancy@epa.gov>>; Lyons, Troy
> <lyons.troy@epa.gov<mailto:lyons.troy@epa.gov>>; Richardson, RobinH
> <Richardson.RobinH@epa.gov<mailto:Richardson.RobinH@epa.gov>>; Konkus,
> John <konkus.john@epa.gov<mailto:konkus.john@epa.gov>>; Walker, Denise
> <Walker.Denise@epa.gov<mailto:Walker.Denise@epa.gov>>; Gottesman,
> Larry <Gottesman.Larry@epa.gov<mailto:Gottesman.Larry@epa.gov>>
> Cc: Shaw, Betsy <Shaw.Betsy@epa.gov<mailto:Shaw.Betsy@epa.gov>>;
> Shoaff, John <Shoaff.John@epa.gov<mailto:Shoaff.John@epa.gov>>;
> Harlow, David <harlow.david@epa.gov<mailto:harlow.david@epa.gov>>;
> Lubetsky, Jonathan
> <Lubetsky.Jonathan@epa.gov<mailto:Lubetsky.Jonathan@epa.gov>>; Eagles,
> Tom <Eagles.Tom@epa.gov<mailto:Eagles.Tom@epa.gov>>; Srinivasan,
> Gautam <Srinivasan.Gautam@epa.gov<mailto:Srinivasan.Gautam@epa.gov>>;
> Griffo, Shannon
> <Griffo.Shannon@epa.gov<mailto: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
>
> <20190409_Production.pdf>
> <image001.jpg>
> <FW: Ethics FOIA Production Set for your review.eml>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/16/2019 10:13:55 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Re: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Deliberative Process / Ex. 5

Thanks,

Tim

Sent from my iPhone

On Apr 16, 2019, at 6:10 PM, Rementer, Nicole <rementer.nicole@epa.gov> wrote:

Deliberative Process / Ex. 5

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

<image002.png>

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 5:15 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

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

<image003.jpg>

From: White, Elizabeth
Sent: Tuesday, April 16, 2019 3:37 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Following up on this – can someone send the letter Tim referenced in his email?

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

From: Newton, Jonathan
Sent: Monday, April 15, 2019 12:25 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542

Good Morning Tim:

Deliberative Process / Ex. 5

Thanks,
Jonathan

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Epp, Timothy
Sent: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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
<image003.jpg>

From: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry

<darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator							
FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- <!--[if !supportLists]--><!--[endif]--
- Personal Matter / Ex. 6

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:42:19 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Equity Review training materials for FOIA Officers meeting
Attachments: Life Cycle of FOIA Main Toolkit 32519 (002).docx

Here is the whole document – we do not have authorization to distribute any more than the limited pages I put in the other pdf.

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: Wednesday, April 17, 2019 1:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Equity Review training materials for FOIA Officers meeting

Tim,

Do you have the Word version? None of the comments appear although the comment bar appears.

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

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 1:24 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Equity Review training materials for FOIA Officers meeting

Hi Wendy, please thank the contractor for being careful.

I do not see any comments in the document that I sent you. There are redline changes in the document and I do want those to be available to people so that they can see the changes we have made to this portion of the toolkit. (The whole toolkit has not yet been updated fully.)

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: Wednesday, April 17, 2019 1:06 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Equity Review training materials for FOIA Officers meeting

Tim,

The contractor asked to have a version of this document without the comments for posting. We usually add the handouts to the Intranet page with the monthly agendas.

Do you have a different version or should I attach to the meeting invitation?

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

From: Epp, Timothy
Sent: Tuesday, April 16, 2019 3:21 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Equity Review training materials for FOIA Officers meeting

Larry and Wendy,

Please distribute and bring copies of the attached to the FOIA Officers and Coordinators meeting for the training on Equity Review.

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:17:07 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-001296 Interim Release Correspondence that mentions an estimated forecast number of deaths associated with ACE rule

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: Monday, April 15, 2019 11:25 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: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001296 Interim Release Correspondence that mentions an estimated forecast number of deaths associated with ACE rule

To whom it may concern,

OAR is responding to the above-referenced FOIA request(s). 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.

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-2019-001296	Oliver Milman	The Guardian	11/8/18	4/15/19	Correspondence that mentions an estimated forecast number of deaths associated with ACE rule.	Interim	19 pages

The following offices have equities in these records and have reviewed the relevant records:

OAQPS, OAR IO

The manager who approved this release is: Jenny Noonan

The records are:

___ attached

_X_ may be found at the following link: https://usepa-my.sharepoint.com/:f:/r/personal/purifoy_tiffany_epa_gov/Documents/Awareness%20Review%20FOIA%20Cases/EPA-HQ-2019-001296%20PM%20Mortality?csf=1&e=Jbn23G

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:17:06 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notifications Email re EPA-R4-2018-009959 and EPA-R4-2018-009960
Attachments: Awareness Notifications R4-2018-009959 and R4-2018-009960.docx

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: Cody, Karen
Sent: Monday, April 15, 2019 11:39 AM
To: Walker, Mary <walker.mary@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tellis, Vickie <Tellis.Vickie@epa.gov>; 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: Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Woodard-Burrell, Gwendolyn <Woodard-Burrell.Gwendolyn@epa.gov>; Cody, Karen <Cody.Karen@epa.gov>
Subject: Awareness Notifications Email re EPA-R4-2018-009959 and EPA-R4-2018-009960

To whom it may concern:

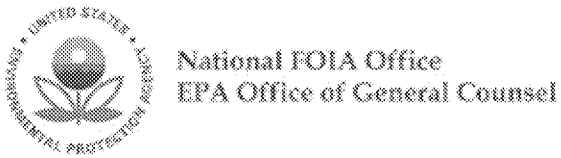
Region 4 Freedom of Information Office is responding to the above-referenced FOIA requests. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases."

Karen Cody
Government Information Specialist
EPA Region 4
404-562-9167
Cody.karen@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:17:05 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R9-2019-002557 FOIA Office Policies
Attachments: 002557 Jackson Memo.pdf

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: Johnson, Ivry
Sent: Monday, April 15, 2019 1:12 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>; Jordan, Deborah <Jordan.Deborah@epa.gov>
Subject: Awareness Notification EPA-R9-2019-002557 FOIA Office Policies

To whom it may concern,

Regional Administrator Office 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 Office*]							
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-R9-2019-002257	*Jason Fagone*	SF Chronicle	*2/1/19*	*4/15/2019*	*Copy of any records of the EPA Region 9 office that involve revisions in the office's policies regarding the Freedom of Information Act, the processing of FOIA requests and responses to FOIA requests dating from September 1, 2018*	*Final Response*	*1 Record*

The following offices have equities in these records and have reviewed the relevant records:

N/A

The manager who approved this release is: Deborah Jordan

The records are:

_X__ attached

Ivry Johnson
R9 FOIA Officer
415-947-4251

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:17:03 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Correction Awareness Notifications Email re EPA-R4-2018-009959 and EPA-R4-2018-009960
Attachments: Awareness Notifications R4-2018-009959 and R4-2018-009960.docx

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: Cody, Karen
Sent: Monday, April 15, 2019 2:00 PM
To: Walker, Mary <walker.mary@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>; Tellis, Vickie <Tellis.Vickie@epa.gov>; 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: Woodard-Burrell, Gwendolyn <Woodard-Burrell.Gwendolyn@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>; Cody, Karen <Cody.Karen@epa.gov>
Subject: Correction Awareness Notifications Email re EPA-R4-2018-009959 and EPA-R4-2018-009960

To whom it may concern:

Region 4 Freedom of Information Office is responding to the above-referenced FOIA 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."

Correction: On the Awareness Memorandum, please see the correction made on the chart regarding the total number of documents and pages. Five partial responses were provided to the requester. These requests were on a production schedule.

Karen Cody
Government Information Specialist
EPA Region 4
404-562-9167
Cody.karen@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:17:01 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - Environmental Defense Fund; EPA-HQ-2019-001517
Attachments: EDF FOIA Request_2019-001517_Lynn Dekleva.pdf

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: Latham, John
Sent: Tuesday, April 16, 2019 7:21 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@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>; Beck, Nancy <Beck.Nancy@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>
Subject: Awareness Notification - Environmental Defense Fund; EPA-HQ-2019-001517

Good Morning All,

OCSPP 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 the 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 the transmission of this email, the Action Office will issue the Agency's FOIA response to the requester(s). The response 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 Office: OCSPP

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

[*OCSPP*]							
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-2019-001517	Stephanie Schwartz	Environmental Defense Fund	11/19/2018	04/16/2019	Noted below.	Interim Response	9 Documents

Brief description of request as clarified:
The produced documents should be responsive to bullet 3, 4 and 5 of the attached FOIA request, which includes, all calendar, calendar entries, correspondence with any employee or representative of the American Chemistry Council, Dow Chemical, Dupont, Bergeson & Campbell, P.C or any affiliates of those entities as well as communications between (a) Lynn Dekleva and (b) following employees: Nancy Beck, Charlotte Bertrand, Erik Baptist, Jeffrey Morris, or Greg Schweer that involved:

a. Any submission to the Agency by Dow Chemical, Dupont, DowDupont, or any affiliates of those entities; or
b. Any consent order under TSCA section 5.

The following offices have equities in these records and have reviewed the relevant records:

OCSPP

The manager who approved this release is: Bruce Berkley

The records are:

___ attached
_X_ may be found at the following link: https://usepa-my.sharepoint.com/:f:/r/personal/latham_john_epa_gov/Documents/Lynn%20Deklava%20FOIA%202019-001517?csf=1&e=fdMwUp

Please let me know if there any questions.

Thank you,
John Latham Jr.
Environmental Protection Agency
OCSPP/OPPT/EAD/OB (7408M)
1200 Pennsylvania Ave NW
Washington, DC 20460
Ph: 202-564-6754

Fax: 202-564-8197

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:13:41 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2019-003886 [ProPublica Monthly FOIA Request, re: ECRCO activities Feb 2019]
Attachments: 01D-19-R5 Acceptance (Complainant)_Redacted.pdf; 01D-19-R5 Acceptance (Recipient)_Redacted.pdf; 01D-19-R5 Complaint 2018.10.16_Redacted.pdf; 01D-19-R5 Complaint 2018.11.01_Redacted.pdf; 01R-00-R6 Complaint (NR).pdf; 01R-00-R6 Monitoring Closure Ltr (Complainants)_Redacted.pdf; 01R-00-R6 Monitoring Closure Ltr (Recipient)_Redacted.pdf; 01R-00-R6 Resolution (Complainants)_Redacted.pdf; 01R-00-R6 Resolution (Recipient)_Redacted.pdf; 34RNO-16-R10 Acceptance (Complainants)_Redacted.pdf; 34RNO-16-R10 Acceptance (Recipient)_Redacted.pdf; 34RNO-16-R10 Complaint Attachment_Redacted.pdf; 34RNO-16-R10 Complaint_Redacted.pdf; 35RNO-16-R10 Complaint Attachment 1_Redacted.pdf; 35RNO-16-R10 Complaint Attachment 2_Redacted.pdf; 35RNO-16-R10 Complaint_Redacted.pdf; 35RNO-16-R10 Rejection (Complainant)_Redacted.pdf; 35RNO-16-R10 Rejection (Recipient)_Redacted.pdf; 2019-003886 Redacted Portfolio.pdf

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: Stein, Jonathan
Sent: Tuesday, April 16, 2019 3:39 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>; Stein, Jonathan <Stein.Jonathan@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Subject: Awareness Notification - EPA-HQ-2019-003886 [ProPublica Monthly FOIA Request, re: ECRCO activities Feb 2019]

Good Afternoon,

ECRCO 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.

ECRCO							
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-2019-003886	*Talia Buford*	*ProPublica*	*03/01/2019*	*04/15/2019*	*Complaints received by ECRCO in Feb. 2019; Resolutions (all jurisdictional determinations and other complaint-related letters) issued by ECRCO in Feb. 2019*	*Final Response*	*18 records within PDF portfolio*

The following offices have equities in these records and have reviewed the relevant records:

ECRCO

The manager who approved this release is: Lilian Dorka

The records are:

__X_ attached – all of the documents are contained in a PDF portfolio – if you are unable to open, each document is individually attached as well.

__ may be found at the following link: [*Insert link*]

Best Regards,

Jonathan M. Stein
Attorney Advisor
Office of General Counsel – External Civil Rights Compliance Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

202/564-2088 | Stein.Jonathan@epa.gov

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

Please consider the environment before printing this email.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:11:27 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification Email

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: Peterson, Samuel
Sent: Tuesday, April 16, 2019 3:41 PM
To: White, Elizabeth <white.elizabeth@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>; *** User left <mcisaac.samantha@epa.gov>
Subject: Awareness Notification Email

Regards,

Samuel Peterson,
Equal Opportunity Investigator
U.S. Environmental Protection Agency
Office of General Counsel/External Civil Rights Compliance Office
1200 Pennsylvania Avenue, N.W.
Mail Code 2310A
Washington, DC 20460
(202) 564-5393
peterson.samuel@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:11:08 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - 2019-004337
Attachments: Awareness Notification 2019-004337.docx; Request 2019-004337.pdf; 2019-004337 Letter.pdf; FOIA Request FY 14 - FY 18 Inits.xlsx

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: Battle, Jernell
Sent: Tuesday, April 16, 2019 3:47 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>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Battle, Jernell <Battle.Jernell@epa.gov>
Subject: Awareness Notification - 2019-004337

Patrick Traylor have no questions

Jernell Battle
FOIA Professional
Office of Compliance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
WJS Mailcode 2222A
Washington, DC 20460
(202) 564-5053
Email: battle.jernell@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:10:59 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2017-010585 Language Access Plan Inquiry

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: Peterson, Samuel
Sent: Tuesday, April 16, 2019 4:01 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>; Packard, Elise <Packard.Elise@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Peterson, Samuel <Peterson.Samuel@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: Awareness Notification EPA-HQ-2017-010585 Language Access Plan Inquiry

Good afternoon,

[*ECRCO*] 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.

[*ECRCO*]							
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-2017-010585	*Solimar Mercado-Spencer*	*Georgia Legal Services Program*	*08/18/2017*	*04/16/2019*	*Materials were requested related to the negotiated GDA/ECRCO Informal Resolution Agreement*	*Final Response*	*0 records*

The following offices have equities in these records and have reviewed the relevant records:

Office 1 ECRCO
Office 2
Office 3

The manager who approved this release is: Lilian Dorka_____

The records are:

Non-applicable

___ attached

___ may be found at the following link: [*Insert link*]

Regards,

Samuel Peterson,
Equal Opportunity Investigator
U.S. Environmental Protection Agency
Office of General Counsel/External Civil Rights Compliance Office
1200 Pennsylvania Avenue, N.W.
Mail Code 2310A
Washington, DC 20460
(202) 564-5393
peterson.samuel@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/18/2019 12:50:31 PM
To: Cozad, David [Cozad.David@epa.gov]
Subject: Detail on my VM to you
Attachments: 20190409_Production.pdf; FW: Ethics FOIA Production Set for your review

Hi David,

I'm following up on the voicemail message that I left for you on Tuesday. Below is the write-up Justina provided for me on the Ethics FOIA production at issue.

Deliberative Process / Ex. 5

Let me know how you would like to proceed.

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: Fugh, Justina
Sent: Wednesday, April 10, 2019 6:41 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: for your briefing with Matt

Hi Tim,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Shannon and I will be in the office tomorrow, but both teleworking on Friday. But if you need to reach us, I can give you our contact information!
Thanks,
Justina

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

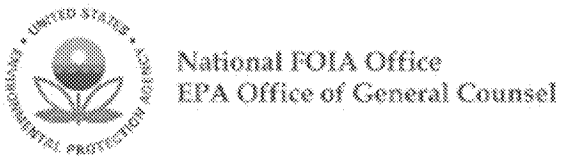
From: Epp, Timothy
Sent: Wednesday, April 10, 2019 9:00 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.
Importance: High

Justina and Shannon,

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



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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/16/2019 3:10:41 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
BCC: DCRoomARN5315M-Seats 8 Individuals [DCRoomARN5315M-Seats_8_Individuals@epa.gov]

Subject: FOIA workgroup updating Policy & Procedures
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 5:30:00 PM
End: 4/25/2019 6:00:00 PM
Show Time As: Tentative

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 8:41:40 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Did you get this one? FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009910 (Nancy Beck schedules)

Great – I think I was able to correct the problem.

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: Wednesday, April 17, 2019 4:20 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Did you get this one? FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009910 (Nancy Beck schedules)

I did get this one

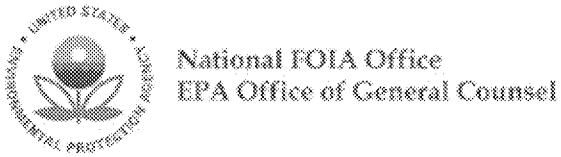
Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 3:53 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Did you get this one? FW: AWARENESS Notification - EPA-HQ-2017-009910 and EPA-HQ-2017-009910 (Nancy Beck schedules)

Checking to see if I have corrected the problem with the forwarding.
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: 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-2017-009910 (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	***Final Response***	***1433 pages***

					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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/17/2019 5:16:57 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-3064 Production #1 documents related to Glider No Action Assurance and Third Party Communications
Attachments: Production Set 2 -- ED_002386B -- 2019-003064.pdf

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: Hamilton, Sabrina
Sent: Tuesday, April 16, 2019 11:01 AM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Shaw, Betsy <Shaw.Betsy@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-3064 Production #1 documents related to Glider No Action Assurance and Third Party Communications

To whom it may concern,

OAR is responding to the above-referenced FOIA request(s). 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.

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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-2019-3064	Austin Evers	American Oversight	1/30/19	4/16/19	Documents related to Glider No Action Assurance and Third Party Communications	Interim	729 records

The following offices have equities in these records and have reviewed the relevant records: None

Add offices that have reviewed the documents: OAR

The manager who approved this release is: John Shoaff

The records are:

_X_ attached

___ may be found at the following link:

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/16/2019 1:01:20 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: OMB-OGC Meeting on FOIA Regulations
Attachments: DRAFT OMB Non-Sig Presentation FOIA Reg Update.pptx

This looks good – I made a few changes in the attached. I've also suggested 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: Creech, Christopher
Sent: Monday, April 15, 2019 1:16 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

For your consideration. I will move onto the examples of other agencies using procedural and good cause exceptions.

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, April 15, 2019 11:38 AM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Roger that. I will have something for you early this afternoon.

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, April 15, 2019 9:59 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: OMB-OGC Meeting on FOIA Regulations

Chris – looks like we can explain what we are doing in more than one slide – up to 5.

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: Manibusan, Mary
Sent: Friday, April 12, 2019 5:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for our brief discussion this morning. As a follow-up, when you have a draft ppt slide deck (<5 pages) ready, please send me the draft so we can schedule the OMB briefing.

Please let me know if you have any questions.

Best regards,

Mary

From: Epp, Timothy
Sent: Friday, April 12, 2019 8:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>
Subject: RE: OMB-OGC Meeting on FOIA Regulations

Thanks!

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: Manibusan, Mary
Sent: Friday, April 12, 2019 8:08 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hi Tim, I can call when I arrive in the office. Thanks! Mary

Sent from my iPhone

On Apr 12, 2019, at 7:43 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary, thanks for touching back quickly. If possible, could we talk before 9:30? I have meetings at 9:30 and 10:00; the latter is my one-on-one with the Deputy GC who is tracking the FOIA regs. Otherwise, I have much availability today. Let me know what works for you.
> 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
> <image001.jpg>
>
> **From:** Manibusan, Mary
> **Sent:** Thursday, April 11, 2019 5:51 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Cc:** Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>;

Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: OMB-OGC Meeting on FOIA Regulations

Hello Tim,

Thank you for this message and your call. I would like to speak with you tomorrow when you are available.

Thanks!

Mary

Sent from my iPhone

On Apr 11, 2019, at 3:48 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Mary,
>
> This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.
>
> **Deliberative Process / Ex. 5**
>
> **Deliberative Process / Ex. 5** This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.
>
> Thanks much for any assistance you can give. Caryn has been a great help so far.
>
> 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
> <image001.jpg>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/16/2019 5:51:21 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX
Attachments: FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Importance: High

Wendy, Larry,

Is there something going on with this that I don't know about? Or, did this just slip through the cracks?

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: Zipf, Lynn
Sent: Tuesday, April 16, 2019 1:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Tim – Please let me know if something in the awareness notification process has changed. This FOIA should have been approved for release on Friday, April 12, 2019 at 4 pm. I even sent an email to Wendy as an FYI on Tuesday, April 9 since I thought Larry was out last week. See attached email.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 15, 2019 2:03 PM

To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Request to Close-out FW: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

Please approve this FOIA now.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Tuesday, April 09, 2019 11:11 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>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Flaharty, Stephanie <Flaharty.Stephanie@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-001750 PFAS/GenX

To whom it may concern,

OW 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 Water							
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
	Nidhi Subbaraman	*BuzzFeed News*	*11/30/18*	*4/09/19*	*PFAS/Gen X*	*Final response*	*No Records*

EPA-HQ-2019-001750							

The manager who approved this release is Eric Burneson.

No response to request for clarification; closing out FOIA administratively.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/15/2019 1:51:15 PM
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]
Subject: Weekly Selected Requests 04/03/2019 to 04/10/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/03/2019 to 04/10/2019. Please note, during this period we received 173 requests and 72 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
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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/12/2019 9:07:33 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Attachments: HQ-2017-005542 (190412) Not Reasonably Specific.pdf

Importance: High

Per our discussion.

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: Friday, April 12, 2019 5:01 PM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: This Needs Correction -- RE: Awareness Notification FOIA Request EPA-HQ-2017-005542
Importance: High

Hi Beth, Brian, and Jonathan, (Adding Wendy, Charlotte, and Kevin)

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: Newton, Jonathan
Sent: Thursday, April 11, 2019 3:43 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; EPP <EPP@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>; Darwin, Henry <darwin.henry@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: Awareness Notification FOIA Request EPA-HQ-2017-005542

Subject: FOIA Request EPA-HQ-2017-005542 - All emails to and from "Richard Windsor"

To whom it may concern:

The Office of the Administrator is responding to the above-referenced FOIA request. Although the request is being denied as not reasonably specific the requestor is being referred to EPA resources where potentially responsive records have been previously released.

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 the Administrator

FOIA Tracking Number	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-2017-005542	***Jarrod Sharp***	***N/A***	***Unperfected***	***04/12/2019***	***All emails to or from Richard Windsor***	***Denial: Not reasonably specific***	***Thousands of previously released emails. Referenced as a courtesy***

The following offices have equities in these records and have reviewed the relevant records:

Office 1
Office 2
Office 3

The manager who approved this release is: Eric Wachter (OEX Director, 2009-2016)

The records:

__X__ may be found at the following links:

- https://foiaonline.gov/foiaonline/action/public/search/quickSearch?query=EPA-HQ-2013-001343
- https://www.epa.gov/foia/national-online-foia-library#request

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/12/2019 6:31:05 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: NFO in Phase I FOIA Regs -- Proposed Change

Thanks. I'm somewhat leaning towards Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

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: Creech, Christopher
Sent: Friday, April 12, 2019 2:12 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: NFO in Phase I FOIA Regs -- Proposed Change

Hi Tim,

I have. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know what you think.

-Chris

From: Epp, Timothy
Sent: Friday, April 12, 2019 12:30:39 PM
To: Creech, Christopher
Subject: RE: NFO in Phase I FOIA Regs -- Proposed Change

Thanks Chris – I'm betting you have thought about this question: 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: Creech, Christopher
Sent: Friday, April 12, 2019 10:42 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: NFO in Phase I FOIA Regs -- Proposed Change

Hello Tim,

Below is the draft language to provide the Chief FOIA Officer with the authority to designate the National FOIA Office. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/11/2019 8:13:31 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Thanks Gautam.

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: Srinivasan, Gautam
Sent: Thursday, April 11, 2019 3:54 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

FYI, Mark Stilp did the equity review here (not ARLO).

++++++++++++++++++++++++++++++
(202) 564-5647 (o)
Personal Phone / Ex. 6 (c)

From: Eagles, Tom
Sent: Thursday, April 11, 2019 2:01 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not

limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

To whom it may concern,

OAR 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.

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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-2018-002296	Ann Brown	Center for Biological Diversity	12/4/2017	4/11/2019	All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.	Interim	211 Records

The following offices have equities in these records and have reviewed the relevant records:

OAR IO

OGC

The manager who approved this release is: John Shoaff

The records are:

___ attached

_X_ may be found at the following link: https://v18h1n-rweb3.aa.ad.epa.gov/Relativity/searchlink.aspx?SelectedSearchArtifactId=1186645&AppID=1030122

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/11/2019 8:12:41 PM
To: Eagles, Tom [Eagles.Tom@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

Hi Tom,

Could you make these files available in a form that folks who do not have a relatively account can access? Perhaps a link to a sharedrive site or pdf attachment.

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: Eagles, Tom
Sent: Thursday, April 11, 2019 2:01 PM
To: Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; 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>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Harlow, David <harlow.david@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-002296 Production Set 2: All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.

To whom it may concern,

OAR 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.

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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-2018-002296	Ann Brown	Center for Biological Diversity	12/4/2017	4/11/2019	All records of schedules, including but not limited to travel and meeting schedules of EPA employee Mandy Gunasekara ("Ms. Gunasekara"); and All records of communications.	Interim	211 Records

The following offices have equities in these records and have reviewed the relevant records:

OAR IO

OGC

The manager who approved this release is: John Shoaff

The records are:

___ attached

_X_ may be found at the following link: https://v18h1n-rweb3.aa.ad.epa.gov/Relativity/searchlink.aspx?SelectedSearchArtifactId=1186645&AppID=1030122

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/11/2019 7:48:40 PM
To: Manibusan, Mary [manibusan.mary@epa.gov]
CC: Wiggins, Lanelle [Wiggins.Lanelle@epa.gov]; Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: OMB-OGC Meeting on FOIA Regulations

Hi Mary,

This is following up on the voicemail message that I left for you. I'm reaching out in the hopes that we can accelerate and prioritize the scheduling of a staff-level meeting that OMB requested on EPA's request for a Non-significant Determination on the Agency's FOIA Regulation Update rule.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 This regulation update will bring EPA into full compliance with FOIA amendments, which required an updated rulemaking more than 2 years ago. We have the draft final rule fully briefed up through Matt Leopold, the General Counsel and Chief FOIA Officer, and we are only waiting on the Non-significant determination before moving forward.

Thanks much for any assistance you can give. Caryn has been a great help so far.

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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/26/2019 6:14:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: RE: Weekly Selected Requests 04/17/2019 to 04/24/2019

Start: 5/3/2019 12:30:00 PM
End: 5/3/2019 1:00:00 PM
Show Time As: Busy

From: White, Elizabeth
Sent: Friday, April 26, 2019 1:49 PM
To: Epp, Timothy
Cc: Dziadosz, Anna
Subject: RE: Weekly Selected Requests 04/17/2019 to 04/24/2019

Tim – can you include Anna on future emails? Thank you!

Beth White

Director, Office of the Executive Secretariat

U.S. Environmental Protection Agency

(202) 564-1781 direct

(202) 816-1701 cell

From: Epp, Timothy
Sent: Friday, April 26, 2019 1:47 PM
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 04/17/2019 to 04/24/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 04/17/2019 to 04/24/2019. Please note, during this period we received 127 requests and 54 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
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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/25/2019 6:43:41 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)

Start: 4/26/2019 12:00:00 PM
End: 4/26/2019 12:30:00 PM
Show Time As: Busy

From: Fugh, Justina
Sent: Thursday, April 25, 2019 2:20 PM
To: Epp, Timothy
Cc: Griffo, Shannon
Subject: RE: Awareness Notification - OGC/Ethics, Scott Pruitt/Oklahoma lawsuits (EPA-HQ-2017-005096; previously released records)

Shannon is on annual 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

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,

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

Appointment

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 4/23/2019 9:11:04 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; 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

UPDATED WITH CALL IN INFORMATION FOR REMOTE PARTICIPANTS

Personal Phone / Ex. 6

234567

RESCHEDULED TO NEXT WEEK

Hello all,

ACP/ AWP/ Deliberative Process / Ex. 5

PLEASE CALL ME FROM THE CONFERENCE ROOM 312-886-6631

DECISION SUMMARY:

ACP/ AWP/ Deliberative Process / Ex. 5

ACP/ AWP/ Deliberative Process / Ex. 5

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: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/17/2019 7:09:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Levine, Brandon [levine.brandon@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
BCC: DCRoomARN5315M-Seats 8 Individuals [DCRoomARN5315M-Seats_8_Individuals@epa.gov]

Subject: RE: FOIA Records Format Question
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 8:00:00 PM
End: 4/25/2019 8:30:00 PM
Show Time As: Busy

From: Epp, Timothy
Sent: Wednesday, April 17, 2019 3:06 PM
To: Levine, Brandon
Cc: Miller, Kevin; Gottesman, Larry; Schumacher, Wendy
Subject: RE: FOIA Records Format Question

Hi Brandon and Kevin,

Larry believes that he received somewhat inconsistent advice approximately a month ago regarding uploading documents to a requester's website portal. Thus, we would like to schedule a meeting on this next week.

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: 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,

Attorney Client / DPP/ Ex. 5

Attorney Client / DPP/ Ex. 5

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

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 4/16/2019 3:10:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
BCC: DCRoomARN5315M-Seats 8 Individuals [DCRoomARN5315M-Seats_8_Individuals@epa.gov]

Subject: FOIA workgroup updating Policy & Procedures
Location: DCRoomARN5315M-Seats 8 Individuals

Start: 4/25/2019 5:30:00 PM
End: 4/25/2019 6:00:00 PM
Show Time As: Busy

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/11/2019 4:49:19 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Bhatt, Krishna [bhatt.krishna@epa.gov]

Subject: Enhancing Intake SOP Workshop
Attachments: National FOIA Office Operations Manual 4 10 19.docx
Location: 5317

Start: 4/16/2019 6:00:00 PM
End: 4/16/2019 7:30:00 PM
Show Time As: Tentative

Changing location to 5317

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 3/28/2019 2:25:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]

Subject: Fwd: National FOIA Portal Line of Business Meeting

Start: 4/3/2019 2:00:00 PM
End: 4/3/2019 3:00:00 PM
Show Time As: Busy

From: Gottesman, Larry
Sent: Wednesday, March 27, 2019 1:43 PM
To: Epp, Timothy
Subject: Fwd: National FOIA Portal Line of Business Meeting
Attachments: National FOIA Portal Line of Business Meeting.ics; ATT00001.htm

I have attended in the past. Let me know if you want me to attend this year. Thanks.

Larry F. Gottesman

Sent from my iPhone

Begin forwarded message:

From: "National.FOIAPortal (OIP)" <National.FOIAPortal@usdoj.gov>
Date: March 27, 2019 at 12:06:45 PM EDT
To: "National.FOIAPortal (OIP)" <National.FOIAPortal@usdoj.gov>
Subject: National FOIA Portal Line of Business Meeting

Dear Agency Colleagues,

Please join us **Wednesday, April 3rd** at the White House Conference Center – Lincoln Room, from **10am-11am**. This will be our first meeting of FY2019 for the National FOIA Portal. We plan to discuss interoperability, FY2020 and FY2021 funding, and future enhancements for the National FOIA Portal.

Thank you,

Office of Information Policy

U.S. Department of Justice

Appointment

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 3/27/2019 2:06:23 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Person, Linda [Person.Linda@epa.gov]

Subject: Canceled: Draft letter templates - Will Be Rescheduled
Attachments: Improper FOIA Request - Administrative Closure Letter - EPA-HQ-2017-003225 jbd170127.docx; Grant-Letter-with-Records.doc; Extension-Letter-Template.docx; Full-Grant-Partial-Grant-Ex4.docx; Full-Grant-Partial-Grant-Ex5.docx; Full-Grant-Partial-Grant-Ex6.docx; Full-Grant-Partial-Grant-Ex3.docx; Full-Grant-Partial-Grant-Ex7.docx
Location: WJCN 2530 (same room as NFO weekly)

Start: 4/16/2019 3:00:00 PM
End: 4/16/2019 4:00:00 PM
Show Time As: Free

Importance: High

Let's discuss the draft FOIA letter templates (edits to the attached and should we add others). We'll review content and determine a path forward for approval and posting to: http://intranet.epa.gov/foia/FOIA-letters.html.

Here is a link to the DOI Sample Letters for your reference:
Ex 6

Please use this time to work on the SOP if you are attending the meeting in the afternoon.

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/26/2019 4:12:21 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Nguyen, Quoc [Nguyen.Quoc@epa.gov]; DCRoomARN7500/DC-Ariel-Rios-OGC [DCROOMARN7500@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]

Subject: Finalize Supervisor Training Materials - Next Steps
Attachments: FOIA for Managers and Supervisors 03152019.pptx
Location: 7500

Start: 3/27/2019 5:00:00 PM
End: 3/27/2019 6:00:00 PM
Show Time As: Tentative

Appointment

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 5/16/2019 3:55:33 PM
To: Walker, Denise [Walker.Denise@epa.gov]; 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: Busy

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 7:05:34 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: FOIA Guidance Documents Brainstorming Session
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

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

Join Skype Meeting

Trouble Joining? Try Skype Web App

Help

Appointment

From: Crawford, Tim [Crawford.Tim@epa.gov]
Sent: 3/7/2019 7:10:32 PM
To: Crawford, Tim [Crawford.Tim@epa.gov]; Julka, Christopher A CIV DON, CIO [christopher.a.julka@navy.mil]; STEPHANIE S. TELL (STEPHANIE.S.TELL@cbp.dhs.gov) [STEPHANIE.S.TELL@cbp.dhs.gov]; SHARPE, CHRISTIE M [christie.m.SHARPE@cbp.dhs.gov]; Krebs, Kevin (USAEO [Kevin.Krebs@usdoj.gov]; Kelly, Karin [Karin.Kelly@mspb.gov]; Joseph Scanlon [joseph.scanlon@nara.gov]; Gonzalez, Barbara, OIG DoD [barbara.gonzalez@dodig.mil]; Gardner, Matt (OIP) [Matt.Gardner@usdoj.gov]; Gamez Betty [Gamez.Betty@pbgc.gov]; Oleinick, Lewis W CIV DLA GENERAL COUNSEL (US) [lewis.oleinick@dla.mil]; Dixon, Kathy Michelle CIV DLA GENERAL COUNSEL (US) [kathy.Dixon@dla.mil]; Stephanie.Kost@fcc.gov; Travis Lewis - H1F [travis.lewis@gsa.gov]; Patrick Howard (PATRICK.A.HOWARD@CBP.DHS.GOV) [PATRICK.A.HOWARD@CBP.DHS.GOV]; Fon.Muttamara@mspb.gov; vanessa.lamb@fcc.gov; Kline, Lauren [Lauren.Kline@ssa.gov]; Sarai, Navdeep [Navdeep.Sarai@ssa.gov]; Perry.Camilla@pbgc.gov; Gottesman, Larry [Gottesman.Larry@epa.gov]; Frye, Linda [Linda.Frye@ssa.gov]; Walters, Penny L CIV DLA INFO OPERATIONS (US) [penny.walters@dla.mil]; Jesse, Dennis W CIV DLA INFO OPERATIONS (US) [Dennis.Jesse@dla.mil]; Keeling, Synta (Synta.Keeling@nlrb.gov) [Synta.Keeling@nlrb.gov]; Jeweler, Mark (Mark.Jeweler@nlrb.gov) [Mark.Jeweler@nlrb.gov]; Weth, Patricia [Patricia.Weth@nlrb.gov]; kimberly.veach@gsa.gov; Fashola, Oreoluwa O. [Oreoluwa.Fashola@sba.gov]; Jones, Melinda D. [melinda.jones@sba.gov]; Everling, Jennifer [Jennifer.Everling@mspb.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Danoff, Karen [Karen.Danoff@nrc.gov]; Blaney, Stephanie [Stephanie.Blaney@nrc.gov]; Bacchus, James E. (USPC) [James.E.Bacchus@usdoj.gov]; Golobowich, Aaron (USAEO) [Aaron.Golobowich2@usdoj.gov]; Osborne, Rebecca [rosborne@flra.gov]; Jacob, Fred [fjacob@flra.gov]; Banks, Anissa H. (USPC) [Anissa.Banks@usdoj.gov]; Mark.Dorgan@DODIG.MIL; Shari.suzuki@dhs.gov; Taylor, Will (OPATTY) [Will.Taylor2@usdoj.gov]; Chyn, C. T. Monica [C.T.Monica.Chyn@ssa.gov]; SUZUKI, SHARI [SHARI.SUZUKI@CBP.DHS.GOV]; Benish Shah [Benish.Shah@fcc.gov]; Jeannette Wise [jeannette.wise@nara.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Johnson, Ivry [Johnson.Ivry@epa.gov]; Shirley Brown OPERATIONS Brown [Shirley.Brown@dla.mil]; sabrina.burroughs@cbp.dhs.gov; Muck, Steve CIV SECNAV, OCIO [steven.muck@navy.mil]; Parsons, Bobbie (Federal) [bParsons@doc.gov]; Purvis, Catrina (Federal) [CPurvis@doc.gov]; Epp, Timothy [Epp.Timothy@epa.gov]

Subject: FOIAonline Advisory Board Meeting
Attachments: Post Deoployment 3-20-19.pptx
Location: conf line (202.991.0477) (PC:8067030) or in person at EPA West 1301 Constitution Ave NW (6312X)

Start: 3/20/2019 2:00:00 PM
End: 3/20/2019 3:00:00 PM
Show Time As: Tentative

Please see the attached slide deck for tomorrow's Advisory Board meeting.
Please call me in advance if you plan on attending in person.
--thank you

Appointment

From: Miller, Kevin [Miller.Kevin@epa.gov]
Sent: 2/20/2019 7:19:24 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Holmes, Belinda [Holmes.Belinda@epa.gov]; Dreyfus, Bethany [Dreyfus.Bethany@epa.gov]; Engelman, Alexa [ENGELMAN.ALEXA@EPA.GOV]; Stallworth, Deirdre [Stallworth.Deirdre@epa.gov]; Salisbury, Demetra [Salisbury.Demetra@epa.gov]; Harris, Donald [Harris.Donald@epa.gov]; Rouch, Ellen [Rouch.Ellen@epa.gov]; Metcalf, Jill [Metcalf.Jill@epa.gov]; Glowacki, Joanna [glowacki.joanna@epa.gov]; Borromeo, Karina [Borromeo.Karina@epa.gov]; Clever, Kathleen [clever.kathleen@epa.gov]; Myers, Lucretia [MYERS.LUCRETIA@EPA.GOV]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Kavouras, Maria [Kavouras.Maria@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Gleason, Michael [Gleason.Michael@epa.gov]; Cohen, Mitchell [cohen.mitchell@epa.gov]; Dixit, Naeha [dixit.naeha@epa.gov]; Wood, Nicole [wood.nicole@epa.gov]; Nguyen, Quoc [Nguyen.Quoc@epa.gov]; Sarajian, Renee [Sarajian.Renee@epa.gov]; Allen, Robin [Allen.Robin@epa.gov]; Leon, Sandra [Leon.Sandra@epa.gov]; Albright, Scott [Albright.Scott@epa.gov]; Wells, Sharon [Wells.Sharon@epa.gov]; Capel, Susan [Capel.Susan@epa.gov]; Donaldson, Yerusha [Donaldson.Yerusha@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Herrema, Jeffrey [Herrema.Jeffrey@epa.gov]; Moran, Gloria [Moran.Gloria-Small@epa.gov]; Smith, Kevin B. [Smith.Kevin@epa.gov]; Albano, Emily [Albano.Emily@epa.gov]; Margolis, Alan [Margolis.Alan@epa.gov]; Prout, Susan [prout.susan@epa.gov]; Clark, Jacqueline [clark.jacqueline@epa.gov]; Ford, Mark [Ford.Mark@epa.gov]; Powell-Dickson, Antoinette [Powell-Dickson.Antoinette@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]; MacDonald, Jennifer [Macdonald.Jennifer@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]; Stoy, Alyse [Stoy.Alyse@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Howell, Joyce [Howell.Joyce@epa.gov]; Bolender, Mark [Bolender.Mark@epa.gov]; Fritz, Frank [Fritz.Frank@epa.gov]; Pickell, Casey [pickell.casey@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Gardner, Allison [Gardner.Allison@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; DCConfARN-8662993188-C2025645684/Conf-Ln/DC-Ariel-Rios-OGC [DCConfARN-8662993188-C2025645684@epa.gov]; Debes, Alison [debes.alison@epa.gov]; Castelli, Matthew [castelli.matthew@epa.gov]; Ergener, Deniz [Ergener.Deniz@epa.gov]; Varilek, Kimberly [Varilek.Kimberly@epa.gov]; Stevens, Edie [Stevens.Edie@epa.gov]; Miller, Patricia G. [Miller.Patriciag@epa.gov]
CC: Kelly, Kelsie [kelly.kelsie@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Luetscher, Greg [Luetscher.Greg@epa.gov]; Info Attys [Info_Attys@epa.gov]; Campbell, Rich [Campbell.Rich@epa.gov]; Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; Raut, Leena [Raut.Leena@epa.gov]; Fischer, Lauren [Fischer.Lauren@epa.gov]; Flannery-Keith, Erin [Flannery-Keith.Erin@epa.gov]; Edgell, Joe [Edgell.Joe@epa.gov]

Subject: FW: Information Law Monthly Call
Attachments: FW: Information Law Monthly Call; Information Law Monthly Call
Location: DCRoomARN7428/DC-Ariel-Rios-OGC;

Start: 3/21/2018 5:30:00 PM
End: 3/21/2018 7:00:00 PM
Show Time As: Busy

Recurrence: Monthly
the third Wednesday of every 1 month(s) from 1:30 PM to 3:00 PM

NFO Attorneys:
FYI- Nicole and I are participating in this meeting today.
You are welcome to join.

Denise

Agenda:

1.Non-EPA decision update – defining record & 9th Cir. decision (Cary/Casey)
2.EPA decisions (Joan, Peter)
3.FOIA toolkit status
4.Form/format question

-----Original Appointment-----
From: Miller, Kevin
Sent: Monday, March 19, 2018 11:33 AM
To: Miller, Kevin; Holmes, Belinda; Dreyfus, Bethany; Engelman, Alexa; Stallworth, Deirdre; Salisbury, Demetra; Harris, Donald; Rouch, Ellen; Metcalf, Jill; Glowacki, Joanna; Borromeo, Karina; Clever, Kathleen; Myers, Lucretia; Kelly, Lynn; Kavouras, Maria; Boydston, Michael; Gleason, Michael; Cohen, Mitchell; Dixit, Naeha; Wood, Nicole; Nguyen, Quoc; Sarajian, Renee; Allen, Robin; Leon, Sandra; Albright, Scott; Wells, Sharon; Capel, Susan; Donaldson, Yerusha; Busterud, Gretchen; Herrema, Jeffrey; Moran, Gloria; Smith, Kevin B.; Albano, Emily; Margolis, Alan; Prout, Susan; Clark, Jacqueline; Ford, Mark; Powell-Dickson, Antoinette; Schwarz, Matthew; MacDonald, Jennifer; Lieben, Ivan; Stoy, Alyse; Walker, Denise; Kaminer, Joan; Stilp, Mark; Howell, Joyce; Bolender, Mark; Fritz, Frank; Pickell, Casey; Knapp, Michael; Moumbleaux, Joan; Bermes, Peter; Gardner, Allison; Clarke, Victoria; Rementer, Nicole; DCConfARN Personal Phone / Ex. 6 Personal Phone / Ex. 6 -Ariel-Rios-OGC; Debes, Alison; Castelli, Matthew; Ergener, Deniz; Varilek, Kimberly; Stevens, Edie; Creech, Christopher; Miller, Patricia G.
Cc: Kelly, Kelsie; Vander Naald, Breanne; Hill, Kevin W.; Luetscher, Greg; Info Attys; Campbell, Rich; Mancusi-Ungaro, Philip; Raut, Leena; Fischer, Lauren; Flannery-Keith, Erin; Edgell, Joe
Subject: Information Law Monthly Call
When: Occurs the third Wednesday of every 1 month(s) effective 3/21/2018 until 2/19/2020 from 1:30 PM to 3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN7428/DC-Ariel-Rios-OGC;

The call in number is: Personal Phone / Ex. 6

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 2/19/2019 9:11:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; OGC RCs and DRCs [OGC_RCs_and_DRCs@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
CC: Joffe, Brian [Joffe.Brian@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Mastro, Donna [Mastro.Donna@epa.gov]; Frey, Bert [frey.bertram@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Skelley, Dana [Skelley.Dana@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Payne, James [payne.james@epa.gov]; Humphrey, Leslie [Humphrey.Leslie@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]; Simon, Paul [Simon.Paul@epa.gov]

Subject: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx
Location: Personal Phone / Ex. 6

Start: 2/21/2019 8:00:00 PM
End: 2/21/2019 9:00:00 PM
Show Time As: Busy

Personal Matter / Ex. 6

From: Cozad, David
Sent: Tuesday, February 19, 2019 1:44 PM
To: OGC RCs and DRCs
Cc: Epp, Timothy
Subject: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx

Hello RCs and DRCs -

Attached for your review and comment, as I mentioned on last week's OGC-RC VTC, is a draft "Standard Functions" document for regional FOIA programs. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We'd like your comments on this document by COB, Wednesday, February 27. To help you in your review, we will set up an initial call on Thursday, February 21, for Tim and Neil to walk you through the document and answer any questions you have. Watch for an invite.

It is important to finalize this document quickly, given the timelines for regional realignments.

Many thanks to the workgroup for putting this together –

Dave

Dave Cozad

Acting Deputy General Counsel

202-564-5434 (w)

Personal Phone / Ex. 6 (c)

Appointment

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/13/2019 11:20:45 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]

Subject: Phase I Draft Editing Blitz
Attachments: DRAFT Phase I FOIA Regs, Redlining (02.13.2019).docx; DRAFT Phase I FOIA Regs, Clean (02.13.2019).docx; Phase I FOIA Regs, Changes Explanation (02.13.2019).docx
Location: OGC Library

Start: 2/14/2019 3:30:00 PM
End: 2/14/2019 5:00:00 PM
Show Time As: Tentative

The Skype link is open below!

Hello Team!

I hope to draft you to help with a thorough read of the draft Phase I FOIA Regs. We will take the time to review the "Draft Phase I FOIA Regs, Clean". We will be Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Attached are:

1) A clean copy of the draft FOIA Regs
2) A redline copy of the draft FOIA Regs, comparing the draft and the 2002 regs
3) An explanation of the changes made to the regs, including citations to both the preamble, regulatory language, and the redline document

Thanks in advance. Please let me know if this time does not work for you, I will need to fit something in this week.

Best,
Chris

→ Join Skype Meeting

Trouble Joining? Try Skype Web App

Help

Message

From: Green, Holly [Green.Holly@epa.gov]
Sent: 6/19/2019 12:02:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gross, Hayley [gross.hayley@epa.gov]; Mandolia, Michelle [Mandolia.Michelle@epa.gov]
Subject: Re: Materials for Run-Through of OMB/EPA Strategic Review Meeting, June 18

Great- thank you!

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) 566-0651
Cell: Personal Phone / Ex. 6

On Jun 19, 2019, at 7:55 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Hayley and Holly,

The two additions I owe you are as follows:

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
<image002.jpg>

From: Green, Holly
Sent: Monday, June 17, 2019 4:13 PM
To: Greaves, Holly <greaves.holly@epa.gov>; Bloom, David <Bloom.David@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Hanson, Paige (Catherine) <hanson.catherine@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>; OBrien, Kathy <Obrien.Kathy@epa.gov>; Gross, Hayley <gross.hayley@epa.gov>

Cc: Wilson, Rita <Wilson.Rita@epa.gov>; Benson, Sheila <Benson.Sheila@epa.gov>; Scales, Wuanisha <Scales.Wuanisha@epa.gov>; Beamon, Vivian <beamon.vivian@epa.gov>; Solomon, Patricia <Solomon.Patricia@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Mandolia, Michelle <Mandolia.Michelle@epa.gov>
Subject: Materials for Run-Through of OMB/EPA Strategic Review Meeting, June 18

Good afternoon all,

Please find attached for our OMB/EPA Strategic Review Run-Through tomorrow the current slide deck for OMB, as well as an agenda for our run-through meeting. Note that as part of our meeting tomorrow, participants will walk through their key points, and we will finalize slide 13 with brief next steps on each of the deep dive topics.

Thank you so much for your participation, and look forward to meeting with you tomorrow.

Best,
Holly Green
(202) 566-0651

-----Original Appointment-----
From: Greaves, Holly
Sent: Monday, June 10, 2019 3:47 PM
To: Greaves, Holly; Bloom, David; Terris, Carol; Hanson, Paige (Catherine); Shaw, Nena; Richardson, RobinH; Epp, Timothy; Gentile, Laura; Martiyan, Stefan; OBrien, Kathy; Green, Holly; Gross, Hayley
Cc: Wilson, Rita; Benson, Sheila; Scales, Wuanisha; Beamon, Vivian; Solomon, Patricia; Packard, Elise; Mandolia, Michelle
Subject: Run-Through of OMB/EPA Strategic Review Meeting (Call-in: ex 6 Conference ext. - ex 6
When: Tuesday, June 18, 2019 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4415/DC-OCFO

<image003.png>

Internal Meeting Request Form for CFO, Deputy CFO and Associate CFO

Today's Date: 6/10/19

Requesting Office: OPAA

Administrative POC (name, phone): Patricia Solomon, 564-0055

Subject Matter Expert POC (name, phone): Holly Green, 566-0651; Hayley Gross, 564-0177

*AUDIO CONFERENCING __X_ YES ___ NO. If checked **YES** for (AUDIO), how many callers?*
*VIDEO CONFERENCING __YES___NO. If checked **YES** for (VTC), once the meeting is scheduled, please reserve and provide the VTC capable room location(s) for Finance Center attendees, if applicable.*

For (underline as needed): CFO DCFO Acting ACFO

Title of Meeting: Run-Through of OMB/EPA Strategic Review Meeting

Purpose: Conduct a dry-run of the OMB/EPA Strategic Review Meeting in preparation for the meeting scheduled on June 25, 2019.

If this meeting is for the CFO, have the DCFO and ACFO been pre-briefed? When? No pre-brief necessary.

Proposed Meeting Date: June 17 or 18

Request/Justification to schedule a meeting longer than 30 minutes: Please provide 1-hour to conduct a dry-run of the materials.

Required Participants: Holly Greaves, David Bloom, Carol Terris, Paige Hanson, Nena Shaw, Robin Richardson, Timothy Epp, Laura Gentile, Stefan Martiyan, Kathy O'Brien, Holly Green, Hayley Gross, Michelle Mandolia

Optional Participants:

Briefing Materials (Yes or No): Yes

What is the deadline for this meeting? June 18

Message

From: Richmond, Jonah [Richmond.Jonah@epa.gov]
Sent: 6/18/2019 9:40:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: OAR FOIA Toolkit?
Attachments: OAR FOIA Toolkit - Relativity 9 - 06_05_19.docx

This is the OAR guide I mentioned.

Jonah Richmond
Regulatory and Information Coordination Staff
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-0210

From: Sandfoss, Kristina
Sent: Wednesday, June 12, 2019 8:48 AM
To: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: OAR FOIA Toolkit?

Here you go! And as I mentioned previously, please feel free to set up a meeting with Jonathan Lubetsky, myself and anyone from your office that you think would benefit from hearing how OAR identified the resources to process requests (we're closing 65% of requests before the due date and averaging less than 40 days to process all) as well as manage the backlog. Let me know if any questions!

From: Richmond, Jonah
Sent: Tuesday, June 11, 2019 4:05 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: OAR FOIA Toolkit?

Kristina,

Could you send me the OAR FOIA toolkit? I couldn't find it on the intranet site. Thanks!

Jonah

Jonah Richmond
Regulatory and Information Coordination Staff
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-0210

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/18/2019 7:40:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: FOIAonline change centralizing intake
Attachments: ar_handbook_final_2018_update_003.pdf

Hi Tim,

I'm happy to pass my topline response and my understanding of the reporting requirements along to Tim C or to provide you with more information. Below is a quick summary of the issue and my reasoning.

To boil Tim C's question down:

Deliberative Process / Ex. 5

Top line response:

Deliberative Process / Ex. 5

Background:

Deliberative Process / Ex. 5 ally

Annual Report Requirements:

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: Tuesday, June 18, 2019 12:27 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIAonline change centralizing intake

Thanks Chris – because of the interaction Tim C identified with the Annual Report, we should pull Larry into these conversations with Tim C. Could you reach out to Larry to see if he has any concerns with an approach that would leave in place the Regional and HQ submission options?

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, 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 a conflict with the new regulations. 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.

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: 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;

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: 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. Deliberative Process / Ex. 5

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
|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 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:

Deliberative Process / Ex. 5

--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,

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: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/10/2019 12:54:12 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness notifications

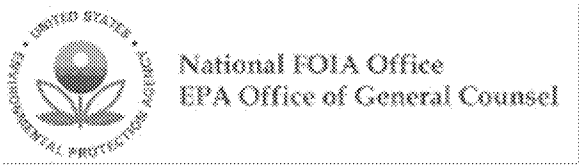
From: Schumacher, Wendy
Sent: Wednesday, April 10, 2019 8:54:11 AM (UTC-05:00) Eastern Time (US & Canada)
To: Hill, Kevin W.
Cc: Person, Linda; Gottesman, Larry
Subject: FW: Awareness notifications

Kevin,

2018-006649 is on the list for Linda. I closed the earlier two.

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: Gottesman, Larry
Sent: Tuesday, April 09, 2019 7:26 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Awareness notifications

From: Hill, Kevin W.
Sent: Tuesday, April 9, 2019 7:25:41 PM (UTC-05:00) Eastern Time (US & Canada)
To: Schumacher, Wendy; Person, Linda
Cc: Gottesman, Larry
Subject: Awareness notifications

Wendy or Linda,

These requests have an awareness notification case file review with Larry that is now due. Can you please approve?

EPA-HQ-2017-005198
EPA-HQ-2018-000571

EPA-HQ-2018-006649

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 4/9/2019 10:21:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Supervisor Training - Updated Training Slides
Attachments: FOIA for Managers and Supervisors 4-9-2019 draft.pptx

This is coming along. Heather has been a tremendous help.

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 202-816-9872| walker.denise@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Thompson, Heather
Sent: Tuesday, April 09, 2019 6:11 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>
Subject: Supervisor Training - Updated Training Slides

Hi Denise and Quoc,

Attached please find updated training slides. We still need to work on the content of some slides and there are some minor spacing issues that I cannot seem to fix.

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: Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]
Sent: 4/10/2019 5:00:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Eagles, Tom [Eagles.Tom@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Griffo, Shannon [Griffo.Shannon@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.

That is correct. It would be after Friday 4PM. Can you tell me what potential concern is so we can address it in the future?
Thank you,
Jonathan

From: Epp, Timothy
Sent: Wednesday, April 10, 2019 11:51 AM
To: Eagles, Tom <Eagles.Tom@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@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.

Hi Tom and Jonathan,

We have identified a potential concern regarding the equity review on these documents. This is a heads up that we are trying to resolve those concerns before the ANP process runs its course. Do you calculate the release time as after 4pm on Friday?

Please stand by while OGC processes this further. And, let me know if you have any 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: 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: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 4/9/2019 4:21:20 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: OGC FOIA Procedures
Attachments: E - OGC FOIA Procedures (March 31 2015).pdf; F - ILPG Memo Re Overview of Changes to the FOIA Resulting from the FOIA Improvement Act of 2016 (Sept 20 2016).pdf

Joe and Elise:

Per your request, attached are the OGC FOIA Procedures, as well as the OGC Memorandum discussing the 2016 FOIA Amendments.

If you have any questions, concerns, or issues opening the attached, please let me know!

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: National.FOIAPortal (OIP) [National.FOIAPortal@usdoj.gov]
Sent: 4/8/2019 5:20:24 PM
To: National.FOIAPortal (OIP) [National.FOIAPortal@usdoj.gov]
Subject: Interoperability with the National FOIA Portal
Attachments: M-19-10.pdf

Dear FOIA Colleagues,

This is a reminder of the upcoming deadline to submit your agency's plan for achieving interoperability between your FOIA case management system(s) and the National FOIA Portal on FOIA.gov ("interoperability plans"). As you know, agency interoperability plans are due to OMB by **May 10th, 2019**. The OMB/DOJ memorandum applies to all agencies subject to the FOIA. The Chief Financial Officers (CFO) Act agencies are specifically directed to provide an interoperability plan by May 10. All other agencies are likewise asked to report on how they intend to achieve interoperability with the National FOIA Portal. Agencies with automated FOIA case management systems are required to achieve interoperability through an API, unless granted an exception by OMB & DOJ. A copy of the joint OMB/DOJ memorandum addressing interoperability requirements is attached here for your reference.

Please include within your plans the following:

1. Identify your current FOIA case management system or systems (e.g., in-house, FOIAXpress, FOIAOnline, MS Excel, Access, etc)
    A. If your agency uses an outside service provider / vendor, identify the contract period
2. Identify whether your agency is planning to transition to a new FOIA case management system prior to Aug., 2023, and if so, describe the system that will be used to replace the current one
3. Provide the date for achieving interoperability between your current system and the National FOIA Portal on FOIA.gov
4. Where applicable, describe the estimated level of effort needed to achieve interoperability (e.g., costs being charged if provider is an external vendor, or if system is in-house estimated costs for software updates, code changes needed if known from agency's CIO, etc)

Please let us know if you have any questions.

Thank you,
-OIP

Message

From: McDonald, James [McDonald.James@epa.gov]
Sent: 4/8/2019 5:01:31 PM
To: Kirst, Tina [kirst.tina@epa.gov]
CC: Ho, Nancy [Ho.Nancy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]; Malooly, Tom [Malooly.Tom@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks Tina for taking care of this matter.

Regards,

Sent from my iPhone

On Apr 8, 2019, at 10:08 AM, Kirst, Tina <kirst.tina@epa.gov> wrote:

> Hi Dee Dee:
>
> As requested, I gave access to Mr. Epp and to Mr. Brazauskas. They should receive an email in their Outlook with "Kirst, Tina shared the folder HQ Awareness Review 2019 with you" in the subject line. They need to open the email and click on the folder in the body of the email to access the documents.
>
> I did receive a notification that the link was successfully sent. If anyone is attempting to access by the link in the Notification email sent by Mr. McDonald, the link will not work. The reviewer must access the One Drive folder containing the records through the email they receive from me or whoever is authorized to create the folder. Reviewers will not be able to share access with anyone. Access must be given by the creator of the folder.
>
> Please let me know if there are any issues in accessing the folder on One Drive or if access is needed for anyone else and I will be glad to assist.
>
> 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*

From: McDonald, James
Sent: Monday, April 8, 2019 8:08 AM
To: Ho, Nancy <Ho.Nancy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks Nancy.

From: Ho, Nancy
Sent: Monday, April 8, 2019 8:07 AM
To: McDonald, James <McDonald.James@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Hi All - I am forwarding this to the Region 6 Superfund Action office (Diana Ortiz) to assist in the matter. They are the custodian of these records.

Thanks,
Nancy

From: McDonald, James
Sent: Monday, April 08, 2019 7:45 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks Tim. Let me reach out to my folks to see how to resolve your issue.

Nancy, please see below and let's figure out how to help Tim.

Regards,

From: Epp, Timothy
Sent: Monday, April 8, 2019 7:20 AM
To: McDonald, James <McDonald.James@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks James. BTW, I also cannot access the documents – going forward, please make sure that the recipients of the Awareness Notification email are given sufficient rights to be able to view the documents.
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
<image001.jpg>

From: McDonald, James
Sent: Monday, April 08, 2019 8:14 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks Tim. This should happen today.

Regards,

From: Epp, Timothy
Sent: Friday, April 5, 2019 4:47 PM
To: McDonald, James <McDonald.James@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Fwd: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

James, please give access to the share point documents to Joe Brazauskas.

Joe is the Deputy GC here in OGC.
Tim

Sent from my iPhone

Begin forwarded message:

From: McDonald, James
Sent: Thursday, April 04, 2019 2:07 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>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Hill, Troy <Hill.Troy@epa.gov>; Gray, David <gray.david@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial
Importance: High

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 Office: R6 Superfund 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	Num of Reco and, page
EPA-R6- 2019-003410	Susanne Rust	Los Angeles Times	02/12/2019	4/3/2019	Hurricane Harvey Information – Referral to FOIAonline for previously released documents.	Second Partial / Interim Response	35 doc / 16 – in add inco requ and Met PDF doc

The following offices have equities in these records and have reviewed the relevant records:

- Region 6 Superfund Division

The manager who approved this release is: Carl Edlund, Division Director, R6 Superfund

The records are: Hurricane Harvey related information. The documents are available in the One Drive at the link below. Thank you!

https://usepa-my.sharepoint.com/personal/kirst_tina_epa_gov/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review%2FR06%2D7003317%2EPDF&parent=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review

Message

From: Kirst, Tina [kirst.tina@epa.gov]
Sent: 4/8/2019 4:51:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; McDonald, James [McDonald.James@epa.gov]; Ho, Nancy [Ho.Nancy@epa.gov]; Ortiz, Diana [Ortiz.Diana@epa.gov]; Malooly, Tom [Malooly.Tom@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

You are welcome Mr. Epp!

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

From: Epp, Timothy
Sent: Monday, April 8, 2019 11:48 AM
To: Kirst, Tina <kirst.tina@epa.gov>; McDonald, James <McDonald.James@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Malooly, Tom <Malooly.Tom@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Thanks Tina, and all.
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: Kirst, Tina
Sent: Monday, April 08, 2019 11:08 AM
To: McDonald, James <McDonald.James@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Malooly, Tom <Malooly.Tom@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

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Thanks Tim. Let me reach out to my folks to see how to resolve your issue.

Nancy, please see below and let's figure out how to help Tim.

Regards,

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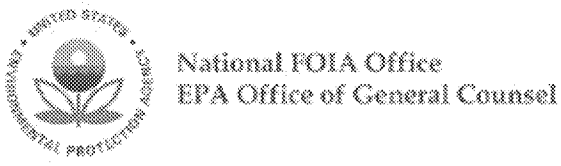
Phone (202) 564-2830| epp.timothy@epa.gov



From: McDonald, James
Sent: Monday, April 08, 2019 8:14 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

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Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: Fwd: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

James, please give access to the share point documents to Joe Brazauskas.

Joe is the Deputy GC here in OGC.
Tim

Sent from my iPhone

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Cc: Hill, Troy <Hill.Troy@epa.gov>; Gray, David <gray.david@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial
Importance: High

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Action Office: R6 Superfund 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- 2019-003410	Susanne Rust	Los Angeles Times	02/12/2019	4/3/2019	Hurricane Harvey Information – Referral to FOIAonline for previously released documents.	Second Partial / Interim Response	35 documents / 163 pages – in addition to incoming request and Metadata PDF of documents.

The following offices have equities in these records and have reviewed the relevant records:

- Region 6 Superfund Division

The manager who approved this release is: Carl Edlund, Division Director, R6 Superfund

The records are: Hurricane Harvey related information. The documents are available in the One Drive at the link below. Thank you!

https://usepa-my.sharepoint.com/personal/kirst_tina_epa_gov/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review%2FR06%2D7003317%2EPDF&parent=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review

Message

From: Schwab, Justin [Schwab.Justin@epa.gov]
Sent: 4/8/2019 3:10:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: Weekly Selected Requests 03/27/2019 to 04/03/2019

Thanks, Tim. Please include Kamila on this circulation list from now on (lis-coghlan.kamila@epa.gov).

Sent from my iPhone

On Apr 8, 2019, at 8:44 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi all,
>
> Please find attached the weekly selected FOIA requests for the period of 03/27/2019 to 04/03/2019. Please note, during this period we received 189 requests and 58 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**
> 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
> <image001.jpg>

<Selected FOIA Requests. 03.27.2019-04.03.2019.docx>

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 4/6/2019 2:29:31 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Re: Equity review training -- update to toolkit

I have no edits to the portions of the toolkit you provided me today beyond the redlined change in the TOC that I sent you earlier today re awareness notification.

You might consider adding to your excerpt page 38 to aid with context.

Lynn/Kevin - no need for you to review this.

Wendy
Sent from my iPhone

On Apr 5, 2019, at 9:07 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Wendy,

Can we focus on these in two separate steps 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
<image001.jpg>

From: Blake, Wendy
Sent: Friday, April 05, 2019 9:01 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Equity review training -- update to toolkit

Tim – See comments below.

Deliberative Process / Ex. 5

Wendy

From: Epp, Timothy
Sent: Thursday, April 04, 2019 2:25 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: Equity review training -- update to toolkit

Hi Wendy, Kevin, and Lynn, (Request for response by Friday noon if possible; if not possible, then by COB Monday.)

Attached is an excerpt from the toolkit for use in training on equity review – the only edit I thought would need to be made is 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
<image001.jpg>

Message

From: Hoverman, Taylor [hoverman.taylor@epa.gov]
Sent: 4/5/2019 8:40:16 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: April 2019 EPA FOIA Backlog Report

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: Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Friday, April 5, 2019 3:40 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: RE: April 2019 EPA FOIA Backlog Report

Will do.

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: Hoverman, Taylor
Sent: Friday, April 05, 2019 2:46 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: April 2019 EPA FOIA Backlog Report

Tim,

Do you mind adding me to this distribution list? 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: Cook, Steven
Sent: Wednesday, April 3, 2019 3:04 PM
To: Hoverman, Taylor <hoverman.taylor@epa.gov>
Subject: FW: April 2019 EPA FOIA Backlog Report

Do you get this?

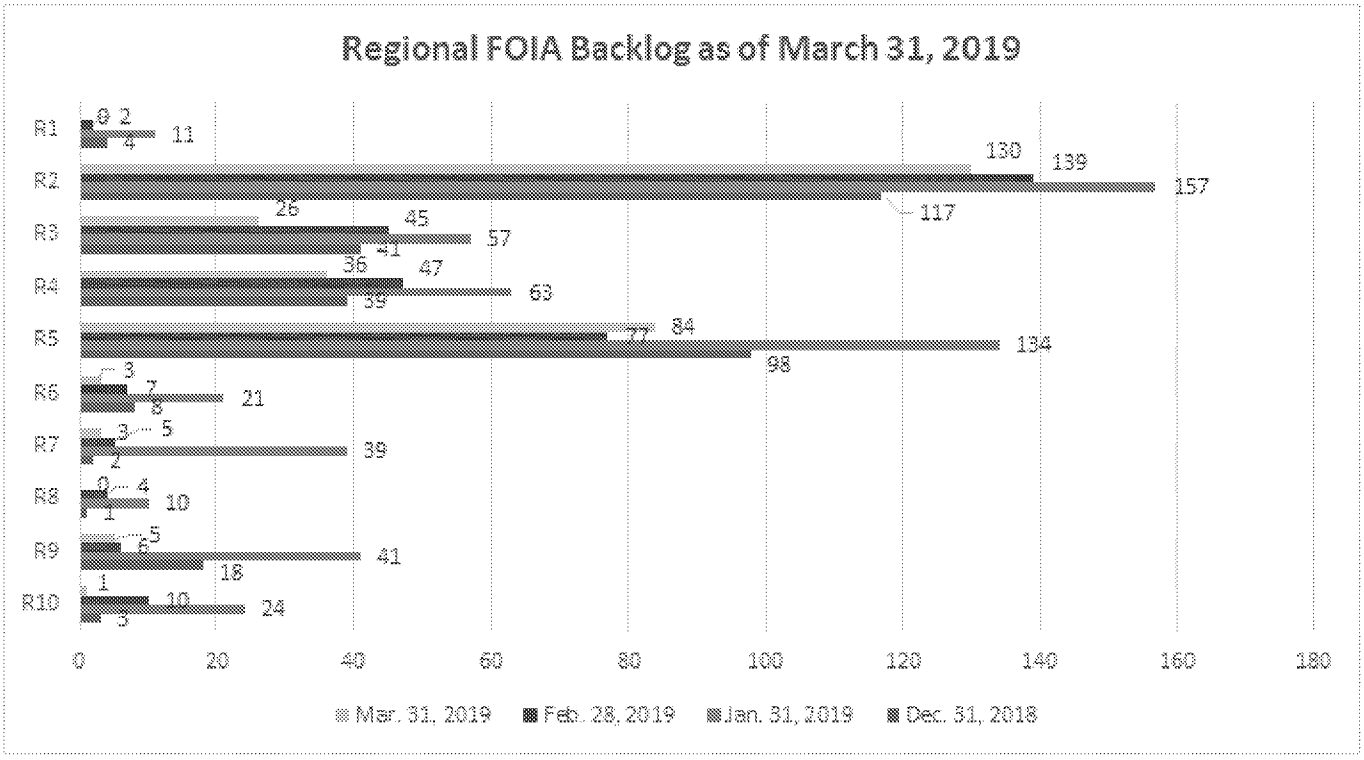
From: Epp, Timothy
Sent: Wednesday, April 3, 2019 2:02 PM
To: Leadership_Assistant_Administrators <Leadership_Assistant_Administrators@epa.gov>; Leadership_Associate_Administrators <Leadership_Associate_Administrators@epa.gov>; Leadership_Deputy_Assistant_Administrators <Leadership_Deputy_Assistant_Administrators@epa.gov>; Leadership_Deputy_Associate_Administrators <Leadership_Deputy_Associate_Administrators@epa.gov>; Leadership_Deputy_Regional_Administrators <Leadership_Deputy_Regional_Administrators@epa.gov>; Leadership_Regional_Administrators <Leadership_Regional_Administrators@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>; Regional FOIA Officers <Regional_FOIA_Officers@epa.gov>; Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>; FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Cozad, David <Cozad.David@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; OGC NFO <OGC-NFO@epa.gov>
Subject: April 2019 EPA FOIA Backlog Report

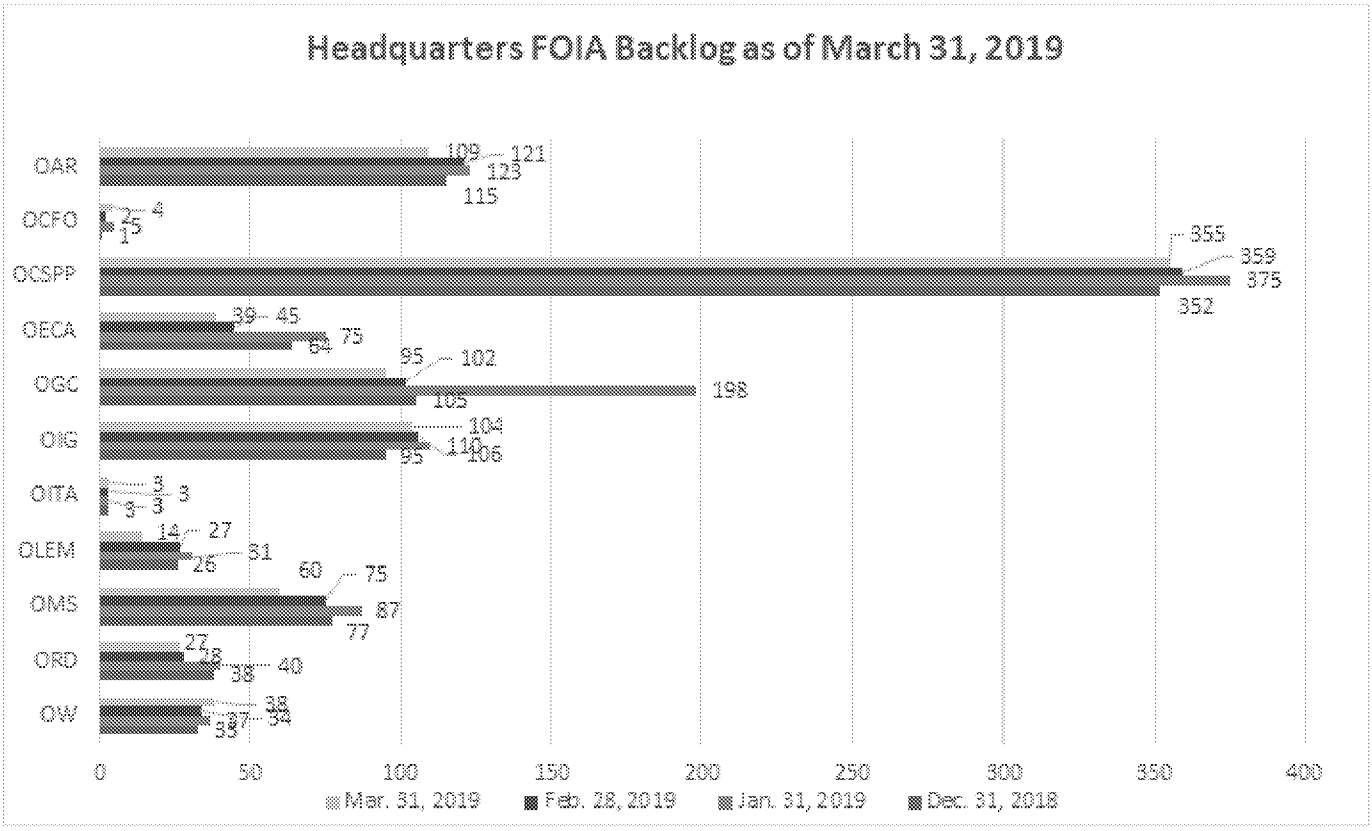
Colleagues,

The charts below show the FOIA backlog in the headquarters program offices and the regions at the end of March, February, January and December. Please continue your efforts to reduce your office's backlog. Many offices made progress in March to bring their FOIA backlog down from the high at the end of the appropriations lapse. The backlog from the end of December is included to serve as a reference point from prior to the appropriations lapse.

A few offices made notable progress to reduce their FOIA backlog. Regions 3, 5, and 9 and OECA, OGC, OLEM, OMS, and ORD all reduced their FOIA backlog by the end of March by more than 10 FOIA requests below December 2018. Both Regions 1 and 8 eliminated their backlog. Congratulations! A few offices have not yet reduced their backlog to lower than their backlog prior to the appropriations lapse.

The backlog in the Administrator's Office was 1,405 at the end of March 2019, which is a reduction from 1,455 at the end of February, and from the high of 1,465 at the end of January. It is also more than 10 FOIA requests below the AO backlog of 1,424 at the end of December 2018.





For this report, backlog is defined as FOIA requests pending for more than 20 days as of the end of the month and for which an extension was not documented in the FOIAonline tracking system. In his November

12, 2018 FOIA Memorandum, Administrator Wheeler directed the National FOIA Office to circulate monthly a report of the FOIA request backlog at EPA.

The December and January data in this report were produced from FOIAonline on January 28, 2019. The February data was produced from FOIAonline on March 1, 2019, and the March data on April 1, 2019. If you would like to discuss this data, what additional data you would like to see reported, or to discuss ideas on how we can more rapidly reduce the Agency's FOIA backlog and more effectively meet the Agency's FOIA responsibility, please contact me at epp.timothy@epa.gov or at (202) 564-2830.

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

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 4/5/2019 7:48:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Importance: High

This might be an issue…I can't seem to see these documents on sharepoint, I need to know what these documents are.

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

From: Epp, Timothy
Sent: Friday, April 5, 2019 11:45 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial
Importance: High

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: McDonald, James
Sent: Thursday, April 04, 2019 2:07 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>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Hill, Troy <Hill.Troy@epa.gov>; Gray, David <gray.david@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial
Importance: High

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 Office: R6 Superfund 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- 2019-003410	Susanne Rust	Los Angeles Times	02/12/2019	4/3/2019	Hurricane Harvey Information – Referral to FOIAonline for previously released documents.	Second Partial / Interim Response	35 documents / 163 pages – in addition to incoming request and Metadata PDF of documents.

The following offices have equities in these records and have reviewed the relevant records:

- Region 6 Superfund Division

The manager who approved this release is: Carl Edlund, Division Director, R6 Superfund

The records are: Hurricane Harvey related information. The documents are available in the One Drive at the link below. Thank you!

https://usepa-my.sharepoint.com/personal/kirst_tina_epa_gov/_layouts/15/onedrive.aspx?id=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review%2FR06%2D7003317%2EPDF&parent=%2Fpersonal%2Fkirst%5Ftina%5Fepa%5Fgov%2FDocuments%2FHQ%20Awareness%20Review%202019%2FEPA%2DR6%2D2019%2D003410%20%2D%20Second%20Partial%5FHQ%20Awareness%20Review

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 4/5/2019 3:39:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Awareness Notification

This is a test. Thank you.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 4/5/2019 1:12:16 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Report on history of documents from last Friday's article

Attorney Client / DPP/ 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: Friday, April 05, 2019 8:47 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Report on history of documents from last Friday's article

Attorney Client / DPP/ 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: Blake, Wendy
Sent: Wednesday, April 03, 2019 8:50 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Report on history of documents from last Friday's article

Tim –

Attorney Client / DPP/ Ex. 5

Let me know if you need any further follow-up on this from me.

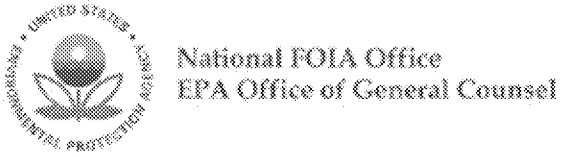
Wendy

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, April 03, 2019 7:39 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Report on history of documents from last Friday's article

Attorney Client / DPP/ Ex. 5

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: Epp, Timothy
Sent: Wednesday, April 03, 2019 6:27 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Re: Report on history of documents from last Friday's article

Attorney Client / DPP/ Ex. 5

Tim

Sent from my iPhone

On Apr 2, 2019, at 10:11 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Hi Tim – Thanks for your email. Attorney Client / DPP/ Ex. 5

Attorney Client / DPP/ Ex. 5

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: Epp, Timothy
Sent: Tuesday, April 02, 2019 7:08 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Report on history of documents from last Friday's article

Hi Justina, Wendy, and Nicole – this is FYI as well as an invitation to consider the options I've identified.

Attorney Client / DPP/ Ex. 5

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
<image001.jpg>

From: Epp, Timothy
Sent: Tuesday, April 02, 2019 7:06 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Report on history of documents from last Friday's article

Hi Matt,

What I learned today regarding the documents referenced in last Friday's article is reported below. An option for expanding the awareness notification process to provide greater awareness to OGC's front office is presented at the bottom.

The documents referenced in last Friday's article were released through a litigation production on February 28 in the case of EcoRights v. EPA.

Attorney Client / DPP/ 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
<image001.jpg>

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 4/5/2019 1:00:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Equity review training -- update to toolkit
Attachments: Life Cycle of FOIA Main Toolkit JGK 32519 (002).WLb.docx

Tim – See comments below.

Joan K. had some edits to the toolkit. Specifically, she added some new language Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Wendy

From: Epp, Timothy
Sent: Thursday, April 04, 2019 2:25 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: Equity review training -- update to toolkit

Hi Wendy, Kevin, and Lynn, (Request for response by Friday noon if possible; if not possible, then by COB Monday.)

Attached is an excerpt from the toolkit for use in training on equity review – 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

Message

From: Busterud, Gretchen [Busterud.Gretchen@epa.gov]
Sent: 4/4/2019 6:01:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: "Final" agenda for next week
Attachments: FOIA Functional Statement 03062019.docx

Hi Tim – quick check: Is this the latest version and will it be introduced/discussed at next week's EMC? If so, I'd like to run it by our DRA.

Thanks!
Gretchen

From: Epp, Timothy
Sent: Wednesday, March 6, 2019 5:04 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: Logan, Shanita [logan.shanita@epa.gov]
Sent: 6/18/2019 6:31:30 PM
To: Cunningham, Bisa [cunningham.bisa@epa.gov]; Holden, Allison [Holden.Allison@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Deliberative Process / Ex. 5

From: Cunningham, Bisa
Sent: Tuesday, June 18, 2019 2:30 PM
To: Holden, Allison <Holden.Allison@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Good afternoon Allison:

Please see the updated numbers from NFO. Apologies for the delay, we needed to confirm information about the grant and the salary dollars for the vacancies. Please let me know if you have questions or concerns.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Monday, June 17, 2019 8:20 AM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Sorry for my late reply – Yes, I am generally ok with these changes. Two questions:

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: Cunningham, Bisa
Sent: Friday, June 14, 2019 1:59 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Good afternoon Tim –

Please see below. Are you ok with me sending these edits forward to Allison Holden?

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: Logan, Shanita
Sent: Friday, June 14, 2019 12:17 PM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

It looks fine. I believe Allison Hoppe is compiling the narrative. Please forward her the updates.

From: Cunningham, Bisa
Sent: Friday, June 14, 2019 9:08 AM
To: Logan, Shanita <logan.shanita@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Good morning Shanita –

I have updated the numbers below based on our conversation yesterday. Thoughts?

Table 2: Cost to Provide National FOIA Services		
Cost	**Description**	**Total**
Payroll (Est.) (17 personnel)	17 staff currently onboard	$2,655,509
Payroll (Est.) (4 3 vacancies)	Assumes 4 3 vacancies @ average salary of GS-13/5	~~$730,555~~ $547,916
Grants (2 SEE Enrollees)	~~$52K (5/1/2019 renewal)~~ ~~$65K (11/15/2020 renewal)~~ 2 SEE Enrollees	~~$117,000~~ $75,000
FOIA Online (base)	Operations & maintenance	$450,168
FOIA Online Support (FOIAonline--enhance & contingency) – one-time cost	Cost to add features to FOIAonline, another data tracking tool, or cost overruns.	$90,000
FOIA.gov Reimbursable Agreement	Dept of Justice required Reimbursable Agreement for FOIA.gov	$37,400
Training, Supplies, and Travel {NFO Staff}	* NFO Staff Training: Travel to RelativityFest for 3 ($6,000) * NFO Staff Training: Skill-building trainings on FOIA, software, negotiation, project management, or leadership ($9,000) * NFO Staff Training:	$24,410

Deliberative Process / Ex. 5

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 3:55 PM
To: Holden, Allison <Holden.Allison@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 all, (Shanita –the below requires one adjustment in your previous budget)

I ran out of time with Elise and did not get to the question of document review contract – so, please keep it in and flag as a question for Elise when this goes to her.

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

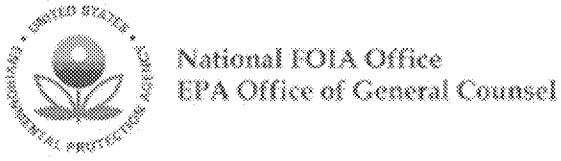
From: Epp, Timothy
Sent: Thursday, June 13, 2019 2:56 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Cunningham, Bisa <cunningham.bisa@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you much!

I have a one-on-one with Elise at 3 pm, and will ask her about this topic as well.

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: Thursday, June 13, 2019 2:52 PM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thanks! Will await your edits

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

From: Cunningham, Bisa
Sent: Thursday, June 13, 2019 2:46 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!!

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

For reference as to estimated service demand, in FY 2018:

- EPA received 11,518 FOIA requests.
- The NFO received and reviewed more than 2,000 fee waiver applications and issued grant or denial determinations on 806 fee waiver applications.
- The NFO issued 668 decisions on expedited processing applications.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

collected, and reviewed has increased and will continue to increase over time.

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

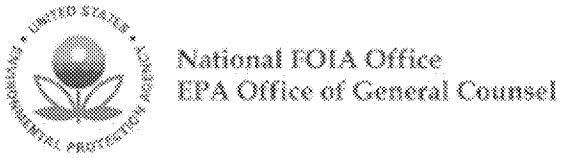
Hi Allison – I'm adding Bisa Cunningham, who is helping me on this budget exercise.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/28/2019 5:40:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Thanks, Joe.

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, March 28, 2019 1:39 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Re: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Thanks Joe.

Sent from my iPhone

On Mar 28, 2019, at 1:37 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

> Chris,
>
> Let's prepare the reg package for Matt's weekend binder, which goes out tomorrow. I will plan to discuss with him whether he just wants to review and get back or if he would like to have another briefing. Thanks, Joe
>
> **Joseph A. Brazauskas**
> Associate Deputy General Counsel
> U.S. Environmental Protection Agency
> (202) 564-5189
>
> ---
>
> **From:** Creech, Christopher
> **Sent:** Monday, March 25, 2019 5:01 PM
> **To:** Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
> **Cc:** Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
> **Subject:** RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review
>
> Hello Elise and Joe, I will pass deliverables to Tim for his review.

Joe, regarding the preamble, that would be included in the "clean" version of the regs provided as a supporting document below.

Thank you both, and we will be back in touch shortly.

Best,

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

From: Brazauskas, Joseph
Sent: Thursday, March 21, 2019 9:16 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Thanks Chris – a Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Packard, Elise
Sent: Thursday, March 21, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Two thoughts:

1) ?
2) gs,

Deliberative Process / Ex. 5

Thanks!

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

From: Creech, Christopher
Sent: Wednesday, March 20, 2019 5:06 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Hello Elise and Joe,

We are getting closer to finalizing the FOIA regulations update. Please let me know if you have any questions about the requests and documents in this message. This was also provided via CTS.

Attached are three documents for Matt's consideration in finalizing the FOIA Regulations Update:

1) "Phase I FOIA Regs Cut-off Date Squibs and Options (03.20.2019)"-- Matt's options selection is requested
   - This document addresses the Cut-off Date provisions (date of request/date of search).

2) "Phase I FOIA Regs Admin Appeals Authority Options (03.20.2019)"-- Matt's options selection is requested
   - This document addresses the authority to issue administrative appeal decisions.

3) "Draft ACTION MEMO FOIA Regulations Update (03.20.2019)"-- Matt's comments or approval is requested
   - Once finalized, this document will be signed by Matt and begin the Administrator's formal approval process.

For your convenience, attached are supporting documents, which do not require action:

4) OP ACTION MEMO Template-- OP's guidance on assembling the Action Memo
5) Phase I FOIA Regs Clean (03.20.2019)-- The full text of the regulation and preamble
   - This document will need to be edited to reflect the options selected by Matt in 1) and 2)
   - This document is going through a final non-substantive QA/QC
6) Phase I FOIA Regs Redline (03.20.2019)-- Showing the revisions made to the in-force regulation
7) Phase I FOIA Regs Changes Explanation (03.20.2019)-- Overview and basis for the changes to the regulations

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
<image001.png>

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 4/1/2019 2:41:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: Heads up: possible FOIA reg meeting today

Thanks, Tim.

I would be available if needed.

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, April 1, 2019 10:20 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Heads up: possible FOIA reg meeting today

Hi Chris and Dan,

This morning, I received a meeting invite from Matt for a discussion on the FOIA regs – the time is 4:30 to 4:45 today. I have requested to add both of you to the meeting. But since it is so short, he may not have questions, but instead might want to talk policy issues on timing or something like that.

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

Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 4/3/2019 4:38:29 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: Second Request for Mathew Leopold Chief FOIA Officer - Required Information Pursuant to FOIA law
Attachments: image002.jpg; ATT00001.htm; image002.jpg; ATT00002.htm; EPA-HQ-2019-000505 Request Details.pdf; ATT00003.htm; EPA-HQ-2019-000357 Request Details.pdf; ATT00004.htm; EPA-HQ-2019-000386 Request Details.pdf; ATT00005.htm

Please respond appropriately on my behalf. Thanks

Sent from my iPhone

Begin forwarded message:

> **From:** Personal Email / Ex. 6 @comcast.net>
> **Date:** April 3, 2019 at 11:57:20 AM EDT
> **To:** <Leopold.Matthew@epa.gov>
> **Cc:** <OIP.ComplianceInquiry@usdoj.gov>, "'Wheeler, Andrew'" <wheeler.andrew@epa.gov>
> **Subject: RE: Second Request for Mathew Leopold Chief FOIA Officer - Required Information Pursuant to FOIA law**
>
> Dear Mr. Leopold
>
> SECOND REQUEST.
>
> Is there any Federal records in the possession of the EPA or you that has the EPA FOIA Public Liaison which states the EPA complying with Federal Law 5 USC 552? As you know Federal Law requires the EPA to have an FOIA Public Liaison and must report to YOU. This FOIA Public Liaison has duties pursuant to Federal Law.
>
> Please ASAP provide Read Confirmation and date I will receive the requested information pursuant FOIA law.
>
> You are the EPA Chief FOIA Officer. See below snippet from the EPA Chief FOIA Annual Report Annual:

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/25/2019 9:04:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review
Attachments: Phase I FOIA Regs, One-Page Regulatory Plan.docx; DOJ Cut-off Date Guidance.docx

Hello Tim,

In preparation for your return and Reg Review, I am providing you with thoughts for discussion in response to Elise and Joe's questions from Thursday (see below).

Joe's asks:

1. Deliberative Process / Ex. 5
2. Deliberative Process / Ex. 5

Elise's asks:

1. Appeals practice—

   Deliberative Process / Ex. 5

2. DOJ's guidance on cut-off date—there guidance is duplicative and not as comprehensive as our squibs. Also, it does not make a recommendation regarding the use of a default cut-off date in an agency's regs. Attached is the entirety of the guidance and below are the top-line points:
   a.
   b.
   c. 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: Creech, Christopher
Sent: Monday, March 25, 2019 5:01 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Hello Elise and Joe, I will pass deliverables to Tim for his review.

Joe, regarding the preamble, that would be included in the "clean" version of the regs provided as a supporting document below.

Thank you both, and we will be back in touch shortly.

Best,

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

From: Brazauskas, Joseph
Sent: Thursday, March 21, 2019 9:16 AM

To: Packard, Elise <Packard.Elise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Thanks Chris – additionally, would you please also include the preamble, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Joe

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

From: Packard, Elise
Sent: Thursday, March 21, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Two thoughts:

1)
2)

Deliberative Process / Ex. 5

Thanks

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

From: Creech, Christopher
Sent: Wednesday, March 20, 2019 5:06 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Hello Elise and Joe,

We are getting closer to finalizing the FOIA regulations update. Please let me know if you have any questions about the requests and documents in this message. This was also provided via CTS.

Attached are three documents for Matt's consideration in finalizing the FOIA Regulations Update:

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   - This document addresses the Cut-off Date provisions (date of request/date of search).
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- Once finalized, this document will be signed by Matt and begin the Administrator's formal approval process.

For your convenience, attached are supporting documents, which do not require action:

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5) Phase I FOIA Regs Clean (03.20.2019)-- The full text of the regulation and preamble
   - This document will need to be edited to reflect the options selected by Matt in 1) and 2)
   - This document is going through a final non-substantive QA/QC

6) Phase I FOIA Regs Redline (03.20.2019)-- Showing the revisions made to the in-force regulation

7) Phase I FOIA Regs Changes Explanation (03.20.2019)-- Overview and basis for the changes to the regulations

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: Spears, Rasheena [spears.rasheena@epa.gov]
Sent: 4/2/2019 3:44:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: White House Consult Process - updated Document
Attachments: White House FOIA Consultation Process _Updated February 25 2019.docx

Hi Tim,

Attached, please find a copy of the White House consultation process overview/SOP that I was provided once I took over the Liaison role.

Cordially,

Sheena

Rasheena S. Spears
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 7443J
Phone 202-564-7586 | spears.rasheena@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Moumbleaux, Joan
Sent: Tuesday, February 26, 2019 10:53 AM
To: Spears, Rasheena <spears.rasheena@epa.gov>
Subject: White House Consult Process - updated Document

Hi Sheena,

I made some minor changes to the document Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Here it is ☺

Please let me know if you have questions!

Joan

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 4/3/2019 2:53:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: FW: ORD Release - Follow-up

Tim – This is the email Charlotte sent to Elise.

Charlotte reminded me that that NFO had the lead on process improvements. Can you look to see if Charlotte ever sent you our proposed improvements in November of 2018. We had some suggestions, but we may have relayed them verbally.

See email below which states: Attorney Client DPP / Ex. 5

Attorney Client DPP / Ex. 5

Let me know if you have any questions.

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: Youngblood, Charlotte
Sent: Friday, November 09, 2018 3:27 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: ORD Release - Follow-up

Elise,

Geoff and Laura completed their post-release review of the ORD FOIA. The purpose of the review was three-fold:

1. Identify any sensitive documents released that required additional follow-up (e.g., PII or CBI);
2. Identify any sensitive documents released that we should make the Front Office, OPA and OCIR aware of for awareness in advance of additional media/public attention (whether or not those documents should have been redacted); and
3. Identify what mistakes were made in the review process to help determine how to avoid those mistakes in the future.

To achieve these three goals, we did the following additional review: Laura reviewed all the records in the files of the three ORD custodians (Sarah Bauer, the former tech transfer coordinator, and Jay Garland and Michael

Attorney Client DPP / 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

From: Youngblood, Charlotte
Sent: Wednesday, October 17, 2018 11:38 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Wendy Blake (Blake.Wendy@epa.gov) <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FOIA - What Should Have Happened

Elise,

Attorney Client DPP / Ex. 5

Thanks,
Charlotte

What happened:

Attorney Client DPP / Ex. 5

What should have happened:

Attorney Client DPP / Ex. 5

Attorney Client DPP / Ex. 5

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: Richmond, Jonah [Richmond.Jonah@epa.gov]
Sent: 3/25/2019 6:05:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Weekly Selected Requests 03/13/2019 to 03/20/2019
Attachments: Selected FOIA Requests. 03.13.2019-03.20.2019.docx

Hi Tim,

We met a while back when I was in the Conflict Prevention and Resolution Center. I just moved to the OCSPP Immediate Office, and among other responsibilities, have been asked to work on FOIA responses involving the OCSPP IO.

I read the 11/16 memo about the Awareness Notification Process, but am not clear how this email below fits into this process. For my clarification, are these "selected" requests ones that are tentatively selected for the process, pending feedback from the recipients of your email, before you make a final selection?

Thanks,
Jonah

Jonah Richmond
Regulatory and Information Coordination Staff
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
(202) 564-0210

From: Layne, Arnold
Sent: Monday, March 25, 2019 12:47 PM
To: Hofmann, Angela <Hofmann.Angela@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>
Subject: FW: Weekly Selected Requests 03/13/2019 to 03/20/2019

For action as necessary. Thanks. Arnold

Arnold E. Layne
Acting Associate Assistant Administrator
OCSPP WJC East 3139A
202-564-0758

"Our prime purpose in life is to help people. And if we cannot help them, at the very least don't hurt them!" Anonymous
"Nobody cares how much you know, until they know you care about them!" Zig Ziglar

From: Epp, Timothy
Sent: Sunday, March 24, 2019 10:04 PM
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>
Subject: Weekly Selected Requests 03/13/2019 to 03/20/2019

Hi all,

Please find attached the weekly selected FOIA requests for the period of 03/13/2019 to 03/20/2019. Please note, during this period we received 174 requests and 70 were selected here.

This is the first step in the awareness notification selection process; these are not yet selected for that process.

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

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 4/3/2019 12:18:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Report on history of documents from last Friday's article

Ok. Let me give you a call to discuss.

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, April 03, 2019 7:39 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Report on history of documents from last Friday's article

Attorney Client / DPP/ Ex. 5

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: Wednesday, April 03, 2019 6:27 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Fugh, Justina <Fugh.Justina@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Re: Report on history of documents from last Friday's article

Attorney Client / DPP/ Ex. 5

Tim

Sent from my iPhone

On Apr 2, 2019, at 10:11 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

Attorney Client / DPP/ Ex. 5

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: Epp, Timothy
Sent: Tuesday, April 02, 2019 7:08 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Report on history of documents from last Friday's article

Hi Justina, Wendy, and Nicole – this is FYI as well as an invitation to consider the options I've identified.

Attorney Client / DPP/ Ex. 5

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
<image001.jpg>

From: Epp, Timothy
Sent: Tuesday, April 02, 2019 7:06 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Report on history of documents from last Friday's article

Hi Matt,

Attorney Client / DPP/ 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
<image001.jpg>

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/27/2019 4:18:47 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Need some examples please. Ex 5 and improper requests FOIA for Managers and Supervisors 03152019 (002).pptx
Attachments: FOIA for Managers and Supervisors 03152019 (002).pptx

Hi team!

For this training, I need your help to identify some great example documents for training purposes

- Ex. 5 deliberative process (slide 32)
- A clearly improper request. (slide 11)

Thanks!
Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/26/2019 5:50:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Gov Exec Article/ E&E article

https://www.govexec.com/oversight/2019/03/foia-requests-are-trump-era-parties-disagree-whether-s-good/155534/ (March 13)

Tim Epp, acting director of the newly centralized National FOIA Office at EPA, spoke of a "substantial backlog" of FOIA requests. "We're getting 1,000 more each year," he said, and requests for documents from the administrator's office—a reflection of the tenure of controversial first Trump administration EPA chief Scott Pruitt—has gone up 415 percent since 2016.

There's also "an increase in complexity" for his staff of 100 full-time and 100 full-time equivalents, with requests for "all communications, without narrowing them down, and with multiple sub-parts for more documents we must review."

He praised newly confirmed EPA Administrator Andrew Wheeler for holding a key planning meeting last year to hold FOIA managers accountable on "quality and timeliness," he said, and a policy memo that has "significantly improved the process." An example: FOIA offices have been moved to the authority of the general counsel, both at the national office and in the 10 regional offices.

https://www.eenews.net/eedaily/stories/1060127267/search?keyword=Epp (March 14)

Timothy Epp, acting director of EPA's national FOIA office, also testified at yesterday's hearing. He said the agency has made strides in dealing with the incoming requests, noting EPA has established a strategic goal on improving transparency, has centralized its process in a new office that he now leads and has set guidelines for so-called awareness reviews by political appointees of FOIA responses.

Epp also said EPA's Office of the Administrator has hired five new employees to review FOIA responses. He noted there has been a "Tiger Team" of 12 document reviewers since last August to help with public records requests.

The EPA FOIA official said requests received during the Obama administration have not been prioritized over ones received under Trump.

"We have tackled backlog in various frames, but right now we're primarily working on FOIA requests that have come in within this administration," Epp said.

How many FOIA requests have been received across the federal government in fiscal 2018 is not known yet. Pustay said those figures should be available shortly, calling this year "quite the anomaly" because collection of that data was slowed due to the shutdown that lasted 35 days

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: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 3/28/2019 11:30:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FOIA Toolkit Due 3/29/19, attached
Attachments: FOIA Lean Toolkit- The Flowboard_Version_March 28 2019 .docx

Tim, Denise:

Monday morning, Krishna and I are meeting with Jonathan Lubetsky to resolve a few questions that Krishna raised – other than those outstanding issues, it is complete.

Next week, I will be sharing the post – meeting version with Neil and Gretchen.

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

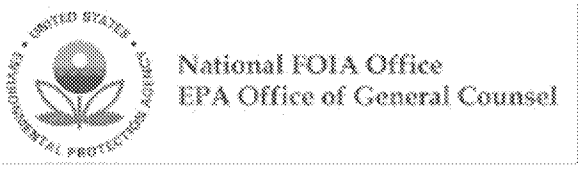
From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/22/2019 2:20:38 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FW: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Joe:

Chris and Tim are out of the office yesterday and today Ex 6 We will prepare this ASAP when Chris returns Monday and can discuss at our reg review with you on Tuesday.

Best,
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 202-816-9872| walker.denise@epa.gov



From: Brazauskas, Joseph
Sent: Thursday, March 21, 2019 9:15:58 AM
To: Packard, Elise; Creech, Christopher
Cc: Epp, Timothy
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Thanks Chris Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Joe

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

From: Packard, Elise
Sent: Thursday, March 21, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Two thoughts:

1. Deliberative Process / Ex. 5
2.

Thanks!

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

From: Creech, Christopher
Sent: Wednesday, March 20, 2019 5:06 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Hello Elise and Joe,

We are getting closer to finalizing the FOIA regulations update. Please let me know if you have any questions about the requests and documents in this message. This was also provided via CTS.

Attached are three documents for Matt's consideration in finalizing the FOIA Regulations Update:

1) "Phase I FOIA Regs Cut-off Date Squibs and Options (03.20.2019)"-- Matt's options selection is requested
   - This document addresses the Cut-off Date provisions (date of request/date of search).
2) "Phase I FOIA Regs Admin Appeals Authority Options (03.20.2019)"-- Matt's options selection is requested
   - This document addresses the authority to issue administrative appeal decisions.
3) "Draft ACTION MEMO FOIA Regulations Update (03.20.2019)"-- Matt's comments or approval is requested
   - Once finalized, this document will be signed by Matt and begin the Administrator's formal approval process.

For your convenience, attached are supporting documents, which do not require action:

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5) Phase I FOIA Regs Clean (03.20.2019)-- The full text of the regulation and preamble
   - This document will need to be edited to reflect the options selected by Matt in 1) and 2)
   - This document is going through a final non-substantive QA/QC
6) Phase I FOIA Regs Redline (03.20.2019)-- Showing the revisions made to the in-force regulation
7) Phase I FOIA Regs Changes Explanation (03.20.2019)-- Overview and basis for the changes to the regulations

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/12/2019 7:06:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: EPA DRAFT Chief FOIA Officer Report 03072018.docx
Attachments: EPA DRAFT Chief FOIA Officer Report 03072018.docx

Cleaned up.

Denise

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/20/2019 4:08:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date
Attachments: Phase I FOIA Regs Cut-off Date Squibs (03.20.2019).docx

Tim,

Squib edits attached.

-
-
-

e

Deliberative Process / Ex. 5

at

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, March 20, 2019 8:34 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Chris – some more edits on the appeals options paper. This is now ready to go to Joe.

Squibs – see attached modest edits.

Deliberative Process / Ex. 5

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: Creech, Christopher
Sent: Tuesday, March 19, 2019 4:03 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Dan,

Andy gave the feedback that Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim,

Deliberative Process / Ex. 5

C

Christopher T. Creech
Attorney-Adviser
Office of General Counsel

U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Schramm, Daniel
Sent: Tuesday, March 19, 2019 2:04 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

I don't have many thoughts on the policy choice. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Creech, Christopher
Sent: Tuesday, March 19, 2019 1:52 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Dan,

Have you previously considered this issue? I'm comfortable with the counseling unless you think there's any red flags.

Tim,

Deliberative Process / Ex. 5

Edits accepted attached. The pertinent paragraph for your convenience:

Deliberative Process / Ex. 5

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, March 19, 2019 1:05 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Thanks Chris, see my comments and edits in the attached. I liked your edits.

Regarding my new questions in the comments – obviously, they go to whether we need to signal to Matt a preference for 2(a) or 2(b).

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: Creech, Christopher
Sent: Tuesday, March 19, 2019 11:47 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

I accepted your edits and suggested two additional, which reflect feedback from Andy and GLO.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks and let me know if you have any questions.

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: Monday, March 18, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Chris, let's discuss the attached as an alternate approach. Some factual information is needed to complete this.
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: Creech, Christopher
Sent: Friday, March 15, 2019 11:55 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Putting this to the top of your inbox. Deliberative Process / Ex. 5 s-

Deliberative Process / Ex. 5

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, March 12, 2019 10:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Below is some proposed language for the Appeals Determinations Authority. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background

Deliberative Process / Ex. 5

Proposed Regulatory Text

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Current Regulatory Text

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: Monday, March 11, 2019 2:00 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Attached are the squibs for Matt re the cut-off date issue. Please let me know if the format and content is acceptable and whether you would like me to send them up to Joe/Elise and Matt.

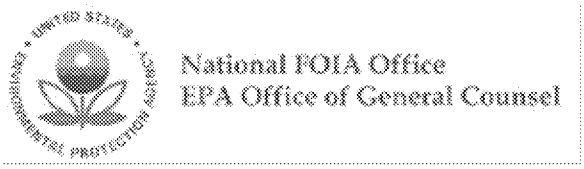
Thank you,

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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/21/2019 5:07:40 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FW: Summary of Interior's proposed FOIA regs
Attachments: Memo on Interior's proposed FOIA regs.docx

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



From: Blake, Wendy
Sent: Thursday, March 21, 2019 1:00 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Summary of Interior's proposed FOIA 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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 3/21/2019 1:34:59 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: Small group working on Enhancing Intake

Tim,

Just sent the updated invite. The first update, to include you, was sent yesterday at 1:24pm.

Please let me know if you did not get this one so I can call IT Help to investigate.

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: Wednesday, March 20, 2019 5:23 PM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Small group working on Enhancing Intake

Hi Wendy,

Quick reminder – please invite me to the small group meeting on the intake process scheduled for next Wednesday. Also, so that timelines for this project are synchronized with the regulations process, please consider inviting Chris to come to give a quick briefing on the timeline for the regulation process.

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/20/2019 9:06:23 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review
Attachments: Phase I FOIA Regs Cut-off Date Squibs and Options (03.20.2019).docx; Phase I FOIA Regs Admin Appeals Authority Options (03.20.2019).docx; Draft ACTION MEMO FOIA Regulations Update (03.20.2019).docx; OP ACTION MEMO Template.docx; Phase I FOIA Regs Clean (03.20.2019).docx; Phase I FOIA Regs Redline (03.20.2019).docx; Phase I FOIA Regs Changes Explanation (03.20.2019).docx

Hello Elise and Joe,

We are getting closer to finalizing the FOIA regulations update. Please let me know if you have any questions about the requests and documents in this message. This was also provided via CTS.

Attached are three documents for Matt's consideration in finalizing the FOIA Regulations Update:

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For your convenience, attached are supporting documents, which do not require action:

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   - This document is going through a final non-substantive QA/QC
6) Phase I FOIA Regs Redline (03.20.2019)-- Showing the revisions made to the in-force regulation
7) Phase I FOIA Regs Changes Explanation (03.20.2019)-- Overview and basis for the changes to the regulations

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: Office of General Counsel Work Sites [no-reply@sharepointonline.com]
Sent: 3/20/2019 7:49:51 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: No Action Required, OGC CTS Task for FOIA Regulations Update, Phase I

You are listed as an interested party for this CTS item. You are not required to take any action on this CTS item at this time. To view all information associated with this CTS item, including its current status, please click the link below.

The Case Name / Subject Number FOIA Regulations Update, Phase I

Originator Comments: Attached are three documents for Matt's consideration in finalizing the FOIA Regulations Update:
1) "Phase I FOIA Regs Cut-off Date Squibs and Options (03.20.2019)"-- Matt's options selection is requested
- This document addresses the Cut-off Date provisions (date of request/date of search).
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- Once finalized, this document will be signed by Matt and begin the Administrator's formal approval process.

For your convenience, attached are supporting documents, which do not require action:
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- This document is going through a final non-substantive QA/QC
6) Phase I FOIA Regs Redline (03.20.2019)-- Showing the revisions made to the in-force regulation
7) Phase I FOIA Regs Changes Explanation (03.20.2019)-- Overview and basis for the changes to the regulations

Click here

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/20/2019 7:41:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Items from today's Information Law Monthly Call

FYI

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

From: Thompson, Heather
Sent: Wednesday, March 20, 2019 3:15 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Items from today's Information Law Monthly Call

Hi Larry,

A few items were raised at Kevin's monthly call that he asked me to take back to NFO:

1.

2.

Deliberative Process / Ex. 5

Let me know if you have any questions or would like to discuss.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/20/2019 6:42:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date
Attachments: Draft ACTION MEMO FOIA Regulations Update (03.20.2019).docx; OP ACTION MEMO Template.docx

Hi Tim,

Attached is the guidance document and the draft memo.

Two notes:

-

-

Deliberative Process / Ex. 5

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, March 20, 2019 1:54 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Looks Good, Chris. Minor comments in the attached.

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: Creech, Christopher
Sent: Wednesday, March 20, 2019 1:35 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

What a timely question!

Attached are the final squibs and a draft of the action memo.

For the Action Memo, two points:

Deliberative Process / Ex. 5

Thanks,

Christopher T. Creech
Attorney–Adviser
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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Thanks Dan Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

this is good to go.

Query: where are you on the draft memo?

Timothy R. Epp
Acting Director | National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
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Phone (202) 564-2830| epp.timothy@epa.gov

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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
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Chris,

Deliberative Process / Ex. 5

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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Tim,

Squib edits attached.

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, March 20, 2019 8:34 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Chris – some more edits on the appeals options paper. This is now ready to go to Joe.

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)
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Phone (202) 564-2830| epp.timothy@epa.gov

National FOIA Office
EPA Office of General Counsel

From: Creech, Christopher
Sent: Tuesday, March 19, 2019 4:03 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Dan,

Deliberative Process / Ex. 5

Tim,

Deliberative Process / Ex. 5

C

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

From: Schramm, Daniel
Sent: Tuesday, March 19, 2019 2:04 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Deliberative Process / Ex. 5

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Sent: Tuesday, March 19, 2019 1:52 PM
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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Dan,

Have you previously considered this issue? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim,

Deliberative Process / Ex. 5

Edits accepted attached. The pertinent paragraph for your convenience:

Deliberative Process / Ex. 5

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, March 19, 2019 1:05 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Thanks Chris, see my comments and edits in the attached. I liked your edits.

Deliberative Process / Ex. 5

Timothy R. Epp
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U.S. Environmental Protection Agency | Office of General Counsel
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National FOIA Office
EPA Office of General Counsel

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Sent: Tuesday, March 19, 2019 11:47 AM
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Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

I accepted your edits and suggested two additional, which reflect feedback from Andy and GLO.

Deliberative Process / Ex. 5

Thanks and let me know if you have any questions.

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: Monday, March 18, 2019 8:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Chris, let's discuss the attached as an alternate approach. Some factual information is needed to complete this.
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
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Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Deliberative Process / Ex. 5

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, March 12, 2019 10:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Below is some proposed language for the Appeals Determinations Authority. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background

Attorney Client / DPP/ Ex. 5

Proposed Regulatory Text

Deliberative Process / Ex. 5

. . .

Current Regulatory Text

Deliberative Process / Ex. 5

Christopher T. Creech
Attorney–Adviser
Office of General Counsel
U.S. Environmental Protection Agency
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Room 7353 E

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Sent: Monday, March 11, 2019 2:00 PM
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Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Attached are the squibs for Matt re the cut-off date issue. Please let me know if the format and content is acceptable and whether you would like me to send them up to Joe/Elise and Matt.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/20/2019 5:35:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date
Attachments: Phase I FOIA Regs Cut-off Date Squibs (03.20.2019).docx; Draft ACTION MEMO Phase I FOIA Regulations (03.20.2019).docx

What a timely question!

Attached are the final squibs and a draft of the action memo.

For the Action Memo, two points:

Deliberative Process / Ex. 5

Thanks,

Christopher T. Creech
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Office of General Counsel
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Room 7353 E

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Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

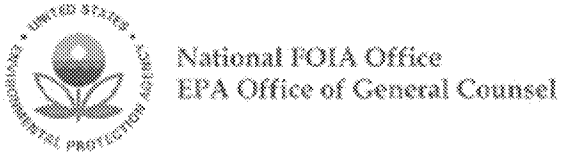
Thanks Dan, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Query: where are you on the draft memo?

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



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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Chris,

Deliberative Process / Ex. 5

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Tim,

Squib edits attached.

Deliberative Process / Ex. 5

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Chris – some more edits on the appeals options paper. This is now ready to go to Joe.

Deliberative Process / Ex. 5

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Dan,

Deliberative Process / Ex. 5

functions (ostensibly through delegation).

Tim,

Deliberative Process / Ex. 5

C

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Dan,

Have you previously considered this issue? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Tim,

Deliberative Process / Ex. 5

...

Deliberative Process / Ex. 5

Edits accepted attached. The pertinent paragraph for your convenience:

Deliberative Process / Ex. 5

Best,

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Thanks and let me know if you have any questions.

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Deliberative Process / Ex. 5

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

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Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Deliberative Process / Ex. 5

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Hi Tim,

Below is some proposed language for the Appeals Determinations Authority. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

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Attorney Client / DPP/ Ex. 5

Proposed Regulatory Text

Deliberative Process / Ex. 5

Current Regulatory Text

Deliberative Process / Ex. 5

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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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 3/12/2019 3:57:02 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification

Quick update: I will circle with you tomorrow on your email below once I have a chance to talk to my team in the morning. I also plan to read the draft testimony in the morning and send any comments.

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: Monday, March 11, 2019 8:43 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification

Deliberative Process / Ex. 5

Tim

Timothy R. Epp
Acting Director | National FOIA Office
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From: Blake, Wendy
Sent: Monday, March 11, 2019 8:25 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification

Tim –

Deliberative Process / Ex. 5

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: Epp, Timothy
Sent: Monday, March 11, 2019 7:21 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Re: Awareness Notification

Thanks, Wendy.

Deliberative Process / Ex. 5

Tim

Sent from my iPhone

On Mar 10, 2019, at 10:44 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

We can talk tomorrow. My suggested revision is below. What I sent you yesterday was Joan's rewrite. Let's talk.

Sent from my iPhone

Begin forwarded message:

From: "Blake, Wendy" <Blake.Wendy@epa.gov>
Date: March 7, 2019 at 6:04:09 PM EST
To: "Kaminer, Joan" <Kaminer.Joan@epa.gov>
Cc: "Kelly, Lynn" <Kelly.Lynn@epa.gov>, "Miller, Kevin" <Miller.Kevin@epa.gov>
Subject: FW: Awareness Notification

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: Thursday, March 07, 2019 12:33 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: FW: Awareness Notification

As discussed – please send comments

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
<image001.jpg>

From: Epp, Timothy
Sent: Thursday, March 07, 2019 12:24 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification

Subject: Awareness Notification

Dear Ms. Walker:

Deliberative Process / Ex. 5

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

Personal Phone / Ex. 6 Direct line)
Mobile)
202-566-1667 (Main line)

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 3/12/2019 12:53:47 AM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Knapp, Kristien [Knapp.Kristien@epa.gov]
Subject: Fwd: LRM: [JMB-116-24] Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance (OLA WF 119074)
Attachments: EPA testimony DOJ edits.docx; ATT00001.htm

Attached are DOJ's edits/comments for review.

Begin forwarded message:

> **From:** "Barringer, Jody M. EOP/OMB" < Ex. 6
> **Date:** March 11, 2019 at 8:39:46 PM EDT
> **To:** "voyles.travis@epa.gov" <voyles.travis@epa.gov>
> **Cc:** "epalrm@epamail.epa.gov" <epalrm@epamail.epa.gov>
> **Subject: Fwd: LRM: [JMB-116-24] Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance (OLA WF 119074)**
>
> Hi Travis,
>
> Attached are additional comments from DOJ on EPA's FOIA testimony.
>
> Thanks,
> Jody
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **From:** "Wahdan, Rana S. (OLA)" <Rana.S.Wahdan@usdoj.gov>
>> **Date:** March 11, 2019 at 5:34:49 PM EDT
>> **To:** "Jody M. Barringer Ex. 6 <Jody M. Barringer Ex. 6
>> **Cc:** "Wahdan, Rana S. (OLA)" <Rana.S.Wahdan@usdoj.gov>
>> **Subject: RE: LRM: [JMB-116-24] Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance (OLA WF 119074)**
>>
>> Jody,
>>
>> Attaching a few edits.
>>
>> Thanks,
>>
>> Rana
>>
>> **From:** Barringer, Jody M. EOP/OMB < Ex. 6
>> **Sent:** Monday, March 11, 2019 4:05 PM
>> **To:** Justice Lrm (SMO) <JusticeL@jmd.usdoj.gov>

Subject: FW: LRM: [JMB-116-24] Due 03/11/2019 Monday at 4:00 PM -- Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance

Good afternoon,

I am just checking in to see if DOJ expects to have any comments on the EPA FOIA testimony. If not, I would like to send passback to EPA shortly with minor comments that I have received so far.

Thanks,
Jody

Jody M. Barringer
Legislative Analyst
Office of Management & Budget
Ex. 6

From: Barringer, Jody M. EOP/OMB
Sent: Friday, March 8, 2019 5:58 PM
To: 'congress.affairs@nara.gov' <congress.affairs@nara.gov>; 'JUSTICE' <justice.lrm@usdoj.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'ENERGY' <Energy.GC33@hq.doe.gov>; 'TREASURY' <llr@treasury.gov>; 'TRANSPORTATION' <dot.legislation@dot.gov>; 'HOMELAND SECURITY' <DHSOGCLegislation@HQ.DHS.GOV>; 'HEALTH & HUMAN SERVICES' <lrm@hhs.gov>
Cc: Wade, Dana t. EOP/OMB Ex. 6 Abrams, Andrew D. EOP/OMB < Ex. 6 ; Boden, James EOP/OMB
axton, Brian A. EOP/OMB
lordan, Colby R. EOP/OMB
Lucas, Adrienne E. EOP/OMB
ov>; Grossman, Andrea L. EOP/OMB
gov>; Gamache, Christopher D. EOP/OMB
eop.gov>; Hagan, Michael B. EOP/OMB
v>; Cornelius, Matthew T. EOP/OMB
gov>; Grimes, Justin M. EOP/OMB
>; Liberante, Wendy L. EOP/OMB
gov>; Nye, Joseph B. EOP/OMB
Walsh, Heather V. EOP/OMB
v>; DL NSC Legal Ex. 6 ; DL NSC
mil>; McIntyre, Natalie M. EOP/OMB
ov>; Fraser, Nicholas A. EOP/OMB
v>; Damis, Rody EOP/OMB
ntura, Alexandra EOP/OMB
v>; Rodgers, Marshall J. EOP/OMB
gov>; Bronack, Candice M. EOP/OMB
gov>; Vaeth, Matt J. EOP/OMB
; Burnim, John D. EOP/OMB
; Crow, Rose C. EOP/OMB
ov>; Herz, James P. EOP/OMB
ckey, Mike J. EOP/OMB
Crutchfield, Craig C. EOP/OMB
>; Theroux, Rich P. EOP/OMB

Ex. 6

Ex. 6

Ex. 6

v>; Matich, Nicholas T. EOP/OMB
; Nusraty, Tim H. EOP/OMB
>; Wold, Theo J. EOP/WHO
Hunt, Alex T. EOP/OMB
>; Brooke, Francis J. Jr. EOP/WHO
>; Lai, Joseph G. EOP/WHO
Villiams, Michael B. EOP/OMB
gov>
Subject: LRM: [JMB-116-24] Due 03/11/2019 Monday at 4:00 PM -- Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance

DEADLINE: **4:00 PM Monday, Mar 11 2019**

Attached is the testimony of Acting Director of EPA's National FOIA Office, Timothy Epp, for a House Oversight and Government Reform hearing on FOIA transparency and compliance scheduled for March 13, 2019. This is the same hearing that the Department of Justice is testifying at which was circulated on Thursday, March 7th under LRM RD 116-20.

Please provide edits and comments by the deadline above.

Thank you!

LRM ID: JMB-116-24
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

Legislative Liaison Officer - See Distribution

FROM: Burnim, John (for) Assistant Director for Legislative Reference
SUBJECT: LRM: [JMB-116-24] Due 03/11/2019 Monday at 4:00 PM -- Environmental Protection Agency Oversight Testimony FOIA Transparency and Compliance

OMB CONTACT: Jody Barringer(OMB)
E-Mail: Ex. 6
PHONE
FAX: (2 Ex. 6

In accordance with OMB Circular No. A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

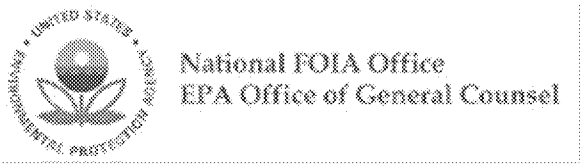
Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Jody M. Barringer
Legislative Analyst
Office of Management & Budget
Ex. 6

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/12/2019 3:34:52 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
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



From: Dolph, Becky
Sent: Friday, September 15, 2017 12:16 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: FOIA processing in the Office of the Administrator

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: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 3/8/2019 7:48:32 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Case Law on Search Cut Off

Yeah - thank Joan!

From: Creech, Christopher
Sent: Friday, March 8, 2019 2:48 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Case Law on Search Cut Off

Thanks, Dan. This is super helpful.

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

From: Schramm, Daniel
Sent: Friday, March 8, 2019 2:42 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Case Law on Search Cut Off

Per convo today, this will probably help you put together your squibs.

From: Kaminer, Joan
Sent: Tuesday, May 22, 2018 12:48 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: civil attorney and info from your pattern and practice case?

Attorney Client / DPP/ Ex. 5

Attorney Client / DPP/ Ex. 5

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

From: Schramm, Daniel
Sent: Tuesday, May 22, 2018 12:05 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: civil attorney and info from your pattern and practice case?

Attorney Client / DPP/ Ex. 5

From: Kaminer, Joan
Sent: Tuesday, May 22, 2018 10:51 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: civil attorney and info from your pattern and practice case?

Attorney Client / DPP/ Ex. 5

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

From: Schramm, Daniel
Sent: Tuesday, May 22, 2018 9:48 AM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: civil attorney and info from your pattern and practice case?

Attorney Client / DPP/ Ex. 5

From: Kaminer, Joan
Sent: Tuesday, May 22, 2018 9:10 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: civil attorney and info from your pattern and practice case?

Sure, I'm free except for 10-11

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

From: Schramm, Daniel
Sent: Monday, May 21, 2018 5:42 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: civil attorney and info from your pattern and practice case?

Joan – could we talk tomorrow morning on where your case is at on the calendar entries problem?

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/15/2019 3:55:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date
Attachments: Phase I FOIA Regs, Cut-off Date Squibs.docx; Proposed Admin Appeals Language 03.15.2019.docx

Hi Tim,

Putting this to the top of your inbox. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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, March 12, 2019 10:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: RE: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Below is some proposed language for the Appeals Determinations Authority. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Background

Deliberative Process / Ex. 5

Proposed Regulatory Text

Deliberative Process / Ex. 5

Current Regulatory Text

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: Monday, March 11, 2019 2:00 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Review and Communication Requested, Squibs for Matt re Cut-Off Date

Hi Tim,

Attached are the squibs for Matt re the cut-off date issue. Please let me know if the format and content is acceptable and whether you would like me to send them up to Joe/Elise and Matt.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/8/2019 5:34:30 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: checking in -- are we ready for the 1 pm mtg with Matt?
Attachments: Phase I FOIA Regs GC Briefing Notes.docx

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

From: Schramm, Daniel
Sent: Friday, March 8, 2019 12:06 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: checking in -- are we ready for the 1 pm mtg with Matt?

I'm in

From: Creech, Christopher
Sent: Friday, March 8, 2019 11:59 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: checking in -- are we ready for the 1 pm mtg with Matt?

Dan—Are you in the office? Or are you calling in?

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

From: Creech, Christopher
Sent: Friday, March 8, 2019 11:59 AM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: checking in -- are we ready for the 1 pm mtg with Matt?

Hi Dan,

I was just calling you. Attached are the documents for discussion. I will also share the notes I prepared for myself shortly.

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

From: Schramm, Daniel
Sent: Friday, March 8, 2019 11:55 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: checking in -- are we ready for the 1 pm mtg with Matt?

Chris, could you circulate the briefing materials?

Sent from my iPhone

On Mar 8, 2019, at 10:29 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

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
<image001.jpg>

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/8/2019 4:58:51 PM
To: Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: checking in -- are we ready for the 1 pm mtg with Matt?
Attachments: Phase I FOIA Regs, Timeline 03.05.2019.docx; Phase I FOIA Regs Redline 03.01.2019.docx; Phase I FOIA Regs Clean 03.01.2019.docx; Phase I FOIA Regs Changes Explanation 03.01.2019.docx

Hi Dan,

I was just calling you. Attached are the documents for discussion. I will also share the notes I prepared for myself shortly.

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

From: Schramm, Daniel
Sent: Friday, March 8, 2019 11:55 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: Re: checking in -- are we ready for the 1 pm mtg with Matt?

Chris, could you circulate the briefing materials?

Sent from my iPhone

On Mar 8, 2019, at 10:29 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

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
<image001.jpg>

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 3/7/2019 10:51:01 PM
To: Simon, Paul [Simon.Paul@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: FOIA guidance document

I can explain the first and clarify the second. Easiest done verbally.

Sent from my iPhone

On Mar 7, 2019, at 5:32 PM, Simon, Paul <Simon.Paul@epa.gov> wrote:

Here are the 2 questions I didn't have time to ask you just now:

1.

2.

Deliberative Process / Ex. 5

Thank you.

Paul Simon
Deputy Regional Counsel
EPA Region 2
212-637-3152

*Internal emails relating to a FOIA request may or may not be worthy of uploading to FOIAOnline; I would think that would be the exception rather than the rule.

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 3/7/2019 9:45:44 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Awareness Notification

No comments from me.

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: Thursday, March 7, 2019 12:33 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: FW: Awareness Notification

As discussed – please send comments

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: Thursday, March 07, 2019 12:24 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification

Subject: Awareness Notification

Dear Ms. Walker:

Deliberative Process / Ex. 5

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

Appointment

From: Crawford, Tim [Crawford.Tim@epa.gov]
Sent: 3/19/2019 7:26:52 PM
To: Julka, Christopher A CIV DON, CIO [christopher.a.julka@navy.mil]; STEPHANIE S. TELL (STEPHANIE.S.TELL@cbp.dhs.gov) [STEPHANIE.S.TELL@cbp.dhs.gov]; SHARPE, CHRISTIE M [christie.m.SHARPE@cbp.dhs.gov]; Krebs, Kevin (USAEO [Kevin.Krebs@usdoj.gov]; Kelly, Karin [Karin.Kelly@mspb.gov]; Joseph Scanlon [joseph.scanlon@nara.gov]; Gonzalez, Barbara, OIG DoD [barbara.gonzalez@dodig.mil]; Gardner, Matt (OIP) [Matt.Gardner@usdoj.gov]; Gamez Betty [Gamez.Betty@pbgc.gov]; Oleinick, Lewis W CIV DLA GENERAL COUNSEL (US) [lewis.oleinick@dla.mil]; Dixon, Kathy Michelle CIV DLA GENERAL COUNSEL (US) [kathy.Dixon@dla.mil]; Stephanie.Kost@fcc.gov; Travis Lewis - H1F [travis.lewis@gsa.gov]; Patrick Howard (PATRICK.A.HOWARD@CBP.DHS.GOV) [PATRICK.A.HOWARD@CBP.DHS.GOV]; Fon.Muttamara@mspb.gov; vanessa.lamb@fcc.gov; Kline, Lauren [Lauren.Kline@ssa.gov]; Sarai, Navdeep [Navdeep.Sarai@ssa.gov]; Perry.Camilla@pbgc.gov; Gottesman, Larry [Gottesman.Larry@epa.gov]; Frye, Linda [Linda.Frye@ssa.gov]; Walters, Penny L CIV DLA INFO OPERATIONS (US) [penny.walters@dla.mil]; Jesse, Dennis W CIV DLA INFO OPERATIONS (US) [Dennis.Jesse@dla.mil]; Keeling, Synta (Synta.Keeling@nlrb.gov) [Synta.Keeling@nlrb.gov]; Jeweler, Mark (Mark.Jeweler@nlrb.gov) [Mark.Jeweler@nlrb.gov]; Weth, Patricia [Patricia.Weth@nlrb.gov]; kimberly.veach@gsa.gov; Fashola, Oreoluwa O. [Oreoluwa.Fashola@sba.gov]; Jones, Melinda D. [melinda.jones@sba.gov]; Everling, Jennifer [Jennifer.Everling@mspb.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Danoff, Karen [Karen.Danoff@nrc.gov]; Blaney, Stephanie [Stephanie.Blaney@nrc.gov]; Bacchus, James E. (USPC) [James.E.Bacchus@usdoj.gov]; Golobowich, Aaron (USAEO) [Aaron.Golobowich2@usdoj.gov]; Osborne, Rebecca [rosborne@flra.gov]; Jacob, Fred [fjacob@flra.gov]; Banks, Anissa H. (USPC) [Anissa.Banks@usdoj.gov]; Mark.Dorgan@DODIG.MIL; Shari.suzuki@dhs.gov; Taylor, Will (OPATTY) [Will.Taylor2@usdoj.gov]; Chyn, C. T. Monica [C.T.Monica.Chyn@ssa.gov]; SUZUKI, SHARI [SHARI.SUZUKI@CBP.DHS.GOV]; Benish Shah [Benish.Shah@fcc.gov]; Jeannette Wise [jeannette.wise@nara.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Johnson, Ivry [Johnson.Ivry@epa.gov]; Shirley Brown OPERATIONS Brown [Shirley.Brown@dla.mil]; sabrina.burroughs@cbp.dhs.gov; Muck, Steve CIV SECNAV, OCIO [steven.muck@navy.mil]; Parsons, Bobbie (Federal) [bParsons@doc.gov]; Purvis, Catrina (Federal) [CPurvis@doc.gov]; Epp, Timothy [Epp.Timothy@epa.gov]

Subject: FOIAonline Advisory Board Meeting
Attachments: Post Deoployment 3-20-19.pptx
Location: conf line (202.991.0477) (PC:8067030) or in person at EPA West 1301 Constitution Ave NW (6312X)

Start: 3/20/2019 2:00:00 PM
End: 3/20/2019 3:00:00 PM
Show Time As: Tentative

Please see the attached slide deck for tomorrow's Advisory Board meeting.
Please call me in advance if you plan on attending in person.
--thank you

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 3/19/2019 6:35:32 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Review by COB Today
Attachments: OGC-2 CLEAN FOIA Fact Sheet.docx

Tim,

Attached is a fact sheet regarding FOIA that will be used in the upcoming budget hearings for the Administrator. It is in pretty good shape but if there is any additional information or updates please make them by COB today. Thank you, Joe

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

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 3/7/2019 9:27:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]
Subject: Testimony
Attachments: Draft EPA Prepared Statement_version 3-6-19_draft.docx

Tim,

Attached is the latest draft of the testimony. Still waiting on Matt's review. Would you please include a Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
Joe

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

Message

From: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]
Sent: 3/11/2019 9:15:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
CC: Cozad, David [Cozad.David@epa.gov]
Subject: FOIA Functional Statement: next steps
Attachments: FOIA Functional Statement 03062019.docx

Tim and Neil – I'd like your help finalizing the attached document. Could you send me the comments you received from the Regions? I believe they've been incorporated into the attached March 6 version, but I'd like to see any other points they make.

Thanks!

Carol Ann Siciliano
Acting Deputy General Counsel for Environmental Law and Regional Law Offices
U.S. Environmental Protection Agency
(202) 564-5489
siciliano.carolann@epa.gov

Message

From: Sherlock, Scott [Sherlock.Scott@epa.gov]
Sent: 3/13/2019 8:02:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Management Review Request for Initial Response tor FOIA Requests EPA-HQ-2019-001853 and EPA-HQ-2019-001976

Thank you for the information. I'll use the correct term next time.

I appreciate your help.

Scott M. Sherlock, Attorney Advisor
Environmental Assistance Division
Office of Pollution Prevention and Toxics
United States Environmental Protection Agency
202-564-8257

From: Epp, Timothy
Sent: Wednesday, March 13, 2019 4:01 PM
To: Sherlock, Scott <Sherlock.Scott@epa.gov>
Subject: RE: Management Review Request for Initial Response tor FOIA Requests EPA-HQ-2019-001853 and EPA-HQ-2019-001976

Hi Scott,
In the future, please do not use the phrase "management review" – the Awareness Notification Memorandum is clear that there is no request for "review", rather it is informational "notice" and the action will be taken after the 3rd day.
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: Sherlock, Scott
Sent: Wednesday, March 13, 2019 3:56 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>;

Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Camacho, Iris <Camacho.Iris@epa.gov>; Fehrenbacher, Cathy <Fehrenbacher.Cathy@epa.gov>; Myrick, Pamela <Myrick.Pamela@epa.gov>; Latham, John <Latham.John@epa.gov>; Hasan, Jafrul <Hasan.Jafrul@epa.gov>; Braun, Hannah <braun.hannah@epa.gov>
Subject: Management Review Request for Initial Response tor FOIA Requests EPA-HQ-2019-001853 and EPA-HQ-2019-001976

OCSPP/OPPT/RAD/EAD 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 the 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 the transmission of this email, the Action Office will issue the Agency's FOIA response to the requester(s). The response 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 Office: OCSPP/OPPT/RAD/EAD

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-2019-001853 and EPA-HQ-2019-001976 (overlapping)	Jonathan Kalmuss-Katz; Eve Gartner (both Earthjustice)	Earthjustice	12/4/18	3/13/19	See below	1st Interim response	10 (copy of FOIA request provided as FYI)

Intended interim response.

1) All communications between EPA staff and any employee, representative or agent of (1) Sun Chemical Corporation or (2) the Color Pigments Manufacturers Association relating
to Pigment Violet 29, including but not limited to the personal communications between Dr. Robert C. Mott (Sun Chemical Corporation) and Alie Muneer (EPA) referenced in
the draft Risk Evaluation.

Interim response: See attachments identified as #1. Attached are the communications between Dr. Mott and Ms. Muneer referenced in the Draft Risk Evaluation for C.I. Pigment Violet 29 (Anthra[2,1,9-def:6,5,10-d'e'f']diisoquinoline-1,3,8,10(2H,9H)-tetrone) CASRN: 81-33-4, November 2018 at page 34. There are likely other potentially responsive communications other than the identified materials and the letter from Maria Doa and the response from the representative from Sun Chemicals (Holland). The Agency will discuss with the submitter the scope of this request.

2) All records that were provided or generated in connection with the February 13, 2017 Outreach Meeting with Color Pigments Manufacturers Association and EPA to discuss
Toxic Substances Control Act (TSCA) First Ten Chemicals, *see*
https://www.regulations.gov/contentStreamer?documentId=EPA-HQ-OPPT-2016-0725-
0026&contentType=pdf, including but not limited to any presentation slides, handouts, minutes, meeting notes, and preceding or follow-up emails.

Interim Response: See attachments identified as #2.

3) All workplace air monitoring data or other records, irrespective of date, supporting EPA's statement in the draft Risk Evaluation that "approximate maximum workplace air
concentration of 0.5 mg/m3 would be expected over a 12 hour shift." *See* Risk Evaluation at 22.

Interim Response: See attachments identified as #3.

4) All monitoring data or other records, irrespective of date, supporting EPA's statement in the draft Risk Evaluation that "of the NPDES-permitted TSS discharges for this sole
domestic manufacturing facility, it is estimated that 0.6 lb/day of C.I. Pigment Violet 29 is being discharged (<0.1 percent of produced C.I. Pigment Violet 29)." *See* Risk
Evaluation at 21.

Interim Response: See attachments identified as #4.

5) The full study reports, irrespective of date, for each of the 24 individual scientific studies described in the draft Risk Evaluation, including:
a. 20 studies associated with robust summaries for Pigment Violet 29 submitted to the European Chemicals Agency. *See* Risk Evaluation at 5 ("The EPA obtained full
study reports associated with the European Chemicals Agency (ECHA) robust summaries … The EPA has reviewed these full study reports …") and at 39-43; and
b. 4 additional studies described in the Risk Evaluation at 18 ("Three human health studies and one environmental fate study received from the data owners were not
explicitly summarized in the ECHA Database, or the Food Additive Petition (FAP) 8B4626.")

Interim Response: As the requestors are aware, the full study reports were directed to the Agency as confidential business information (CBI). The Agency is engaged in a CBI review consistent with the provisions of 40 CFR part 2. The review has not yet been completed. Once the review is completed and all procedures have been complied with, a more detailed response will be provided.

6) Records relating to EPA's obtaining of the full study reports described in Request 5.

Interim Response: See attachments identified as #6.

Scott M. Sherlock, Attorney Advisor
Environmental Assistance Division
Office of Pollution Prevention and Toxics
United States Environmental Protection Agency
202-564-8257

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 3/11/2019 6:50:51 PM
To: Knapp, Kristien [Knapp.Kristien@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FOIA Hearing Prep: Draft Q & As
Attachments: NFO Testimony Prep Q&As.docx

Kristien:

Attached is a draft version of the Q&As for today's moot. As I explained on the phone, it's still a work in progress, and we anticipate having to make changes before Wednesday's hearing.

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: Clarke, Victoria [clarke.victoria@epa.gov]
Sent: 3/11/2019 6:31:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: RE: Ethics FOIAs: Head's Up Draft Email
Attachments: DRAFT_OGC Ethics Equity Review Cover Email Template_20190311.docx

Thank you so much, Tim, Nicole, and Denise!!!!!!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Monday, March 11, 2019 2:28 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Hi Victoria,

See attached. These comments reflect review by NFO and GLO.

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: Rementer, Nicole
Sent: Monday, March 11, 2019 2:09 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

Attached.

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: Rementer, Nicole
Sent: Monday, March 11, 2019 9:37 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

I will incorporate your comments below and send a clean version to you, so you can forward to Justina.

Deliberative Process / Ex. 5

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, March 11, 2019 9:02 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

Nicole, three things on this letter:

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: Blake, Wendy
Sent: Saturday, March 09, 2019 10:57 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

Nicole – The attached include my comments. Thanks for sharing.

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: Rementer, Nicole
Sent: Thursday, February 28, 2019 12:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

Tim:

Attached is the draft document with my edits. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, February 19, 2019 2:13 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Wendy – below is the request for review from Ethics. 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: Clarke, Victoria
Sent: Friday, February 01, 2019 8:48 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Good morning, Tim! I'm putting this on your radar again, since it came up at our ethics staff meeting yesterday. If you'd like to delegate review to someone else, let me know. ☺

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

From: Clarke, Victoria
Sent: Tuesday, December 11, 2018 11:31 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>

Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Ethics FOIAs: Head's Up Draft Email

Hi Tim,

Dave Cozad has asked that Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please edit as you think is necessary and let me know who from GLO you think should be involved.

Thank you!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 3/10/2019 3:56:44 AM
To: Rementer, Nicole [rementer.nicole@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Ethics FOIAs: Head's Up Draft Email
Attachments: DRAFT_OGC Ethics Equity Review Cover Email Template_nmr edits 20190228.wb.docx

Nicole – The attached include my comments. Thanks for sharing.

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: Rementer, Nicole
Sent: Thursday, February 28, 2019 12:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Ethics FOIAs: Head's Up Draft Email

Tim:

Attached is the draft document with my edits. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, February 19, 2019 2:13 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Wendy – below is the request for review from Ethics. 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: Clarke, Victoria
Sent: Friday, February 01, 2019 8:48 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Good morning, Tim! I'm putting this on your radar again, since it came up at our ethics staff meeting yesterday. If you'd like to delegate review to someone else, let me know. ☺

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: PersonalPhone / Ex. 6

From: Clarke, Victoria
Sent: Tuesday, December 11, 2018 11:31 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Ethics FOIAs: Head's Up Draft Email

Hi Tim,

Dave Cozad has asked that GLO Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please edit as you think is necessary and let me know who from GLO you think should be involved.

Thank you!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 3/8/2019 10:12:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: updated prepared statement
Attachments: EPA-Timothy Epp Testimony_House Ovesight and Reform 03-13-19.docx

Final version is attached here. I am sending to OMB now. If there is anything else we catch I can communicate that to OMB.

Travis Voyles
O: (202) 564-6399
C: Personal Phone / Ex. 6

From: Epp, Timothy
Sent: Friday, March 8, 2019 4:00 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: updated prepared statement

Joe and Travis – I've updated the prepared statement in the attached to include a discussion of FOIAonline (and it still retains the discussion of backlog from 2016 & 2017. (A clean version is attached.)

Here is the text I added on FOIAonline - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Friday, March 08, 2019 3:29 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: updated prepared statement

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Friday, March 8, 2019 3:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: updated prepared statement

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: Brazauskas, Joseph
Sent: Friday, March 08, 2019 3:19 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: updated prepared statement

How many FOIA requests was the inherited backlog?

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency

(202) 564-5189

From: Epp, Timothy
Sent: Friday, March 8, 2019 3:17 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: updated prepared statement

See attached.

Deliberative Process / Ex. 5

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/14/2019 8:21:03 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Weekly Selected FOIA Requests 03.06.2019-03.13.2019
Attachments: Selected FOIA Requests. 03.06.2019-03.13.2019.docx; Selected FOIA Requests. 03.06.2019-03.13.2019.xlsx

Hello Tim,

Please find the weekly selected FOIA requests for 03.06.2019-03.13.2019. During the period we received 196 requests and 70 were selected here.

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: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 3/6/2019 7:14:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: One Pager Request

I will get these into Matt's binder tonight.

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

From: Epp, Timothy
Sent: Wednesday, March 6, 2019 1:53 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: One Pager Request

Joe – attached is final (I've made the small adjustments). Do you want to add this to Matt's binder along with the Prepared Statement?

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: Wednesday, March 06, 2019 1:32 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: One Pager Request

This looks good thanks Tim

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

From: Epp, Timothy
Sent: Wednesday, March 6, 2019 8:30 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: One Pager Request
Importance: High

Here is a summary of the 2-phase approach and options

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: Tuesday, March 05, 2019 7:47 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: One Pager Request

Thank you Tim

Sent from my iPhone

On Mar 5, 2019, at 7:45 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Joe – I don't have the background info at home with me – I'll prepare this first thing in the morning (I get in usually about 7:30).
>
> **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:** Brazauskas, Joseph
> **Sent:** Tuesday, March 05, 2019 6:42 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Subject:** One Pager Request
>
> Tim,
>
> Matt has asked for a one pager for Administrator Wheeler that describes the two part FOIA regulation strategy with the key goals that we intend to accomplish in each. The deadline is ASAP. Please let me know if you have any questions.
>
> Thanks,
> Joe
>
> **Joseph A. Brazauskas**
> Associate Deputy General Counsel
> U.S. Environmental Protection Agency
> (202) 564-5189

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 3/6/2019 2:50:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification
Attachments: FOIA Efficiency Memo (1).pdf; Awareness Notificiation Temp 1.docx

Per your request, below is the email template that we were provided to use in sending out notice when a request was selected to follow the Awareness Notification process.

Please let me know your edits, so we can starting using the new email template.

Thanks

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

From: Person, Linda
Sent: Thursday, February 28, 2019 1:10 PM
To: Walker, Mary <walker.mary@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>
Cc: Gross, Louann <Gross.LouAnn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness Notification

(This is being sent on behalf of Larry Gottesman)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you,

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/6/2019 2:35:42 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schramm, Daniel [Schramm.Daniel@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: Re: One Pager Request

Looks good, Tim.
Sorry you're getting sucked into the 24/7 work day...

Sent from my iPhone

On Mar 6, 2019, at 9:33 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thanks!
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> **From:** Schramm, Daniel
> **Sent:** Wednesday, March 06, 2019 9:13 AM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
> **Subject:** RE: One Pager Request
>
> **Deliberative Process / Ex. 5**
>
> **From:** Epp, Timothy
> **Sent:** Wednesday, March 6, 2019 8:54 AM
> **To:** Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
> **Subject:** FW: One Pager Request
> **Importance:** High
>
> Chris, Dan, Denise – Last night, Joe asked for a 1-pager on our 2-Phase regulation update approach – he wanted it ASAP.
>
> Attached is what I sent him – please quickly review and let me know if I made any show-stopper errors that I would need to correct.
>
> 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: Wednesday, March 06, 2019 8:30 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: One Pager Request
Importance: High

Here is a summary of the 2-phase approach and options

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: Tuesday, March 05, 2019 7:47 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: One Pager Request

Thank you Tim

Sent from my iPhone

On Mar 5, 2019, at 7:45 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Joe – I don't have the background info at home with me – I'll prepare this first thing in the morning (I get in usually about 7:30).
>
> **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:** Brazauskas, Joseph
> **Sent:** Tuesday, March 05, 2019 6:42 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Subject:** One Pager Request
>
> Tim,
>
> Matt has asked for a one pager for Administrator Wheeler that describes the two part FOIA regulation strategy with the key goals that we intend to accomplish in each. The deadline is ASAP. Please let me know if you have any questions.
>
> Thanks,
> Joe

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/5/2019 7:22:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: [For Tim's Binder] FW: Due Fri. 10/13: plans to clear FOIAs submitted prior to 1/1/17
Attachments: Pending before 1 1 17.xls; Plan to Address Backlogged Requests.xlsx

Title: October 10, 2017 Backlog Challenge

Denise A. Walker
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 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

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Please consider the environment before printing this email or its attachments.

National FOIA Office
EPA Office of General Counsel

From: Fine, Steven
Sent: Tuesday, October 10, 2017 8:10 PM
To: 2017HQfirstassistants <2017HQfirstassistants@epa.gov>; 2017Regionfirstassistants <2017Regionfirstassistants@epa.gov>
Cc: Acting DAAs <Acting_DAAs@epa.gov>; Acting DRAs <Acting_DRAs@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Byrd, Jonda <byrd.jonda@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Subject: Due Fri. 10/13: plans to clear FOIAs submitted prior to 1/1/17

All,

Ryan Jackson has challenged the agency to complete responses to FOIA requests submitted prior to January 1, 2017 by the end of this calendar year. OEI and OGC will share with him next week how the agency will meet that goal.

The first attachment contains a list of the outstanding FOIA requests submitted prior to 2017 with a tab for each program/region. By Friday, Oct. 13 please send a plan to address the backlog to Larry Gottesman. Please use the template in the second attachment for your plan. The first tab in the spreadsheet captures the general approaches you propose to use and key categories of requests in your backlog with associated approaches and milestones. The second tab is for requests that you anticipate will be challenging to complete by Dec. 31.

In developing your plan, please use the following targets:

- Complete 10% or more of backlog by Oct. 31
- Complete 50% or more by Nov. 30

- Complete 75% or more by Dec. 15
- Complete 100% by Dec. 31

If your office wants to ask requesters whether they are still interested in a response, Denise Walker and Matt Schwarz in OGC can provide information on the procedure to do that.

The National FOIA Office will discuss Ryan's challenge at the regularly scheduled Regional FOIA Officers call on Thu. Oct. 12 at 2 p.m. ET. This will be an opportunity to ask questions, share best practices, etc. The Headquarters FOIA Coordinators are also invited to that call since their monthly call for October took place last week.

OGC and OEI will be working together to support regions and programs as you complete this. Please let us know if you have questions.

Elise Packard and Steve Fine

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/5/2019 8:31:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: [Hearing Prep] FW: Backlog Reduction update
Attachments: Backlog reduction 08-24-18 final.xlsx

Topic: 2018 Backlog Project. Final results.

Denise A. Walker
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 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

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Please consider the environment before printing this email or its attachments.

National FOIA Office
EPA Office of General Counsel

From: Gottesman, Larry
Sent: Wednesday, September 12, 2018 2:25 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Backlog Reduction update

From: Gottesman, Larry
Sent: Wednesday, September 12, 2018 9:59 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Backlog Reduction update

Hope this helps

Total = 169 FOIA request remain open, out of the original 652 FOIA requests that were part of the Backlog Reduction effort.

(25.9% remaining open or 74.1% closed)

Larry F. Gottesman
Agency FOIA Officer

Office of General Counsel
U.S. Environmental Protection Agency

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

From: Gottesman, Larry
Sent: Thursday, August 30, 2018 3:05 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: FW: Backlog Reduction update

Per our conversation yesterday, attached is the latest and final report on the Backlog Reduction effort we stated about a year ago. We have made great progress. I plan on sharing this with our HQ FOIA Coordinators and Regional FOIA Officers later today.

The work that was done shows a real commitment, on the part of the entire Agency, to eliminate the majority of the oldest FOIA requests pending, some dating back to 2011. As you may recall, the OIG is not part of this effort and therefore are not included in the spreadsheet.

As we close out this project, I would be remise if I did not thank Wendy for all her assistance in helping the Agency get to this point.

Thanks

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

Deliberative Process / Ex. 5 (Direct line)
(Mobile)
202-566-1667 (Main line)

From: Schumacher, Wendy
Sent: Wednesday, August 29, 2018 8:32 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Backlog Reduction update

Larry,

Here is the updated spreadsheet and summary information on the FOIA Backlog Reduction Project.

AO = 18

OAR = 11

OCSPP = 107

OECA = 4

OLEM = 1

R2 = 4

R3 = 15

R5 = 1

R7 = 1

R8 = 1

R9 = 1

R10 = 5

Total = 169 FOIA request remain open, out of the original 652 FOIA requests that were part of the Backlog Reduction effort. (25.9% remaining open or 74.1% closed)

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 3/5/2019 7:57:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: [For Tim's Binder] FW: Awareness Notification Template e-mail + memo
Attachments: Awareness Notification e-mail template 11272018 Final.docx; Awareness Notification Memorandum.pdf

Topic: Awareness Notification Procedure AKA "FOIA Efficiency" Memo

Denise A. Walker
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 7308A
Phone 202-564-6520 | Cell 202-816-9872| walker.denise@epa.gov

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National FOIA Office
EPA Office of General Counsel

From: Walker, Denise
Sent: Thursday, November 29, 2018 11:04 AM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: Awareness Notification Template e-mail

FEAT:

For those FOIA requests you are assisting with that are selected for the Awareness Notification Process set forth in the attached Chief of Staff's Memorandum, please help our program clients follow the procedures set out in the attached Chief of Staff's Memorandum. For steps 4 and 5, an email template is attached for you to use or provide to folks. This information will be provided to staff responsible for selected FOIA requests, but as the FOIA Expert Assistance Team, I want you to have the information ahead of time so you are prepared to answer questions as they arise.

Please contact me if you have any further questions.

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 Personal Phone / Ex. 6

Have a FOIA question? Try here first!

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: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 3/4/2019 9:12:59 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: RE: Search Cut-Off Date

My understanding is Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Is my understanding incorrect??

Signed,
Wondering

From: Walker, Denise
Sent: Friday, March 1, 2019 1:29 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; OGC NFO <OGC-NFO@epa.gov>
Subject: RE: Search Cut-Off Date

Thanks Kev!

I think this is from 2014 and there is more recent caselaw 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!
Have a Relativity 9 question? Try here first!

From: Hill, Kevin W.
Sent: Friday, March 01, 2019 11:15 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Search Cut-Off Date

Department of Justice Guide to the Freedom of Information Act, Procedural Requirements on 'Cut off' Date, pg. 52-55
https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/procedural-requirements.pdf#p39

"…courts have recognized that an agency's search obligations for each request necessarily have a temporal limitation, or a "cut-off" date.***192*** Records created after the "cut- off" date are treated as not responsive to the request.***193*** The D.C. Circuit declared that a cutoff date that is based on the date the agency conducts its search, "results in a much fuller search and disclosure" than a less inclusive "cut-off" date, such as one based on the date of the request or its receipt by the agency.*194* While courts have found that an agency may choose not to use a "date-of-search cut-off" if "specific circumstances" warrant,***195*** the agency may be required to articulate a "compelling justification" for doing so, ***196*** and

searches have been found to be unreasonable when the requester was not made aware of the cut-off date being used. ***197"***

___

192 See Bonner v. U.S. Dept. of State, 928 F.2d 1148, 1152 (D.C. Cir. 1991) (finding that, "[t]o require an agency to adjust or modify its FOIA responses based on post-response occurrences could create an endless cycle of judicially mandated reprocessing"); Church of Scientology v. IRS, 816 F. Supp. 1138, 1148 (W.D. Tex. 1993) (observing that "there has to be a temporal deadline for documents that satisfy [a FOIA] request"), appeal dismissed by stipulation, No. 93-8431 (5th Cir. Oct. 21, 1993); see also FOIA Post, "Use of 'Cut-Off' Dates for FOIA Searches" (posted 5/6/04) (explaining that "[t]he scope of a FOIA request has both substantive and temporal aspects").

193 See Defenders of Wildlife v. U.S. Dep't of the Interior, 314 F. Supp. 2d 1, 12 n.10 (D.D.C. 2004) (recognizing that records created after date-of-search "cut-off" date specifically established by agency regulation "are not covered by [plaintiff's] request"); FOIA Update, Vol. IV, No. 4, at 14 (advising that records that "post-date" agency's "cut-off" date are not included within temporal scope of request); cf. James, 811 F. Supp. 2d at 358 (noting that agencies are not "require[d] to update or supplement a prior response to a request for records); Coven v. OPM, No. 07-1831, 2009 WL 3174423, at *5-10 (D. Ariz. Sept. 29, 2009) (agreeing that agency is not obligated to continually provide daily, updated versions of records on ongoing basis, nor is it required to produce records created after agency responded).

194 McGehee v. CIA, 697 F.2d 1095, 1104 (D.C. Cir. 1983), vacated on other grounds on panel reh'g & reh'g en banc denied, 711 F.2d 1076 (D.C. Cir. 1983); **see Pub. Citizen v. Dep't of State, 276 F.3d 634, 644 (D.C. Cir. 2002) (favoring "date-of-search cut-off" because its use "might . . . result[] in the retrieval of more [responsive] documents" than would a cut-off based on date of request); Van Strum, 972 F.2d 1348, at *2 (agreeing that date-of-search "cut-off" date is "the most reasonable date for setting the temporal cut-off in this case"); Ferguson v. U.S. Dep't of Educ., No. 09 Civ. 10057, 2011 WL 4089880, at *10 (S.D.N.Y. Sept. 13, 2011) (ordering agency to conduct search for records between date-of-request and date-of-search cut-off dates because agency improperly limited temporal scope of first search to records dated prior to date of request); Vento v. IRS, No. 08-159, 2010 WL 1375279, at *3 (D.V.I. March 31, 2010) (finding agency's regulations requiring date-of request cut-off date unreasonable and favoring date-of-search cut-off date); Nielsen v. Bureau of Land Mgmt., 252 F.R.D. 499, 516 (D. Minn. 2008) (finding search not reasonable to extent agency employed date-of-request "cut-off" date);** Edmonds Inst. v. U.S. Dep't of Interior, 383 F. Supp. 2d 105, 110-11 (D.D.C. 2005) (rejecting requester's call for use of date of-release "cut-off" date in favor of date-of-search "cut-off" date, in accordance with agency's regulations).

195 Pub. Citizen, 276 F.3d at 643; see, e.g., ACLU v. DHS, 738 F. Supp. 2d 93, 103-04 (D.D.C. 2010) (affirming agency's use of specific cut-off date agreed upon by plaintiff because it "did not appear under these circumstances to have been unreasonably utilized to improperly limit the scope of the plaintiff's request"); **Jefferson v. BOP, 578 F. Supp. 2d 55, 60 (D.D.C. 2008) (recognizing that proper inquiry is "whether the cut-off date used was reasonable in light of the specific request" and concluding that date-of-request "cut-off" was reasonable because request sought records that had been created before request was made and that pertained to past events);** Dayton Newspaper, Inc. v. VA, 510 F. Supp. 2d 441, 450-51 (S.D. Ohio 2007) (determining that date of 1995 final response was appropriate cut-off date "[i]n the absence of a record demonstrating the VA's cut-off date," because "at that point, Plaintiffs were put on notice that the VA was no longer searching for records"); **Blazy v. Tenet, 979 F. Supp. 10, 17 (D.D.C. 1997) concluding that it was "reasonable under the circumstances" for agency to apply date-of-request "cut-off" to request that sought records concerning events that already had occurred (and records that already had been created) by time request was made), summary affirmance granted, No. 97-5330, 1998 WL 315583 (D.C. Cir. May 12, 1998);** FOIA Post, "Use of 'Cut-Off' Dates for FOIA Searches" (posted 5/6/04) (describing circumstances under which use of different "cut-off" dates may be reasonable). But see Or. Natural Desert Ass'n v. Gutierrez, 419 F. Supp. 2d 1284, 1288 (D. Or. 2006) (concluding that agency's date-of-request "cut-off" date regulation "is not reasonable on its face and violates FOIA").

196 Pub. Citizen, 276 F.3d at 644; see, e.g., Ferguson, 2011 WL 4089880, at *11 (ordering agency to conduct additional search because it failed to offer "more compelling justification" for using date-of-request cut-off date when performing search); In Def. of Animals v. NIH, 543 F. Supp. 2d 83, 98-99 (D.D.C. 2008) (finding search inadequate because agency failed to demonstrate reasonableness of date-of-search cut-off date that preceded final disclosure by eleven months, and ordering it to employ cut-off date no earlier than date of court's decision).

197 See, e.g., In Def. of Animals, 543 F. Supp. 2d at 99 (finding search inadequate because, inter alia, agency failed to inform plaintiff of date-of-search cut-off date); Judicial Watch, Inc. v. DOE, 310 F. Supp. 2d 271, 305 (D.D.C. 2004) ("Because the [agency] imposed the . . . cut-off date without informing [requester] of its intention to do so, the court must conclude that [agency's] search was inadequate."), aff'd in part, rev'd in part & remanded on other grounds, 412 F.3d 125 (D.C. Cir. 2005); cf. Techserve Alliance v. Napolitano, 803 F. Supp. 2d 16, 25-26 (D.D.C. 2011) (suggesting that agency should have informed requester of cutoff date, but finding that subsequent searches cured any defects related to limited time frame of initial search).

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 3/1/2019 9:37:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA February A3
Attachments: Agency FOIA March 2019 A3_Updated.pptx

Tim,

Here is the A3 I sent to you last week. Please let me know if you have any edits.

Wendy

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

From: Costa, Karen
Sent: Friday, March 01, 2019 4:35 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schumacher, Wendy <schumacher.wendy@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>
Subject: FOIA February A3

Good Afternoon,

I don't see a February A3 for the FOIA project on the Sharepoint site. Are you planning on submitting one for the monthly kaizen meeting next week?

Thanks,
Karen

Karen Costa
ELMS Project Specialist
U.S. Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-2179

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 3/1/2019 8:48:42 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: FYI Draft Phase I FOIA Regs
Attachments: Phase I FOIA Regs Clean 03.01.2019.docx; Phase I FOIA Regs Redline 03.01.2019.docx; Phase I FOIA Regs Changes Explanation 03.01.2019.docx

Hello All,

In case you were interested, attached is the Phase I FOIA Regs packet that was sent to Matt for reading before our meeting next week. I hope everyone has a good weekend!

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: Thompson, Heather [Thompson.Heather@epa.gov]
Sent: 2/28/2019 10:23:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: Hearing Prep
Attachments: NFO Testimony Prep Q&As.docx

I added the information from Brian Thompson on eDiscovery Division improvements and the Administrator email information from Stephen Fine's letter to the attached draft Q&A document.

Looking forward to discussing next steps on this project.

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
202.566.1025 | thompson.heather@epa.gov

Message

From: Miller, Kevin [Miller.Kevin@epa.gov]
Sent: 2/28/2019 7:37:54 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Regs
Attachments: DRAFT Phase I FOIA Regs Clean (02.22.2019) - cy 2.26.WLB with lek preamble comments KMM 2.28.19.docx

Here are my comments, just a few extra.

From: Creech, Christopher
Sent: Tuesday, February 26, 2019 3:05 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA Regs

Seconded. I greatly appreciate everyone's help and feedback.

Charlotte, the separate documents with comments on the reg language will work just fine; no need to combine.

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, February 26, 2019 2:42 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Subject: Re: FOIA Regs

Thank you! We will take a look and greatly appreciate your effort.
Tim

Sent from my iPhone

On Feb 26, 2019, at 2:40 PM, Youngblood, Charlotte <Youngblood.Charlotte@epa.gov> wrote:

Chris and team,

Thanks for the opportunity to comment on the draft FOIA regs.

Please find combined comments on the preamble attached from Wendy, Lynn and I. I understand that Kevin had commented on an earlier draft, but he hasn't had a chance to look through this one in any detail yet. He will still be reviewing and sending additional comments as soon as possible.

In the interest of time, I'm also attaching comments directly on the regs from Lynn and I (two separate documents). Wendy did not have a chance to separately comment on the regs, and I did not have a chance to consolidate this portion of our GLO comments. But, please let me know if you'd prefer that we consolidate these and get back to you tomorrow? Definitely not trying to make more work for you all, I just didn't want to slow anything down.

Please let me know if you have questions on any of our comments.

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

<DRAFT Phase I FOIA Regs Clean (02.22.2019) - cy 2.26.WLB with lek preamble comments.docx>

<Reg Text - LEK comments.docx>

<DRAFT Phase I FOIA Regs Redlining (02.22.2019).dpscy.docx>

Message

From: Knapp, Kristien [Knapp.Kristien@epa.gov]
Sent: 2/28/2019 7:10:28 PM
To: Voyles, Travis [Voyles.Travis@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: House oversight hearing prep

Hi Tim -- One more thing --

EPA testimony on Development of the FOIA Module from 3/21/2012; same committee but the Subcommittee on Technology, Information Policy, Intergovernmental Relations, and Procurement Reform.
https://www.epa.gov/sites/production/files/2013-10/documents/2012_0321_ab.pdf

-----Original Message-----
From: Voyles, Travis
Sent: Thursday, February 28, 2019 1:39 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: House oversight hearing prep

Hey Tim--Here is some additional previous Committee information on FOIA that could be helpful to you, in addition to a link to Susan Bodine's testimony from the recent EPA Enforcement hearing before House Energy & Commerce.

Video of Susan's Testimony/Hearing: https://energycommerce.house.gov/committee-activity/hearings/hearing-on-epas-enforcement-program-taking-the-environmental-cop-off-the

2018 Press Release re Cummings Subpoena Request: https://oversight.house.gov/news/press-releases/new-epa-interview-transcript-excerpts-raise-serious-concerns-about-foia-abuses
(we provided those related letters in a prior email on this chain)

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(you can click on the witnesses names to see their testimony)
Transcript: https://www.govinfo.gov/content/pkg/CHRG-112hhrg67719/pdf/CHRG-112hhrg67719.pdf

2013 Bipartisn (Issa and Cummings) Letter to DOJ re FOIA: https://oversight.house.gov/news/press-releases/issa-cummings-question-doj-on-foia

Travis Voyles
O: (202) 564-6399
C: Personal Phone / Ex. 6

-----Original Message-----
From: Voyles, Travis
Sent: Thursday, February 28, 2019 12:28 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: RE: House oversight hearing prep

Also here is the incoming letter from Chairman Barrasso that I referenced in the last email --
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Travis Voyles
O: (202) 564-6399
C: Personal Phone / Ex. 6

-----Original Message-----
From: Voyles, Travis
Sent: Wednesday, February 27, 2019 6:57 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
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We can get you an accurate update on that at the end of the week when we hope to get one or two more responses out.

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We will try to find the original letter that came to EPA and get it to you tomorrow.

Travis Voyles
O: (202) 564-6399
C: Personal Phone / Ex. 6

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To: Voyles, Travis <Voyles.Travis@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Re: House oversight hearing prep

Thanks Travis.

Could you also find all requests to EPA from this committee or its members for particular information that EPA has not yet provided?

Tim

Sent from my iPhone

> On Feb 27, 2019, at 5:30 PM, Voyles, Travis <Voyles.Travis@epa.gov> wrote:
>
> Hey Tim-
>
> Just wanted to provide you with some of the items we discussed. Below I have tried to list out a number of items we are going to provide in this email and any remaining items we will work to get you an answer by tomorrow.
>
> Wheeler FOIA Memo –
> https://www.epa.gov/sites/production/files/2018-11/documents/wheeler-m
> essageonfoia-november132018.pdf
>
> Wheeler Transparency Memo –
> https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-m
> essageontransparency-august022018.pdf
>
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>
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>
> Travis Voyles
> O: (202) 564-6399
> C: Personal Phone / Ex. 6
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> From: Epp, Timothy
> Sent: Tuesday, February 26, 2019 2:50 PM
> To: Voyles, Travis <Voyles.Travis@epa.gov>
> Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
> Subject: Re: House oversight hearing prep
>
> Travis, Thanks for getting back and for taking my call just now.
>
> For the meeting I mentioned — Rebecca Moser and BrianK Thompson and Tim Crawford from her office.
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> Sorry I was on the Hill for a hearing all morning. We haven't gotten the official invite from the Committee yet, but I will pass it along once we get it. I am working on the other items as well and hope to have them to you tomorrow.
>
> My afternoon is pretty booked today, but I can do anytime generally tomorrow, except for 2:30pm. I know Joe is out tomorrow.
>
>
> Travis Voyles
> O: (202) 564-6399
> C: (202) 309-6931
>
> From: Epp, Timothy
> Sent: Tuesday, February 26, 2019 11:58 AM
> To: Voyles, Travis
> <Voyles.Travis@epa.gov<mailto:Voyles.Travis@epa.gov>>
> Subject: House oversight hearing prep
> Importance: High
>
> Hi Travis,
>
> I left a voicemail message this morning – in addition to those items, could you quickly provide me a copy of the incoming request from the House committee?
>
> I've reached out to the FOIAonline and Ediscovery folks in OMS to ask for contributions to the testimony, and they've asked for it. In addition, are there times you would be available today or tomorrow for me to schedule a meeting with them?
>
> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> <Previous FOIA-Related QFRs.docx>
> <Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA
> Expert Assistance Team.Final.pdf> <Cummings FOIA Subpoena 7-13-18.pdf>
> <Cummings FOIA 6-11-18.pdf> <Lyons FOIA letter 11-16-18.pdf>

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 2/28/2019 6:38:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]
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Travis Voyles
O: (202) 564-6399
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From: Voyles, Travis
Sent: Thursday, February 28, 2019 12:28 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
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Travis Voyles
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Sent: Wednesday, February 27, 2019 6:57 PM
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We will try to find the original letter that came to EPA and get it to you tomorrow.

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Tim

Sent from my iPhone

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> Expert Assistance Team.Final.pdf> <Cummings FOIA Subpoena 7-13-18.pdf>
> <Cummings FOIA 6-11-18.pdf> <Lyons FOIA letter 11-16-18.pdf>

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/28/2019 5:32:11 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Ethics FOIAs: Head's Up Draft Email
Attachments: DRAFT_OGC Ethics Equity Review Cover Email Template_nmr edits 20190228.docx

Tim:

Attached is the draft document with my edits. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Tuesday, February 19, 2019 2:13 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Wendy – below is the request for review from Ethics. Nicole will be looking at this from an NFO perspective. If you would like, we (NFO) can collect comments from both offices to send to Ethics.

Tim

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

From: Clarke, Victoria
Sent: Friday, February 01, 2019 8:48 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Ethics FOIAs: Head's Up Draft Email

Good morning, Tim! I'm putting this on your radar again, since it came up at our ethics staff meeting yesterday. If you'd like to delegate review to someone else, let me know. ☺

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel

Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

From: Clarke, Victoria
Sent: Tuesday, December 11, 2018 11:31 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Ethics FOIAs: Head's Up Draft Email

Hi Tim,

Dave Cozad has asked Deliberative Process / Ex. 5 to d

Deliberative Process / Ex. 5

Please edit as you think is necessary and let me know who from GLO you think should be involved.

Thank you!

Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7348 WJCN
EPA Office: 202-564-1149
EPA Cell: Personal Phone / Ex. 6

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 2/28/2019 5:27:38 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]
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> Wheeler FOIA Memo –
> https://www.epa.gov/sites/production/files/2018-11/documents/wheeler-m
> essageonfoia-november132018.pdf
>
> Wheeler Transparency Memo –
> https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-m
> essageontransparency-august022018.pdf
>
> Letters on FOIA from Committee/Members – see the 2 Cummings letters,

> and our response
>
> Awareness Notification Project (memo from Ryan Jackson) – see the
> first enclosure in the 11/16/2018 Lyons FOIA Letter
>
> QFRs from Wheeler's confirmation on FOIA (Word Document)
>
> * Also references the PDF of Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA Expert Assistance Team (referenced in QFRs – Pruitt HEC April 2018)
>
>
> Potential items we are still working on:
> Previous EPA Testimony on FOIA
> Previous FOIA oversight testimony before the Committee EPA testimony
> guidance
>
>
> Travis Voyles
> O: (202) 564-6399
> C: Personal Phone / Ex. 6
>
> From: Epp, Timothy
> Sent: Tuesday, February 26, 2019 2:50 PM
> To: Voyles, Travis <Voyles.Travis@epa.gov>
> Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
> Subject: Re: House oversight hearing prep
>
> Travis, Thanks for getting back and for taking my call just now.
>
> For the meeting I mentioned — Rebecca Moser and BrianK Thompson and Tim Crawford from her office.
>
> Wednesday meeting would be preferable, just because they have not agreed to provide hearing prep support yet, and I want to get that moving.
>
> Tim
>
> Sent from my iPhone
>
> On Feb 26, 2019, at 2:29 PM, Voyles, Travis <Voyles.Travis@epa.gov<mailto:Voyles.Travis@epa.gov>> wrote:
> Hey Tim-
>
> Sorry I was on the Hill for a hearing all morning. We haven't gotten the official invite from the Committee yet, but I will pass it along once we get it. I am working on the other items as well and hope to have them to you tomorrow.
>
> My afternoon is pretty booked today, but I can do anytime generally tomorrow, except for 2:30pm. I know Joe is out tomorrow.
>
>
> Travis Voyles
> O: (202) 564-6399
> C: Personal Phone / Ex. 6
>
> From: Epp, Timothy
> Sent: Tuesday, February 26, 2019 11:58 AM
> To: Voyles, Travis
> <Voyles.Travis@epa.gov<mailto:Voyles.Travis@epa.gov>>
> Subject: House oversight hearing prep
> Importance: High
>
> Hi Travis,
>
> I left a voicemail message this morning – in addition to those items, could you quickly provide me a copy of the incoming request from the House committee?
>
> I've reached out to the FOIAonline and Ediscovery folks in OMS to ask for contributions to the testimony, and they've asked for it. In addition, are there times you would be available today or tomorrow for me to schedule a meeting with them?
>
> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel

> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> <Previous FOIA-Related QFRs.docx>
> <Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA
> Expert Assistance Team.Final.pdf> <Cummings FOIA Subpoena 7-13-18.pdf>
> <Cummings FOIA 6-11-18.pdf> <Lyons FOIA letter 11-16-18.pdf>

Message

From: Thompson, Heather [Thompson.Heather@epa.gov]
Sent: 2/28/2019 5:06:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow

Thank you.

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
202.566.1025 | thompson.heather@epa.gov

From: Epp, Timothy
Sent: Thursday, February 28, 2019 11:56 AM
To: Thompson, Heather <Thompson.Heather@epa.gov>
Subject: Re: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow

That is ok. Thanks.

Sent from my iPhone

On Feb 28, 2019, at 11:45 AM, Thompson, Heather <Thompson.Heather@epa.gov> wrote:

> Hi Tim,
>
> I have a meeting over in the West building at 3pm today. It is likely that this meeting will run over so I wanted to let you know that I may not be able to make it to the Reg. Review meeting.
>
> ***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
> 202.566.1025 | thompson.heather@epa.gov
>
> ---
>
> **From:** Epp, Timothy
> **Sent:** Wednesday, February 27, 2019 2:31 PM
> **To:** OGC NFO <OGC-NFO@epa.gov>
> **Cc:** Schramm, Daniel <Schramm.Daniel@epa.gov>
> **Subject:** FW: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow
>
> NFO colleagues –
>
> FYI, the attached revised regulations we will present to Joe and Elise at reg review tomorrow.

Thank you to all who have contributed to this effort over the past months, and a huge thanks to Chris and Dan Schramm for working intensely on this package.

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, February 27, 2019 2:26 PM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow

Folks,

Attached for Joe and Elis read-ahead prior to NFO Reg Review on Thursday at 4 pm:

1) Draft FOIA Regulations Preamble & Reg Text w/out redlines
2) Draft FOIA Regulations text showing redline changes
3) Memo providing explanation of regulation changes

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: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 2/27/2019 11:57:02 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]
Subject: RE: House oversight hearing prep

We can get you an accurate update on that at the end of the week when we hope to get one or two more responses out.

Additionally, here is a link to a letter from Steven Fine to Chairman Barrasso regarding FOIA and the Administrator's email accounts, which we suspect could be a topic -- https://www.epw.senate.gov/public/_cache/files/2/d/2d48c137-c9b7-4db5-b10a-4eb6d61f7218/C351B2723CBF79478A1832A406B2B1AE.4.18.18-epa-response.pdf

We will try to find the original letter that came to EPA and get it to you tomorrow.

Travis Voyles
O: (202) 564-6399
C: Personal Phone / Ex. 6

-----Original Message-----
From: Epp, Timothy
Sent: Wednesday, February 27, 2019 6:52 PM
To: Voyles, Travis <Voyles.Travis@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>
Subject: Re: House oversight hearing prep

Thanks Travis.

Could you also find all requests to EPA from this committee or its members for particular information that EPA has not yet provided?

Tim

Sent from my iPhone

> On Feb 27, 2019, at 5:30 PM, Voyles, Travis <Voyles.Travis@epa.gov> wrote:
>
> Hey Tim-
>
> Just wanted to provide you with some of the items we discussed. Below I have tried to list out a number of items we are going to provide in this email and any remaining items we will work to get you an answer by tomorrow.
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> O: (202) 564-6399
> C: Personal Phone / Ex. 6
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> From: Epp, Timothy
> Sent: Tuesday, February 26, 2019 11:58 AM
> To: Voyles, Travis
> <Voyles.Travis@epa.gov<mailto:Voyles.Travis@epa.gov>>
> Subject: House oversight hearing prep
> Importance: High
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> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> <Previous FOIA-Related QFRs.docx>
> <Letter to Ranking Member Elijah E. Cummings Regarding EPA's FOIA
> Expert Assistance Team.Final.pdf> <Cummings FOIA Subpoena 7-13-18.pdf>
> <Cummings FOIA 6-11-18.pdf> <Lyons FOIA letter 11-16-18.pdf>

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 3/4/2019 8:18:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Collecting Intake Information
Attachments: FOIA PROCESSING SPREADSHEET_TEMPLATE.xlsx

Here is the first section of the Process Team's spreadsheet – it may be a useful template for Intake.

FOIA #	FOIA TYPE	PROGRAM OFFICE	ED #	TOPIC	SUB-TOPIC	FOIAONLINE "DATE SUBMITTED"	TRIAGE			

Message

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 3/1/2019 4:23:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: prologue
Attachments: Phase I FOIA Regs, Clean, 02.27.2019.ebp.docx

very minor comments, it looks good.

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 3/1/2019 4:22:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: Preamble Edits/Comments
Attachments: Phase I FOIA Regs, Clean, 02.27.2019_jab.docx

Tim, as promised edits and comments to the preamble are attached. Please let me know if you have any questions, feel free to call me and we can walkthrough.

Thanks,
Joe

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

Message

From: Patrick, Monique [Patrick.Monique@epa.gov]
Sent: 2/27/2019 8:59:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow

Thanks Tim. I have printed a copy out and added that copy to Elise's Reg Rev binder.

From: Epp, Timothy
Sent: Wednesday, February 27, 2019 2:27 PM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow

Folks,

Attached for Joe and Elis read-ahead prior to NFO Reg Review on Thursday at 4 pm:

1) Draft FOIA Regulations Preamble & Reg Text w/out redlines
2) Draft FOIA Regulations text showing redline changes
3) Memo providing explanation of regulation changes

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: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 3/1/2019 4:14:38 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Search Cut-Off Date
Attachments: DOJ FOIA Guide on Search Cutoff Date.docx

Department of Justice Guide to the Freedom of Information Act, Procedural Requirements on 'Cut off' Date, pg. 52-55
https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/procedural-requirements.pdf#p39

"...courts have recognized that an agency's search obligations for each request necessarily have a temporal limitation, or a "cut-off" date.***192*** Records created after the "cut- off" date are treated as not responsive to the request.***193*** The D.C. Circuit declared that a cutoff date that is based on the date the agency conducts its search, "results in a much fuller search and disclosure" than a less inclusive "cut-off" date, such as one based on the date of the request or its receipt by the agency.*194* While courts have found that an agency may choose not to use a "date-of-search cut-off" if "specific circumstances" warrant,***195*** the agency may be required to articulate a "compelling justification" for doing so, ***196*** and searches have been found to be unreasonable when the requester was not made aware of the cut-off date being used. ***197"***

___

192 See Bonner v. U.S. Dept. of State, 928 F.2d 1148, 1152 (D.C. Cir. 1991) (finding that, "[t]o require an agency to adjust or modify its FOIA responses based on post-response occurrences could create an endless cycle of judicially mandated reprocessing"); Church of Scientology v. IRS, 816 F. Supp. 1138, 1148 (W.D. Tex. 1993) (observing that "there has to be a temporal deadline for documents that satisfy [a FOIA] request"), appeal dismissed by stipulation, No. 93-8431 (5th Cir. Oct. 21, 1993); see also FOIA Post, "Use of 'Cut-Off' Dates for FOIA Searches" (posted 5/6/04) (explaining that "[t]he scope of a FOIA request has both substantive and temporal aspects").

193 See Defenders of Wildlife v. U.S. Dep't of the Interior, 314 F. Supp. 2d 1, 12 n.10 (D.D.C. 2004) (recognizing that records created after date-of-search "cut-off" date specifically established by agency regulation "are not covered by [plaintiff's] request"); FOIA Update, Vol. IV, No. 4, at 14 (advising that records that "post-date" agency's "cut-off" date are not included within temporal scope of request); cf. James, 811 F. Supp. 2d at 358 (noting that agencies are not "require[d] to update or supplement a prior response to a request for records); Coven v. OPM, No. 07-1831, 2009 WL 3174423, at *5-10 (D. Ariz. Sept. 29, 2009) (agreeing that agency is not obligated to continually provide daily, updated versions of records on ongoing basis, nor is it required to produce records created after agency responded).

194 McGehee v. CIA, 697 F.2d 1095, 1104 (D.C. Cir. 1983), vacated on other grounds on panel reh'g & reh'g en banc denied, 711 F.2d 1076 (D.C. Cir. 1983); **see Pub. Citizen v. Dep't of State, 276 F.3d 634, 644 (D.C. Cir. 2002) (favoring "date-of-search cut-off" because its use "might . . . result[] in the retrieval of more [responsive] documents" than would a cut-off based on date of request); Van Strum, 972 F.2d 1348, at *2 (agreeing that date-of-search "cut-off" date is "the most reasonable date for setting the temporal cut-off in this case"); Ferguson v. U.S. Dep't of Educ., No. 09 Civ. 10057, 2011 WL 4089880, at *10 (S.D.N.Y. Sept. 13, 2011) (ordering agency to conduct search for records between date-of-request and date-of-search cut-off dates because agency improperly limited temporal scope of first search to records dated prior to date of request); Vento v. IRS, No. 08-159, 2010 WL 1375279, at *3 (D.V.I. March 31, 2010) (finding agency's regulations requiring date-of request cut-off date unreasonable and favoring date-of-search cut-off date); Nielsen v. Bureau of Land Mgmt., 252 F.R.D. 499, 516 (D. Minn. 2008) (finding search not reasonable to extent agency employed date-of-request "cut-off" date);** Edmonds Inst. v. U.S. Dep't of Interior, 383 F. Supp. 2d 105, 110-11 (D.D.C. 2005) (rejecting requester's call for use of date of-release "cut-off" date in favor of date-of-search "cut-off" date, in accordance with agency's regulations).

195 Pub. Citizen, 276 F.3d at 643; see, e.g., ACLU v. DHS, 738 F. Supp. 2d 93, 103-04 (D.D.C. 2010) (affirming agency's use of specific cut-off date agreed upon by plaintiff because it "did not appear under these circumstances to have been unreasonably utilized to improperly limit the scope of the plaintiff's request"); **Jefferson v. BOP, 578 F. Supp. 2d 55, 60 (D.D.C. 2008) (recognizing that proper inquiry is "whether the cut-off date used was reasonable in light of the specific**

request" and concluding that date-of-request "cut-off" was reasonable because request sought records that had been created before request was made and that pertained to past events); Dayton Newspaper, Inc. v. VA, 510 F. Supp. 2d 441, 450-51 (S.D. Ohio 2007) (determining that date of 1995 final response was appropriate cut-off date "[i]n the absence of a record demonstrating the VA's cut-off date," because "at that point, Plaintiffs were put on notice that the VA was no longer searching for records"); **Blazy v. Tenet, 979 F. Supp. 10, 17 (D.D.C. 1997) concluding that it was "reasonable under the circumstances" for agency to apply date-of-request "cut-off" to request that sought records concerning events that already had occurred (and records that already had been created) by time request was made), summary affirmance granted, No. 97-5330, 1998 WL 315583 (D.C. Cir. May 12, 1998);** FOIA Post, "Use of 'Cut-Off' Dates for FOIA Searches" (posted 5/6/04) (describing circumstances under which use of different "cut-off" dates may be reasonable). But see Or. Natural Desert Ass'n v. Gutierrez, 419 F. Supp. 2d 1284, 1288 (D. Or. 2006) (concluding that agency's date-of-request "cut-off" date regulation "is not reasonable on its face and violates FOIA").

196 Pub. Citizen, 276 F.3d at 644; see, e.g., Ferguson, 2011 WL 4089880, at *11 (ordering agency to conduct additional search because it failed to offer "more compelling justification" for using date-of-request cut-off date when performing search); In Def. of Animals v. NIH, 543 F. Supp. 2d 83, 98-99 (D.D.C. 2008) (finding search inadequate because agency failed to demonstrate reasonableness of date-of-search cut-off date that preceded final disclosure by eleven months, and ordering it to employ cut-off date no earlier than date of court's decision).

197 See, e.g., In Def. of Animals, 543 F. Supp. 2d at 99 (finding search inadequate because, inter alia, agency failed to inform plaintiff of date-of-search cut-off date); Judicial Watch, Inc. v. DOE, 310 F. Supp. 2d 271, 305 (D.D.C. 2004) ("Because the [agency] imposed the . . . cut-off date without informing [requester] of its intention to do so, the court must conclude that [agency's] search was inadequate."), aff'd in part, rev'd in part & remanded on other grounds, 412 F.3d 125 (D.C. Cir. 2005); cf. Techserve Alliance v. Napolitano, 803 F. Supp. 2d 16, 25-26 (D.D.C. 2011) (suggesting that agency should have informed requester of cutoff date, but finding that subsequent searches cured any defects related to limited time frame of initial search).

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 2/27/2019 7:51:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: For Joe & Elise -- Read-ahead material for NFO Reg Review tomorrow
Attachments: Site Specific Stats.docx

Tim,

Here are the narrative and chart of incoming requests broken down by region for Q1 and part of Q2.

Deliberative Process / Ex. 5

Please let me know if you have any comments or questions.

Would you like me to present at tomorrow's meeting?

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

From: Epp, Timothy
Sent: Wednesday, February 27, 2019 2:31 PM
To: OGC NFO <OGC-NFO@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>
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NFO colleagues –

FYI, the attached revised regulations we will present to Joe and Elise at reg review tomorrow.

Thank you to all who have contributed to this effort over the past months, and a huge thanks to Chris and Dan Schramm for working intensely on this package.

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
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Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
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Thanks,
Tim

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Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 3/4/2019 2:28:50 PM
To: Williamson, Timothy [Williamson.Tim@epa.gov]
CC: Dierker, Carl [Dierker.Carl@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: FOIA IT training
Attachments: Index of EPA FOIA Review Resources (March 4 2019).docx; A - Freedom of Information Act – U.S. Code § 552 (2017).pdf; B - EPA FOIA Regulations - 40 C.F.R. § Part 2 (2016) .pdf; C - FOIA Policy and Procedures Update (February 15, 2019).pdf; D - EPA FOIA Policy (Sept 30 2014).pdf; E - EPA FOIA Procedures (Sept 30 2014).pdf; F - EPA FOIA Toolkit (Sept. 14, 2017).pdf; G - EPA FOIA Toolkit Appendix (Sept. 14, 2017).docx; H - EPA OGC Guidance Memo - Overview of Changes to the FOIA Resulting from the FOIA Improvement Act of 2016 (Sept 20 2016).pdf; I - EPA OGC Guidance Memo - FOIA Exemptions Most Frequently Applied.pdf; J - EPA OGC FOIA Exemptions Tip Sheet.pdf; FOIA Awareness Notification Process (Chief of Staff Efficiency Memo Nov. 16. 2018).pdf; EPA FOIA Awareness Notification email template Final (Nov. 27 2018).docx

Good Morning Tim,

Attached are FOIA resources specifically designed to assist document reviewers in your regional office. For additional resources specific to Relativity, please contact my colleague at the National FOIA Office, Heather Thompson.

For your awareness, I will be out of the office from March 7th to March 25th. If you need any assistance during that time, feel free to contact Heather or Denise Walker from the NFO / FOIA Expert Assistance Team.

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

From: Epp, Timothy
Sent: Tuesday, February 26, 2019 11:48 AM
To: Williamson, Timothy <Williamson.Tim@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: FOIA IT training

Hi Tim, Adding Heather Thompson and Kev Hill on copy.

Heather is working on arranging a training on Relativity for some folks in the NFO, GLO, and remote participation by Region 10. We'd be happy to fold your new paralegal into that training, if the timing works out for your onboarding process. Heather will keep you posted as she gets this organized.

Kev is also assembling a collection of FOIA resources of key documents that every FOIA professional should have readily available. Kev can provide that to you when it is finalized.

And, finally, Kev is also organizing an OGIS dispute resolution skills training for the NFO in June – a full day at OGIS' office. He can provide you details in the event you would want to send your new paralegal to DC for that day of training.

Tim

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

From: Williamson, Timothy
Sent: Tuesday, February 26, 2019 10:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>
Cc: Dierker, Carl <Dierker.Carl@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>
Subject: FOIA IT training

Hi Tim and Neil,

We are about to get a new FOIA paralegal, who, based on his experience, we expect will be reasonably fluent in using computers and technology. If we can train him up, I'm hoping that he will be the core of the dedicated IT support function that the current draft OGC guidance calls for.

So my question is, can you point me to training resources for this person to learn the key IT functions we are expecting each regional FOIA office to support? For example, how can I get him trained on Relativity and setting up workspaces.

Thanks, Tim

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/27/2019 6:50:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: DRAFT Phase I FOIA Regs Package 02.27.2019
Attachments: Phase I FOIA Regs, Clean, 02.27.2019.docx; Phase I FOIA Regs, Redline, 02.27.2019.docx; Phase I FOIA Regs, Changes Explanation, 02.27.2019.docx

Hello Tim,

Attached is the package of draft phase I FOIA regulations. The three attachments are:

- A "clean" version of the preamble and regulatory text
- A "redline" version of the regulatory text
- An explanation of changes made in phase I, with citations to both of the aforementioned documents.

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: Simon, Paul [Simon.Paul@epa.gov]
Sent: 2/26/2019 10:30:44 PM
To: Cozad, David [Cozad.David@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schaaf, Eric [Schaaf.Eric@epa.gov]
Subject: RE: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean_R2 ORC comments_2-26-19.docx

Dave and Tim – here are our comments on the draft document. I'd be happy to talk through the comments with you if that would be helpful.

Paul Simon
Deputy Regional Counsel
EPA Region 2
212-637-3152

From: Cozad, David
Sent: Tuesday, February 19, 2019 1:44 PM
To: OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: For review: FOIA Standard Functions document

Hello RCs and DRCs -

Attached for your review and comment, as I mentioned on last week's OGC-RC VTC, is a draft "Standard Functions" document for regional FOIA programs. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

We'd like your comments on this document by COB, Wednesday, February 27. To help you in your review, we will set up an initial call on Thursday, February 21, for Tim and Neil to walk you through the document and answer any questions you have. Watch for an invite.

It is important to finalize this document quickly, given the timelines for regional realignments.

Many thanks to the workgroup for putting this together –

Dave

Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
Personal Phone / Ex. 6 (C)

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 2/26/2019 10:29:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

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: Epp, Timothy
Sent: Tuesday, February 26, 2019 5:22 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Fwd: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

Joan and Wendy, I'd like to discuss this matter at the weekly management coordination meeting. I'm concerned about

Deliberative Process / Ex. 5

Tim

Sent from my iPhone

Begin forwarded message:

> **From:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>
> **Date:** February 26, 2019 at 5:02:05 PM EST
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Subject: FW: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)**
>
> ---
>
> **From:** Kaminer, Joan
> **Sent:** Thursday, February 21, 2019 3:37 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>
> **Subject:** Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)
>
> To whom it may concern,

OGC is responding to the above-referenced FOIA request(s) which are the subject of *Sierra Club v. EPA* (18-00722). 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." Due to litigation deadlines, these records will be released at 4:00 pm today (February 21, 2019)

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.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OEX							
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-2018-001207		*Sierra Club & Earthjustice*	*11/9/2017*	*2/21/2019*	*Records related to FOIA processing*	*Interim response*	*113 records*

The following offices have equities in these records and have reviewed the relevant records:

OEX

The manager who approved this release is: Beth White

The records are:

___ attached

_X_ may be found at the following link: https://usepa-

Personal Matters / Ex. 6

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

Message

From: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 2/26/2019 7:40:34 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: FOIA Regs
Attachments: DRAFT Phase I FOIA Regs Clean (02.22.2019) - cy 2.26.WLB with lek preamble comments.docx; Reg Text - LEK comments.docx; DRAFT Phase I FOIA Regs Redlining (02.22.2019).dpscy.docx

Chris and team,

Thanks for the opportunity to comment on the draft FOIA regs.

Please find combined comments on the preamble attached from Wendy, Lynn and I. I understand that Kevin had commented on an earlier draft, but he hasn't had a chance to look through this one in any detail yet. He will still be reviewing and sending additional comments as soon as possible.

In the interest of time, I'm also attaching comments directly on the regs from Lynn and I (two separate documents). Wendy did not have a chance to separately comment on the regs, and I did not have a chance to consolidate this portion of our GLO comments. But, please let me know if you'd prefer that we consolidate these and get back to you tomorrow? Definitely not trying to make more work for you all, I just didn't want to slow anything down.

Please let me know if you have questions on any of our comments.

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: Cozad, David [Cozad.David@epa.gov]
Sent: 3/1/2019 2:04:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: Fwd: FOIA Function Statement Edits & Comments from Unit 1
Attachments: FOIA Functional Statement 2.13.19--ORC Consolidated Comments jgm.docx; ATT00001.htm

R10 comments

Sent from my iPhone

Begin forwarded message:

From: "Edgell, Joe" <Edgell.Joe@epa.gov>
Date: March 1, 2019 at 8:52:18 AM EST
To: "Cozad, David" <Cozad.David@epa.gov>
Subject: Fwd: FOIA Function Statement Edits & Comments from Unit 1

Hi Dave,

Allyn Stern asked me to pass our comments on the FOIA Functional Statement to OGC. None of the comments are "show-stoppers." Nonetheless, the document's accuracy and clarity would be improved if you all were able to incorporate many of them. The attachment has most of the comments from our FOIA attorney, Jennifer MacDonald, but a few are included in the text of her message, below.

Please feel free to have OGC attorneys coordinating this effort to reach out directly to Jennifer if they need clarification. I am happy to discuss as well. I'm on my work mobile today and Monday at (206) 247-4409.

Best regards,
Joe

Joe Edgell, Unit Manager, Office of Regional Counsel, Unit 1 (Air/RCRA/Toxics/FOIA)
U.S. Environmental Protection Agency- Region 10, 1200 Sixth Avenue, Suite 155, ORC-113, Seattle, WA 98101
direct: 206-553-0684 • mobile: 206-247-4409 • edgell.joe@epa.gov

Begin forwarded message:

From: MacDonald, Jennifer
Sent: Monday, February 25, 2019 10:43 PM
To: Edgell, Joe <Edgell.Joe@epa.gov>
Cc: Kercheval, Stephanie <Kercheval.Stephanie@epa.gov>
Subject: RE: Edgell, Joe shared a file with you

Hi Joe,

Thank you for the opportunity to review at the latest version of the FOIA Functional Statement. This is really shaping up.

I have a few significant comments. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I've attached a redlined version of the document with a few other thoughts.

Thank you.

-Jennifer

Jennifer G. MacDonald, Senior Info. Law Attorney

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155

Seattle, Washington 98101

206-553-8311

MacDonald.Jennifer@epa.gov

From: Edgell, Joe
Sent: Tuesday, February 19, 2019 4:46 PM
To: MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Kercheval, Stephanie <Kercheval.Stephanie@epa.gov>
Subject: Edgell, Joe shared a file with you

Stephanie and Jennifer:

Please take a look at this new version of the FOIA Functional Statement. You've reviewed prior versions, but this is our final chance for input. I will be coordinating comments for Region 10 ORC and passing them to HQ OGC after review by Allyn. I need your edits and comments **not later than Monday, February 25**.

Try to provide specific edits, where you can. Where you need to make a comment regarding text, please keep your comments short and concise.

This is the official version for regional comments.

Thanks!

Joe

Here's a OneDrive link to Personal Matters / Ex. 6

Personal Matters / Ex. 6

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 2/26/2019 3:50:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Update - Whit House FOIA Coordination - transitioning to Rasheena
Attachments: White House FOIA Consultation Process _Updated February 25 2019.docx

Hi Tim and Denise,

To keep you in the loop, I want to let you know that I met with Sheena.

I provided her with my consultation process, document attached.

We also discussed my best practices and I provided her with my templates.

I am also checking-in with her and making myself available for questions.

Joan

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/21/2019 9:08:17 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

Thanks, Joan!

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!
Have a Relativity 9 question? Try here first!

From: Kaminer, Joan
Sent: Thursday, February 21, 2019 4:06 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

Attorney Work Product / Ex. 5

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

From: Walker, Denise
Sent: Thursday, February 21, 2019 4:01 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

Joan:
Are these for the "Awareness Review" FOIAs?

Any docs we should key in on in this set?

Thanks!
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!
Have a Relativity 9 question? Try here first!

From: Kaminer, Joan
Sent: Thursday, February 21, 2019 3:37 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>
Subject: Awareness Notification EPA-HQ-2018-001207 (Sierra Club v. EPA)

To whom it may concern,

OGC is responding to the above-referenced FOIA request(s) which are the subject of *Sierra Club v. EPA* (18-00722). 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." Due to litigation deadlines, these records will be released at 4:00 pm today (February 21, 2019)

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.

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

OEX							
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-		*Sierra Club & Earthjustice*	*11/9/2017*	*2/21/2019*	*Records related to*	*Interim response*	*113 records*

2018-001207					*FOIA processing*		

The following offices have equities in these records and have reviewed the relevant records:

OEX

The manager who approved this release is: Beth White

The records are:

___ attached

_X_ may be found at the following link: https://usepa-

Personal Matters / Ex. 6

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

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 2/25/2019 9:31:59 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: RE: FOIA Resources

All,

If you could please provide me with your feedback by noon tomorrow, that would be great. Thanks!

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: Monday, February 25, 2019 7:40 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: FOIA Resources

All,

I am putting together a collection of FOIA resources for a program office's Contracting Officer Representative. The resources will be forwarded to contractors specifically working on a FOIA processing project. Please have a look at the index of resources below.

If you believe I have missed any guidance documents, please send me a copy or link. Thank you in advance for your time.

Index of EPA FOIA Resources

A. Freedom of Information Act – U.S. Code § 552 (2017)
B. EPA FOIA Regulations - 40 C.F.R. § Part 2 (2016)
C. EPA FOIA Policy and Procedures Update (February 15, 2019)
D. EPA FOIA Policy (Sept. 30, 2014)
E. EPA FOIA Procedures (Sept. 30, 2014)
F. EPA FOIA Toolkit (Sept. 14, 2017)
G. EPA FOIA Tooklit Appendix
H. EPA OGC Guidance Memo: Overview of Changes to the FOIA Resulting from the FOIA Improvement Act of 2016 (Sept. 20, 2016)
I. EPA Proprietary Business Information (PBI) Case Tracking Standard Operating Procedures (Dec 18, 2017)
J. EPA OGC GLO ILPG FOIA Exemptions Tip Sheet
K. EPA OGC Guidance Memo: FOIA Exemptions: Most Frequently Applied
L. EPA OGC FOIA Procedures (March 31, 2015)
M. EPA FOIA Awareness Notification Process (Chief of Staff Efficiency Memo (Nov. 16, 2018)

N. EPA Awareness Notification e-mail template Final (Nov. 27, 2018)
O. EPA Records Guidance: Quick Reference Guide How to Save Text Messages

Other FOIA Resources

P. DOJ OIP Guidance- The Importance of Quality Requester Services: Roles and Responsibilities of FOIA Requester Service Centers and FOIA Public Liaisons (June 12, 2018)
Q. DOJ OIP Guidance - Limitations on Use of "Still-Interested" Inquiries (July 20, 2015)
R. NARA OGIS Advisory Opinion - Agency Communications with Requesters (July 18, 2018)

Index of EPA FOIA Web Resources

1. EPA FOIA Website, located at: https://www.epa.gov/foia
2. EPA FOIA Intranet Site, located at: http://intranet.epa.gov/foia/index.html
3. EPA Approved templates, located at: http://intranet.epa.gov/foia/FOIA-letters.html

Other FOIA Web Resources

4. Department of Justice, Guide to the FOIA, located at: https://www.justice.gov/oip/doj-guide-freedom-information-act-0
5. Department of Justice, Office of Information Policy (OIP) Guidance, located at: https://www.justice.gov/oip/oip-guidance
6. National Archives and Records Administration (NARA) Office of Government Information Services (OGIS) Advisory Opinions, located at: https://www.archives.gov/ogis/advisory-opinions

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: Griffo, Shannon [Griffo.Shannon@epa.gov]
Sent: 2/25/2019 2:31:10 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]
Subject: RE: Ethics FOIA questions

Got it. Thanks for the update.

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, February 25, 2019 9:22 AM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Ethics FOIA questions

Hi Shannon,

Justina and I talked on Friday – she had an additional question regarding equity review process that I plan to raise this morning with Beth White.

Tim

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

From: Griffo, Shannon
Sent: Monday, February 25, 2019 8:49 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Ethics FOIA questions

Hi Tim,

Thanks for your voicemail last week. I was out of the office on Friday so sorry I missed you. I believe your voicemail answered my question. For every OGC/Ethics request that has Larry listed as a reviewer in FOIA Online, we will follow the awareness notification process as laid out in the memo. We will follow up if we 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: Fugh, Justina
Sent: Friday, February 22, 2019 2:14 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: Ethics FOIA questions

Hi Tim,
We are anxious to hear back from you and GLO about our proposed language that, if we can use it, will allow us to respond to a bunch of backlogged FOIAs.

Deliberative Process / Ex. 5

Help!
Justina

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/22/2019 11:59:50 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: Review Requested, Draft Phase I FOIA Regs
Attachments: DRAFT Phase I FOIA Regs, Clean (02.22.2019).docx; Phase I FOIA Regs, Changes Explanation (02.22.2019).docx; DRAFT Phase I FOIA Regs Redlining (02.22.2019).dps.docx

Hello Wendy,

Please find the latest draft of the Phase I FOIA regulations attached—"Draft Phase I FOIA Regs, Clean (02.22.2019)". Also attached is a Redlined version of the Regs and a summary of the changes made with citations to both the clean and redlined versions.

Thank you and please let me know if you have any questions.

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: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/22/2019 10:18:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: June 2015 Oversight Hearing on FOIA Transcripts
Attachments: CHRG-114hhrg22315.pdf; CHRG-114hhrg22472.pdf

Tim:

Attached are the transcripts for the hearing I mentioned earlier. 22315 is the transcript for the first day of the hearing (requester community). 22472 is the transcript for the second day of the hearing (Agency FOIA officers). I was wrong about which agency did not show up. Treasury sent a representative to testify, IRS did not.

Happy perusing!

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/17/2019 6:12:38 PM
To: OGC NFO [OGC-NFO@epa.gov]
CC: Thompson, Heather [Thompson.Heather@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Person, Linda [Person.Linda@epa.gov]
Subject: Review Requested - 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 Procedures.pdf

Hello Team,

As you know, we are working to update the Agency-wide FOIA Policy and Procedures in light of the updates to the FOIA Regulations (which were signed Friday!).

We are asking for your review on the attached Policy and Procedures by COB next Monday, June 24. For your convenience, attached are:

1. The updated FOIA Policy
2. The updated FOIA Procedure
3. An Explanation of Changes to the Policy
4. An Explanation of Changes to the Procedure
5. A Copy of the Old CIO FOIA Policy
6. A Copy of the Old CIO FOIA Procedures

Any feedback you have would be appreciated, either a redlined version of the attached "Clean" Policy and Procedures or an email with general feedback. The scope of this update is to capture changes made through the regulations, amendments to the FOIA, and the regional FOIA reorganization. We do intend to circulate this with FOIA Officers and Coordinators in the future, but please keep this internal for now (Joe and Elise have yet to review).

I look forward to seeing your comments and suggestions. Feel free to contact Heather, Krishna, Linda, or me if you have any questions.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 6/17/2019 5:59:53 PM
To: Kelly, Lynn [Kelly.Lynn@epa.gov]; 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]
Subject: 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

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: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 6/17/2019 4:40:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: For Matt's nightly binder -- FOIA regulation mass mailer

Will do. Thanks!

From: Epp, Timothy
Sent: Monday, June 17, 2019 12:39 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Subject: For Matt's nightly binder -- FOIA regulation mass mailer

Hi Fletch,

Please include the attached draft mass mailer email in Matt's overnight binder. This is an email that he would send to all EPA employees when EPA's FOIA regulations are published in the federal register later this week.

It has been reviewed by Elise and Nancy Grantham.

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: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Sent: 6/17/2019 1:44:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: Edits?
Attachments: FOIA Efficiency Memo.pdf; FW: FOIA meeting; Awareness Notification e-mail template 11272018 Final (003).docx

Tim and Denise,

Can you please let me know if you have any edits to the proposed text below on the steps the Agency has taken to ensure compliance with the ANP? Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

1.
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4. Deliberative Process / Ex. 5
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7.

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: Cunningham, Bisa [cunningham.bisa@epa.gov]
Sent: 6/17/2019 12:28:22 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Good morning:

Please see my responses in red.

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: Monday, June 17, 2019 8:20 AM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Sorry for my late reply – Yes, I am generally ok with these changes. Two questions:

1) Are you sure regarding the expenses of the two SEE enrollees? My recollection is that their current costs are higher than $75k and should go up as they receive annual raises. (I thought the most recent one we renewed was for more than 50K. Shanita advised that a new contract was recently awarded for this grant. The new prices is $65K for both enrollees for FY 20 and we kept Shanita's higher rate of $75K to allow for inflation. She checked the contract while I was sitting at her desk, but I can ask her to confirm in writing.

2) On the payroll estimate, when I talked with Elise, she was clear that her assumption was that the vacant positions are an SES, a GS15 deputy, and an administrative specialist – are you sure that would average to a GS13/5? I asked Shanita the same thing. She advised that in all of her budget estimates across the office, she assumes and average GS-13/5 grade. I can re-engage her about the prudence of increasing those numbers. I do want to ensure that NFO's budget is not viewed as an outlier when compared to that of other OGC offices.

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: Cunningham, Bisa
Sent: Friday, June 14, 2019 1:59 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Good afternoon Tim –

Please see below. Are you ok with me sending these edits forward to Allison Holden?

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: Logan, Shanita
Sent: Friday, June 14, 2019 12:17 PM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

It looks fine. I believe Allison Hoppe is compiling the narrative. Please forward her the updates.

From: Cunningham, Bisa
Sent: Friday, June 14, 2019 9:08 AM
To: Logan, Shanita <logan.shanita@epa.gov>
Cc: Cunningham, Bisa <cunningham.bisa@epa.gov>
Subject: FW: Pls Send NFO Workflow Statistics for Budget Docs

Good morning Shanita –

I have updated the numbers below based on our conversation yesterday. Thoughts?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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 3:55 PM
To: Holden, Allison <Holden.Allison@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 all, (Shanita –the below requires one adjustment in your previous budget)

I ran out of time with Elise and did not get to the question of document review contract – so, please keep it in and flag as a question for Elise when this goes to her.

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: Epp, Timothy
Sent: Thursday, June 13, 2019 2:56 PM
To: Holden, Allison <Holden.Allison@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

Thank you much!

I have a one-on-one with Elise at 3 pm, and will ask her about this topic as well.

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: Thursday, June 13, 2019 2:52 PM
To: Cunningham, Bisa <cunningham.bisa@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thanks! Will await your edits

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

From: Cunningham, Bisa
Sent: Thursday, June 13, 2019 2:46 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
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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: 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

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

"The Agency is facing an unprecedented volume of FOIA requests. Despite this enormous challenge, the EPA is committed to conducting its business in an open and transparent manner and will continue to take steps to improve the efficacy and efficiency of its FOIA process. I look forward to working with all of you to make the EPA a flagship example of transparent, efficient, and effective government."

– Andrew Wheeler, Statement on FOIA, November 2018

Furthermore, the costs of these FOIA services will become more transparent because they are currently being treated as part of the "OGC Legal Advice: Support Program" budget, which includes a much broader set of unrelated functions such as employment law, contract law, and civil rights. Adding National FOIA Services to the WCF will also save the Agency money in the long run as expanding the customer base is expected to reduce fees and lawsuits the Agency would otherwise incur from missed FOIA deadlines. In addition, use of the WCF for National FOIA Services will enable capital equipment investment, which may become necessary in the future as the complexity and volume of electronic documents that must be searched, collected, and reviewed has increased and will continue to increase over time.

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

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
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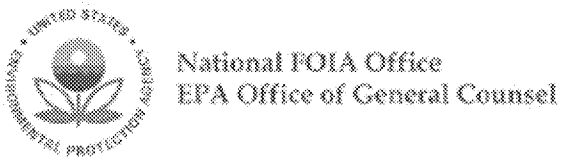


From: Holden, Allison
Sent: Tuesday, June 11, 2019 4:17 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thank you, this is helpful! 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: 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,

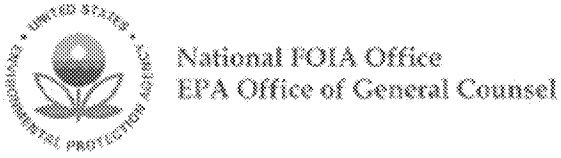
Here are some bullets:

- 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: Holden, Allison [Holden.Allison@epa.gov]
Sent: 6/17/2019 12:27:42 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

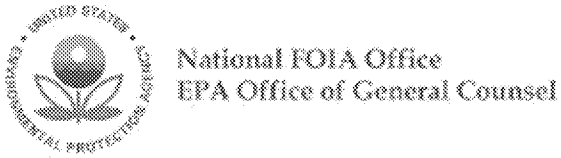
Absolutely, please do!!

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

From: Epp, Timothy
Sent: Friday, June 14, 2019 8:47 AM
To: Cunningham, Bisa <cunningham.bisa@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

Hi Allison, would it be possible for both Bisa and I to attend? Bisa will be leading on this for the next five weeks, but I will need the background to carry it forward after that.
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: Cunningham, Bisa
Sent: Thursday, June 13, 2019 3:02 PM
To: Holden, Allison <Holden.Allison@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

I am available if Tim would like me to attend. I defer to his determination.

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: Holden, Allison
Sent: Thursday, June 13, 2019 2:58 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

We've got a meeting with the office of budget on Monday at 9am about how some of this is going to work. Do one of you want to come?

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 13, 2019 2:56 PM
To: Holden, Allison <Holden.Allison@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

Thank you much!

I have a one-on-one with Elise at 3 pm, and will ask her about this topic as well.

Tim

Timothy R. Epp
|National FOIA Office
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National FOIA Office
EPA Office of General Counsel

From: Holden, Allison
Sent: Thursday, June 13, 2019 2:52 PM
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Cc: Logan, Shanita <logan.shanita@epa.gov>
Subject: RE: Pls Send NFO Workflow Statistics for Budget Docs

Thanks! Will await your edits

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

From: Cunningham, Bisa
Sent: Thursday, June 13, 2019 2:46 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!!

Deliberative Process / Ex. 5

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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

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** 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: Spears, Rasheena [spears.rasheena@epa.gov]
Sent: 6/15/2019 1:31:36 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Follow Up
Attachments: 07273BBD4FF7BB01289B5E1BD329E9E2.2019-03-14-ceg-leahy-cornyn-feinstein-to-doj---foia-compliance.pdf; Judicial Watch V. USDept.of Commerce.pdf; rosen vs. dod .pdf; 2017.07.12-EPA-Letter-to-Sen.-Bennet-1 (003).pdf

Hi Tim,

Please see attached. Will provide more (possibly next week)

Cordially,

Sheena

Rasheena S. Spears
GIS "FOIA/PA Analyst" National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7443J
Phone 202-564-7586 | spears.rasheena@epa.gov

National FOIA Office
EPA Office of General Counsel

Message

From: Manibusan, Mary [Manibusan.Mary@epa.gov]
Sent: 6/14/2019 8:36:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Signed: Final Rule: Freedom of Information Act Regulations Update
Attachments: San 5630.1.pdf; ATT00001.htm

FYI.

From: Sauerhage, Maggie
Sent: Friday, June 14, 2019 4:24 PM
To: Darwin, Henry <darwin.henry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; DeBell, Kevin <debell.kevin@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Manibusan, Mary <Manibusan.Mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Burton, Tamika <burton.tamika@epa.gov>
Subject: Signed: Final Rule: Freedom of Information Act Regulations Update

Good afternoon,

Today the Administrator signed the Final Rule, Freedom of Information Act Regulations Update.

This action supports the Agency's mission by updating the process by which the public may access information about EPA actions and activities. These revisions include changes required by amendments to the Act in 2007, 2009, and 2016, updates to correct obsolete information, and changes to reflect internal EPA realignment.

Thanks,
Maggie

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: Personal Phone / Ex. 6

Message

From: Muellerleile, Caryn [Muellerleile.Caryn@epa.gov]
Sent: 6/14/2019 8:25:46 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FW: Signed: Final Rule: Freedom of Information Act Regulations Update
Attachments: San 5630.1.pdf; ATT00001.htm

From: Sauerhage, Maggie
Sent: Friday, June 14, 2019 4:24 PM
To: Darwin, Henry <darwin.henry@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; DeBell, Kevin <debell.kevin@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Manibusan, Mary <Manibusan.Mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>; Atkinson, Emily <Atkinson.Emily@epa.gov>; Burton, Tamika <burton.tamika@epa.gov>
Subject: Signed: Final Rule: Freedom of Information Act Regulations Update

Good afternoon,

Today the Administrator signed the Final Rule, Freedom of Information Act Regulations Update.

This action supports the Agency's mission by updating the process by which the public may access information about EPA actions and activities. These revisions include changes required by amendments to the Act in 2007, 2009, and 2016, updates to correct obsolete information, and changes to reflect internal EPA realignment.

Thanks,
Maggie

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: Personal Phone / Ex. 6

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/12/2019 9:26:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Chief FOIA Officer report for proofing
Attachments: DRAFT Chief FOIA Officer Report 02122018daw4pm.docx

A few edits before you send to Joe.
Can't help you on the appeals numbers.

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!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Tuesday, February 12, 2019 3:48 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Chief FOIA Officer report for proofing

Hi Denise – Wendy confirmed that Lynn's numbers are accurate.

Deliberative Process / Ex. 5 Just sayin'

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: Tuesday, February 12, 2019 3:41 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Chief FOIA Officer report for proofing

Ok- Kevin and I are planning to go over it at 5.

I will work on it now.

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 Personal Phone / Ex. 6

Have a FOIA question? Try here first!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Tuesday, February 12, 2019 3:11 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: Chief FOIA Officer report for proofing

Hi Denise,

The attached document is the one that I am going to send to Joe this evening – except 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

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 2/12/2019 3:51:49 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]
CC: Walker, Denise [Walker.Denise@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Chief FOIA Officer Report for your review
Attachments: DRAFT Chief FOIA Officer Report wTOC 02082018_jab GLO cmt consl.docx

Hi Tim,

Thanks for the opportunity to review. The attached draft reflects input from Wendy, Kevin and myself, on top of Joe's comments. I was able to find time to read the whole document, and Wendy was able to review selected sections. Please give either of us a call regarding any of the comments you want to discuss.

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: Friday, February 8, 2019 2:30 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Chief FOIA Officer Report for your review

Wendy, Charlotte, Kevin, and Lynn,

Attached is the draft Chief FOIA Officer Report for your legal review (and policy review on Deliberative Process / Ex. 5 appeals). We have a meeting with Matt scheduled for Thursday at 4 pm. Accordingly, we must finalize this for Matt's overnight reading folder no later than 1 pm Wednesday. To be able to incorporate your comments, we will need them no later than noon on Tuesday.

We are sending this for Joe and Elise' review concurrently with your review.

Thanks much,
Tim

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

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

Message

From: Maher, Lauren [Maher.Lauren@epa.gov]
Sent: 2/14/2019 7:47:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: RE: cover note for Matt for Policy & Procedure update

Hi all,

I'll add this cover note to Matt's folder and note that the document itself is in his Action Box awaiting signature (thanks to Carla!).

Lauren Maher
Attorney Advisor
Cross-Cutting Issues Law Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9888
maher.lauren@epa.gov

From: Epp, Timothy
Sent: Thursday, February 14, 2019 10:35 AM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: cover note for Matt for Policy & Procedure update

Lauren and Carla,

For the email distributing the interim FOIA Policy and Procedure Update, below is draft text that Matt could use in the cover email (Joe has cleared):

Deliberative Process / Ex. 5

2830.

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, February 14, 2019 10:16 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: cover note for Matt for Policy & Procedure update

Okay, I am good with this Tim, lets get this in Matt's folder for review, thanks.

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

From: Epp, Timothy
Sent: Thursday, February 14, 2019 10:08 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: cover note for Matt for Policy & Procedure update

Thanks Joe,

Deliberative Process / Ex. 5

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, February 14, 2019 8:59 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: cover note for Matt for Policy & Procedure update

Thanks Tim, I think generally this looks fine. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

From: Epp, Timothy
Sent: Wednesday, February 13, 2019 6:26 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: cover note for Matt for Policy & Procedure update

Joe, here is a draft cover note for your consideration for Matt's email sending out the FOIA Policy and Procedures Update (and attachments).

Deliberative Process / Ex. 5

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: 2/14/2019 6:48:55 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Review Request, FOIA Regs Phase I
Attachments: DRAFT Phase I FOIA Regs, Redlining (02.14.2019).docx; DRAFT Phase I FOIA Regs, Clean (02.14.2019).docx; Phase I FOIA Regs, Changes Explanation (02.13.2019).docx

Hello again Team,

I wanted to address Kevin's question and provide you with more tools for your review. These should hone your review in on the operative changes.

Attached are:

1. An updated, clean version of the draft regs
2. A red-lined version of the draft regs' statutory language, comparing the draft regs to the in force regs
3. An explanation of the changes with citations to the clean regs' preamble and statutory text, and the redlined version.

Thank you again, and I apologize for the confusion.

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, February 5, 2019 9:11 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Kerry Neal (neal.kerry@epa.gov) <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Review Request, FOIA Regs Phase I

Hello GLO,

Here is a draft of the Phase I FOIA Regulations Revisions for your review: DRAFT Phase I FOIA Regs (02.04.2019).docx.

Deliberative Process / Ex. 5

Thank you in advance for your thoughtfulness and hard work.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/14/2019 5:40:09 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Review Request, FOIA Policy and Procedures Update Memo

Hi Kevin,

To address your concern, **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

I apologize for the confusion.

Thanks,

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

From: Miller, Kevin
Sent: Thursday, February 14, 2019 11:57 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Review Request, FOIA Policy and Procedures Update Memo

Chris,

Deliberative Process / Ex. 5

Kevin

From: Creech, Christopher
Sent: Thursday, February 7, 2019 1:58 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>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>
Subject: Review Request, FOIA Policy and Procedures Update Memo

Hello Team,

I attached a draft copy of the FOIA Policy and Procedures Update. It is a one-page memo that recognizes the reorganization and makes changes to certain definitions in the policy and procedures. This draft incorporates comments and edits from the GC.

Thank you, again, for your time and effort.

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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 2/14/2019 5:39:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: EPA's Draft Annual Report for DOJ Submission
Attachments: AnnualReportXML-Finalized.xml; 2018 final AnnualReportPDF.pdf

Attached is a PDF and an XML version of EPA's FOIA Annual Report. Deliberative Process / Ex. 5 to DOJ via email at doj.oip.foia@usdoj.gov for review and approval before posting to EPA's FOIA internet site.

Deliberative Process / Ex. 5

Let me know if you need anything else on this matter.

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

Appointment

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/14/2019 3:56:59 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]

Subject: Phase I Draft Editing Blitz
Attachments: DRAFT Phase I FOIA Regs, Redlining (02.13.2019).docx; DRAFT Phase I FOIA Regs, Clean (02.13.2019).docx; Phase I FOIA Regs, Changes Explanation (02.13.2019).docx
Location: OGC Library

Start: 2/14/2019 3:30:00 PM
End: 2/14/2019 5:00:00 PM
Show Time As: Tentative

The Skype link is open below!

Hello Team!

I hope to draft you to help with a thorough read of the draft Phase I FOIA Regs. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5 g

Attached are:

1) A clean copy of the draft FOIA Regs
2) A redline copy of the draft FOIA Regs, comparing the draft and the 2002 regs
3) An explanation of the changes made to the regs, including citations to both the preamble, regulatory language, and the redline document

Thanks in advance. Please let me know if this time does not work for you, I will need to fit something in this week.

Best,
Chris

→ Join Skype Meeting

Trouble Joining? Try Skype Web App

Help

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 2/15/2019 7:03:48 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: DRAFT Chief FOIA Officer Report 02152018clean.docx
Attachments: DRAFT Chief FOIA Officer Report 02152018clean.docx

Here it is

Message

From: Hopkins, Karen N. (OIP) [Karen.N.Hopkins@usdoj.gov]
Sent: 2/21/2019 6:00:51 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: EPA's Draft Annual Report for DOJ Submission
Attachments: EPA FoiaAnnualReport-v2.1 - OIP comments.xlsm

Forgot the attachment!
Karen

From: Hopkins, Karen N. (OIP)
Sent: Thursday, February 21, 2019 12:59 PM
To: 'Gottesman, Larry' <Gottesman.Larry@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: EPA's Draft Annual Report for DOJ Submission

Larry,
Thank you for submitting your agency's draft FY 2018 Annual FOIA Report. A few items as we begin the review process for this year.

Personal Phone / Ex. 6

Larry Gottesman	Gottesman.larry@epa.gov
Wendy Schumacher	Schumacher.wendy@epa.gov

3. I have reviewed the report and note items I've changed below.

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Deliberative Process / Ex. 5

Once you have addressed the above items, please submit an updated report to me. Don't hesitate to reach out to discuss any of the items listed.

Karen Hopkins
Attorney Advisor
Office of Information Policy
U.S. Department of Justice
Karen.N.Hopkins@usdoj.gov

From: Gottesman, Larry <Gottesman.Larry@epa.gov>
Sent: Friday, February 15, 2019 3:30 PM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Cc: Roberts, Lindsay (OIP) <liroberts@jmd.usdoj.gov>; Talebian, Bobak (OIP) <btalebian@jmd.usdoj.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: EPA's Draft Annual Report for DOJ Submission

Attached is EPA's FY 2018 FOIA Annual Report in PDF and XML formats.

Let me know if you have any questions.

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 2/15/2019 6:05:08 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Potential questions on FOIA Policy & Procedures Update today

Thanks

From: Epp, Timothy
Sent: Friday, February 15, 2019 1:04 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Potential questions on FOIA Policy & Procedures Update today

Hi Nancy,

Deliberative Process / Ex. 5

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

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/15/2019 5:58:41 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: FW: Interim FOIA Policy and Procedures Update
Attachments: FOIAPolicyand ProceduresMemo.pdf

YAY!!!!

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: Leopold, Matt (OGC)
Sent: Friday, February 15, 2019 12:56 PM
To: Konkus, John <konkus.john@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Bennett, Tate

<Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Stanich, Ted <Stanich.Ted@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Kime, Robin <Kime.Robin@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>; Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Shaw, Betsy <Shaw.Betsy@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; McIntosh, Chad <mcintosh.chad@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Dunlap, David <dunlap.david@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Shields, Edward <Shields.Ed@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Szaro, Deb <Szaro.Deb@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Lopez, Peter <lopez.peter@epa.gov>; Mugdan, Walter <Mugdan.Walter@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Servidio, Cosmo <servidio.cosmo@epa.gov>; Rodrigues, Cecil <rodrigues.cecil@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>; Walker, Mary <walker.mary@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Stepp, Cathy <stepp.cathy@epa.gov>; Payne, James <payne.james@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Frey, Bert <frey.bertram@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Gray, David <gray.david@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Gulliford, Jim <gulliford.jim@epa.gov>; Chu, Ed <Chu.Ed@epa.gov>; Humphrey, Leslie <Humphrey.Leslie@epa.gov>; Skelley, Dana <Skelley.Dana@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Sutin, Elyana <Sutin.Elyana@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; OGC NFO <OGC-NFO@epa.gov>
Subject: Interim FOIA Policy and Procedures Update

Colleagues,

Over the last year, the Agency has taken significant steps to improve our implementation of the Freedom of Information Act (FOIA). Improvements include a Strategic Goal on transparency as well as reorganizations that created a new National FOIA Office in the Office of General Counsel, delegated the Chief FOIA Officer functions to the General Counsel, and launched a reorganization of the regional FOIA programs into the Regional Counsels Offices. Today, I am issuing an interim FOIA Policy and Procedures Update to reflect the current organizational structure and to make clear that the Agency should continue to follow the Agency's FOIA Policy and Procedure as well as OGC's guidance on the FOIA Improvement Act of 2016. Over the coming months, the Agency plans to issue an update to EPA's FOIA regulations to be consistent with the FOIA Improvement Act of 2016, and I have directed the National FOIA Office thereafter to review and provide additional updates to these FOIA Policy and Procedures consistent with any regulatory changes.

If you have questions regarding the attached documents, or if you have suggestions for improving the Agency's implementation of the FOIA, please call Timothy Epp, Acting Director of the National FOIA Office at 202-564-2830.

Best Regards, Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

Message

From: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 2/10/2019 4:46:07 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]
Subject: RE: Draft Chief FOIA Officer Report for review
Attachments: DRAFT Chief FOIA Officer Report wTOC 02082018_jab.docx

Tim,

Thank you for sending along. Attached are some edits and comments. Overall, I thought it looked very good.

Thanks,
Joe

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

From: Epp, Timothy
Sent: Friday, February 8, 2019 2:37 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>
Subject: Draft Chief FOIA Officer Report for review

Joe and Elise,

Attached is the draft Chief FOIA Officer Report for your review. GLO will be reviewing this concurrently.

We have a meeting with Matt scheduled for Thursday at 4 pm. Accordingly, we must finalize this for Matt's overnight reading folder no later than 1 pm Wednesday.

Also attached, for background and comparison are: EPA's and Commerce's 2018 reports.

Tim

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

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 2/21/2019 2:26:20 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: ACTION: A3 due 2/22/19
Attachments: Improvement Actions Table 2 22 19 FOIA.docx; Agency FOIA March 2019 A3_Updated.pptx

Tim,

Since the meeting with Elise is moved to Monday please let me know if you have any edits to the A3 which is due on the fourth Friday (2/22).

If not, the attached version may be forwarded to Karen Costa before tomorrow afternoon.

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, February 20, 2019 7:57 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>
Subject: Materials for 2/21 meeting with Elise Packard

Good morning,

Our weekly lean coaching session this week is moved to tomorrow. We will be meeting with Elise Packard in preparation for her participation in the Lean Kaizen meeting/process.

Attached are the draft A3 and the Improvement Actions Table (for ease of reading). Tim's comments on row 40 have been incorporated.

Please let me know if you have any edits prior to the meeting.

Stay safe, 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: 2/21/2019 12:02:49 AM
To: Thompson, Heather [Thompson.Heather@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: DRAFT Letter to Ben Kirby and John Hall Re Multiple FOIA Requests 03-16-2017.docx
Attachments: DRAFT Letter to Ben Kirby and John Hall Re Multiple FOIA Requests 03-16-2017.docx

Heather:
Reviewing my files…. See attached letter from two years ago.
I'm glad that OW was pleased with our services in the past and has once again reached out for assistance.

Denise

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/8/2019 4:18:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: editing notes

Sure-
& waiting for a call back from OIP. I always leave my Fridays completely unscheduled- so I am at your service all day. :)

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!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Friday, February 08, 2019 11:16 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: editing notes

Thanks – here is another thing:

Deliberative Process / Ex. 5

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, February 08, 2019 11:12 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: editing notes

I'll call OIP. Also- I fixed the thing on 10 and 14.

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!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Friday, February 08, 2019 11:10 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: editing notes

On the executive summary – Matt asked for it; so, we should try to do it. So, please go ahead.

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: Walker, Denise
Sent: Friday, February 08, 2019 11:03 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: editing notes

I think I caught up to you.
You're on page 21.

Do you want me to try to start drafting an executive summary?

Notes-

Deliberative Process / Ex. 5

y
ty

ne.

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!
Have a Relativity 9 question? Try here first!

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/8/2019 1:48:39 PM
To: Beard, Deborah-Ward [beard.deborah-ward@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Re: FOIA Policy and Procedure Update Memo, Central Directives

Thank you, Deborah. It was a pleasure working with you, and I look forward to doing so again very soon.

-Chris

From: Beard, Deborah-Ward
Sent: Thursday, February 7, 2019 6:07:04 PM
To: Creech, Christopher
Cc: Epp, Timothy
Subject: RE: FOIA Policy and Procedure Update Memo, Central Directives

Good evening, Chris.

The proposed policy and procedure memo does not contain new authority requiring approval. The proposed clarifies and consolidates approved authority per 1-131, Chief FOIA Officer approved 9-11-2018, and is consistent with the provisions of the approved re-organization which relocated the FOIA operations to the OGC.

No DCR is warranted at this time. I trust that this information is helpful. Please feel free to contact me whenever I can assist you.

Sincerely,
Deborah

Deborah Ward Beard
EPA Central Directives Officer
OMS-OHR AWBERC MC 406C
26 W. Martin L. King BLVD
Cincinnati, Ohio 45268
513 569-7766 Office
Beard.Deborah-Ward@epa.gov

Message

From: Beard, Deborah-Ward [beard.deborah-ward@epa.gov]
Sent: 2/7/2019 11:07:04 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Policy and Procedure Update Memo, Central Directives
Attachments: FOIA Policy and Procedure Update Memo, Central Directives

Good evening, Chris.

The proposed policy and procedure memo does not contain new authority requiring approval. The proposed clarifies and consolidates approved authority per 1-131, Chief FOIA Officer approved 9-11-2018, and is consistent with the provisions of the approved re-organization which relocated the FOIA operations to the OGC.

No DCR is warranted at this time. I trust that this information is helpful. Please feel free to contact me whenever I can assist you.

Sincerely,
Deborah

Deborah Ward Beard
EPA Central Directives Officer
OMS-OHR AWBERC MC 406C
26 W. Martin L. King BLVD
Cincinnati, Ohio 45268
513 569-7766 Office
Beard.Deborah-Ward@epa.gov

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 2/7/2019 10:05:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]
Subject: Latest version of functional statement.
Attachments: FOIA Functional Statement 2.7.19.gb clean.docx

Includes Gretchen's edits and those done on the fly during the call.

Thanks all,

FOIA Functional Statement 2.7.19...

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.

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/15/2019 5:33:16 PM
To: Veney, Carla [Veney.Carla@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Maher, Lauren [Maher.Lauren@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Carla,

If it's not too late. This list below adds to Larry's list that he sent you in a separate email.

Calderon.Wanda@epa.gov
Farren.Victor@epa.gov
Zipf.Lynn@epa.gov
Fields.Wanda@epa.gov
Lemley.Lauren@epa.gov
Kennedy.Chandra@epa.gov
Godfrey.Carlene@epa.gov
Berkley.Bruce@epa.gov
Robinson.Milton@epa.gov
Blake.Wendy@epa.gov
Farrell.Ericka@epa.gov
Miller.Kevin@epa.gov
Peterson.Samuel@epa.gov
Hanger.Eric@epa.gov
Cunningham.Dennis@epa.gov
Lee.Pascale@epa.gov
Clausen.Rebecca@epa.gov
Heckman.Deborah@epa.gov
London.Bernadine@epa.gov
Smith.Susan@epa.gov
Lao.Judy@epa.gov
kluesner.dave@epa.gov
Mears.Mary@epa.gov
Story.Karen@epa.gov
Gross.LouAnn@epa.gov
Woodard-Burrell.Gwendolyn@epa.gov
Gupta.Kaushal@epa.gov
Kersey.Ricky@epa.gov
Langley.Shirley@epa.gov
Price.Lisa@epa.gov
duran.matt@epa.gov
Rivera.Adrienne@epa.gov

Henderson.Alita@epa.gov
Haas.Susan@epa.gov
Aarons.Kyle@epa.gov

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

From: Veney, Carla
Sent: Friday, February 15, 2019 12:06 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Ok, thanks! I think he wants to send during his lunch hour.

From: Creech, Christopher
Sent: Friday, February 15, 2019 12:01 PM
To: Veney, Carla <Veney.Carla@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Carla,

I should have an updated list of FOIA Officers and Coordinators emails shortly. I don't think the mailing lists for those groups is up-to-date either.

Thanks,

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

From: Veney, Carla
Sent: Friday, February 15, 2019 11:26 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Matt said he will send the email out himself. I'm planning to give him individual names of the folks on the list. He thinks some of these lists in outlook may be out of date. Could you provide the names in the FOIA coordinators and FOIA officers lists? Unless you know of the actual group name for these folks that's current, please send me that. Thank you.

From: Epp, Timothy
Sent: Friday, February 15, 2019 8:49 AM
To: Veney, Carla <Veney.Carla@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thanks Carla – we also provided Matt text that he could use in a cover email with the assumption that Matt would want to send it out from his email box.

The email list would be: Associate and Assistant Administrators and their deputies, RAs and DRAs, RCs and DRCs, and FOIA Officers and FOIA coordinators (as well as myself and the NFO)

Can you check whether he wants to do that – or get alternative instructions from him as to whether I should send it out?

Thanks,
Tim

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

From: Veney, Carla
Sent: Friday, February 15, 2019 8:45 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Matt signed the memo this morning. Do you want me to bring it up to you?

From: Creech, Christopher
Sent: Thursday, February 14, 2019 5:13 PM
To: Veney, Carla <Veney.Carla@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thank you, Carla! We greatly appreciate your help!

Best,

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

From: Veney, Carla
Sent: Thursday, February 14, 2019 2:36 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Chris, the letter is in Matt's action box in his office. I just wanted you to know I received your message and printed off everything.

From: Creech, Christopher
Sent: Wednesday, February 13, 2019 6:57 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello Lauren,

The memo references three attachments, those records are attached here. They should be included in Matt's communication alongside the memo itself. I apologize for not including them originally.

I also uploaded them to CTS (Joe, I apologize for more email pings).

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, February 12, 2019 5:43 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello,

Please find attached a copy of the FOIA Policy and Procedures update for formatting and GC signature. This documents has also been placed in CTS, routed through Joe (cc'd). Please let me know if you have any questions or concerns. Thank you in advance for your help.

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: 2/11/2019 10:14:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Epp, Timothy shared "FOIA Functional Statement 2.7.19" with you.
Attachments: FOIA Functional Statement 2.7.19_ Moumbleaux Suggested Edits 2.11.19.docx

Hi Folks,

Since this is the 11th hour for this document, I did not want to gum-up-the-works by making edits that may have already been discussed and discarded.

So, in trying to minimize confusion, I attached a document copy containing my suggested edits and comments here, rather than adding to the edits/comments to the one-drive document.

If you find that a change moves us toward goal then great! If not, then please disregard.

Joan

From: Epp, Timothy
Sent: Friday, February 8, 2019 3:55 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Epp, Timothy shared "FOIA Functional Statement 2.7.19" with you.

Latest draft of the regional reorganization functional statement. Please share your comments by COB Monday.

This link only works for the direct recipients of this message.

FOIA Functional Statement 2.7.19

Open

Microsoft OneDrive

Microsoft respects your privacy. To learn more, please read our Privacy Statement.
Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

Message

From: Veney, Carla [Veney.Carla@epa.gov]
Sent: 2/15/2019 5:06:17 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Maher, Lauren [Maher.Lauren@epa.gov]
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Ok, thanks! I think he wants to send during his lunch hour.

From: Creech, Christopher
Sent: Friday, February 15, 2019 12:01 PM
To: Veney, Carla <Veney.Carla@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Carla,

I should have an updated list of FOIA Officers and Coordinators emails shortly. I don't think the mailing lists for those groups is up-to-date either.

Thanks,

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

From: Veney, Carla
Sent: Friday, February 15, 2019 11:26 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Matt said he will send the email out himself. I'm planning to give him individual names of the folks on the list. He thinks some of these lists in outlook may be out of date. Could you provide the names in the FOIA coordinators and FOIA officers lists? Unless you know of the actual group name for these folks that's current, please send me that. Thank you.

From: Epp, Timothy
Sent: Friday, February 15, 2019 8:49 AM
To: Veney, Carla <Veney.Carla@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thanks Carla – we also provided Matt text that he could use in a cover email with the assumption that Matt would want to send it out from his email box.

The email list would be: Associate and Assistant Administrators and their deputies, RAs and DRAs, RCs and DRCs, and FOIA Officers and FOIA coordinators (as well as myself and the NFO)

Can you check whether he wants to do that – or get alternative instructions from him as to whether I should send it out?

Thanks,
Tim

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

From: Veney, Carla
Sent: Friday, February 15, 2019 8:45 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Matt signed the memo this morning. Do you want me to bring it up to you?

From: Creech, Christopher
Sent: Thursday, February 14, 2019 5:13 PM
To: Veney, Carla <Veney.Carla@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thank you, Carla! We greatly appreciate your help!

Best,

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

From: Veney, Carla
Sent: Thursday, February 14, 2019 2:36 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Chris, the letter is in Matt's action box in his office. I just wanted you to know I received your message and printed off everything.

From: Creech, Christopher
Sent: Wednesday, February 13, 2019 6:57 PM

To: Maher, Lauren <Maher.Lauren@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello Lauren,

The memo references three attachments, those records are attached here. They should be included in Matt's communication alongside the memo itself. I apologize for not including them originally.

I also uploaded them to CTS (Joe, I apologize for more email pings).

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, February 12, 2019 5:43 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello,

Please find attached a copy of the FOIA Policy and Procedures update for formatting and GC signature. This documents has also been placed in CTS, routed through Joe (cc'd). Please let me know if you have any questions or concerns. Thank you in advance for your help.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/13/2019 11:56:40 PM
To: Maher, Lauren [Maher.Lauren@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Shaffer, Patricia [Shaffer.Patricia@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update
Attachments: OGC Guidance_FOIA Improvement Act of 2016.pdf; EPA FOIA Policy 09-30-2014.pdf; EPA FOIA Procedures 09-30-2014.pdf

Hello Lauren,

The memo references three attachments, those records are attached here. They should be included in Matt's communication alongside the memo itself. I apologize for not including them originally.

I also uploaded them to CTS (Joe, I apologize for more email pings).

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, February 12, 2019 5:43 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello,

Please find attached a copy of the FOIA Policy and Procedures update for formatting and GC signature. This documents has also been placed in CTS, routed through Joe (cc'd). Please let me know if you have any questions or concerns. Thank you in advance for your help.

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: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/7/2019 6:58:18 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]; Kelly, Lynn [Kelly.Lynn@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]
Subject: Review Request, FOIA Policy and Procedures Update Memo
Attachments: DRAFT MEMO Policy and Procedures Update 02.07.2019.docx

Hello Team,

I attached a draft copy of the FOIA Policy and Procedures Update. It is a one-page memo that recognizes the reorganization and makes changes to certain definitions in the policy and procedures. This draft incorporates comments and edits from the GC.

Thank you, again, for your time and effort.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 2/7/2019 3:28:23 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

Final Agenda (I will ask Shirley to create a one drive so we can populate the agenda prior to each weekly meeting):

Deliberative Process / Ex. 5

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: Thursday, February 07, 2019 9:27 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

And, one more thing that you do not have yet, but will have soon: the draft Chief FOIA Officer report.

You will likely see it in two parts: first, a request for your focused attention on an early draft of the discussion of appeals; and second, the entire document, which we may send you for concurrent review with Elise & Joe.

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: Thursday, February 07, 2019 9:23 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

Hi Wendy – another item on which we will need your legal review quickly this week is a revision to the interim policy & procedure update. Matt gave us some comments on it yesterday; Chris will implement them this morning; and send to you and me for concurrent review this afternoon.

Not yet on your plate, but coming soon may be the output of the workgroup that I am co-chair on the "functional statement" for the reorganized FOIA offices in the Regional Program offices.

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: Wednesday, February 06, 2019 11:24 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FEAT weekly agenda - please see proposed agenda and add items

Tim and Denise:

Here are a few agenda items for tomorrow. If everyone can please add to the list below, that would be great. Thanks!

1.
2.
3.
4.
5.
6.
7.

Deliberative Process / Ex. 5

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/7/2019 3:02:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

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!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Thursday, February 07, 2019 9:27 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

And, one more thing that you do not have yet, but will have soon: the draft Chief FOIA Officer report.

You will likely see it in two parts: first, a request for your focused attention on an early draft of the discussion of appeals; and second, the entire document, which we may send you for concurrent review with Elise & Joe.

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: Thursday, February 07, 2019 9:23 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: FEAT weekly agenda - please see proposed agenda and add items

Hi Wendy – another item on which we will need your legal review quickly this week is a revision to the interim policy & procedure update. Matt gave us some comments on it yesterday; Chris will implement them this morning; and send to you and me for concurrent review this afternoon.

Not yet on your plate, but coming soon may be the output of the workgroup that I am co-chair on the "functional statement" for the reorganized FOIA offices in the Regional Program offices.

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: Wednesday, February 06, 2019 11:24 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: FEAT weekly agenda - please see proposed agenda and add items

Tim and Denise:

Here are a few agenda items for tomorrow. If everyone can please add to the list below, that would be great. Thanks!

Deliberative Process / Ex. 5

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 2/7/2019 1:27:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]
Subject: RE: RE: Regional FOIA re-org work group
Attachments: FOIA Functional Statement 2.6.19 clean.docx; FOIA Functional Statement 2.5.19.docx

FOIA Functional Statement 2.6.19... FOIA Functional Statement 2.5.19...

Latest version of statement for our call later today. Version dated 2.6 is clean. Version dated 2.5 is essentially the same document marked up.

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, February 04, 2019 12:30 PM
To: Epp, Timothy; Bigioni, Neil; Williamson, Timothy; Stern, Allyn; Busterud, Gretchen; Grantham, Nancy; Joffe, Brian; Harrison, Ben; Neal, Kerry
Subject: RE: Regional FOIA re-org work group
When: Thursday, February 07, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Confirmed; call-in number

202-564-1700; 855-564-1700
Conference code: Personal Matter / Ex. 6
Participant code: Personal Matter / Ex. 6

From: Epp, Timothy
Sent: Monday, February 04, 2019 12:28 PM
To: Bigioni, Neil; Williamson, Timothy; Stern, Allyn; Busterud, Gretchen; Grantham, Nancy; Joffe, Brian; Harrison, Ben
Cc: Neal, Kerry
Subject: RE: Regional FOIA re-org work group
Attachments: FOIA Functional Statement clean 12.26.18.docx; FOIA Functional Statement redline 12.26.18.docx

Hi All,

We met briefly today – we will reconvene on either very early Thursday morning or Friday morning. I will send a meeting invite to hold both times on your calendar. If Neil is able to work the Friday meeting into his calendar, then we will meet on Friday (and I will cancel the Thursday meeting). Neil will let us know as soon as he can.

I will also send out a meeting invite for next Tuesday at 11:00 am DC time.

Attached are the two documents to review for our next meeting. Please treat the "clean" version as the stalking-horse version that we are working towards completing; the "redline" is provided to help you refresh your recollection of all comments, and particularly to help you evaluate whether comments were satisfactorily resolved in the "clean" version. The redline version also includes some issues that have not yet been resolved in the clean version. Thanks much to Neil for creating the "clean" version prior to the holidays.

In today's call, we were able to discuss a few of the open issues and Neil may send around a revised version reflecting that discussion (but please do not wait for it; dig in now to prepare for the Thursday/Friday meeting).

We are working towards trying to get our clean document to David Cozad by February 15.

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: Monday, January 28, 2019 4:36 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: Regional FOIA re-org work group

Hi all,

Welcome back, happy new year, and thank you for your service to any who worked through the furlough!

Can we get together for a brief, 30-minute, check-in/schedule-assessment meeting on Thursday, January 31 or Monday, February 4? Please let us know if you can be available those days at Eastern Time, 11:00; 11:30; 12:00 or 12:30.

Attached is the final version of the document we were working on. I understand that everyone is just beginning to re-assess priorities and getting work flowing. Our meeting on Thursday or Monday is simply to refocus on this project and develop a sense of our timeline for completing it. The meeting is not expected to require a substantive review the document, itself.

Thanks,

Tim

Timothy R. Epp

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

From: Bigioni, Neil
Sent: Wednesday, December 26, 2018 5:10 PM
To: Williamson, Timothy <Williamson.Tim@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: RE: Latest version of the Functions Document

Here are 2 versions of the Functional Statement. The one with Redline in the title shows not every change, but some of what I discerned to be the more important changes. The document with Clean in the title is not exactly clean, only cleaner. It accepts most of the changes I thought made sense. Where I did not accept proposed changes I tried to make sure I added a comment or a reply indicating why.

I thought Tim William's comments were overall very helpful and I used them as a guide in deciding

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Deliberative Process / Ex. 5

Major additions are highlighted by me in yellow in both documents, rather than using redline.

I have also tried to streamline, simplify and use more consistent language throughout.

I thank you for all your help.

I am out the next 2 days but at least on Friday I may be around to look at this again if anyone wants to have a go at it. I have been finding it helpful, after I have reviewed and responded to the comments, to go into the All Markup drop down in Word's Review tab, and set the drop down to No Markup, which will hide all the comments.

From: Williamson, Timothy
Sent: Wednesday, December 26, 2018 11:36 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: RE: Latest version of the Functions Document

Hi All,

I based the attached thoughts on the version Tim Epp circulated that I believe included all the Regions' comments plus OGC's. My goal was not to do a line edit, but as requested by Neil, step back and try to identify general issues that might merit discussion with OGC leadership or at least a consistent approach at the Workgroup level.

Hope this helps. Tim

From: Bigioni, Neil
Sent: Friday, December 21, 2018 8:37 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: RE: Latest version of the Functions Document

Reminder,

If you are around today, please find the time to send me and Tim Epp your comments on the functional statement in a separate document, i.e., please do not mark up the already heavily marked-up document.

Also send us your proposed agenda items for a proposed meeting with Matt, or more likely Dave Cozad, for early January.

Thanks and I hope you all enjoy your time off next week.

If anyone would like to chat about this I am in today and next Wednesday. Brian, I recall you had to leave the call early, so I can fill you in on things.

Neil

From: Bigioni, Neil
Sent: Monday, December 17, 2018 4:51 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: Latest version of the Functions Document

This document incorporates all comments received to date, each assigned a distinct color (I think there were so many comments that Word had to invent a few new colors to make it work At least on my screen Ben's are in a wan color I will refer to as "feckless orange." The Project Manager section seems to be the area that got most of the attention.

So, what to do next?

I could go through the document and determine which comments to accept or reject, but I would find that unsatisfactory because that would reflect a unilateral decision on my part. It may be that a proposal I might accept does not have the consensus of the group, while one I reject would have consensus.

Therefore, I am proposing that at least part of our call on Wednesday be devoted to going through the proposed changes and determining which are accepted or rejected by the consensus of the Workgroup.

I am open to other suggestion as well, but I am trying to avoid producing a document that ultimately does not reflect consensus.

I will circulate the Best Practices Document as well today, subject to the same terms as this document.

Thanks to all those who submitted comments, many, but not all of which I support (which is probably why I alone should not edit the document).

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.

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/6/2019 9:37:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Neal, Kerry [neal.kerry@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

This was the original request from Ryan Jackson.
The project obviously morphed after Beth White was hired and after the LEAN events occurred.

Denise

Message

From: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Sent: 2/6/2019 9:07:45 PM
To: Miller, Tia [Miller.Tia@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FW: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)
Attachments: Discussion Document - Audit of Email, Text and FOIA Practices (Project No. OAE-FY18-0217).pdf

Importance: High

Hi Tia –

It appears from the OGC IO duties roster, that you're the first line OIG liaison. Can you please help Tim and Wendy with these arrangements?

Thanks,
R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Epp, Timothy
Sent: Tuesday, February 05, 2019 2:06 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)
Importance: High

Rob,

ACP Deliberative Process / 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: Brevard, Rudy
Sent: Friday, February 01, 2019 11:28 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

Hi Tim,

Thank you very much for the update.

Rudolph M. Brevard *CISA, GSNA, CIA, CGAP, CFE, CISSP, ITIL*
Director, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
(202) 566-0893 – Office
Personal Phone / Ex. 6 – Cell
(202) 566-0894 - Facsimile

From: Epp, Timothy
Sent: Friday, February 01, 2019 10:52 AM
To: Brevard, Rudy <Brevard.Rudy@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

Dear Mr. Brevard,

Thank you for the opportunity to review and comment on this document. We will study it carefully and get back to you.

For now, please note that Kevin Minoli has left the Agency and Richard Albores has moved to a new position. Going forward, please include Elise Packard and Rob Stachowiak in their place. I've added both to the CC list.

Tim

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

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

From: Brevard, Rudy
Sent: Friday, February 01, 2019 10:26 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>
Subject: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

This is a discussion document for an audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This document is subject to revision by the OIG and, therefore, does not represent the final position of the OIG on the subjects reported. It is provided to you solely for the purpose of obtaining your review and comments. You are not authorized to distribute or disclose this discussion document or its contents, except that you may distribute it to other persons in your organization to obtain their review and comments on the subjects reported.

We request that you review the attached discussion document and provide a response regarding its factual accuracy within 15 days of the date of this memorandum. We would like to hold a meeting with you to discuss the document. After the meeting, we will revise the document as needed and include any changes in the draft report for review and comment.

If you or your staff have any questions regarding this document, please contact me at (202) 566-0893 or brevard.rudy@epa.gov; or Jeremy Sigel, Project Manager, at (202) 566-0852 or sigel.jeremy@epa.gov.

Rudolph M. Brevard *CISA, GSNA, CIA, CGAP, CFE, CISSP, ITIL*
Director, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
(202) 566-0893 – Office
Personal Phone / Ex. 6 – Cell
(202) 566-0894 - Facsimile

Message

From: Schramm, Daniel [Schramm.Daniel@epa.gov]
Sent: 2/20/2019 6:59:02 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Review Request, FOIA Regs Phase I
Attachments: DRAFT Phase I FOIA Regs Redlining (02.14.2019).dps.docx; draft phase I preamble_kmm_dps

All attached are my comments on the redlined reg text and the preamble file. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Happy to discuss more on Friday. Best, Dan

From: Creech, Christopher
Sent: Friday, February 15, 2019 9:31 AM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review Request, FOIA Regs Phase I

Edits on a previously version would be perfectly okay. Thanks, Kevin.

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

From: Miller, Kevin
Sent: Thursday, February 14, 2019 10:28 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review Request, FOIA Regs Phase I

Hi Chris,

Wendy already has our edits on the version you previously sent. I will check in with her.

Kevin

From: Creech, Christopher
Sent: Thursday, February 14, 2019 1:49 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Neal, Kerry <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Review Request, FOIA Regs Phase I

Hello again Team,

I wanted to address Kevin's question and provide you with more tools for your review. These should hone your review in on the operative changes.

Attached are:
1. An updated, clean version of the draft regs
2. A red-lined version of the draft regs' statutory language, comparing the draft regs to the in force regs
3. An explanation of the changes with citations to the clean regs' preamble and statutory text, and the redlined version.

Thank you again, and I apologize for the confusion.

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, February 5, 2019 9:11 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin

<Miller.Kevin@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>; Kerry Neal (neal.kerry@epa.gov) <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Review Request, FOIA Regs Phase I

Hello GLO,

Here is a draft of the Phase I FOIA Regulations Revisions for your review: **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thank you in advance for your thoughtfulness and hard work.

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: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/13/2019 8:56:53 PM
To: Pisarick, Marissa [pisarick.marissa@epa.gov]
CC: Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Updated numbers on EPA's FOIA increase

Hi Marissa:

I am happy to help with getting you numbers about the A04 project, but I need more direction about what kind of data you would like to include. Do you want FY17 and FY18 numbers compared to FY16 for the A0?

We need to be clear and specific about the data sought and discussed in the declarations, so we don't mischaracterize anything.

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

From: Pisarick, Marissa
Sent: Wednesday, February 13, 2019 2:49 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: FW: Updated numbers on EPA's FOIA increase

Hi, Nicole,

I was wondering if you were able to get updated FOIA burden numbers per the below? We have a filing today that we'd like to include this information in.

Marissa Pisarick, Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel (MC 2377A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Tel: 202-564-0298

From: Schwarz, Matthew
Sent: Tuesday, February 12, 2019 3:48 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Cc: Pisarick, Marissa <pisarick.marissa@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: RE: Updated numbers on EPA's FOIA increase

Adding Victoria, who I meant to include initially (sorry!).

From: Epp, Timothy
Sent: Tuesday, February 12, 2019 3:18 PM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Pisarick, Marissa <pisarick.marissa@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: RE: Updated numbers on EPA's FOIA increase

Adding Nicole, who can help with the AO4 project numbers.

Tim

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

From: Schwarz, Matthew
Sent: Tuesday, February 12, 2019 2:25 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Pisarick, Marissa <pisarick.marissa@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>
Subject: Updated numbers on EPA's FOIA increase

Hi All-

We have a Joint Case Management Statement due in the Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-Matt

From: Robinson, Kimberly (USACAN) <Kimberly.Robinson3@usdoj.gov>
Sent: Tuesday, February 12, 2019 2:01 PM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Pisarick, Marissa <pisarick.marissa@epa.gov>
Subject: FOIA increase

Matt, Marissa,

Can you please update the below statement re: increase in FOIA activity at your agency today? This is from a filing involving Seth Buchsbahm (sp?) a colleague of yours, and I'm considering adding something similar into the JCMS.

Thanks,
Kim

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Kim Robinson | Assistant U.S. Attorney | Northern District of California |
450 Golden Gate Ave. | Box 36055 | San Francisco, CA 94102 |
T: 415.436.7298 | F: 415.436.6748

Message

From: Spears, Rasheena [spears.rasheena@epa.gov]
Sent: 2/15/2019 9:13:58 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Best Practices (FOIA Public Liaison and FOIA Requester Service Center)
Attachments: FOIA Requester Service Center and FOIA Public Liaison Best Practices.docx; public-liaison-training.pdf

Good afternoon,

Per our discussion on Wednesday afternoon, I prepared a quick and dirty document detailing best practices for FOIA Requester Service Centers and FOIA Public Liaisons. Attached, please find a copy of the draft document outlined above and a copy of the slides used for the FOIA Public Liaison Training conducted by the Department of Justice (DOJ), Office of information and Privacy (OIP) in 2014. In the event that I am able to locate updated training material, I will pass that along to you as well.

Please let me know if I can be of further assistance!

Cordially,

Sheena

Rasheena S Spears
Government Information Specialist
U.S. Environmental Protection Agency
Office of General Counsel, National FOIA Office
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Office: 202-564-7586
spears.rasheena@epa.gov

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 2/15/2019 4:19:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: Cleaned up versions of memo and chart
Attachments: Draft Response to Discussion Document for Project OA_E_-FY18-0217 021519.docxWB.docx

I like it.

Lynn – We discussed my few changes to the table. I also had a few minor revisions to the memo. Thanks Lynn for getting these to Tim. I understand Tim will get them to Joe.

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, February 15, 2019 10:59 AM
To: Kelly, Lynn <Kelly.Lynn@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Cleaned up versions of memo and chart

Thanks Lynn – this is coming together nicely.

On your redline & related question: I like the redlined text. **Deliberative Process / Ex. 5** r

Deliberative Process / Ex. 5

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

From: Kelly, Lynn
Sent: Friday, February 15, 2019 10:44 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Cleaned up versions of memo and chart

Wendy and Tim,

Here are cleaned up versions of both documents. There is one redline in the chart for both of you to consider – Wendy and I discussed better documenting the positions EPA took on recommendations

1-3 in the meeting so that is clearly recorded. I added a sentence Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know how I can assist.

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

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Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 2/13/2019 5:50:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: M-19-10 Guidance for Achieving Interoperability with the National FOIA Portal -- and FOIAonline Partners

Note from Tim Crawford to FOIAonline partners.

Larry F. Gottesman

Sent from my iPhone

Begin forwarded message:

From: "Crawford, Tim" <Crawford.Tim@epa.gov>
Date: February 13, 2019 at 12:17:22 PM EST
To: "Julka, Christopher A CIV DON, CIO" <christopher.a.julka@navy.mil>, "STEPHANIE S. TELL (STEPHANIE.S.TELL@cbp.dhs.gov)" <STEPHANIE.S.TELL@cbp.dhs.gov>, "SHARPE, CHRISTIE M" <christie.m.SHARPE@cbp.dhs.gov>, "Krebs, Kevin (USAEO" <Kevin.Krebs@usdoj.gov>, "Kelly, Karin" <Karin.Kelly@mspb.gov>, Joseph Scanlon <joseph.scanlon@nara.gov>, "Gonzalez, Barbara, OIG DoD" <barbara.gonzalez@dodig.mil>, "Gardner, Matt (OIP)" <Matt.Gardner@usdoj.gov>, Gamez Betty <Gamez.Betty@pbgc.gov>, "Oleinick, Lewis W CIV DLA GENERAL COUNSEL (US)" <lewis.oleinick@dla.mil>, "Dixon, Kathy Michelle CIV DLA GENERAL COUNSEL (US)" <kathy.Dixon@dla.mil>, "Stephanie.Kost@fcc.gov" <Stephanie.Kost@fcc.gov>, Travis Lewis - H1F <travis.lewis@gsa.gov>, "Patrick Howard (PATRICK.A.HOWARD@CBP.DHS.GOV)" <PATRICK.A.HOWARD@CBP.DHS.GOV>, "Fon.Muttamara@mspb.gov" <Fon.Muttamara@mspb.gov>, "vanessa.lamb@fcc.gov" <vanessa.lamb@fcc.gov>, "Kline, Lauren" <Lauren.Kline@ssa.gov>, "Sarai, Navdeep" <Navdeep.Sarai@ssa.gov>, "Perry.Camilla@pbgc.gov" <Perry.Camilla@pbgc.gov>, "Gottesman, Larry" <Gottesman.Larry@epa.gov>, "Frye, Linda" <Linda.Frye@ssa.gov>, "Walters, Penny L CIV DLA INFO OPERATIONS (US)" <penny.walters@dla.mil>, "Jesse, Dennis W CIV DLA INFO OPERATIONS (US)" <Dennis.Jesse@dla.mil>, "Keeling, Synta (Synta.Keeling@nlrb.gov)" <Synta.Keeling@nlrb.gov>, "Jeweler, Mark (Mark.Jeweler@nlrb.gov)" <Mark.Jeweler@nlrb.gov>, "Weth, Patricia" <Patricia.Weth@nlrb.gov>, "kimberly.veach@gsa.gov" <kimberly.veach@gsa.gov>, "Fashola, Oreoluwa O." <Oreoluwa.Fashola@sba.gov>, "Jones, Melinda D." <melinda.jones@sba.gov>, "Everling, Jennifer" <Jennifer.Everling@mspb.gov>, "Schumacher, Wendy" <schumacher.wendy@epa.gov>, "Danoff, Karen" <Karen.Danoff@nrc.gov>, "Blaney, Stephanie" <Stephanie.Blaney@nrc.gov>, "Bacchus, James E. (USPC)" <James.E.Bacchus@usdoj.gov>, "Golobowich, Aaron (USAEO)" <Aaron.Golobowich2@usdoj.gov>, "Osborne, Rebecca" <rosborne@flra.gov>, "Jacob, Fred" <fjacob@flra.gov>, "Banks, Anissa H. (USPC)" <Anissa.Banks@usdoj.gov>, "Mark.Dorgan@DODIG.MIL" <Mark.Dorgan@DODIG.MIL>, "Shari.suzuki@dhs.gov" <Shari.suzuki@dhs.gov>, "Taylor, Will (OPATTY)" <Will.Taylor2@usdoj.gov>, "Chyn, C. T. Monica" <C.T.Monica.Chyn@ssa.gov>, "SUZUKI, SHARI" <SHARI.SUZUKI@CBP.DHS.GOV>, Benish Shah <Benish.Shah@fcc.gov>, Jeannette Wise <jeannette.wise@nara.gov>, "Moumbleaux, Joan" <moumbleaux.joan@epa.gov>, "Johnson, Ivry" <Johnson.Ivry@epa.gov>, Shirley Brown OPERATIONS Brown <Shirley.Brown@dla.mil>, "sabrina.burroughs@cbp.dhs.gov" <sabrina.burroughs@cbp.dhs.gov>, "Muck, Steve CIV SECNAV, OCIO" <steven.muck@navy.mil>, "Parsons, Bobbie (Federal)" <bParsons@doc.gov>, "Purvis, Catrina (Federal)" <CPurvis@doc.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>
Cc: "Moser, Rebecca" <Moser.Rebecca@EPA.GOV>, "Schroeder, Tobias" <Schroeder.Tobias@epa.gov>, "Whiting, Michael" <Whiting.Mike@epa.gov>
Subject: RE: M-19-10 Guidance for Achieving Interoperability with the National FOIA Portal -- and FOIAonline Partners

This past Tuesday (2/12), OMB and DOJ issued the following memoranda: M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov available from: https://www.whitehouse.gov/wp-content/uploads/2019/02/M-19-10.pdf.

As this relates to FOIAonline agencies, this memo essentially dictates that agency FOIA programs do two things:

1) Create and maintain an account in FOIA.gov for the purposes of keeping your agency's FOIA program information current and certifying its accuracy and completeness, and
2) Provide plans for integration of your agency's FOIA solution with the National FOIA Portal (plans due by May 10, 2019).

FOIAonline currently is operating with an interoperability waiver that directs visiting the National FOIA Portal to FOIAonline if they want to submit a FOIA request to a FOIAonline partner. This should be reducing the potential impact to your program by not having to receive request from the National Portal in the form of a structured email that would then require you to manually upload into FOIAonline.

FOIAonline will work with OMB and DOJ to fully meet the interoperability requirement within the mandatory time-frame (prior to FY2023), and we will develop an implementation roadmap and schedule with partner agencies prior to the response due date of May 10, 2019. The purpose of this note is to provide each of you with a standard response, as a FOIAonline Partner Agency, that you can submit for this requirement by the due date of May 10, 2019.

> "Our Agency [_____], relies on FOIAonline--the shared service currently managed by the Environmental Protection Agency (EPA), as its solution for managing Freedom of Information Act requests. We will follow the National FOIA Portal's interoperability requirement through the FOIAonline system based on a schedule to be defined by EPA in its interoperability plan, due May 10, 2019."

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 8

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 2/13/2019 5:33:17 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: FW: RE: M-19-10 Guidance for Achieving Interoperability with the National FOIA Portal -- and FOIAonline Partners

FYI –

From: Crawford, Tim
Sent: Wednesday, February 13, 2019 12:17 PM
To: Julka, Christopher A CIV DON, CIO <christopher.a.julka@navy.mil>; STEPHANIE S. TELL (STEPHANIE.S.TELL@cbp.dhs.gov) <STEPHANIE.S.TELL@cbp.dhs.gov>; SHARPE, CHRISTIE M <christie.m.SHARPE@cbp.dhs.gov>; Krebs, Kevin (USAEO <Kevin.Krebs@usdoj.gov>; Kelly, Karin <Karin.Kelly@mspb.gov>; Joseph Scanlon <joseph.scanlon@nara.gov>; Gonzalez, Barbara, OIG DoD <barbara.gonzalez@dodig.mil>; Gardner, Matt (OIP) <Matt.Gardner@usdoj.gov>; Gamez Betty <Gamez.Betty@pbgc.gov>; Oleinick, Lewis W CIV DLA GENERAL COUNSEL (US) <lewis.oleinick@dla.mil>; Dixon, Kathy Michelle CIV DLA GENERAL COUNSEL (US) <kathy.Dixon@dla.mil>; Stephanie.Kost@fcc.gov; Travis Lewis - H1F <travis.lewis@gsa.gov>; Patrick Howard (PATRICK.A.HOWARD@CBP.DHS.GOV) <PATRICK.A.HOWARD@CBP.DHS.GOV>; Fon.Muttamara@mspb.gov; vanessa.lamb@fcc.gov; Kline, Lauren <Lauren.Kline@ssa.gov>; Sarai, Navdeep <Navdeep.Sarai@ssa.gov>; Perry.Camilla@pbgc.gov; Gottesman, Larry <Gottesman.Larry@epa.gov>; Frye, Linda <Linda.Frye@ssa.gov>; Walters, Penny L CIV DLA INFO OPERATIONS (US) <penny.walters@dla.mil>; Jesse, Dennis W CIV DLA INFO OPERATIONS (US) <Dennis.Jesse@dla.mil>; Keeling, Synta (Synta.Keeling@nlrb.gov) <Synta.Keeling@nlrb.gov>; Jeweler, Mark (Mark.Jeweler@nlrb.gov) <Mark.Jeweler@nlrb.gov>; Weth, Patricia <Patricia.Weth@nlrb.gov>; kimberly.veach@gsa.gov; Fashola, Oreoluwa O. <Oreoluwa.Fashola@sba.gov>; Jones, Melinda D. <melinda.jones@sba.gov>; Everling, Jennifer <Jennifer.Everling@mspb.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Danoff, Karen <Karen.Danoff@nrc.gov>; Blaney, Stephanie <Stephanie.Blaney@nrc.gov>; Bacchus, James E. (USPC) <James.E.Bacchus@usdoj.gov>; Golobowich, Aaron (USAEO) <Aaron.Golobowich2@usdoj.gov>; Osborne, Rebecca <rosborne@flra.gov>; Jacob, Fred <fjacob@flra.gov>; Banks, Anissa H. (USPC) <Anissa.Banks@usdoj.gov>; Mark.Dorgan@DODIG.MIL; Shari.suzuki@dhs.gov; Taylor, Will (OPATTY) <Will.Taylor2@usdoj.gov>; Chyn, C. T. Monica <C.T.Monica.Chyn@ssa.gov>; SUZUKI, SHARI <SHARI.SUZUKI@CBP.DHS.GOV>; Benish Shah <Benish.Shah@fcc.gov>; Jeannette Wise <jeannette.wise@nara.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Johnson, Ivry <Johnson.Ivry@epa.gov>; Shirley Brown OPERATIONS Brown <Shirley.Brown@dla.mil>; sabrina.burroughs@cbp.dhs.gov; Muck, Steve CIV SECNAV, OCIO <steven.muck@navy.mil>; Parsons, Bobbie (Federal) <bParsons@doc.gov>; Purvis, Catrina (Federal) <CPurvis@doc.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Schroeder, Tobias <Schroeder.Tobias@epa.gov>; Whiting, Michael <Whiting.Mike@epa.gov>
Subject: RE: M-19-10 Guidance for Achieving Interoperability with the National FOIA Portal -- and FOIAonline Partners

This past Tuesday (2/12), OMB and DOJ issued the following memoranda: M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov available from: https://www.whitehouse.gov/wp-content/uploads/2019/02/M-19-10.pdf.

As this relates to FOIAonline agencies, this memo essentially dictates that agency FOIA programs do two things:

1) Create and maintain an account in FOIA.gov for the purposes of keeping your agency's FOIA program information current and certifying its accuracy and completeness, and
2) Provide plans for integration of your agency's FOIA solution with the National FOIA Portal (plans due by May 10, 2019).

Deliberative Process / Ex. 5

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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 2/13/2019 1:56:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov

I have not had time to read this, but will this morning, but wanted to share this with you.

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

From: DOJ.OIP.FOIA (SMO) <DOJ.OIP.FOIA@usdoj.gov>
Sent: Tuesday, February 12, 2019 4:03 PM
To: DOJ.OIP.FOIA (SMO) <DOJ.OIP.FOIA@usdoj.gov>
Subject: FW: M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov

Agency Chief FOIA Officers and Principal FOIA Contacts:

Please see the link below to M-19-10 Guidance for Achieving Interoperability with the National FOIA Portal on FOIA.gov.

From: White, Arnette C. EOP/OMB <Arnette_C._White@omb.eop.gov>
Sent: Tuesday, February 12, 2019 2:48 PM
To: OMB-AGENCY-CORRESPONDENCE Ex. 6
Cc: DL DL OMB EOP OMB <All@OMB.eop.gov>
Subject: M-19-10 Guidance for Achieving Interoperability with the National Freedom of Information Act (FOIA) Portal on FOIA.gov

Purpose - Transparency and openness are foundational principles underlying the FOIA.

To view this memo, please click https://www.whitehouse.gov/wp-content/uploads/2019/02/M-19-10.pdf

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/13/2019 1:43:58 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]
Subject: Done! RE: Chief FOIA Officer report for proofing
Attachments: DRAFT Chief FOIA Officer Report 02122018daw8.28pmredline.docx; DRAFT Chief FOIA Officer Report 02122018daw8.40pmclean copy.docx

Tim:

Kev and I are done editing/proofing.

Our redlines are in the "redline copy."
The clean-clean final version is the "clean copy."

Deliberative Process / Ex. 5

Best,
Denise & Kev

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!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Tuesday, February 12, 2019 3:48 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Chief FOIA Officer report for proofing

Hi Denise – Wendy confirmed that Lynn's numbers are accurate.

Deliberative Process / Ex. 5

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: Tuesday, February 12, 2019 3:41 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Chief FOIA Officer report for proofing

Ok- Kevin and I are planning to go over it at 5.

I will work on it now.

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!
Have a Relativity 9 question? Try here first!

From: Epp, Timothy
Sent: Tuesday, February 12, 2019 3:11 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: Chief FOIA Officer report for proofing

Hi Denise,

The attached document is the one that I am going to send to Joe this evening – except 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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 2/13/2019 12:20:19 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: DRAFT Chief FOIA Officer Report 02122018daw7.17pm.docx
Attachments: DRAFT Chief FOIA Officer Report 02122018daw7.17pm.docx

Kev and I are working through with a fine tooth comb and cleaning this up.
I will be requesting my 2 credit hours.

Denise

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/12/2019 10:42:39 PM
To: Maher, Lauren [Maher.Lauren@epa.gov]; Miller, Tia [Miller.Tia@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Shaffer, Patricia [Shaffer.Patricia@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: GC Signature Request, NFO, FOIA Policy and Procedures Update
Attachments: FINAL Memo, Policy and Procedures Update 02.12.2019.docx

Hello,

Please find attached a copy of the FOIA Policy and Procedures update for formatting and GC signature. This documents has also been placed in CTS, routed through Joe (cc'd). Please let me know if you have any questions or concerns. Thank you in advance for your help.

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: Cozad, David [Cozad.David@epa.gov]
Sent: 2/15/2019 3:54:49 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Griffo, Shannon [Griffo.Shannon@epa.gov]
Subject: FW: Ethics FOIA questions

Hi Tim,

Per our quick discussion this morning, Shannon has some questions about awareness review on some ethics FOIAs. See below. Ethics team is working hard to reduce backlog, and getting these questions answered will help. Can you or someone on your staff get with Shannon on this?

Thanks –

Dave

From: Griffo, Shannon
Sent: Thursday, February 14, 2019 1:36 PM
To: Cozad, David <Cozad.David@epa.gov>
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Ethics FOIA questions

Hi Dave,

Per our discussion earlier today, we are looking for guidance about the "awareness review" process for certain FOIA requests assigned to OGC/Ethics. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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: Veney, Carla [Veney.Carla@epa.gov]
Sent: 2/15/2019 1:52:50 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
CC: Maher, Lauren [Maher.Lauren@epa.gov]
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Oh yes, I'll flag the cover email right now.

From: Epp, Timothy
Sent: Friday, February 15, 2019 8:49 AM
To: Veney, Carla <Veney.Carla@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thanks Carla – we also provided Matt text that he could use in a cover email with the assumption that Matt would want to send it out from his email box.

The email list would be: Associate and Assistant Administrators and their deputies, RAs and DRAs, RCs and DRCs, and FOIA Officers and FOIA coordinators (as well as myself and the NFO)

Can you check whether he wants to do that – or get alternative instructions from him as to whether I should send it out?

Thanks,
Tim

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

From: Veney, Carla
Sent: Friday, February 15, 2019 8:45 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Matt signed the memo this morning. Do you want me to bring it up to you?

From: Creech, Christopher
Sent: Thursday, February 14, 2019 5:13 PM
To: Veney, Carla <Veney.Carla@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thank you, Carla! We greatly appreciate your help!

Best,

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

From: Veney, Carla
Sent: Thursday, February 14, 2019 2:36 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hi Chris, the letter is in Matt's action box in his office. I just wanted you to know I received your message and printed off everything.

From: Creech, Christopher
Sent: Wednesday, February 13, 2019 6:57 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello Lauren,

The memo references three attachments, those records are attached here. They should be included in Matt's communication alongside the memo itself. I apologize for not including them originally.

I also uploaded them to CTS (Joe, I apologize for more email pings).

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, February 12, 2019 5:43 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Miller, Tia <Miller.Tia@epa.gov>; Patrick, Monique <Patrick.Monique@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Veney, Carla <Veney.Carla@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: GC Signature Request, NFO, FOIA Policy and Procedures Update

Hello,

Please find attached a copy of the FOIA Policy and Procedures update for formatting and GC signature. This documents has also been placed in CTS, routed through Joe (cc'd). Please let me know if you have any questions or concerns. Thank you in advance for your help.

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: Albores, Richard [Albores.Richard@epa.gov]
Sent: 2/4/2019 3:21:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: RE: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)
Attachments: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

Tim – thanks for copying me and informing Mr. Brevard of the OGC personnel changes. I am attaching his original email Elise and Rob to see the incoming report.

R

~~~~~

RICHARD L. ALBORES
Senior Attorney * Office of General Counsel * Solid Waste & Emergency Response Law Office * U.S. EPA * 1200 Pennsylvania Avenue, NW * MC2366A * Washington, DC 20460 * email: albores.richard@epa.gov * phone: 202.564.7102 * mobile: 202.809.8029

From: Epp, Timothy
Sent: Friday, February 01, 2019 10:52 AM
To: Brevard, Rudy <Brevard.Rudy@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

Dear Mr. Brevard,

Thank you for the opportunity to review and comment on this document. We will study it carefully and get back to you.

For now, please note that Kevin Minoli has left the Agency and Richard Albores has moved to a new position. Going forward, please include Elise Packard and Rob Stachowiak in their place. I've added both to the CC list.

Tim

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

From: Brevard, Rudy
Sent: Friday, February 01, 2019 10:26 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>
Subject: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

This is a discussion document for an audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This document is subject to revision by the OIG and, therefore, does not represent the final position of the OIG on the subjects reported. It is provided to you solely for the purpose of obtaining your review and comments. You are not authorized to distribute or disclose this discussion document or its contents, except that you may distribute it to other persons in your organization to obtain their review and comments on the subjects reported.

We request that you review the attached discussion document and provide a response regarding its factual accuracy within 15 days of the date of this memorandum. We would like to hold a meeting with you to discuss the document. After the meeting, we will revise the document as needed and include any changes in the draft report for review and comment.

If you or your staff have any questions regarding this document, please contact me at (202) 566-0893 or brevard.rudy@epa.gov; or Jeremy Sigel, Project Manager, at (202) 566-0852 or sigel.jeremy@epa.gov.

Rudolph M. Brevard *CISA, GSNA, CIA, CGAP, CFE, CISSP, ITIL*
Director, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
(202) 566-0893 – Office
ex 6 – Cell
(202) 566-0894 - Facsimile

Message

From: Maher, Lauren [Maher.Lauren@epa.gov]
Sent: 2/1/2019 7:07:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: For Matt's Weekend Binder -- Read-ahead material for NFO Hot Topics

Okay, thanks! When is the Hot Topics meeting?

From: Epp, Timothy
Sent: Friday, February 1, 2019 2:06 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: FW: For Matt's Weekend Binder -- Read-ahead material for NFO Hot Topics

The PDF is the new document.

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, February 01, 2019 2:05 PM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: For Matt's Weekend Binder -- Read-ahead material for NFO Hot Topics

Folks,

To provide Matt opportunity to read over the weekend, attached are the following documents that will be relevant to NFO's Hot Topic meeting next week:

1) Short Cover Note
2) Resend of "Freedom of Information Act (FOIA) Policy and Procedure Update"
3) EPA Annual FOIA Report to DOJ (final for approval)

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: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/5/2019 11:04:32 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Checklist: DOJ Guidance on Still Interested Letters + Example letter
Attachments: AO4 Example Interim Response & Still Interested Letter.docx

Importance: High

Tim:

I spoke with a few ILPG attorneys,—including Matt Schwarz, the still interested guidance POC—and they reiterated the program offices should be following the OIP checklist. Attorney Client / Ex. 5

Attorney Client / Ex. 5

Nicole

P.S.: Tim, I'm not sure if you've read or been apprised of *Landmark Legal Found. v. EPA*. For your perusal: http://blogs2.law.columbia.edu/climate-change-litigation/wp-content/uploads/sites/16/case-documents/2015/20150302_docket-12-cv-01726_memorandum-opinion-1.pdf

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: Walker, Denise
Sent: Monday, November 19, 2018 5:35 PM
To: AO FOIA Centralization <AO_FOIA_Centralization@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Checklist: DOJ Guidance on Still Interested Letters + Example letter

AO4 team:

Beth asked me to recirculate the DOJ checklist and Example "still interested" letter for your use.

The information is attached and below.
Please let me know if you have questions.

Denise

From: Walker, Denise
Sent: Wednesday, September 26, 2018 2:00 PM
To: AO FOIA Centralization <AO_FOIA_Centralization@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Checklist: DOJ Guidance on Still Interested Letters

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

To stop receiving messages from **AO FOIA Centralization** group, **stop following it**.

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 2/19/2019 1:24:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: REPLY: Draft A3 and action registry
Attachments: Agency FOIA March 2019 A3_Updated.pptx; Improvement Actions Table 2 22 19 FOIA.docx

Tim,

Per our conversation last week. Here are the draft documents for our meeting with Elise on Thursday morning regarding the A3.

Please let me know when they are ready to share with the group.

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

Appointment

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 2/1/2019 6:55:52 PM
To: 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: Tentative

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 2/5/2019 7:07:26 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: EPA-HQ-2017-004296 (Awareness Release Notification?)

Tim-

Can I close the review task on this request?

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

Personal Phone / Ex. 6 (Direct line)
(Mobile)
202-566-1667 (Main line)

From: White, Elizabeth
Sent: Tuesday, February 05, 2019 10:29 AM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>
Cc: Hope, Brian <Hope.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: EPA-HQ-2017-004296 (Awareness Release Notification?)

Things like this do not need to go through awareness review. If OGC feels like we need to amend our policy to make that explicit then I'm happy to discuss with them.

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 direct
cell

From: Newton, Jonathan
Sent: Tuesday, February 5, 2019 10:08 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>
Cc: Hope, Brian <Hope.Brian@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: EPA-HQ-2017-004296 (Awareness Release Notification?)

Who issued guidance requiring an awareness notification records are not being released? That is not consistent with the Chief of Staff's memo which explicitly states that the process, "is intended to inform senior officials **of the release of information** through FOIA" (emphasis added).

I do not think senior officials want or need to be bombarded with emails about requests that are being administratively closed. That would waste everyone's time and increase the likelihood that an email is overlooked when review is actually warranted.

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Gottesman, Larry
Sent: Tuesday, February 05, 2019 9:32 AM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>
Cc: Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: EPA-HQ-2017-004296

I was told we still need to go through the process.

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: Newton, Jonathan
Sent: Tuesday, February 05, 2019 9:25 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; No, Fredrick <No.Fredrick@epa.gov>
Cc: Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: EPA-HQ-2017-004296

Larry,

It appears that this request is being administratively closed because the requestor did not respond to two separate requests for clarification that were sent by your office. No records are being released; consequently, there is no awareness notification to be circulated.

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Gottesman, Larry
Sent: Monday, February 04, 2019 4:14 PM

To: No, Fredrick <No.Fredrick@epa.gov>
Cc: Newton, Jonathan <Newton.Jonathan@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: EPA-HQ-2017-004296

Any update, I have not seen an email notification on this request and it is pending my approval for release.

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: Gottesman, Larry
Sent: Friday, December 21, 2018 4:24 PM
To: No, Fredrick <No.Fredrick@epa.gov>
Cc: Newton, Jonathan <Newton.Jonathan@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: EPA-HQ-2017-004296

Please follow the attached procedures.

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: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 2/4/2019 8:02:05 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: Chief FOIA Officer Designations
Attachments: Chief FOIA Officer Memo.pdf

See the attached request from DOJ to designate the chief FOIA officer appropriately. We are already in compliance, so this is just FYI.

From: DOJ.OIP.FOIA (SMO) <DOJ.OIP.FOIA@usdoj.gov>
Sent: Monday, February 4, 2019 1:56 PM
To: asheesh.agarwal@ssa.gov; Judy.Kaleta@dot.gov; scott.blackburn@va.gov; joo.y.chung2.civ@mail.mil; HHS.ACFO@hhs.gov; john.bravacos@hud.gov; cpurvis@doc.gov; david.garcia@opm.gov; cambrose@cftc.gov; andreph@ucia.gov; ingrid.kolb@hq.doe.gov; bruce_downs@ios.doi.gov; dkligerman@bbg.gov; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; eebong@ustda.gov; Ryan.Law@treasury.gov; Sam.Kaplan@hq.dhs.gov; acrumbly@usaid.gov; holly.ham@ed.gov; NasonN@state.gov; Kate.OScannlain.Public@dol.gov; edawson@nsf.gov; Delorice.Ford@sba.gov; waltersb@sec.gov; Janice_A_Kaye@ustr.eop.gov; bob.jacobs@nasa.gov; gary.s.washington@ocio.usda.gov; asheesh.agarwal@ssa.gov; steven.bradbury@dot.gov; jim.byrne@va.gov; william.s.castle14.civ@mail.mil; robert.charrow@hhs.gov; paul.compton@hud.gov; theodore.cooperstein@opm.gov; pdavidson@doc.gov; ddavis@cftc.gov; courtnse@ucia.gov; george.fibbe@hq.doe.gov; Gary, Arthur (JMD) <Arthur.Gary@usdoj.gov>; daniel.jorjani@sol.doi.gov; dkligerman@bbg.gov; leonardj@si.edu; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; klink@ustda.gov; john.t.lucas@hq.doe.gov; brent.mcintosh@treasury.gov; john.mitnick@hq.dhs.gov; davmoore@usaid.gov; carlos.muniz@ed.gov; newsteadjg@state.gov; oscannlain.kate.s@dol.gov; spascocello@usaid.gov; s.pearson-walker@dot.gov; timothy.j.petty@hud.gov; christopher.pilkerton@sba.gov; lrudolph@nsf.gov; patrick.shaheen@ed.gov; stebbinsr@sec.gov; sumara.m.thompson-king@nasa.gov; stephen.vaden@ogc.usda.gov; stephen.p.vaughn@ustr.eop.gov
Cc: Pustay, Melanie A (OIP) <Melanie.A.Pustay@usdoj.gov>
Subject: Chief FOIA Officer Designations

Please find attached a memorandum concerning Chief FOIA Officer designations to agency General Counsels and Chief FOIA Officers from the Principal Deputy Associate Attorney General.

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 2/1/2019 6:45:01 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: DOCS REQUESTED: 2018 Year in Review & FY18-22 Strategic Plan
Attachments: fy-2018-2022-epa-strategic-plan-print.pdf; epa_2018_yearinreview_0128-4.pdf

Attached.

FOIA is discussed on page 29 of the Year in Review.

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: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 2/1/2019 4:48:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: RE: FOIA Advisor
Attachments: Public Heaps Scorn On DOI Plan To Curb Info Access.pdf

Here is the full article.

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, February 1, 2019 10:43 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: RE: FOIA Advisor

Thanks Kev – could you circulate the full article for all of us to read? – if you don't have a subscription, please reach out to the OGC librarian and she can easily get it for us.

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: Friday, February 01, 2019 9:18 AM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: FW: FOIA Advisor

From: noreply+feedproxy@google.com [mailto:noreply+feedproxy@google.com]
Sent: Friday, February 1, 2019 5:24 AM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: FOIA Advisor

FOIA Advisor

FOIA News: More on Interior's proposed regs

Posted: 31 Jan 2019 02:47 AM PST

Public Heaps Scorn On DOI Plan To Curb Info Access

By Juan Carlos Rodriguez, *Law 360*, Jan. 30, 2019

The Department of the Interior's proposal to curtail its Freedom of Information Act program sparked an outpouring of more than 60,000 public comments from Republicans, Democrats, tribal representatives, environmental groups, local governments and others, most of whom skewered many of the department's suggested changes as either illegal or unethical.

Read more **here** (accessible with free trial subscription)

[Note: The article mentions the author's comments, submitted on behalf of America Rising, as well as those of Ryan Mulvey and his colleague, James Valvo, on behalf of Cause of Action.]

Court opinion issued Jan. 29, 2019

Posted: 31 Jan 2019 01:12 AM PST

Spataro v. DOJ (D.D.C.) -- concluding on renewed summary judgement motion that: (1) FBI conducted adequate search by virtue of recovering records concerning criminal investigation of plaintiff that had been damaged by Hurricane Sandy; (2) FBI performed proper segregability review of remediated records and justified its use of Exemption 3 and 7(D) to withhold other records.

Summaries of all published opinions issued since April 2015 are available **here**.

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Message

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 2/1/2019 4:13:04 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)
Attachments: Discussion Document - Audit of Email, Text and FOIA Practices (Project No. OAE-FY18-0217).pdf

Can you review and set up a time to discuss? Thanks

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Brevard, Rudy
Sent: Friday, February 1, 2019 10:26 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>
Subject: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

This is a discussion document for an audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This document is subject to revision by the OIG and, therefore, does not represent the final position of the OIG on the subjects reported. It is provided to you solely for the purpose of obtaining your review and comments. You are not authorized to distribute or disclose this discussion document or its contents, except that you may distribute it to other persons in your organization to obtain their review and comments on the subjects reported.

We request that you review the attached discussion document and provide a response regarding its factual accuracy within 15 days of the date of this memorandum. We would like to hold a meeting with you to discuss the document. After the meeting, we will revise the document as needed and include any changes in the draft report for review and comment.

If you or your staff have any questions regarding this document, please contact me at (202) 566-0893 or brevard.rudy@epa.gov; or Jeremy Sigel, Project Manager, at (202) 566-0852 or sigel.jeremy@epa.gov.

Rudolph M. Brevard *CISA, GSNA, CIA, CGAP, CFE, CISSP, ITIL*

Director, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
(202) 566-0893 – Office
ex 6 - Cell
(202) 566-0894 - Facsimile

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 2/1/2019 3:31:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: FW: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)
Attachments: Discussion Document - Audit of Email, Text and FOIA Practices (Project No. OAE-FY18-0217).pdf

ACP Deliberative Process / Ex. 5

Sending to others as an FYI – Matt is on the original distribution list.

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: Brevard, Rudy
Sent: Friday, February 01, 2019 10:26 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Vizian, Donna <Vizian.Donna@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>; Sigel, Jeremy <Sigel.Jeremy@epa.gov>; Stewart, Sabrena <Stewart.Sabrena@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Larsen, Elena <Larsen.Elena@epa.gov>; Johnston, Robert <Johnston.Robert@epa.gov>; Ellis, John <Ellis.john@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Townsend, Charleen <Townsend.Charleen@epa.gov>; Hallum, Carrie <hallum.carrie@epa.gov>; Judd, Jennifer <Judd.Jennifer@epa.gov>
Subject: Discussion Document: EPA's Processes for Preserving Emails and Text Messages, and Responding to Freedom of Information Act Requests (Project No. OA&E-FY18-0217)

This is a discussion document for an audit conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). This document is subject to revision by the OIG and, therefore, does not represent the final position of the OIG on the subjects reported. It is provided to you solely for the purpose of obtaining your review and comments. You are not authorized to distribute or disclose this discussion document or its contents, except that you may distribute it to other persons in your organization to obtain their review and comments on the subjects reported.

We request that you review the attached discussion document and provide a response regarding its factual accuracy within 15 days of the date of this memorandum. We would like to hold a meeting with you to discuss the document. After the meeting, we will revise the document as needed and include any changes in the draft report for review and comment.

If you or your staff have any questions regarding this document, please contact me at (202) 566-0893 or brevard.rudy@epa.gov; or Jeremy Sigel, Project Manager, at (202) 566-0852 or sigel.jeremy@epa.gov.

Rudolph M. Brevard *CISA, GSNA, CIA, CGAP, CFE, CISSP, ITIL*
Director, Information Resources Management Directorate
Office of Inspector General
Office of Audit and Evaluation
Environmental Protection Agency
(202) 566-0893 – Office
ex 6 - Cell
(202) 566-0894 - Facsimile

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 6/14/2019 6:07:49 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: EIP v. EPA, 1:18-cv-01952

Attorney Client / 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: Straus Harris, Julie (CIV) <Julie.StrausHarris@usdoj.gov>
Sent: Friday, June 14, 2019 1:55 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: FW: EIP v. EPA, 1:18-cv-01952

Wendy, Charlotte, Joan –

Attorney Client / Ex. 5

Thanks,
Julie

Julie Straus Harris
Trial Attorney
U.S. Department of Justice, Civil Division
Federal Programs Branch
(202) 353-7633
Julie.StrausHarris@usdoj.gov

From: Sanghyun Lee <slee@environmentalintegrity.org>
Sent: Friday, June 14, 2019 1:21 PM
To: Straus Harris, Julie (CIV) <julharri@CIV.USDOJ.GOV>

Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA, 1:18-cv-01952

Hi Julie,

Thank you for your response. I appreciate your (and everyone else's) attention to this matter.

In the interest of frank and full disclosure, our concerns were not prompted solely by Ahmar's response to our request. We have also heard similar complaints from other groups claiming that they have been informed by EPA Regional office staff that records requested and otherwise ready for production have been delayed, or blocked, by EPA HQ. I am currently following up on these reports.

I wanted to alert you to this, both out of fairness to you and to highlight why we are concerned. I hope you can appreciate that while we trust (and appreciate) that you, Wendy, Joan, and the other career EPA/DOJ staff we have worked with have been acting diligently and in good faith, recent developments have forced us to question whether we can reasonably feel the same about political appointees at the Agency.

We will wait to evaluate EPA's response. We hope, however, that it will be a little more specific and concrete than the Agency simply asking us to trust its general statements that it is complying with FOIA. We previously did so in amending our Complaint to dismiss the policy or practice claim, and at least at present, it appears that trust may not have been rewarded.

As always, please feel free to reach out anytime if you have any questions or concerns. We will be looking forward to the Agency's response. In the meantime, thank you all again, and hope you all have good weekends.

All best,
Sunny

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

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From: Straus Harris, Julie (CIV) [mailto:Julie.StrausHarris@usdoj.gov]
Sent: Friday, June 14, 2019 10:07 AM
To: Sanghyun Lee <slee@environmentalintegrity.org>
Cc: Blake.Wendy@epa.gov; Youngblood.charlotte@Epa.gov; Sylvia Lam <slam@environmentalintegrity.org>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: EIP v. EPA, 1:18-cv-01952

Sunny,

Thank you for your message. I have been working with EPA to inquire into your information requests below. However, Joan Kaminer who, as you know, has had primary responsibility in EPA OGC for the FOIA requests at issue in this case, is on work-related travel this week and thus, we will not be able to provide a full response to your questions until sometime next week. In the meantime, however, we wanted to provide you with some information that should

hopefully provide you with some reassurance. I have copied your questions below in black and our responses to each are in blue:

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?

Because Joan is out of the office this week, we will provide a response to this question next week after she returns and is able to review her files on these requests.

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.

EPA can confirm that the November 16, 2018 Awareness Notification Process described in your email below and attached to defendant's reply memorandum in support of defendant's partial motion to dismiss remains effective and has not been superseded. EPA can also confirm that since November 16, 2018, it has not adopted any other process or procedure that contradicts the November 16, 2018 Awareness Notification Process.

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?

EPA has taken a number of steps to ensure compliance with the November 16, 2018 Awareness Notification Process. We are collecting information on this question and will provide you with a more substantive response next week.

Sylvia Lam's June 11, 2019 email to Wendy and Charlotte contained a few additional questions concerning FOIA request EPA-HQ-2019-003729, which is not in litigation. The questions concerning FOIA request EPA-HQ-2019-003729 have been forwarded to Tim Epp, Acting Director of the National FOIA Office, and Denise Walker, Acting Assistant General Counsel, National FOIA Office, and Tim and Denise will provide additional information to you and Sylvia regarding the status of that request.

We understand that the statements Ahmar Siddiqui made to Sylvia in the below email exchange have caused you some confusion and perhaps concern. These were not official statements of EPA FOIA policy, and we are working with Ahmar to learn the basis of his misunderstanding about the Awareness Notification Process.

Please don't hesitate to be in touch should you have additional questions, and we will provide additional responsive information to you as soon as possible.

Thank you,
Julie

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 [redacted] 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: Pritchard, Eileen [Pritchard.Eileen@epa.gov]
Sent: 6/14/2019 3:01:34 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs Update, Phase I' (5630.1)

Chris and Tim..... Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Creech, Christopher
Sent: Thursday, June 13, 2019 11:40 AM
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)

Nope. Beth White emailed that Deliberative Process / Ex. 5

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. Regarding the background piece, the Action Memo should be sufficient, but please let me know if Ryan is looking for something else.

Also, it may be helpful to note 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:

1. Did Beth White in OEX review? Deliberative Process / Ex. 5

   Deliberative Process / Ex. 5

2. Ryan asked for "background piece" Deliberative Process / Ex. 5

   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

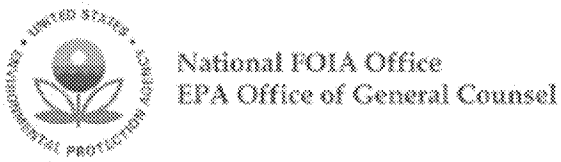
From: Epp, Timothy
Sent: Monday, June 10, 2019 10:15 AM
To: Manibusan, Mary <Manibusan.Mary@epa.gov>; Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: RE: APPROVED for Signature (OEX) - 'FOIA Regs 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



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: Walker, Denise [Walker.Denise@epa.gov]
Sent: 6/14/2019 1:45:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Cunningham, Bisa [cunningham.bisa@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Fwd: FOIA Professionals Meeting Notes - 6-13-19
Attachments: FOIA Professionals Monthly Meeting - Notes from June 2019 Meeting.docx; ATT00001.htm

Notes from the FOIA Professionals call from Joan M.