Message

From: Boydston, Michael [Boydston.Michael@epa.gov]
Sent: 1/31/2019 9:11:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Engels, Alan [engels.alan@epa.gov]
Subject: RE: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Thanks, Tim.

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103

From: Epp, Timothy
Sent: Thursday, January 31, 2019 2:10 PM
To: Boydston, Michael <Boydston.Michael@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Subject: RE: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Hi Michael,

We are encouraging folks to work with requesters to seek agreement to address the pragmatic problems; DOJ has decided not to change its legal interpretation.

Tim

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

From: Boydston, Michael
Sent: Thursday, January 31, 2019 4:07 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Subject: RE: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Tim, do you have any guidance as to requests submitted before the shutdown started? I'm looking at one right now that was submitted on 12/28; the calculated due date was Tuesday. The 2013 guidance from OIP to count shutdown time as business days seems impractical especially in light of our longer outage this time (and I don't think its rationale was persuasive in any case).

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103

From: Schwarz, Matthew
Sent: Thursday, January 31, 2019 7:20 AM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>; Hartman, Bob <Hartman.Bob@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>; Glowacki, Joanna <glowacki.joanna@epa.gov>; Borromeo, Karina <Borromeo.Karina@epa.gov>; Myers, Lucretia <MYERS.LUCRETIA@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>; Wood, Nicole <wood.nicole@epa.gov>; Allen, Robin <Allen.Robin@epa.gov>; Leon, Sandra <Leon.Sandra@epa.gov>; Laumann, Sara <Laumann.Sara@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>; Matthews, Julie <Matthews.Juliane@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>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Connery, Shannon <Connery.Shannon@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Campbell, Rich <Campbell.Rich@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Howell, Joyce <Howell.Joyce@epa.gov>; Bolender, Mark <Bolender.Mark@epa.gov>; Fritz, Frank <Fritz.Frank@epa.gov>; Capel, Susan <Capel.Susan@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Luetscher, Greg <Luetscher.Greg@epa.gov>; Pickell, Casey <pickell.casey@epa.gov>; Debes, Alison <debes.alison@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Miller, Patricia G. <Miller.Patriciag@epa.gov>; Ferrara, Helen <Ferrara.Helen@epa.gov>; Johnson, Patrick <johnson.patrick@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Pisarick, Marissa <pisarick.marissa@epa.gov>; Info Attys <Info_Attys@epa.gov>
Subject: FW: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Hi All-

Please see the email below from Tim Epp about FOIA requests and appeals received during the shutdown.

Thanks,
Matt

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Sent: Thursday, January 31, 2019 9:15 AM
To: FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Coordinators Alt <FOIA_Coordinators_Alt@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>; FOIA Officers Alt <FOIAOfficers-Alt@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; HQ Communications Directors <HQCommunicationsDirectors@epa.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Dear EPA FOIA and communications professionals,

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As always, Program and Regional Offices are encouraged to work with requesters on extensions to due dates whenever appropriate. If you receive a question from the public about the guidance or its impact on the processing of their FOIA request or appeal, please refer them to EPA's FOIA Public Liaison at hq.foia@epa.gov or at 202-566-1667.

Tim

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

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 1/31/2019 2:37:46 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]
Subject: FW: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Hi FEATsters,

In case you were not on one of the distribution lists.

J

From: Schwarz, Matthew
Sent: Thursday, January 31, 2019 9:20 AM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>; Hartman, Bob <Hartman.Bob@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>; Glowacki, Joanna <glowacki.joanna@epa.gov>; Borromeo, Karina <Borromeo.Karina@epa.gov>; Myers, Lucretia <MYERS.LUCRETIA@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>; Wood, Nicole <wood.nicole@epa.gov>; Allen, Robin <Allen.Robin@epa.gov>; Leon, Sandra <Leon.Sandra@epa.gov>; Laumann, Sara <Laumann.Sara@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>; Matthews, Julie <Matthews.Juliane@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>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Connery, Shannon <Connery.Shannon@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Campbell, Rich <Campbell.Rich@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Howell, Joyce <Howell.Joyce@epa.gov>; Bolender, Mark <Bolender.Mark@epa.gov>; Fritz, Frank <Fritz.Frank@epa.gov>; Capel, Susan <Capel.Susan@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Luetscher, Greg <Luetscher.Greg@epa.gov>; Pickell, Casey <pickell.casey@epa.gov>; Debes, Alison <debes.alison@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Miller, Patricia G. <Miller.Patriciag@epa.gov>; Ferrara, Helen <Ferrara.Helen@epa.gov>; Johnson, Patrick <johnson.patrick@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Pisarick, Marissa <pisarick.marissa@epa.gov>; Info Attys <Info_Attys@epa.gov>
Subject: FW: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

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Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

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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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 1/31/2019 1:45:48 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments
Attachments: FOIA Shutdown Guidancecy.dglo.docx

Sorry Larry. I had reviewed the document yesterday by 3 pm and never hit send on the email. I appreciate your gentle reminder this morning.

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: Gottesman, Larry
Sent: Wednesday, January 30, 2019 4:39 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Any update?

We really wanted to get this out today.

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: Miller, Kevin
Sent: Wednesday, January 30, 2019 2:36 PM

To: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Hi, Wendy will be reviewing this shortly. Thanks.

From: Walker, Denise
Sent: Wednesday, January 30, 2019 12:23 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

One quick catch: The date should be December 29, 2018. Not 2019.

Thanks, Larry!

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!

From: Miller, Kevin
Sent: Wednesday, January 30, 2019 12:21 PM
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Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Thanks Larry. We will take a look and get back to you with any comments.

Kevin

From: Gottesman, Larry
Sent: Tuesday, January 29, 2019 3:43 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Shutdown FOIA requests and appeals - Draft for you review an comments

Please let me know if you have any comments or concern about the guidance set out below. We have been receiving a lot of inquiries by the program and regional offices on this issue, and would like to get the guidance out by noon tomorrow.

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)

Subject: Shutdown FOIA requests and appeals

Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Deliberative Process / Ex. 5

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 1/31/2019 1:44:42 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments
Attachments: FOIA Shutdown Guidancecy.dglo.docx

Importance: High

Tim – I just got into the office.

I reviewed the document yesterday at 3 pm before we met. I had thought I sent this yesterday after our brief meeting. In the flurry of the front office meetings late afternoon, I apparently never hit send. The email was up on my computer today with no attachment. For that, I apologize.

Attached are our comments. I relayed the bulk of them verbally yesterday.

I would like to have a conversation though about coordination and review of documents and expectations. We obviously want to meet our client needs here.

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, January 31, 2019 7:42 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Shutdown FOIA requests and appeals - Draft for you review an comments

Wendy,
Frankly, the NFO needs greater efficiency and more rapid turnaround from your office on simple reviews like this. An international communication like this should not require three levels of review within your office.

On this one, if I do not receive your comments by 9 am, I am sending it out as is (or with some additional edits from me).
Tim

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

From: Gottesman, Larry
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Any update?

We really wanted to get this out today.

Thanks

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

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

From: Miller, Kevin
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One quick catch: The date should be December 29, 2018. Not 2019.

Thanks, Larry!

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

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Larry F. Gottesman
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Office of General Counsel
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(Mobile)
202-566-1667 (Main line)

Subject: Shutdown FOIA requests and appeals

Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 1/30/2019 7:41:02 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
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Subject: Shutdown FOIA requests and appeals

Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2019 – January 27, 2019

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 1/30/2019 6:46:03 PM
To: Simons, Andrew [Simons.Andrew@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: ADP Tracker - FOIA regs
Attachments: ADP Tracker Update FOIA Regs Phase I, Good Cause (1.30.2019).docx; ADP Tracker Update FOIA Regs Phase II, Notice and Comment (1.30.2019).docx

Hi Andy,

Please find the updated ADP tracker information. For your convenience, updates are highlighted. Please let me know if you need any additional information or if you run into any snags separating the existing entry into two entries.

Thanks,

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

From: Simons, Andrew
Sent: Wednesday, January 30, 2019 12:27 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: ADP Tracker - FOIA regs

Excellent. Many thanks.

Andrew Simons
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7522C

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

Please consider the environment before printing this email.

From: Creech, Christopher
Sent: Wednesday, January 30, 2019 11:56 AM
To: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: ADP Tracker - FOIA regs

Hi Andy,

No worries. We are going with a two track approach. I was just finishing up the second timeline now. I will have it over to you before COB.

Best,

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

From: Simons, Andrew
Sent: Wednesday, January 30, 2019 11:50 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: ADP Tracker - FOIA regs
Importance: High

We need to update the schedule in the ADP Tracker. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I actually need this information by COB today. Sorry for the rush, but updates to the system are on a schedule themselves.

Andrew Simons
Assistant General Counsel
Regulatory Issues Practice Group
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-3649
WJC-N 7522C

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Please consider the environment before printing this email.

From: Creech, Christopher
Sent: Wednesday, December 19, 2018 1:02 PM
To: Simons, Andrew <Simons.Andrew@epa.gov>
Subject: RE: ADP Tracker - FOIA regs

Thank you, Andy! We will need to update the timelines. I will be bringing lots of questions tomorrow.

-Chris

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

From: Simons, Andrew
Sent: Wednesday, December 19, 2018 12:11 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: ADP Tracker - FOIA regs

Chris:

Deliberative Process / Ex. 5

Andy

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 1/30/2019 6:09:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: REVIEW REQUESTED, FOIA Regs ADP Update
Attachments: ADP Track Write-Up, Phase I, Good Cause (1.30.2019).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, January 30, 2019 12:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kerry Neal (neal.kerry@epa.gov) <neal.kerry@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Denise Walker (Walker.Denise@epa.gov) <Walker.Denise@epa.gov>
Subject: REVIEW REQUESTED, FOIA Regs ADP Update

Hello Tim,

Per Andy Simons, **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

FYI, if we need to make additional changes in the future, we can do so through Andy (OP asks us to update/confirm regularly).

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: 1/30/2019 5:44:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Neal, Kerry [neal.kerry@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: REVIEW REQUESTED, FOIA Regs ADP Update
Attachments: ADP Track Write-Up, Phase II, Notice and Comment (1.30.2019).docx

Hello Tim,

Per Andy Simons, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

FYI, if we need to make additional changes in the future, we can do so through Andy (OP asks us to update/confirm regularly).

Best,

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 1/30/2019 3:20:37 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Neal, Kerry [neal.kerry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Chris, Welcome Back!! Updating Tasks and Training Needs

Chris:

Good morning!
It was so good to see you yesterday!

I'm going through everyone's work and status now that we're back to make sure I have a handle on where we are.
I've tried to reconstruct what we were up to last year. The numbered items in the table below match the Improvement Projects Tim sent around yesterday.

Please update where necessary/ add detail & let me know where you are & your sense of priority. I apologize in advance if I've left off something important!
I'd also like to know if you have thoughts at this point about any career development, training, travel, or supplies you need for the rest of the fiscal year.
If there's anything else I/we can do to make the transition back easier for you please let me know that too!

If you could get this back to us by the end of the week, that would be fabulous.
Also- If you can resend me the Relativity link to the documents I need to review, that would be outstanding.

1. Tasks

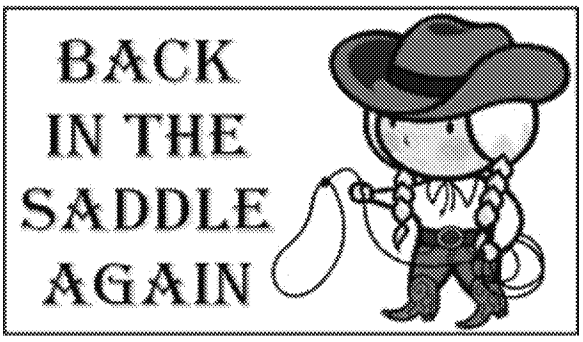
Task	**Status/Priority**
FOIA Regs Package 1	
FOIA Regs Package 2	
Policy and Procedures Update	
Prepare Weekly Selected reports	
Maine WQ Standards FOIA	
Cause of Action requests about OGC records (Chris)	
American Oversight request related to "Reasonably Describe" interpretation	
Oil and Gas FOIAs	
OGC IO FOIA management w/ Albores	
AO4 Buckets	
Helping LaShawn	
R1 PFOA request	
Water Law	
7. Identify Proactive Disclosure Opportunities.	

2. Career Development/ Training/ Travel/ Supply Needs

3. Anything else??

Thanks for your patience as we figure out how to get this train moving again!!
I'm teleworking today. Call my desk line and it will forward to my cell.

Best,
Denise



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

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 1/29/2019 8:32:01 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: REVISED FW: Shutdown FOIA requests and appeals - Draft for you review an comments

Subject: Shutdown FOIA requests and appeals
Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2019 – January 27, 2019

The Department of Justice Office of Information Policy (OIP) issued guidance after the 2013 shutdown available here:

Deliberative Process / Ex. 5

EPA will implement the OIP guidance as follows:

Deliberative Process / Ex. 5

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)

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!

From: Epp, Timothy
Sent: Tuesday, January 29, 2019 2:24 PM

To: Walker, Denise <Walker.Denise@epa.gov>
Subject: Fwd: Shutdown FOIA requests and appeals - Draft for you review an comments

Let's co-edit this before Larry leaves.

Sent from my iPhone

Begin forwarded message:

> **From:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>
> **Date:** January 29, 2019 at 2:09:56 PM EST
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Cc:** "Neal, Kerry" <neal.kerry@epa.gov>
> **Subject: Shutdown FOIA requests and appeals - Draft for you review an comments**
>
> **Status of FOIA requests and FOIA appeals submitted during the Government Shutdown**

Deliberative Process / Ex. 5

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 1/29/2019 5:28:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: DRAFT 2019 Chief FOIA Officer Report.docx
Attachments: DRAFT 2019 Chief FOIA Officer Report.docx

Tim and Larry,

Edits on pages 6 (text from Discovery Services) and 13 (Success Story).

Please let me know what other changes you have.

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 1/29/2019 5:11:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Neal, Kerry [neal.kerry@epa.gov]
CC: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: FW: 2019 CFO Report Deadline Extended to 2/15

Just received this from DOJ.

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, January 29, 2019 11:00 AM
To: DOJ.OIP.FOIA (SMO) <DOJ.OIP.FOIA@usdoj.gov>
Subject: 2019 CFO Report Deadline Extended to 2/15

Good morning,

Happy New Year and welcome back to those agencies impacted by the partial government shutdown. In light of the shutdown, to give agencies additional time to complete their Chief FOIA Officer Reports, we are extending the deadline for all agencies' CFO Report submissions until **February 15, 2019**.

If you have already submitted your report, thank you! We will be reviewing them and following up with you soon. For guidance on the requirements for completing the 2019 Chief FOIA Officer Report, please see OIP's 2019 Chief FOIA Officer Report Guidelines.

Thank you for your cooperation. Please feel free to contact us if you have any questions or concerns.

Sincerely,
OIP

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/20/2018 3:27:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]
Subject: FW: EPA-HQ-2018-007304
Attachments: EPA-HQ-2018-007304 Final.12.19.18.pdf

Is it OK to approve the Awareness Notification task, since this request did not follow the new Awareness Notification process?

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: Hill, Kevin W.
Sent: Wednesday, December 19, 2018 6:20 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: EPA-HQ-2018-007304

Larry,

OEX approved the records for release for EPA-HQ-2018-007304. Could you please approve this request in FOIAOnline? See attached and below. Thank you.

Regards,
Kevin

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

From: Hope, Brian
Sent: Wednesday, December 19, 2018 6:11 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: EPA-HQ-2018-007304

Here you go. Thanks.

From: Hill, Kevin W.
Sent: Tuesday, December 18, 2018 1:11 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>
Cc: Donahue, Sean <donahue.sean@epa.gov>
Subject: EPA-HQ-2018-007304

Good Afternoon,

See draft closeout letter and responsive records attached. The requester clarified that he is still interested in travel voucher records, including the names of the hotels (not listed in voucher, but AO located the hotel receipts, which I have redacted).

Note—This request has Larry listed as a reviewer in FOIAOnline, so if you would rather I first send an awareness notification, please let me know.

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: 12/20/2018 1:54:42 PM
To: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]
Subject: RE: Draft - Improvement Action Table
Attachments: Improvement Actions Table 12 19 18 FOIA.docx

Tim,

Here is a version with Joan's edits Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 y

If there are no other changes I will send the updated A3 when I get to the office this afternoon.

Regards, Wendy

From: Moumbleaux, Joan
Sent: Wednesday, December 19, 2018 5:39 PM
To: Schumacher, Wendy; Epp, Timothy
Cc: Walker, Denise; Gottesman, Larry; Poole, Laura; Moumbleaux, Joan
Subject: RE: Draft - Improvement Action Table

Wendy - this document is read only so I am sharing my edits with all via email.

*

Deliberative Process / Ex. 5

*

From: Schumacher, Wendy
Sent: Wednesday, December 19, 2018 4:56 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Poole, Laura <Poole.Laura@epa.gov>
Subject: Draft - Improvement Action Table

Tim,

Here are our revisions. I added some target dates for rows 32 and 33 for your consideration.

Please let us know if you have any questions.

Thanks, Wendy

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 1/28/2019 10:16:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA due date timing and shutdown -- FW: FOIA Hotline Call

OIP update from Kevin Miller.

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: Miller, Kevin
Sent: Monday, January 28, 2019 5:13 PM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FOIA due date timing and shutdown -- FW: FOIA Hotline Call

All,

Here is a quick update on the pending questions: (1) whether time frame for FOIA requests is tolled during the shutdown and (2) what is the proper date of receipt for requests submitted during the shutdown.

Deliberative Process, ACP / Ex. 5

Kevin
.

From: Austin, Patrick (OIP) <Patrick.Austin@usdoj.gov>
Sent: Monday, January 28, 2019 12:02 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: FOIA Hotline Call

Good question. I'm going to confer with one of my colleagues to get a clear answer and I'll get right back to you.

Thanks,

Patrick

Patrick J. Austin
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
Phone: 202.305.0384

From: Miller, Kevin <Miller.Kevin@epa.gov>
Sent: Monday, January 28, 2019 11:52 AM
To: Austin, Patrick (OIP) <paustin@jmd.usdoj.gov>
Subject: RE: FOIA Hotline Call

Deliberative Process, ACP / Ex. 5

From: Austin, Patrick (OIP) <Patrick.Austin@usdoj.gov>
Sent: Monday, January 28, 2019 11:43 AM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FOIA Hotline Call

Hi Kevin,

Deliberative Process, ACP / Ex. 5

Hope this helps.

Have a good day,

Patrick

Patrick J. Austin
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
Phone: 202.305.0384

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 12/28/2018 4:19:00 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: DOJ reporting
Attachments: DRAFT 2019 Chief FOIA Officer Report.docx

Tim,

Here is a revised version of the draft Chief FOIA Officer Report which includes Larry's feedback. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

If you have any questions please let me know.

Wendy

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

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/26/2018 10:10:27 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
Attachments: FOIA Functional Statement clean 12.26.18.docx; FOIA Functional Statement redline 12.26.18.docx

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 Deliberative Process / Ex. 5

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: Williamson, Timothy [Williamson.Tim@epa.gov]
Sent: 12/26/2018 4:35:55 PM
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
Attachments: R1commentsFunctionalStatement.docx

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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/21/2018 8:35:35 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: FOIA Annual Report update
Attachments: AnnualReportPDF12-2-18.docx

We are still working with the FOIAonline contractor to make some minor edits to the report. We hope to have that completed shortly. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have further questions.

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)

Message

From: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 12/20/2018 11:06:45 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Withdrawn Requests

Tim,

Please disregard. This withdrawal will have an awareness notification.

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: Gottesman, Larry
Sent: Thursday, December 20, 2018 6:04 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Withdrawn Requests

Per conversation, here is the template.

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: Hill, Kevin W.
Sent: Thursday, December 20, 2018 6:01 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Withdrawn Requests

Tim & Larry,

Can you provide guidance for me on when FOIA requests are withdrawn by the requester that have Larry as a reviewer? Is an awareness notification necessary?

Deliberative Process / Ex. 5

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: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 12/19/2018 11:46:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Lean Project information that I wish was shared with me so that we could improve response time.

Tim,
Would it be possible for everyone to get the following information on an ongoing bi-weekly basis?

Deliberative Process / Ex. 5

Thank you for considering my request,

Joan

Sent from my iPhone

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 12/19/2018 7:10:55 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]
Subject: For today's Lean weekly coaching
Attachments: Agency FOIA Jan 2018 A3_Updated.pptx; Improvement Actions Table 12 19 18 FOIA.docx

All,

In case the ELMS agenda items at the Business Review meeting runs past 4pm I am forwarding the Improvement Actions Table with my suggested edits. The row numbers where I think we should change data are in red.

Please let me know if you have any questions. If not, see you in 5315M around 4pm.

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

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 12/19/2018 1:17:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FOR REVIEW: Regional FOIA Functional Statement - Nicole's Edits
Attachments: Regional FOIA Functional Statement NMR DRAFT_20181219.docx

Importance: High

Tim:

Attached are my edits and comments. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I will be in the office around 9:30. I hope you find my edits and comments helpful.

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 12/18/2018 7:39:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Agency FOIA Jan 2018 A3_Updated.pptx
Attachments: Agency FOIA Jan 2018 A3_Updated.pptx

Tim,

Draft for tomorrow's discussion.

Please let me know if you need anything else.

Wendy

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/17/2018 10:27:00 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: RE: Latest version of the Best Practices Document
Attachments: FOIA Best Practices combined comments 12.17.2018..docx

Subject to the same caveats as in my email transmitting the Functional 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)

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Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/17/2018 10:03:09 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness anomalies

ACP/ Deliberative Process / Ex. 5

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Monday, December 17, 2018 4:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness anomalies

Tim,

ACP/ Deliberative Process / Ex. 5

Thanks.

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

From: Epp, Timothy
Sent: Monday, December 17, 2018 4:13 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>

Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness anomalies

Hi Wendy,

ACP/ Deliberative Process / Ex. 5

Tim

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

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/17/2018 9:50:43 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
Attachments: FOIA Functional Statement R1, 6, 8, 9 and 10 combined..docx

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?

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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.

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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)

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Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 12/17/2018 9:31:54 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness anomalies

Tim,

ACP/DPP Ex. 5

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Epp, Timothy
Sent: Monday, December 17, 2018 4:13 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness anomalies

Hi Wendy,
I met with Jonathan Lubetsky and John Shoaff (OAR) – they identified several anomalies in the awareness process:

ACP/DPP Ex. 5

ACP/DPP Ex. 5

Tim

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

Message

From: Busterud, Gretchen [Busterud.Gretchen@epa.gov]
Sent: 12/17/2018 5:26:58 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]
CC: Joffe, Brian [Joffe.Brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]
Subject: RE: FOIA doc review
Attachments: FOIA Best Practices R10 comments. R9 Dec 2018.docx; FOIA Functional Statement merged R1 and R8 commets.R9.docx

All –

Folks have really provided many thoughtful and useful comments – thank you! Attached are my additions to the merged R8/1 functional statement and R10 best practices. I continue to agree with providing as much flexibility as possible in the approaches as we all form and implement our teams given our diverse resources and needs.

Thanks!
Gretchen

From: Bigioni, Neil
Sent: Sunday, December 16, 2018 2:38 PM
To: Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>
Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>
Subject: RE: FOIA doc review

Allyn, I merged the R1 and R8 comments into a single document. If it's easy enough you can try incorporating all your comments into this document (there a fairly easy way to merge/combine documents in Word). If you don't want to deal with than, send me the R10 consolidated comments and I will combine them into a single document. After we have a single document with all the comments, we'll need to figure out a process for deciding which comments we support as a group, and which we don't.

Thanks for to all for the work so far, and Tim & I can fill you in on the call with had with Dave Cozad Friday, which was overall good news for this group and the overall approach Dave thinks OGC will support for the regional FOIA processes.

Neil

From: Stern, Allyn
Sent: Friday, December 14, 2018 7:11 PM
To: Williamson, Timothy <Williamson.Tim@epa.gov>
Cc: Bigioni, Neil <bigioni.neil@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>
Subject: FOIA doc review

I received two sets of comments - one legal and one programmatic. At this point I figure you aren't going to look at it until Monday, so I'll work on consolidating and if I can use the Sharepoint site, I will.

Allyn Stern

Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Dec 14, 2018, at 9:45 AM, Williamson, Timothy <Williamson.Tim@epa.gov> wrote:

Hi all - after advocating so vigorously for putting these docs on a OneDrive/SharePoint, I find myself simply attaching a Word mark-up. Sorry about that. I asked Mike Knapp, R1 ORC's FOIA expert, to comment, and he gave me a very thorough edit in Word. Attached are his thoughtful suggestions and questions along with a few thoughts of my own.

Hope these help. Tim

From: Stern, Allyn
Sent: Friday, December 14, 2018 11:57:02 AM
To: Bigioni, Neil
Cc: Joffe, Brian; Epp, Timothy; Williamson, Timothy; Busterud, Gretchen; Grantham, Nancy; Harrison, Ben
Subject: Re: I will be out tomorrow for a family health issue and probably will not join the call,

I expect to have comments today.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Dec 14, 2018, at 8:09 AM, Bigioni, Neil <bigioni.neil@epa.gov> wrote:

Thanks to Brian and Mike Boydston for the very helpful comments. I will try to integrate them over the weekend into an overall document that I will both post to the Sharepoint and recirculate to the group.

With respect to the "Best Practices" document, I am hoping to get a lot more comments on that. I view it as our "stretch" document where we articulate functions that we might not be able to support on Day 1 of the realignment, but aspire to grow into.

Neil

From: Joffe, Brian
Sent: Friday, December 14, 2018 9:32 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
Subject: RE: I will be out tomorrow for a family health issue and probably will not join the call,

Attached are Region 8's comments on the draft functional statement and best practices documents. I still don't have access to the sharepoint site so I apologize in advance if these are duplicative to what others have provided. Neil – thanks again for putting these materials together!

Brian

Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

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From: Bigioni, Neil
Sent: Monday, December 10, 2018 9:53 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>
Subject: I will be out tomorrow for a family health issue and probably will not join the call,

Here is an update:

I have uploaded both the draft (and rather rough) functional statement and the "Best" Practices document to the ORC Lead Region Sharepoint (link embedded in the email: https://usepa.sharepoint.com/sites/r6_Work/OECALeadRegion/OGCLeadRegion/default.aspx).

For those of you who cannot get in, the site admins seem to be Leslie Humphrey and/or Barbara Nann, but it does not seem to have been active recently. You might try contacting them to get access.

In the meantime, for those without site access, I have attached both documents again. We can incorporate any changes into the Sharepoint versions.

I have shared these documents with certain regional folks whom I trust to give me useful comments, and you too should feel free to reach out to others for input as you see fit.

I will catch up with Tim Epp when I return to the office Wednesday.

Neil

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, November 19, 2018 1:55 PM
To: Epp, Timothy; Bigioni, Neil; Stern, Allyn; Williamson, Timothy; Busterud, Gretchen;

Joffe, Brian; Grantham, Nancy
Subject: Regional FOIA office
When: Tuesday, December 11, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: phone call

202-564-1700
Conf. code: Personal Phone / Ex. 6
Participant code: Personal Phone / Ex. 6

<FOIA Best Practices_mk.docx>

<FOIA Functional Statement draft 12.2.2018_mk.docx>

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 12/17/2018 3:38:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: update on Regional Functional statement
Attachments: Regional FOIA Functional Statement_Merged R1 R3 R8 R10 NFO_DRAFT_20181217.docx

Tim:

I merged both documents, so all of the comments are together.

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: Monday, December 17, 2018 8:55 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: update on Regional Functional statement

Nicole,

Here is an update to the Regional Functional Statement with comments added from Region 8 and Region 1. I have also started editing this document.

Also attached is Region 10's comments on the same document. I have not reviewed these yet.

Tim

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

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/16/2018 10:38:20 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]
CC: Joffe, Brian [Joffe.Brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]
Subject: RE: FOIA doc review
Attachments: FOIA Functional Statement merged R1 and R8 commets.docx

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From: Stern, Allyn
Sent: Friday, December 14, 2018 7:11 PM
To: Williamson, Timothy <Williamson.Tim@epa.gov>
Cc: Bigioni, Neil <bigioni.neil@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Dierker, Carl <Dierker.Carl@epa.gov>
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Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Dec 14, 2018, at 9:45 AM, Williamson, Timothy <Williamson.Tim@epa.gov> wrote:

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>
> Hope these help. Tim
>
> ---
>
> **From:** Stern, Allyn
> **Sent:** Friday, December 14, 2018 11:57:02 AM
> **To:** Bigioni, Neil
> **Cc:** Joffe, Brian; Epp, Timothy; Williamson, Timothy; Busterud, Gretchen; Grantham, Nancy; Harrison,

Ben
Subject: Re: I will be out tomorrow for a family health issue and probably will not join the call,

I expect to have comments today.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

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To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
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Brian
Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
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From: Bigioni, Neil
Sent: Monday, December 10, 2018 9:53 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>
Subject: I will be out tomorrow for a family health issue and probably will not join the call,

Here is an update:

I have uploaded both the draft (and rather rough) functional statement and the "Best" Practices document to the ORC Lead Region Sharepoint (link embedded in the email: https://usepa.sharepoint.com/sites/r6_Work/OECALeadRegion/OGCLeadRegion/default.aspx).

For those of you who cannot get in, the site admins seem to be Leslie Humphrey and/or Barbara Nann, but it does not seem to have been active recently. You might try contacting them to get access.

In the meantime, for those without site access, I have attached both documents again. We can incorporate any changes into the Sharepoint versions.

I have shared these documents with certain regional folks whom I trust to give me useful comments, and you too should feel free to reach out to others for input as you see fit.

I will catch up with Tim Epp when I return to the office Wednesday.

Neil

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, November 19, 2018 1:55 PM
To: Epp, Timothy; Bigioni, Neil; Stern, Allyn; Williamson, Timothy; Busterud, Gretchen; Joffe, Brian; Grantham, Nancy
Subject: Regional FOIA office
When: Tuesday, December 11, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: phone call

202-564-1700
Conf. code Deliberative Process / Ex. 5
Participant code: Personal Phone / Ex. 6

<FOIA Best Practices_mk.docx>

<FOIA Functional Statement draft 12.2.2018_mk.docx>

Message

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 12/15/2018 6:31:45 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Re: Draft FOIA Best practices
Attachments: FOIA Functional Statement draft 12.2.2018 R10 comments.docx; FOIA Best Practices R10 comments Dec 2018.docx

Our FOIA team had a lot of comments, so hopefully this is helpful.

From: Bigioni, Neil
Sent: Thursday, November 29, 2018 2:34 PM
To: Busterud, Gretchen; Epp, Timothy; Stern, Allyn; Williamson, Timothy; Joffe, Brian; Grantham, Nancy
Subject: Draft FOIA Best practices

This is something I put together on my detail, and which, after speaking with David Cozad yesterday, I think we might be able to adapt to our current project.

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: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 12/14/2018 6:17:13 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: December 2018 EPA Freedom of Information Act (FOIA) Backlog Report
Attachments: A3 SES PARS

Hi Timothy – I understand you were asking about Deliberative Process / Ex. 5

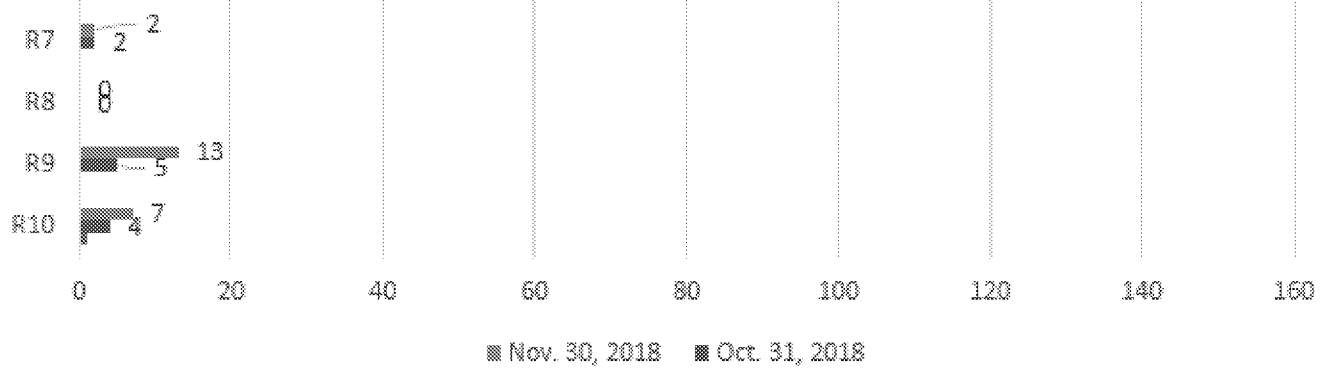
Deliberative Process / Ex. 5

Leif Palmer
Regional Counsel
US EPA Region 4
61 Forsyth Street SW
Atlanta, Georgia 30303
(404) 562-9542
Personal Phone / Ex. 6 (cell)

This email is from an attorney and may contain privileged information and attorney-client communications and should not be released under FOIA or discovery to individuals or entities outside of EPA or the U.S. Department of Justice without the knowledge of the sender.

From: Epp, Timothy
Sent: Thursday, December 13, 2018 4:04 PM
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@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>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: December 2018 EPA Freedom of Information Act (FOIA) Backlog Report

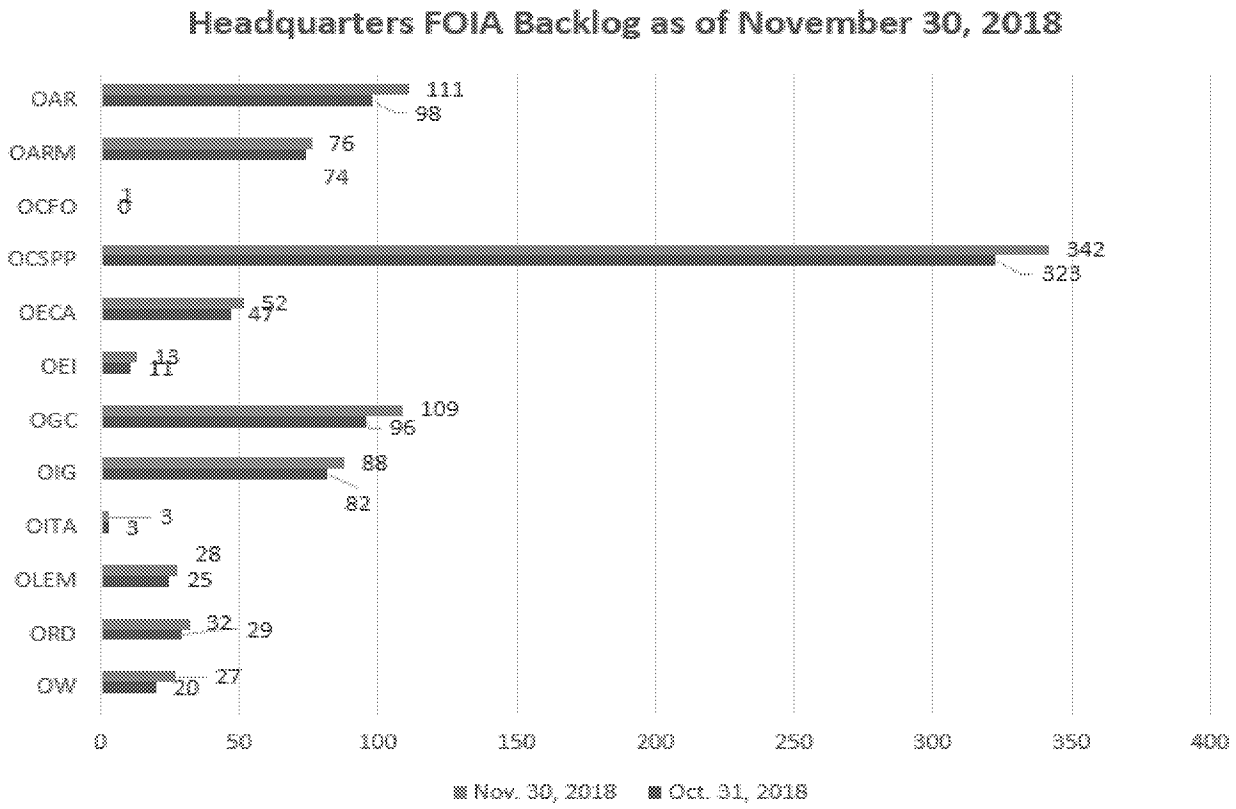
Colleagues,



In his November 12, 2018 FOIA Memorandum, Acting Administrator Wheeler directed the National FOIA Office to circulate monthly a report of the FOIA request backlog at EPA. At the end of November 2018, EPA's total FOIA request backlog was 2,721. 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.

Recent steps taken to improve FOIA processing within the Administrator's Office have yielded significant results. Roughly 275 requests were closed and over 500 interim responses were issued from April 30 to November 30. A "Tiger Team" of 12 staff temporarily assigned to help process FOIA requests has completed first reviews of more than 20,000 records from August 14 to November 30. Nevertheless, even with these efforts, at the end of October, the backlog in the Administrator's Office was 1,454, and at the end of November, the backlog in the Administrator's Office was 1,473.

Below are graphs showing the backlog of FOIA requests in headquarters programs and the regions at the end of October and November 2018. During this period, most offices saw their backlog FOIA requests increase.



As these graphs show, we must increase our efforts to achieve our goal of timely processing all FOIA requests. The Administrator's Office continues to tackle its backlog and is committed to dramatically reduce its FOIA request backlog as quickly as possible.

The National FOIA Office will provide a report like this regarding the status of FOIA backlog across the Agency every month going forward.

The October data in this report were produced from FOIAonline on November 26, 2018, and the November data in this report were produced from FOIAonline on December 3, 2018. 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
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Kelly, Lynn [Kelly.Lynn@epa.gov]
Sent: 12/13/2018 6:38:09 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Sierra Club 18cv03472 - Signed Declaration of Brian Hope
Attachments: Sierra Club v. EPA_18cv3472_Declaration of Brian Hope_Signed.pdf; FINAL Production Schedule Decl_112818.docx; Exhibit A_FOIA Efficiency Memo.pdf

Please note that the numbers in this declaration regarding the specific documents at issue in this case are out of date. The rest should be accurate as of that date.

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: Pickell, Casey
Sent: Wednesday, November 28, 2018 6:01 PM
To: Zack, Adrienne (USACAN) <Adrienne.Zack@usdoj.gov>
Cc: Hope, Brian <Hope.Brian@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: Sierra Club 18cv03472 - Signed Declaration of Brian Hope

Hi Adrienne,

Please find the signed version of the declaration with the exhibit attached. Also attaching a final word version as well. We're working on finishing up our comments on the brief now and should have that to you soon.

Thanks,

Casey Pickell
Attorney-Advisor
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, D.C. 20460
(202) 564-2962

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/13/2018 4:59:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: RE: Draft Adm'r FOIA Fact Sheet and Q&As
Attachments: OGC-4 FOIA Fact Sheet and QAs 12 13 am daw.docx

Edits for your consideration.

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!

From: Epp, Timothy
Sent: Thursday, December 13, 2018 11:11 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: Draft Adm'r FOIA Fact Sheet and Q&As
Importance: High

Joe and Elise this is an FYI – Joe, thanks for the quick feedback this morning.

Wendy, Charlotte, Kevin, Nicole, Denise, and Larry –

Please look at this updated version of the FOIA Fact Sheet and Q&As - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks all for looking at this quickly.

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, December 13, 2018 9:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft Adm'r FOIA Fact Sheet and Q&As

Thanks Tim,

Overall this looks pretty good, I am still completing my review but wanted to get back to you about one issue that I

Deliberative Process / Ex. 5

Thank you,
Joe

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

From: Epp, Timothy
Sent: Wednesday, December 12, 2018 10:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Draft Adm'r FOIA Fact Sheet and Q&As

Hi Joe and Elise,

Attached is the updated FOIA Fact Sheet along with Q&As for the Administrator's testimony briefing book. There are two pieces of data that I am still verifying – I've flagged these with bubble comments **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: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Sent: 12/13/2018 2:46:30 PM
To: Schwab, Justin [Schwab.Justin@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-000221Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all communications to, from, or in the custody of Clin

Do these get sent to you (or anyone in the FO)? I'm not 100% sure if I should be doing anything with respect to others in OGC when these emails come in. Copying Tim.

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

From: Lubetsky, Jonathan
Sent: Thursday, December 13, 2018 8:59 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>; Farren, Victor <Farren.Victor@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-000221Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all communications to, from, or in the custody of Clint Wo

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-2019-000221	*Emily Berman*	*UCS*	*10/10/2018*	*12/12/2018*	*Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and on behalf of the Union of Concerned Scientists, I write to request access to and copies of all communications to, from, or in the custody of Clint Woods or William Wehrum, from July 1, 2018 through the date the search is conducted, that contain both the terms "CASAC" and "PM" (or "particulate matter") in the same document/communication.*	*Final Response*	*114 documents*

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

OAR IO

AO

The manager who approved this release is: John Shoaff

The records are:

__ attached

_X__ may be found at the following link: Personal Matter / Ex. 6

Personal Matter / Ex. 6

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/3/2018 6:07:37 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: For Tomorrow

Tim:
I think we could do a staff meeting 9:30-10:30 before out 11:00 meeting
Here are some things we should discuss…

National FOIA Office
Staff meeting topics/ Agenda items for Elise and Joe 12-4-2018

- Awareness Notification process update/ lessons learned
o Communications Rollout & December 12 meeting
- Status of annual FOIA report to DOJ
- Update on FOIAonline
- Update on Relativity 9.5 roll out
- Plans for the NFO FY 19
- FEAT's Role in AO4
- Regulation Drafting Update
- FOIA Policy and Procedures
- Onboarding/Hiring
- Victoria moving to Ethics December 11
- Check-in on FOIA overall- incoming numbers down, lawsuits down, outstanding FEAT project requests, customer service
- Staff Retreat
- Flint Subpoena

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!

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 12/12/2018 10:39:25 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Q&As for the Administrator's hearing
Attachments: OGC-4 FOIA Fact Sheet NMR Edits.docx; EPA FOIA Annual Report Stats FY2008 to FY2018.xlsx

Tim:

Attached are my edits to the Q&As, as well as a spreadsheet of data pulled from the EPA FOIA Annual Reports for FY 2008 through FY 2017. There is a more compelling story from the data in the spreadsheet than the document tells. I just don't know how much liberty we have to get that story into this document without deviating from the applied formulaic approach I perceived when reading it.

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: Wednesday, December 12, 2018 11:21 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Q&As for the Administrator's hearing

Hi Denise and Nicole,

Denise, you saw the first part of the attached – now there are Q&As added to it. Could both of you review and provide your comments by COB today.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 12/1/2018 5:25:35 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: what do you think?
Attachments: clarity.in.foia.ebp.docx; ATT00001.htm

Draft Elise forwarded me for a quick review.

Sent from my iPhone

Begin forwarded message:

> **From:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Date:** November 28, 2018 at 12:41:01 PM EST
> **To:** "Blake, Wendy" <Blake.Wendy@epa.gov>
> **Subject: what do you think?**

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/30/2018 11:27:30 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Template e-mail

Thanks, Tim.

Have a good weekend!

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!

From: Epp, Timothy
Sent: Friday, November 30, 2018 3:06 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Awareness Notification Template e-mail

Denise, thanks for getting this to a conclusion! I continue to be amazed with all you are able to accomplish and manage.
Tim

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

From: Walker, Denise
Sent: Thursday, November 29, 2018 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: 202-816-9872

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/30/2018 10:16:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Draft Communication from NFO to FOIA Community Re: Awareness Notification Template e-mail
Attachments: Awareness Notification e-mail template 11272018 Final.docx; Awareness Notification Memorandum.pdf

All:
Here is a start for an e-mail we can send to the FOIA coordinators.

Dear EPA FOIA Community:

How to send requests for Awareness Notification
For those FOIA requests that are selected for the Awareness Notification Process set forth in the attached Chief of Staff's Memorandum, please follow the procedures set out in the Memorandum. For steps 4 and 5, an email template is attached for you to use or provide to others. This information will also be provided to staff responsible for the selected FOIA requests, but as the FOIA professionals for the agency, I want you to have the information so you are prepared to answer questions as they arise.

Q&A at the next FOIA Coordinator's Meeting
At our next FOIA coordinator's meeting on December 12th, we will have a special session to explain the process and answer questions. The meeting should already be on your calendar. In the meantime, please contact me or Larry Gottesman if you have any further questions.

Thank you as always for everything you do,

Timothy Epp, National FOIA Director
****

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/30/2018 6:01:16 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Schramm, Daniel [Schramm.Daniel@epa.gov]
Subject: RE: Phase I of FOIA Regulation Package

All- I'mm wrapping up my ethics training and lunch- Will be about 15 min delayed- feel free to get started if you want. (I think only 3 of you are joining me)

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!

-----Original Appointment-----
From: Walker, Denise
Sent: Wednesday, November 21, 2018 1:07 PM
To: Walker, Denise; Bermes, Peter; Clarke, Victoria; Creech, Christopher; Epp, Timothy; Gottesman, Larry; Green, LindaE; Hill, Kevin W.; Lewis, Judith; Lewis, Monica; Moumbleaux, Joan; Person, Linda; Rementer, Nicole; Schumacher, Wendy; Vander Naald, Breanne; Schramm, Daniel
Subject: Phase I of FOIA Regulation Package
When: Friday, November 30, 2018 1:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN6013/DC-Ariel-Rios-OGC

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

Summarizing from the options paper, below are the changes we think we would execute in this package without taking public comment.

We will also need to discuss the requests for additional legal analysis raised by Matt for several of the topics.

Best,
Denise

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Statutory

Deliberative Process / Ex. 5

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 11/30/2018 2:02:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification Template e-mail

Great, Tim !

All - this could provide us an opportunity to share media coverage of the issue with EPA FOIA staff. So far, stories have appeared in E&E News and FOIA Advisor re this policy change.

My perspective only Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Epp, Timothy
Sent: Friday, November 30, 2018 2:57 AM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness Notification Template e-mail

Yes, thank you, Joan. This is a great idea. I've added Larry for follow up.

Deliberative Process / Ex. 5

Nonetheless, we should try to get ahead of this as quickly as possible.

Larry, let's develop a communication plan.

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: Thursday, November 29, 2018 11:40 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Template e-mail

Great! I get the definite sense here Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

From: Walker, Denise
Sent: Thursday, November 29, 2018 11:31 AM

To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Template e-mail

This is a good idea, Joan.
I was just speaking to Larry and he asked me to present on it for the coordinators on the 12th but I'll draft something simple in the meantime for Larry and Tim to consider sending to the FOIA coordinator community.

Thanks, as always! I hope you enjoyed/ are enjoying your time at the ELMS meeting!

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 Cel Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: Moumbleaux, Joan
Sent: Thursday, November 29, 2018 11:21 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Template e-mail

D –
I met with R6 FOIA folks yesterday and it was clear Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Would you consider Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Joan

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: Williamson, Timothy [Williamson.Tim@epa.gov]
Sent: 12/14/2018 5:45:19 PM
To: Stern, Allyn [Stern.Allyn@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
CC: Joffe, Brian [Joffe.Brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Knapp, Michael [Knapp.Michael@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]
Subject: Re: I will be out tomorrow for a family health issue and probably will not join the call,
Attachments: FOIA Best Practices_mk.docx; FOIA Functional Statement draft 12.2.2018_mk.docx

Hi all - after advocating so vigorously for putting these docs on a OneDrive/SharePoint, I find myself simply attaching a Word mark-up. Sorry about that. I asked Mike Knapp, R1 ORC's FOIA expert, to comment, and he gave me a very thorough edit in Word. Attached are his thoughtful suggestions and questions along with a few thoughts of my own.

Hope these help. Tim

From: Stern, Allyn
Sent: Friday, December 14, 2018 11:57:02 AM
To: Bigioni, Neil
Cc: Joffe, Brian; Epp, Timothy; Williamson, Timothy; Busterud, Gretchen; Grantham, Nancy; Harrison, Ben
Subject: Re: I will be out tomorrow for a family health issue and probably will not join the call,

I expect to have comments today.

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

On Dec 14, 2018, at 8:09 AM, Bigioni, Neil <bigioni.neil@epa.gov> wrote:

> Thanks to Brian and Mike Boydston for the very helpful comments. I will try to integrate them over the weekend into an overall document that I will both post to the Sharepoint and recirculate to the group.
>
> With respect to the "Best Practices" document, I am hoping to get a lot more comments on that. I view it as our "stretch" document where we articulate functions that we might not be able to support on Day 1 of the realignment, but aspire to grow into.
>
> Neil
>
> ---
>
> **From:** Joffe, Brian
> **Sent:** Friday, December 14, 2018 9:32 AM
> **To:** Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>
> **Subject:** RE: I will be out tomorrow for a family health issue and probably will not join the call,

Attached are Region 8's comments on the draft functional statement and best practices documents. I still don't have access to the sharepoint site so I apologize in advance if these are duplicative to what others have provided. Neil – thanks again for putting these materials together!

Brian

Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

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From: Bigioni, Neil
Sent: Monday, December 10, 2018 9:53 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>
Subject: I will be out tomorrow for a family health issue and probably will not join the call,

Here is an update:

I have uploaded both the draft (and rather rough) functional statement and the "Best" Practices document to the ORC Lead Region Sharepoint (link embedded in the email: https://usepa.sharepoint.com/sites/r6_Work/OECALeadRegion/OGCLeadRegion/default.aspx).

For those of you who cannot get in, the site admins seem to be Leslie Humphrey and/or Barbara Nann, but it does not seem to have been active recently. You might try contacting them to get access.

In the meantime, for those without site access, I have attached both documents again. We can incorporate any changes into the Sharepoint versions.

I have shared these documents with certain regional folks whom I trust to give me useful comments, and you too should feel free to reach out to others for input as you see fit.

I will catch up with Tim Epp when I return to the office Wednesday.

Neil

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, November 19, 2018 1:55 PM
To: Epp, Timothy; Bigioni, Neil; Stern, Allyn; Williamson, Timothy; Busterud, Gretchen; Joffe, Brian; Grantham, Nancy
Subject: Regional FOIA office
When: Tuesday, December 11, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: phone call

202-564-1700

Conf. code Personal Phone/ Ex. 6
Participa Personal Phone/ Ex. 6

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 12/10/2018 8:57:45 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Draft Annual Report
Attachments: AnnualReportPDF.pdf

Corrections to be made

Deliberative Process / Ex. 5

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: Joffe, Brian [Joffe.Brian@epa.gov]
Sent: 12/14/2018 2:31:50 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Williamson, Timothy [Williamson.Tim@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]
Subject: RE: I will be out tomorrow for a family health issue and probably will not join the call,
Attachments: FOIA Functional Statement (Region 8 comments).docx; FOIA Best Practices (Region 8 comments).docx

Attached are Region 8's comments on the draft functional statement and best practices documents. I still don't have access to the sharepoint site so I apologize in advance if these are duplicative to what others have provided. Neil – thanks again for putting these materials together!

Brian

Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

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From: Bigioni, Neil
Sent: Monday, December 10, 2018 9:53 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>
Subject: I will be out tomorrow for a family health issue and probably will not join the call,

Here is an update:

I have uploaded both the draft (and rather rough) functional statement and the "Best" Practices document to the ORC Lead Region Sharepoint (link embedded in the email: **Personal Matter / Ex. 6**

For those of you who cannot get in, the site admins seem to be Leslie Humphrey and/or Barbara Nann, but it does not seem to have been active recently. You might try contacting them to get access.

In the meantime, for those without site access, I have attached both documents again. We can incorporate any changes into the Sharepoint versions.

I have shared these documents with certain regional folks whom I trust to give me useful comments, and you too should feel free to reach out to others for input as you see fit.

I will catch up with Tim Epp when I return to the office Wednesday.

Neil

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, November 19, 2018 1:55 PM
To: Epp, Timothy; Bigioni, Neil; Stern, Allyn; Williamson, Timothy; Busterud, Gretchen; Joffe, Brian; Grantham, Nancy
Subject: Regional FOIA office
When: Tuesday, December 11, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: phone call

202-564-1700
Conf. code Personal Phone / Ex. 6
Participant Personal Phone / Ex. 6

Message

From: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/10/2018 4:53:15 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]
Subject: I will be out tomorrow for a family health issue and probably will not join the call,
Attachments: FOIA Best Practices.docx; FOIA Functional Statement draft 12.2.2018.docx

Here is an update:

I have uploaded both the draft (and rather rough) functional statement and the "Best" Practices document to the ORC Lead Region Sharepoint (link embedded in the email: Personal Matter / Ex. 6

For those of you who cannot get in, the site admins seem to be Leslie Humphrey and/or Barbara Nann, but it does not seem to have been active recently. You might try contacting them to get access.

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I have shared these documents with certain regional folks whom I trust to give me useful comments, and you too should feel free to reach out to others for input as you see fit.

I will catch up with Tim Epp when I return to the office Wednesday.

Neil

-----Original Appointment-----
From: Epp, Timothy
Sent: Monday, November 19, 2018 1:55 PM
To: Epp, Timothy; Bigioni, Neil; Stern, Allyn; Williamson, Timothy; Busterud, Gretchen; Joffe, Brian; Grantham, Nancy
Subject: Regional FOIA office
When: Tuesday, December 11, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: phone call

202-564-1700
Conf. code Personal Phone / Ex. 6
Participant code: Personal Phone / Ex. 6

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 12/10/2018 3:04:38 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]
Subject: RE: OGC Equity FOIA Review Checklist

Peter,

I'm available until 3:30 DC time.

Wendy

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

From: Bermes, Peter
Sent: Monday, December 10, 2018 10:03 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: OGC Equity FOIA Review Checklist

I should be able to meet most times today. Thanks,

Peter

From: Epp, Timothy
Sent: Monday, December 10, 2018 8:02 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: OGC Equity FOIA Review Checklist

Hi Nicole, Kevin, Wendy and Peter,

Do you have time to meet on this today? (Kevin might not make it in due to travel from Charlottesville this morning.)

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: Thursday, December 06, 2018 5:50 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>
Subject: OGC Equity FOIA Review Checklist

Good evening, Tim:

Attached, please find the OGC Equity FOIA Review Checklist package in pdf. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

or
e

I hope this gets us closer to Elise's and your vision for this product!

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: Bigioni, Neil [bigioni.neil@epa.gov]
Sent: 12/7/2018 6:05:06 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIA Functional Statement
Attachments: FOIA Functional Statement draft 12.2.2018.docx

Until you get access, if you want to look at it, here it is.

Neil

From: Epp, Timothy
Sent: Friday, December 07, 2018 12:58 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: RE: FOIA Functional Statement

Neil, I have not been able to access the document – I don't have permission, and have asked for it.
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: Thursday, December 06, 2018 12:42 PM
To: Busterud, Gretchen <Busterud.Gretchen@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: FOIA Functional Statement

I have uploaded the most recent version to the R6 Lead Region Sharepoint (link below). I did not have access rights create a subfolder, so I have posted this in the Management Document Library in the ORC Organization Structure folder. I recommend that you follow the site so that you can easily access it from you list of sharepoints.

I tried to share a direct link to the document with each of you, but Sharepoint will not load the sharing menu for me. I am not sure that each of you will be able to access this link, but figured we can give it a try. At this point it can be a free-for-all and anyone who wants to edit the current document should have at it. Even if we were to keep it in its current form, it needs work. There are typos and inconsistencies that I will continue to peck at as I have time, but anyone on the work group should feel free to work on whatever parts of the document they feel moved to edit. No pride of authorship here.

Let me know if you cannot access the document. We may need R6 to intervene if there are issues since it's their sharepoint.

Thanks,

Neil

Neil R. Bigioni

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

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

From: Busterud, Gretchen
Sent: Tuesday, November 27, 2018 11:44 AM
To: Bigioni, Neil <bigioni.neil@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Williamson, Timothy <Williamson.Tim@epa.gov>; Joffe, Brian <Joffe.Brian@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: RE: FOIA SOP

Personal Matter / Ex. 6

From: Bigioni, Neil
Sent: Tuesday, November 27, 2018 5:50 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>
Subject: FOIA SOP

I thought I would circulate to this group R3's current FOIA SOP, that is in obvious need of updating. I do not know if any other regions have a similar SOP, but something like this could be the vehicle for the "functional statement" for the ORC FOIA Offices that I identified as a possible work product of this group.

Neil

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 12/7/2018 3:06:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Lotus Notes Emails - eDiscovery for Notes FOIA

Tim,

Jennifer Hammitt was working with OEI's OITO on the Lotus Notes Migration. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Epp, Timothy
Sent: Friday, December 07, 2018 9:33 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FW: Lotus Notes Emails - eDiscovery for Notes FOIA

Hi Wendy,

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: Gottesman, Larry
Sent: Friday, December 07, 2018 9:14 AM
To: Hearns, Liza <Hearns.Liza@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Lotus Notes Emails - eDiscovery for Notes FOIA

Liza-

Deliberative Process / Ex. 5

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: Hearns, Liza
Sent: Thursday, December 06, 2018 9:15 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Kennedy, Chandra <Kennedy.Chandra@epa.gov>; Soward, Ruth-Alene <Soward.Ruth-Alene@epa.gov>; Callewaert, Michael <Callewaert.Michael@epa.gov>
Subject: Re: Lotus Notes Emails - eDiscovery for Notes FOIA

Deliberative Process / Ex. 5

Liza

Sent from my EPA iPhone

On Dec 6, 2018, at 12:43 PM, Gottesman, Larry <Gottesman.Larry@epa.gov> wrote:

> Liza
>
> Can you provide any insight into this issue?
>
> 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: Soward, Ruth-Alene
Sent: Thursday, December 06, 2018 11:47 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Callewaert, Michael <Callewaert.Michael@epa.gov>
Cc: Kennedy, Chandra <Kennedy.Chandra@epa.gov>
Subject: RE: Lotus Notes Emails - eDiscovery for Notes FOIA

Thanks, Larry. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Ruth

Ruth Alene Soward, Director
Office of Resource and Information Management
Office of the Chief Financial Officer
202-566-0985 phon Personal Phone / Ex. 6 mobile; 202-564-1433 fax
Mail Code 2710A

From: Gottesman, Larry
Sent: Thursday, December 06, 2018 9:21 AM
To: Callewaert, Michael <Callewaert.Michael@epa.gov>
Cc: Kennedy, Chandra <Kennedy.Chandra@epa.gov>; Soward, Ruth-Alene <Soward.Ruth-Alene@epa.gov>
Subject: RE: Lotus Notes Emails - eDiscovery for Notes FOIA

Lotus notes emails are currently being migrated into Outlook to allow EPA to search all email records through Discovery Services. It is my understanding Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Hope this helps.

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: Callewaert, Michael
Sent: Tuesday, December 04, 2018 2:20 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>

Cc: Kennedy, Chandra <Kennedy.Chandra@epa.gov>; Soward, Ruth-Alene <Soward.Ruth-Alene@epa.gov>
Subject: FW: Lotus Notes Emails - eDiscovery for Notes FOIA

Larry,

Do you know of a process for searching Lotus Notes emails? We've been asking around after eDiscovery informed us they don't do Lotus Notes email searches.

This is in regards to a FOIA request assigned to OCFO.

Thanks,

Michael Callewaert, CISSP, CISM
Primary Information Security Officer
Office of the Chief Financial Officer
Office: 202-564-7379
Email: callewaert.michael@epa.gov

From: Thompson, BrianK
Sent: Tuesday, December 04, 2018 12:38 PM
To: Kerchmar, Randy (Randolph) <kerchmar.randolph@epa.gov>; Callewaert, Michael <Callewaert.Michael@epa.gov>
Cc: Malone, Chad W. <Malone.Chad@epa.gov>
Subject: RE: Lotus Notes Emails - eDiscovery for Notes FOIA

All,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

_Brian

Brian K. Thompson | Acting Director
eDiscovery Division
U.S. Environmental Protection Agency, Headquarters | OEI, Office of Enterprise Information Programs
|office: (202) 564-4256 | cell: Personal Phone / Ex. 6 | e-mail: Thompson.BrianK@epa.gov

Please email eDAT@epa.gov for questions or help on search requests
Please email Relativitysupport@epa.gov for all Relativity-based inquiries or requests
Please email eDiscovery@epa.gov for all general eDiscovery requests

---

From: Kerchmar, Randy (Randolph)
Sent: Tuesday, December 04, 2018 12:32 PM
To: Callewaert, Michael <Callewaert.Michael@epa.gov>
Cc: Malone, Chad W. <Malone.Chad@epa.gov>; Thompson, BrianK <Thompson.BrianK@epa.gov>
Subject: RE: Lotus Notes Emails - eDiscovery for Notes FOIA

Chad Malone supplied me with another name, BrianK Thompson, the Director of the eDiscovery Division at HQ, at 202-564-4256. He can probably steer you to who does Notes eDiscovery.

Randolph Kerchmar
EUS Notes Administrators
919-541-5584

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/29/2018 9:23:30 PM
To: James, Kimberly M (Jones) [James.Kimberly@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Ah. Let me see what I can do. I'm back from my meeting- call anytime.

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!

From: James, Kimberly M (Jones)
Sent: Thursday, November 29, 2018 2:58 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Denise for context the information will be inserted into this document.

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

From: Walker, Denise
Sent: Thursday, November 29, 2018 2:56 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

OK- I'll give you a call between 4:30 and 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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: James, Kimberly M (Jones)
Sent: Thursday, November 29, 2018 2:54 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Denise,

I am free from 4:30-5:00pm. I currently away in training.

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

From: Walker, Denise
Sent: Thursday, November 29, 2018 2:46 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Hi Kimberly,

Tim is out this week. I spoke with Larry about this request and added the bullets below in red.
Please reach out to either of us if you have questions. I have a 3-4:00 meeting but will be available after that.

Best,
Denise Walker
202-564-6520

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

Objective 2.2 (Increase Transparency and Public Participation)

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Challenges:

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

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

Tim,

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

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

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Lance,

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

Objective 2.2 (Increase Transparency and Public Participation)

Deliberative Process / Ex. 5

Summary of progress toward strategic objective:

- nd
- Deliberative Process / Ex. 5
- g
-

Challenges:

-
- Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

From: McCluney, Lance
Sent: Thursday, November 15, 2018 1:14 PM
To: Kime, Robin <Kime.Robin@epa.gov>; Teplitzky, Andy <Teplitzky.Andy@epa.gov>; Tejada, Matthew <Tejada.Matthew@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Gutshall, Renee

<Gutshall.Renee@epa.gov>; Firestone, Michael <Firestone.Michael@epa.gov>; James, Kimberly M (Jones) <James.Kimberly@epa.gov>
Cc: Benton, Michael <benton.michael@epa.gov>; Logan, Shanita <logan.shanita@epa.gov>
Subject: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2
Importance: High

Hello All,

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

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

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

a. Summary of progress toward strategic objective

Deliberative Process / Ex. 5

b. Significant challenges

i
ii
iii
iv

Deliberative Process / Ex. 5

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 12/11/2018 10:37:40 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Denise comments OGC-4 FOIA Fact Sheet clean.docx
Attachments: OGC-4 FOIA Fact Sheet clean.docx

Message

From: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 12/6/2018 10:49:43 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]
Subject: OGC Equity FOIA Review Checklist
Attachments: DRAFT _OGC Equity FOIA Review Checklist.pdf; DRAFT _OGC Equity FOIA Review Checklist.docx; FOIA Exemptions Most Frequently Applied.docx

Good evening, Tim:

Attached, please find the OGC Equity FOIA Review Checklist package in pdf. Deliberative Process / Ex. 5 A

Deliberative Process / Ex. 5

r

I hope this gets us closer to Elise's and your vision for this product!

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 12/6/2018 5:50:20 PM
To: 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]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: Question about some Relativity FOIA Coding and FEAT team coding intents

See below.

Denise - Thanks for flagging and please keep Joan updated as we work to ensure implementation of the new awareness notification process.

Wendy

Sent from my iPhone

Begin forwarded message:

> **From:** "Thompson, BrianK" <Thompson.BrianK@epa.gov>
> **Date:** December 5, 2018 at 1:07:13 PM EST
> **To:** "Walker, Denise" <Walker.Denise@epa.gov>
> **Cc:** "Epp, Timothy" <Epp.Timothy@epa.gov>, "Blake, Wendy" <Blake.Wendy@epa.gov>, "Moser, Rebecca" <Moser.Rebecca@EPA.GOV>
> **Subject: Re: Question about some Relativity FOIA Coding and FEAT team coding intents**
>
> Denise,
>
> This is part of the standard template design. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

With us removing this field, is there any specific language or rationale you would like us to include in our communication to the user community?

-Brian

Brian K. Thompson | Acting 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

On Dec 5, 2018, at 12:49 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> Certainly going forward.
> I need to understand why it was added in the first place. Thanks!
>
> Sent from my iPhone
>
> On Dec 4, 2018, at 7:11 PM, Thompson, BrianK <Thompson.BrianK@epa.gov> wrote:
>
>> Do you want this changed going forward for new matters, or are you looking to try to make this retroactive? Is the intention for NFO to make this change to all FOIA and FEAT FOIA matters and, if so, should EDD refrain from adding this tag if requested by users in the future?
>>
>> What type of communication or explanation for the change would you be looking for?
>>
>> -Brian
>>
>> **Brian K. Thompson | Acting 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
>>
>> On Dec 4, 2018, at 6:16 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:
>>
>>> I'd like to discuss removing the "awareness review" choice. Thank you.
>>>
>>> Sent from my iPhone

On Dec 4, 2018, at 6:07 PM, Thompson, BrianK <Thompson.BrianK@epa.gov> wrote:

> Denise,
>
> I would be happy to discuss.
>
> What specifically can I assist with so I know who from my team may need to be included in any discussion.
>
> -Brian
>
> **Brian K. Thompson | Acting 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
>
> On Dec 4, 2018, at 5:40 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:
>
>> Brian:
>> Can we discuss at your earliest convenience?
>>
>> 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!

From: Silver, Perry
Sent: Tuesday, December 04, 2018 5:33 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Question about some Relativity FOIA Coding and FEAT team coding intents

Hi Nicole, Denise,

I got your names from Brian Thompson. I provide IT/eDiscovery support for Relativity in R9 and often meet with new Reviewers to train/explain some Relativity in's and out's. (I also worked a lot with Jennifer Hammitt and many others in OGC in the past and attended the national FOIA conference 2 years(?) ago.)

1. Our R9 FOIA Team was recently talking about Awareness Certifications and I had noticed that in Rel. 9.5 there is a button for "Awareness Review". I am wondering what, if any, relationship there is between that button and Awareness

Certifications (AC's). I had the impression that AC's pertained to entire an entire FOIA, not specific documents in the FOIA (Workspace), and yet that button is available per document. I'm looking for some clarification in that regard.

<image001.png>

2. Also, some reviewers, not easily finding the "2nd level review" button are using the Awareness Review button as a 2nd-level review by default. I don't know how many regular users unfamiliar-with-Relativity the FEAT team trains but I'd suggest not "hiding" the button in a dropdown and instead put it in a button – if indeed that was the intent, as a 2nd-level review. Or, what was the intent, how should it be

used as the 2nd level looks identical to the first level and that means we may need to code in Views and Saved Searches to display that column (which we won't necessarily do without a request or reason)?

FOIA 2nd Level Review

3. I'm sure I'm not alone in this, but many of us in the eDiscovery community, particularly those of us who support Relativity in the "field", would love better communication and a "heads-up" when coding changes are made or proposed (feedback can be a good thing) so we are not wondering and asking questions like I've asked above.

Thanks for your consideration,

Perry

Perry Silver
IT Specialist: R9 eDiscovery Examiner/SuperUser, Oracle DBA, Systems Admin
IT Security & Operations
Environmental Management Division
U.S. Environmental Protection Agency
75 Hawthorne Street EMD- 5-2
San Francisco, CA 94105
415.972.3630
Cel Personal Phone / Ex. 6

The content of this e-mail message and any attachments are confidential and intended solely for the addressee. If you are not the intended recipient, please do not read, copy, print, use or disclose the contents of this communication to others. Thank you!

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 12/11/2018 6:52:51 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Options for Projects to Improve NFO Service Delivery - suggested item 3 14

Denise and Tim:

For your consideration, I suggest adding the following as item #14 to the *Options for Projects to Improve NFO Service Delivery* document.

14. Embedding Lean Management Policy into Enterprise-Wide FOIA Processing

Deliberative Process / Ex. 5

4. Instituting a Meta-Data Tool to Speed FOIA Response and Resource Planning

Deliberative Process / Ex. 5

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/29/2018 3:42:21 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Awareness Notification cover e-mail
Attachments: Awareness Notification e-mail template 11272018 Final.docx

Larry:

Please use the following cover e-mail, attached email template, and Ryan Jackson's memo for your correspondence to offices with flagged requests. I am around if you would like to give me a call.

Best,
Denise

****

Dear ___:

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:

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)

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/28/2018 8:52:02 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: RE: Awareness Notification Cover e-mail

Joan had a minor edit. She will coordinate with you.

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Walker, Denise
Sent: Wednesday, November 28, 2018 2:46 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification Cover e-mail

Any issues? Please let me and Larry know by COB so we can start sending tomorrow.

Thanks!
Denise

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Wednesday, November 28, 2018 11:54 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Re: Awareness Notification Cover e-mail

Wendy & Larry:

I've reviewed the text for the cover e-mail that Tim circulated last week.

I made a few minor edits. Wendy, is this ok with you?

ACP / Deliberative Process / Ex. 5

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)

Sent from my iPhone

On Nov 21, 2018, at 4:34 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Wendy, see the draft cover email below.

Please work with Larry and Denise next week to finalize.

Thanks,
Tim

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

ACP / Deliberative Process / Ex. 5

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)

<Awareness Notification Memorandum.pdf>

<Awareness notification email template.docx>

Message

From: Baptist, Erik [Baptist.Erik@epa.gov]
Sent: 11/28/2018 2:33:40 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Kadeli, Lek [Kadeli.Lek@epa.gov]
Subject: Re: Weekly Selected Requests 11.07.2018-11.14.2018

Good Morning Tim,

Could you please add Lek Kadeli, OCSPP's new DAA for Management, to your email distribution list?

Thanks!
Erik

Sent from my iPhone

On Nov 19, 2018, at 8:43 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi all,
>
> Please find the selected FOIA requests for the period of11/07/2018 to 11/14/2018 . We received 182 requests and 58 were selected for AO OEX, OPA, and OCIR consideration for awareness notification.
>
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> <Selected FOIA Requests. 11.07.2018-11.14.2018.docx>

Message

From: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Sent: 11/27/2018 3:50:27 PM
To: Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Hearing Prep Fact Sheets for review and update by COB Monday 12/10
Attachments: OGC-1 - Sue and Settle Fact Sheet.docx; OGC-2 - Directive Fact Sheet.docx; OGC-3 GKM Tort Fact Sheet.docx; OGC-4 FOIA Fact Sheet.docx; OGC5 - ARDLO Fact Sheet.docx

Importance: High

Hi everyone –

We need to update various fact sheets in anticipation of the Acting Administrator's pending nomination and confirmation hearing. OCIR has sent the attached, which I think go to your offices respectively:

CCILO: OGC -1 and – 2
SWERLO/CRFLO: OGC-3
NFO: OGC-4
ADRLO: OGC-5

Please provide any updates to these or a note that none is needed, by COB Monday 12/10, to me and Joe. We will be in touch on other aspects of this process separately.

Thanks,
Rob S.

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: Moody, Christina
Sent: Tuesday, November 20, 2018 3:12 PM
To: Kime, Robin <Kime.Robin@epa.gov>; Feeley, Drew (Robert) <Feeley.Drew@epa.gov>; Cooper, Marian <Cooper.Marian@epa.gov>; Bell, Matthew <Bell.Matthew@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Jones-Parra, Lisa <Jones-Parra.Lisa@epa.gov>; Brennan, Thomas <Brennan.Thomas@epa.gov>; Johnston, Khanna <Johnston.Khanna@epa.gov>; Linkins, Samantha <Linkins.Samantha@epa.gov>; Dieu, Martin <Dieu.Martin@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Kelty, Diane <Kelty.Diane@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>
Cc: Williams, Thea <Williams.Thea@epa.gov>
Subject: Hearing Prep & Happy Thanksgiving!
Importance: High

Colleagues,

The President has made public his intention to nominate Acting Administrator Wheeler to serve as the Administrator of the Agency. OCIR is requesting that we use this time Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please see the action items below and the deadlines. These are hard deadlines so please, have staff begin working on these materials as soon as possible. Email me with any questions.

Thanks!

Deliverable	Deadline	Notes
OCIR to produce a list of topics we believe the Administrator will be asked during the hearing.	November 26	Deliberative Process / Ex. 5
Briefing binder due	Dec 12	
OCIR Leadership quality control	December 20	
Briefing binder submitted to Administrator Wheeler	December 21	

HEARING BRIEFING TEMPLATE

Note: The template should be limited—as much as possible—to one page

Issue: What is the specific issue

Background: In a concise manner—describe the pertinent historical background information.

Key Points: What does the Administrator need to know about this issue? Are there political sensitivities? Is the Agency planning any major actions on the specific topic? Are there risks with the particular issue?

Talking Points: This must be limited to 2-3 points per topic. Do not use generic language. The Administrator must be able to read the talking points verbatim—if needed.

HEARING TOPICS

Office of Air and Radiation

- Deliberative Process / Ex. 5

Office of Chemical Safety and Pollution Prevention

- Deliberative Process / Ex. 5

- Deliberative Process / Ex. 5

Office of Water

- Deliberative Process / Ex. 5

Office of Land and Emergency Response

- Deliberative Process / Ex. 5

Office of Research and Development

- Deliberative Process / Ex. 5

Office of Chief Financial Officer/OARM

- Deliberative Process / Ex. 5

PAROCHIAL ISSUES

- Deliberative Process / Ex. 5
- , Van Hollen, Carper

Super Fund Sites

- New Jersey (Booker)
  - Deliberative Process / Ex. 5
- New York (Gillibrand)
  - Deliberative Process / Ex. 5

- Delaware (Carper)
  - Deliberative Process / Ex. 5
- Mississippi (Wicker)
  - Deliberative Process / Ex. 5
- Alabama (Shelby)
  - Deliberative Process / Ex. 5
- Iowa (Ernst)
  - Deliberative Process / Ex. 5
- Oregon (Merkley)
  - Deliberative Process / Ex. 5

Christina J. Moody | Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency | 1200 Pennsylvania Ave NW (MC-1301A) | Washington DC | 20460
Moody.Christina@epa.gov

One point I omitted– Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/26/2018 11:00:59 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Follow-up re: front office action item -

Wendy:
Per our discussion.

Denise

National FOIA Office Current Roles

Deliberative Process / Ex. 5

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

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Sunday, November 25, 2018 1:07 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Re: Follow-up re: front office action item -

Wendy, I have reached the limit of what I can do on this today. It is far from ready for prime time viewing -- and, what's more, I can see that there is significant coordination needed among you, me, and our leadership teams to coalesce around an option that we can live with and sell.

Again, I am copying Denise so that she can engage early.

Tim

From: Epp, Timothy
Sent: Sunday, November 25, 2018 4:29 AM
To: Blake, Wendy
Cc: Youngblood, Charlotte; Walker, Denise
Subject: Re: Follow-up re: front office action item -

Wendy,

I have been working on this for a bit of time this morning and now need to go to lunch and a coordination meeting here. I will pick this back up later this afternoon. I'm sending it to you now because I do not know when you might be able to engage on it today. I'm also copying Denise so that she can engage if she wants to today.

You will see that I added a background section -- we need to define both for management and for ourselves

Deliberative Process / Ex. 5

Tim

From: Blake, Wendy
Sent: Saturday, November 24, 2018 8:26 PM
To: Epp, Timothy
Cc: Youngblood, Charlotte
Subject: Follow-up re: front office action item -

Tim,

Elise tasked us with the following: Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please provide any comments on the attached. I plan to clean up the document on Monday morning and get it to my management team, including Lynn and Kevin. If you would like me to share a copy with Denise, I can do so on Monday.

Deliberative Process / Ex. 5

Thanks in advance for your assistance with this front office request.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/25/2018 1:26:12 AM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: Follow-up re: front office action item -
Attachments: draft paper for Elise.2.docx

Tim,

Elise tasked us with the following: **Personal Matters / Ex. 6**

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Deliberative Process / Ex. 5

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Thanks in advance for your assistance with this front office request.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/21/2018 9:12:03 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FOIAonline reports
Attachments: 11-21-18 report.csv

Tracking Number	Type	Requester	Received Date	Due Date	Assigned To	Status	Assign All	Detail
EPA-R6-2019-001618	Request	Audrey LaRoche	11/21/2018		EPA-R6 - Region 6	Initial Evaluation	Assign	

Request Type:

FOIA

Description:

To Whom It May Concern: I am looking for information regarding, specific air permits, inspection reports, violation notices, annual emissions reports, asbestos information, leaking underground storage tanks, site remediation program enrollment, compliance reports, ground-water information, sampling results, complaints, and incident notices for any facility at the following addresses: American Permanent Ware Company, Inc. – 505 Century Parkway Allen, TX 75013 American Permanent Ware Company, Inc. – 1307 North Watters Road, #180 Allen, TX 75013 Ultrafryer Systems, LLC – 302 Spence Lane San Antonio, TX 78201 If it is possible to locate and provide any information for the aforementioned site, I would appreciate it.

Advanced Search report- Above is one entry for a FOIAonline 3.0 report tht shows on your screen. I also attached a spreadsheet that can be created from the report, by exporting the report to CSV.

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: Walker, Denise
Sent: Wednesday, November 21, 2018 2:04 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIAonline reports

Chris, Larry-
Do either of you have an example of the headers for the columns that FOIAonline generates for reports in the new 9.5? I assumed they kept them the same but want to make sure.

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

Have a FOIA question? Try here first!

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/21/2018 9:05:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Awareness Notification Alert
Attachments: Awareness Notification Memorandum.pdf; Awareness notification email template.docx

Draft template

This email template is to be sent to the DAA or DRA and ccing the FOIA Coordinator in HQ or FOIA Officers in the regions.

Deliberative Process / Ex. 5

Please let me know if you have any question.

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: 11/21/2018 8:54:11 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process Email Template

Thanks everyone for your thoughtful review.
I'll find a time for us to chat on Monday to finalize this.

Happy Thanksgiving!!

Denise

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

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, November 21, 2018 1:47 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Process Email Template

Attached are my additional edits on the awareness notification template.

Joan – Please share with Julie.

Denise and Tim – I would prefer that we not finalize the attached until we have a chance to take a cleaner look at this document on Monday. We had several revisions to the attached.

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/21/2018 8:03:47 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Poole, Laura [Poole.Laura@epa.gov]
Subject: Agency FOIA Dec 2018 A3_Updated
Attachments: Agency FOIA Dec 2018 A3_Updated.pptx; Improvement Actions Table 11 21 18 FOIA.docx

All,

Edits per this morning's meeting.

Have a nice holiday.

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: 11/21/2018 6:56:28 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process Email Template

Welcome to my world.

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

Have a FOIA question? Try here first!

From: Blake, Wendy
Sent: Wednesday, November 21, 2018 1:47 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Process Email Template

Attached are my additional edits on the awareness notification template.

Joan – Please share with Julie.

Denise and Tim – I would prefer that we not finalize the attached until we have a chance to take a cleaner look at this document on Monday. We had several revisions to the attached.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/21/2018 6:46:46 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process Email Template
Attachments: Awareness Notification e-mail template 11212018 JGK 112118cy JGK WB 1 30 pm pm.docx

Attached are my additional edits on the awareness notification template.

Joan – Please share with Julie.

Denise and Tim – I would prefer that we not finalize the attached until we have a chance to take a cleaner look at this document on Monday. We had several revisions to the attached.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

Appointment

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

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

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

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

Summarizing from the options paper, below are the changes we think we would execute in this package without taking public comment.

We will also need to discuss the requests for additional legal analysis raised by Matt for several of the topics.

Best,
Denise

Discretionary

Deliberative Process / Ex. 5

Statutory

Deliberative Process / Ex. 5

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 4:49:43 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases
Attachments: FOIA Efficiency Memo.pdf; ATT00001.htm

Wendy,

Note that your name is NOT in the correspondence below.

dw

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: Palomaki, Ashley
Sent: Friday, November 16, 2018 7:06 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases

!!!! Why do I feel like this was written personally for me?! ☺

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Stern, Allyn
Sent: Friday, November 16, 2018 3:04 PM
To: R10-ORC Mail Group <R10ORC_Mail_Group@epa.gov>
Subject: Fwd: Awareness Notification Process for Select Freedom of Information Act Releases

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: November 16, 2018 at 2:45:49 PM PST
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>, Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>, Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>, FOIA Coordinators <FOIA_Coordinators@epa.gov>, FOIA Officers <FOIAOfficers@epa.gov>
Subject: Awareness Notification Process for Select Freedom of Information Act Releases

Colleagues –

Following Acting Administrator Wheeler's memorandum earlier this week regarding Freedom of Information Act processing, please see the attached additional memorandum. Senior leadership review is necessary to ensure consistency, accuracy, and efficient production of information under FOIA.

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 4:38:53 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification template

Larry:

Please hold off on sending the template e-mail out to anyone until we hear back from DOJ.
We should hear back later today.

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

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 21, 2018 10:06 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness Notification template

My thinking is, we could AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

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

From: Walker, Denise
Sent: Wednesday, November 21, 2018 9:53 AM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness Notification template

I made a few minor adjustments to the attached for clarity and formatting.

AWP/ACP/DPP Ex. 5

Tim told me you wanted to AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

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

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 21, 2018 9:46 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification template

Hi Tim. Yes, I do have a few edits and an additional sentence AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Thank you for the additional clarification in your email.

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

From: Epp, Timothy
Sent: Wednesday, November 21, 2018 9:37 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification template

Adding Joan Kaminer – Did you have some clarifying edits & an additional concluding sentence to add to this?

AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Thanks,
Tim

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

From: Gottesman, Larry
Sent: Wednesday, November 21, 2018 9:17 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification template

I added the names to the titles. OPA does not currently have an Associate Administrator. We can add that person, once an Associate Administrator is selected.

If you are OK I can start using it.

Do I ask the programs and regions that have a pending review in my box to use the new process/template?

Thanks

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

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 3:11:53 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification template

I'm OK with that. Assume the rationale is AWP/ACP/DPP Ex. 5

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

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 21, 2018 10:06 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness Notification template

My thinking is, we could AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

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

From: Walker, Denise
Sent: Wednesday, November 21, 2018 9:53 AM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Awareness Notification template

AWP/ACP/DPP Ex. 5

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

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 21, 2018 9:46 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification template

Hi Tim, Yes, I do have a few edits and an additional sentence. AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Thank you for the additional clarification in your email.

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

From: Epp, Timothy
Sent: Wednesday, November 21, 2018 9:37 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification template

Adding Joan Kaminer – Did you have some clarifying edits & an additional concluding sentence to add to this?

AWP/ACP/DPP Ex. 5

Thanks,
Tim

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

From: Gottesman, Larry
Sent: Wednesday, November 21, 2018 9:17 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification template

I added the names to the titles. OPA does not currently have an Associate Administrator. We can add that person, once an Associate Administrator is selected.

If you are OK I can start using it.

Do I ask the programs and regions that have a pending review in my box to use the new process/template?

Thanks

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

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 2:56:25 PM
To: Thompson, BrianK [Thompson.BrianK@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Miller, Kevin [Miller.Kevin@epa.gov]; Cooper, Geoff [Cooper.Geoff@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Stilp, Mark [Stilp.Mark@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Scully, Carolyn [Scully.Carolyn@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]
Subject: RE: EDD's SOP for handling Microsoft SCC's Unindexed ESI

I don't disagree with you in principle, Brian. We just need to make the final call.

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!

From: Thompson, BrianK
Sent: Tuesday, November 20, 2018 6:55 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: Re: EDD's SOP for handling Microsoft SCC's Unindexed ESI

Tim,

I'd be happy to have a follow-up conversation on how the FEAT would like to have their matters treated, and I'll set that up. The meeting next week can focus on Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks
Brian

Brian K. Thompson | Acting 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

On Nov 20, 2018, at 5:54 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Hi Brian,

Thanks for your clarification. I agree that our meeting was focused on the AO4 project.

I'd be happy to meet again, but cannot next week. I am on government travel the whole week. Let's delay a discussion of future FEAT project searches until we are in a relevant context is before us? It is difficult to commit without knowing the context.

Tim

Sent from my iPhone

On Nov 20, 2018, at 5:13 PM, Thompson, BrianK <Thompson.BrianK@epa.gov> wrote:

Tim,

I'm sorry if my email was not clear. What I attempted to indicate was Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

-Brian

Brian K. Thompson | Acting Director
eDiscovery Division
U.S. Environmental Protection Agency, Headquarters | OEI, Office of Enterprise Information Programs
|office: (202) 564-4256 | cell: (202) 578-5903 | e-mail: Thompson.BrianK@epa.gov

Please email eDAT@epa.gov for questions or help on search requests
Please email Relativitysupport@epa.gov for all Relativity-based inquiries or requests
Please email eDiscovery@epa.gov for all general eDiscovery requests

From: Epp, Timothy
Sent: Tuesday, November 20, 2018 4:58 PM
To: Thompson, BrianK <Thompson.BrianK@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: EDD's SOP for handling Microsoft SCC's Unindexed ESI

Brian, this email does not accurately summarize our agreement on October 22 and afterwards. I'm adding Beth White and Brian Hope on copy.

Deliberative Process / Ex. 5

Please let me know if you would like me to engage in the conversations you are having with OGC-GLO regarding this approach.

Tim

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

From: Thompson, BrianK
Sent: Tuesday, November 20, 2018 4:23 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Cooper, Geoff <Cooper.Geoff@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Scully, Carolyn <Scully.Carolyn@epa.gov>
Subject: EDD's SOP for handling Microsoft SCC's Unindexed ESI

Good afternoon everyone:

I wanted to close the loop with everyone regarding the 'unindexed' or 'unsearchable' items from Microsoft's SCC search/collection. As of our October 22nd meeting, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

If more detail or explanation is needed, I am happy to have a quick meeting early next week to help expediate the decision making process.

Thank you and I hope you all have a wonderful and safe holiday.
-Brian

Brian K. Thompson | Acting Director
eDiscovery Division
U.S. Environmental Protection Agency, Headquarters | OEI, Office of Enterprise Information Programs
|office: (202) 564-4256 | cell: (202) 578-5903 | e-mail: Thompson.BrianK@epa.gov

Please email eDAT@epa.gov for questions or help on search requests
Please email Relativitysupport@epa.gov for all Relativity-based inquiries or requests
Please email eDiscovery@epa.gov for all general eDiscovery requests

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/21/2018 2:52:43 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification template
Attachments: Awareness Notification e-mail template 11212018.docx

I made a few minor adjustments to the attached for clarity and formatting.

AWP/ACP/DPP Ex. 5

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

Have a FOIA question? Try here first!

From: Kaminer, Joan
Sent: Wednesday, November 21, 2018 9:46 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification template

Hi Tim, Yes, I do have a few edits and an additional sentence. AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Thank you for the additional clarification in your email.

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG

202-564-0334
Kaminer.joan@epa.gov

From: Epp, Timothy
Sent: Wednesday, November 21, 2018 9:37 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification template

Adding Joan Kaminer – Did you have some clarifying edits & an additional concluding sentence to add to this?

AWP/ACP/DPP Ex. 5

Thanks,
Tim

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

From: Gottesman, Larry
Sent: Wednesday, November 21, 2018 9:17 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification template

I added the names to the titles. OPA does not currently have an Associate Administrator. We can add that person, once an Associate Administrator is selected.

If you are OK I can start using it.

Do I ask the programs and regions that have a pending review in my box to use the new process/template?

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: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/21/2018 2:17:12 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Awareness Notification template
Attachments: Document2.docx

I added the names to the titles. OPA does not currently have an Associate Administrator. We can add that person, once an Associate Administrator is selected.

If you are OK I can start using it.

Do I ask the programs and regions that have a pending review in my box to use the new process/template?

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: James, Kimberly M (Jones) [James.Kimberly@epa.gov]
Sent: 11/29/2018 7:57:49 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2
Attachments: FY 2018 APR Preliminary Table OGC.DOCX

Denise for context the information will be inserted into this document.

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

From: Walker, Denise
Sent: Thursday, November 29, 2018 2:56 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

OK- I'll give you a call between 4:30 and 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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: James, Kimberly M (Jones)
Sent: Thursday, November 29, 2018 2:54 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Denise,

I am free from 4:30-5:00pm. I currently away in training.

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

From: Walker, Denise
Sent: Thursday, November 29, 2018 2:46 PM
To: James, Kimberly M (Jones) <James.Kimberly@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Hi Kimberly,

Tim is out this week. I spoke with Larry about this request and added the bullets below in red.
Please reach out to either of us if you have questions. I have a 3-4:00 meeting but will be available after that.

Best,
Denise Walker
202-564-6520

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

Objective 2.2 (Increase Transparency and Public Participation)

Deliberative Process / Ex. 5

Challenges:

Deliberative Process / Ex. 5

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

Have a FOIA question? Try here first!

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

Tim,

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

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

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Lance,

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

Objective 2.2 (Increase Transparency and Public Participation)

Designated as Focus Area for Improvement.
Summary of progress toward strategic objective:

- Deliberative Process / Ex. 5
-
-
-

Challenges:

-
- Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Hello All,

For the EOY Performance Measures, we (OA), along with OCG are responsible for Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

a. Summary of progress toward strategic objective

i.
ii. Deliberative Process / Ex. 5
iii.

b. Significant challenges

i
ii Deliberative Process / Ex. 5
iv

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/29/2018 7:45:59 PM
To: James, Kimberly M (Jones) [James.Kimberly@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Hi Kimberly,

Tim is out this week. I spoke with Larry about this request and added the bullets below in red.
Please reach out to either of us if you have questions. I have a 3-4:00 meeting but will be available after that.

Best,
Denise Walker
202-564-6520

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

Objective 2.2 (Increase Transparency and Public Participation)

Deliberative Process / Ex. 5

Challenges:

- Deliberative Process / Ex. 5

Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN

Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try here first!

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

Tim,

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

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

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Lance,

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

Objective 2.2 (Increase Transparency and Public Participation)
Designated as Focus Area for Improvement.
Summary of progress toward strategic objective:

Deliberative Process / Ex. 5

- Deliberative Process / Ex. 5

Challenges:

-
- Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Hello All,

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

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

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

a. Summary of progress toward strategic objective

Deliberative Process / Ex. 5

iii. Deliberative Process / Ex. 5

b. Significant challenges

i.
ii.
iii.
iv.

Deliberative Process / Ex. 5

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/29/2018 7:29:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Larry:
Thanks for sending your ideas. I've included your and a few more of mine in red below.
Any issues with these?
Please look them over and give me a call before we send to Kimberly.

Denise

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

Objective 2.2 (Increase Transparency and Public Participation)
Designated as Focus Area for Improvement.
Summary of progress toward strategic objective:

- Deliberative Process / Ex. 5

Challenges:

- Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Hello All,

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

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

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

a. Summary of progress toward strategic objective

Deliberative Process / Ex. 5

b. Significant challenges

Deliberative Process / Ex. 5

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/19/2018 2:46:34 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Meeting with Matt today -- agenda

Do you have an appropriately spaced piece of paper with these topics on it for Elise to take notes on? ☺

If not, I can make some.

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!

From: Epp, Timothy
Sent: Monday, November 19, 2018 9:44 AM
To: OGC NFO <OGC-NFO@epa.gov>
Cc: Schramm, Daniel <Schramm.Daniel@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
Subject: Meeting with Matt today -- agenda

Hi all,

With the repeated cancellation of our meetings with Matt over the last three weeks, our preparation for today's meeting is both good and less than idea. We previously sent to Matt the following documents:

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: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Sent: 11/16/2018 10:51:17 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases
Attachments: FOIA Efficiency Memo.pdf

FYI

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

From: Jackson, Ryan
Sent: Friday, November 16, 2018 5:46 PM
To: Konkus, John <konkus.john@epa.gov>; Block, Molly <block.molly@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases

---

From: Jackson, Ryan
Sent: Friday, November 16, 2018 5:46 PM
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>; Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>; FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>
Subject: Awareness Notification Process for Select Freedom of Information Act Releases

Colleagues –

Following Acting Administrator Wheeler's memorandum earlier this week regarding Freedom of Information Act processing, please see the attached additional memorandum. Senior leadership review is necessary to ensure consistency, accuracy, and efficient production of information under FOIA.

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/29/2018 4:44:12 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]; Packard, Elise [Packard.Elise@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Weekly Selected FOIA Requests 11.21.2018-11.28.2018
Attachments: Selected FOIA Requests. 11.21.2018-11.28.2018.docx

Good morning,

Please find the weekly selected requests for the period of 11/21/2018-11/28/2018. During this period EPA received 79 requests and 26 were selected for consideration for awareness notification.

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 Address / Ex. 6

Have a FOIA question? Try here first!

Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 11/29/2018 3:57:14 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Email Question

Thanks Denise!

From: Walker, Denise
Sent: Thursday, November 29, 2018 9:44 AM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Email Question

Thank you for your diligence, Peter

I just sent you the template to use and will send it to the FEAT shortly.

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: Bermes, Peter
Sent: Thursday, November 29, 2018 10:28 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification Email Question

Hello Tim and Denise,

One of my Wolverine/PFOA requests was held for awareness about a month ago. It isn't anything exciting. I would like to get this production out, and my plan is to comply with the Awareness Notification process outlined in the recent memo.

If there is any reason that I should take another path, or if there is any particular template I should use, please let me know. Thanks,

Peter

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/20/2018 8:42:17 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: FOIA Awareness Template 11-18.docx

I can, I thought this was easier to use.

From: Epp, Timothy
Sent: Tuesday, November 20, 2018 3:41 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIA Awareness Template 11-18.docx

Larry, why are you not using the template that I sent to you?

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

From: Gottesman, Larry
Sent: Tuesday, November 20, 2018 3:11 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: FOIA Awareness Template 11-18.docx

Attached is the draft template, based upon the items listed in Ryan Jackson's Awareness Notification Process memorandum.

I spoke to Lynn Kelly and she was going to a look at the template Denise sent and reach out to Wendy Blake/Kevin Miller to see if she has any comments.

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)

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/20/2018 8:32:09 PM
To: Kelly, Lynn [Kelly.Lynn@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: RE: FOIA Awareness Template 11-18.docx

ASAP. People are already submitting notifications and we need to provide clear instructions to folks with flagged FOIAs.

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: Kelly, Lynn
Sent: Tuesday, November 20, 2018 3:22 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: FOIA Awareness Template 11-18.docx

Please coordinate with Joan – she and I will try to circle with Wendy after the meeting we are in with her wraps up.

Can we better understand the timing need here? I understand you'd like the review but it would be helpful to explain to Wendy.

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: Gottesman, Larry
Sent: Tuesday, November 20, 2018 3:11 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: FOIA Awareness Template 11-18.docx

Attached is the draft template, based upon the items listed in Ryan Jackson's Awareness Notification Process memorandum.

I spoke to Lynn Kelly and she was going to a look at the template Denise sent and reach out to Wendy Blake/Kevin Miller to see if she has any comments.

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)

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/20/2018 8:11:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: FOIA Awareness Template 11-18.docx
Attachments: FOIA Awareness Template 11-18.docx

Attached is the draft template, based upon the items listed in Ryan Jackson's Awareness Notification Process memorandum.

I spoke to Lynn Kelly and she was going to a look at the template Denise sent and reach out to Wendy Blake/Kevin Miller to see if she has any comments.

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)

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/20/2018 6:02:26 PM
To: OGC NFO FEAT [OGC_NFO_FEAT@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Subject: RE: FEAT Weekly

Agenda

1. Listening Minute
    a. Gratitude (Happy Thanksgiving!)
2. Administrivia
    a. Administrator's Race e-mail
    b. Ethics Training- everyone done?
    c. Time is due today
    d. Credit Hours
    e. New hires??
3. FEAT work
    a. Awareness Notification Process
    b. Great job on the RFest debrief!
    c. Priorities and work load discussion- Upcoming to-dos…
        i. Policy and procedures
        ii. Meeting with OEX and ILPG and FEAT re coordination
        iii. Draft the reg update package 1
        iv. New request for help from R1
        v. AO4 work
        vi. FOIA requests assigned to the FEAT
        vii. Other priorities
4. Leadership Lesson:
    a. *Happy Thanksgiving!*
    b. A bit of a silly video… Happiness Leadership - Leading with Gratitude (with your Gratitude Glasses on) by Amanda Gore Personal Matters / Ex. 6

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!

-----Original Appointment-----
From: Walker, Denise

Sent: Wednesday, January 03, 2018 3:14 PM
To: Walker, Denise; OGC NFO FEAT; Epp, Timothy
Cc: Creech, Christopher; Moumbleaux, Joan; Rementer, Nicole; Bermes, Peter; Clarke, Victoria; Hill, Kevin W.; Vander Naald, Breanne
Subject: FEAT Weekly
When: Tuesday, November 20, 2018 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: OGC Law Library, First Floor - FEAT Command Center - Conference Table

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 11/19/2018 11:06:29 PM
To: White, Elizabeth [white.elizabeth@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification, FOIA EPA-R10-2019-000504 (Perry, Oregon DOJ)

Thanks .. no issues

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: White, Elizabeth
Sent: Monday, November 19, 2018 1:49 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification, FOIA EPA-R10-2019-000504 (Perry, Oregon DOJ)

Nancy and Robin – this FOIA had been flagged for awareness notification. The request is described below and the 2 attached documents are responsive. Pursuant to our policy, these documents will be released to the requestor after 3 business days.

Beth

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

From: Kercheval, Stephanie
Sent: Monday, November 19, 2018 1:42 PM
To: Walker, Denise <Walker.Denise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Tyree, James <Tyree.James@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Lindsay, Nancy <Lindsay.Nancy@epa.gov>; Fleming, Sheila <fleming.sheila@epa.gov>; Bilbrey, Sheryl <bilbrey.sheryl@epa.gov>; Ebright, Stephanie <EBRIGHT.STEPHANIE@EPA.GOV>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Zhen, Davis <Zhen.Davis@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>
Subject: Awareness Notification, FOIA EPA-R10-2019-000504 (Perry, Oregon DOJ)

Hello,

Thank you for talking with us this morning, Denise. As you suggested, we are writing to provide the awareness notification related to FOIA 19-000504. This FOIA was scheduled to be closed November 13. Region 10 discovered the Awareness Review hold when we attempted to close the FOIA on November 8. Since that time, the memo describing the process for such reviews was issued. Accordingly, we are providing the information described in the memo.

This FOIA request was submitted by an attorney with Oregon Department of Justice. This attorney is representing one of the government PRPs at the Portland Harbor Superfund Site. The records are not exempt under FOIA. Region 10 has informed the submitter of the records that the Agency has received a request for these documents.

Action Office								
FOIA ID	Requester	Organization	Date of Request	Date Sent for Notification	Description	Status	Disposition	Number of Records and/or pages
EPA-R10-2019-000504	Lynne Perry	Oregon Department of Justice (Government PRP)	10/15/2018	11/08/2018	Letter to EPA Region 10 from or on behalf of PCI Private Business Group presenting questions regarding EPA flexibility in implementation of the Portland Harbor ROD. (Specific date unknown – believed to be @September 2018).	Final response	Release in full	1 record (2 parts – email and attachment)

The following offices have equities in these records and have reviewed the relevant records: Region 10, Office of Environmental Cleanup

The manager who approved this release is: Davis Zhen and Sheryl Bilbrey (Sheila Fleming acting)

The records are:

_X_ are attached/

___ may be found at the following link: [Insert link]

If you have questions concerning the records responsive to this FOIA case or this Awareness Notification, please contact Region 10's FOIA Attorney, Jennifer MacDonald at (206) 553-8311, thank you.

Stephanie Kercheval, R10 FOIA Officer
U.S. Environmental Protection Agency
Office of Management Programs
Information Services Unit, FOIA Team
1200 Sixth Avenue, Suite 155, M/S OMP 132-2
Seattle, Washington 98101-3123
(206) 553-8665

kercheval.stephanie@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/19/2018 10:52:22 PM
To: Kercheval, Stephanie [Kercheval.Stephanie@epa.gov]; MacDonald, Jennifer [Macdonald.Jennifer@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification, FOIA EPA-R10-2019-000504 (Perry, Oregon DOJ)
Attachments: 100121474.pdf; 100121479.pdf

FYI-
Stephanie, Great job!
Next time, don't forget to edit the "action office" box, please. ☺

Larry: Please approve the release prior to 4pm on the 22rd.

Thank you!
Denise

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

Have a FOIA question? Try here first!

From: White, Elizabeth
Sent: Monday, November 19, 2018 1:49 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
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Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
(202) 564-1781 direct
(202) 816-1701 cell

From: Kercheval, Stephanie
Sent: Monday, November 19, 2018 1:42 PM
To: Walker, Denise <Walker.Denise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Tyree, James <Tyree.James@epa.gov>; Matthews, Julie <Matthews.Juliane@epa.gov>; Stern, Allyn

<Stern.Allyn@epa.gov>; Lindsay, Nancy <Lindsay.Nancy@epa.gov>; Fleming, Sheila <fleming.sheila@epa.gov>; Bilbrey, Sheryl <bilbrey.sheryl@epa.gov>; Ebright, Stephanie <EBRIGHT.STEPHANIE@EPA.GOV>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Zhen, Davis <Zhen.Davis@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>
Subject: Awareness Notification, FOIA EPA-R10-2019-000504 (Perry, Oregon DOJ)

Hello,

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The records are:

_X_ are attached/

___ may be found at the following link: [Insert link]

If you have questions concerning the records responsive to this FOIA case or this Awareness Notification, please contact Region 10's FOIA Attorney, Jennifer MacDonald at (206) 553-8311, thank you.

Stephanie Kercheval, R10 FOIA Officer
U.S. Environmental Protection Agency
Office of Management Programs
Information Services Unit, FOIA Team
1200 Sixth Avenue, Suite 155, M/S OMP 132-2
Seattle, Washington 98101-3123
(206) 553-8665
kercheval.stephanie@epa.gov

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/19/2018 8:53:14 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process for Select Freedom of Information Act Releases

I saw that after I sent it. Sorry!

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

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Monday, November 19, 2018 3:10 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process for Select Freedom of Information Act Releases

Hi Denise, I forwarded this to the NFO on Saturday.
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: Monday, November 19, 2018 10:40 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases

Good morning:

I don't believe we were included on this distribution.

Forwarding to you all now.

Best,

Denise

Begin forwarded message:

From: "Jackson, Ryan" <jackson.ryan@epa.gov>
Date: November 16, 2018 at 2:45:49 PM PST
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>, Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>, Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>, FOIA Coordinators <FOIA_Coordinators@epa.gov>, FOIA Officers <FOIAOfficers@epa.gov>
Subject: Awareness Notification Process for Select Freedom of Information Act Releases

Colleagues –

Following Acting Administrator Wheeler's memorandum earlier this week regarding Freedom of Information Act processing, please see the attached additional memorandum. Senior leadership review is necessary to ensure consistency, accuracy, and efficient production of information under FOIA.

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/19/2018 8:48:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification Requests Flag
Attachments: Selected t be flagged FOIA Requests 11.07.2018-11.14.2018.docx

Tim, the first item on the list EPA-HQ-2019-001256 is marked for notification. The OIG has not participated in the notification process in the past, since they are independent. In fact we cannot look into into an OIG FOIA request case file, we can only see what the public can see, once a request is assigned to the OIG. We also make all fee waiver and expedited processing determinations for the OIG.

However, we can run reposts on number of requests assigned to the OIG, etc. The OIG is counted as part of HQ, for purposes of the FOIA Annual Report.

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

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

From: Epp, Timothy
Sent: Monday, November 19, 2018 3:06 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification Requests Flag

Hi Larry,

The second column in the attached indicates, where marked with an "X", those FOIA requests that OEX, OPA, and OCIR want flagged for the Awareness Notification Process.

Tim

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

Message

From: Gottesman, Larry [Gottesman.Larry@epa.gov]
Sent: 11/19/2018 8:22:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Awareness Notification Requests Flag

We have not been flagging OIG requests for Notification, since they are independent and we do not have access the records they upload. Are we still following these instructions?

Secondly, do these follow the new procedures?

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

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

From: Epp, Timothy
Sent: Monday, November 19, 2018 3:06 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Awareness Notification Requests Flag

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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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/16/2018 10:48:29 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases
Attachments: FOIA Efficiency Memo.pdf

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: Jackson, Ryan
Sent: Friday, November 16, 2018 5:46 PM
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>; Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>; FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>
Subject: Awareness Notification Process for Select Freedom of Information Act Releases

Colleagues –

Following Acting Administrator Wheeler's memorandum earlier this week regarding Freedom of Information Act processing, please see the attached additional memorandum. Senior leadership review is necessary to ensure consistency, accuracy, and efficient production of information under FOIA.

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

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/16/2018 1:41:51 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Awareness Notification Process status update

Done

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Epp, Timothy
Sent: Friday, November 16, 2018 7:26 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process status update

Wendy, thanks for your question – please add or designee.

Tim

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

From: Blake, Wendy
Sent: Thursday, November 15, 2018 11:06 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe –

Thanks for your edits and your email. I read the document again and found a few items. See attached. I also have one comment balloon for you, one for Beth and one for Tim on a few minor items. We are still waiting on feedback from DOJ on the latest draft. We will alert you as soon as we hear from DOJ.

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: Brazauskas, Joseph
Sent: Thursday, November 15, 2018 6:30 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process status update

I have made additional edits, attached. I have changed the cover of the memorandum to come from Ryan given the recipients of the memo and other considerations. Beth and I can handle the finalization of that aspect tomorrow.

Thanks,
Joe

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

From: White, Elizabeth
Sent: Thursday, November 15, 2018 5:07 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process status update

Wendy – I have spoken with Joe and let's AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

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: Thursday, November 15, 2018 4:40 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>

Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe – Please see attached. There was one edit that you proposed on the first page that I wanted to discuss a bit further. Attached is the current version. AWP/ACP/DPP Ex. 5 I will sign back on around 7:30. I can be reached by phone though. My phone will ring through to my cell.

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: Brazauskas, Joseph
Sent: Thursday, November 15, 2018 3:58 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification Process status update

Attached are my edits. CCing Beth. Please let me know if you have any questions or suggestions. I would like to get Matt a draft for his binder to review tonight, I understand that DOJ needs to weigh in and that may not happen until tomorrow.

Thanks,
Joe

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

From: Kaminer, Joan
Sent: Thursday, November 15, 2018 2:03 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe,

Please see attached a clean copy of the draft ANP and the redline version. Many of the redline edits are not substantive and intended to clarify the process but the many layers of redline make it difficult to see any further edits. Therefore, I included a clean copy.

I've provided both the redline and clean copy to Julie at DOJ and will let you know as soon as I've heard back.

Please let me know if you have any questions.

Thank you,

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

From: Blake, Wendy
Sent: Thursday, November 15, 2018 1:55 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe – You will be getting something from Joan very soon. She is in the process of sharing the draft with DOJ and will send you the current version.

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: Brazauskas, Joseph
Sent: Thursday, November 15, 2018 12:39 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Process status update

Thanks for sending this yesterday Wendy – just wanted to check in and see if we are still on track to see the draft soon?

Thanks,
Joe

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

From: Blake, Wendy
Sent: Wednesday, November 14, 2018 2:51 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe –

We are still working on it. Attached is the current draft version. With the recent editing, there is some further work we

AWP/ACP/DPP Ex. 5

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Brazauskas, Joseph
Sent: Wednesday, November 14, 2018 12:59 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification Process DOJ comments

Hi Joan,

AWP/ACP/DPP Ex. 5

Thanks,
Joe

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

From: Kaminer, Joan
Sent: Tuesday, November 13, 2018 11:54 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Awareness Notification Process DOJ comments

Joe,

AWP/ACP/DPP Ex. 5

Thank you,

Joan G. Kaminer

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 11/15/2018 10:30:56 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Weekly Selected FOIA Requests 11.07.2018-11.14.2018
Attachments: Selected FOIA Requests. 11.07.2018-11.14.2018.docx; Selected FOIA Requests. 11.07.2018-11.14.2018.xlsx

Hello Tim,

Please find the selected requests for 11/07/2018-11/14/2018. Please note that we received 182 requests and 58 were selected here.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/15/2018 9:39:41 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Awareness Notification Process status update
Attachments: Draft Awareness Notification Process Clean Copy_jab_WB.docx

Joe – Please see attached. There was one edit that you proposed on the first page that I wanted to discuss a bit further. Attached is the current version. Nonresponsive Discussion of Personal Matters / Ex. 6 I will sign back on around 7:30. I can be reached by phone though. My phone will ring through to my cell.

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: Brazauskas, Joseph
Sent: Thursday, November 15, 2018 3:58 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification Process status update

Attached are my edits. CCing Beth. Please let me know if you have any questions or suggestions. I would like to get Matt a draft for his binder to review tonight, I understand that DOJ needs to weigh in and that may not happen until tomorrow.

Thanks,
Joe

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

From: Kaminer, Joan
Sent: Thursday, November 15, 2018 2:03 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification Process status update

Joe,

Please see attached a clean copy of the draft ANP and the redline version. Many of the redline edits are not substantive and intended to clarify the process but the many layers of redline make it difficult to see any further edits. Therefore, I included a clean copy.

I've provided both the redline and clean copy to Julie at DOJ and will let you know as soon as I've heard back.

Please let me know if you have any questions.

Thank you,

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

From: Blake, Wendy
Sent: Thursday, November 15, 2018 1:55 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: RE: Awareness Notification Process status update

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Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
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fax: (202) 564-5433

From: Brazauskas, Joseph
Sent: Thursday, November 15, 2018 12:39 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Process status update

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

From: Blake, Wendy
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Cc: White, Elizabeth <white.elizabeth@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: RE: Awareness Notification Process status update

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AWP/ACP/DPP Ex. 5

AWP/ACP/DPP Ex. 5

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Brazauskas, Joseph
Sent: Wednesday, November 14, 2018 12:59 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Subject: RE: Awareness Notification Process DOJ comments

Hi Joan,

AWP/ Deliberative Process / AC Ex. 5

Thanks,
Joe

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

From: Kaminer, Joan
Sent: Tuesday, November 13, 2018 11:54 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: Awareness Notification Process DOJ comments

Joe,

AWP/ Deliberative Process / AC Ex. 5

Thank you,

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

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/15/2018 8:52:39 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: EPA Draft Awareness Notification Process
Attachments: Awareness Notification process 4 pm 11 15.docx

Here is the current draft

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 15, 2018 3:50 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: EPA Draft Awareness Notification Process

Joan – I had a FEAT meeting this afternoon and Tim had a few other suggested edits. The attached is the CURRENT version of the clean document. Could you call me if you are free before 4 pm about process for tomorrow? I know you will be at the conference so I wanted to try and touch base today.

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Kaminer, Joan
Sent: Thursday, November 15, 2018 1:59 PM
To: julie.strausharris@usdoj.gov
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: EPA Draft Awareness Notification Process

Julie, Please see attached a clean copy of the draft ANP and the redline version. Many of the redline edits are not substantive and intended to clarify the process. Therefore, I included a clean copy which will allow us to clearly follow any additional comments from DOJ.

Please let me know if you have any questions or would like to discuss further.

Thank you,

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

Message

From: White, Elizabeth [white.elizabeth@epa.gov]
Sent: 11/15/2018 6:48:20 PM
To: Hill, Kevin W. [hill.kevinw@epa.gov]
CC: Tran, Victoria [tran.victoria@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Barr, Linda [Barr.Linda@epa.gov]; Mooney, Charlotte [Mooney.Charlotte@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Thank you. It's approved.

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

From: Hill, Kevin W.
Sent: Thursday, November 15, 2018 1:12 PM
To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>
Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Beth,

I have made all the changes we discussed and asked Relativity to reproduce the set.
Can you let me know when these records are approved for release?

Note---this is only the changes made for the parts below. All other parts in the awareness review folder (on my OneDrive) will be resubmitted for awareness review at a later date.

EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 1
EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 2
EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 3

Thank you.
Kevin

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

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

Good Afternoon Beth,

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

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

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

The records pertain to the following custodians:

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

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

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

Regards,
Kevin

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

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

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

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

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

Beth,

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

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

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	regulation”
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(4)	“CERCLA rule”; “CERCLA regulation” “CERCLA 108”

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

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

Regards,
Kevin

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

Message

From: Walker, Denise [Walker.Denise@epa.gov]
Sent: 11/15/2018 6:33:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659

Raising to your attention.

DPP, ACP / Ex. 5

Denise

Sent from my iPhone

Begin forwarded message:

> **From:** "Hill, Kevin W." <hill.kevinw@epa.gov>
> **Date:** November 15, 2018 at 1:12:24 PM EST
> **To:** "White, Elizabeth" <white.elizabeth@epa.gov>
> **Cc:** "Tran, Victoria" <tran.victoria@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>, "Walker, Denise" <Walker.Denise@epa.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Barr, Linda" <Barr.Linda@epa.gov>, "Mooney, Charlotte" <Mooney.Charlotte@epa.gov>, "Clarke, Victoria" <clarke.victoria@epa.gov>
> **Subject: RE: AWARENESS REVIEW: FOIA Release Waiver - Documentation EPA-HQ-2018-004659**
>
> Beth,
>
> I have made all the changes we discussed and asked Relativity to reproduce the set.
> Can you let me know when these records are approved for release?
>
> Note---this is only the changes made for the parts below. All other parts in the awareness review folder (on my OneDrive) will be resubmitted for awareness review at a later date.
>
> EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 1
> EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 2
> EPA-HQ-2018-004659 Stage 3 and Stage 4_Part 3
>
> Thank you.
> 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

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To: White, Elizabeth <white.elizabeth@epa.gov>
Cc: Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>
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Ex. 6

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(4)	"CERCLA rule"; "CERCLA regulation" "CERCLA 108"

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

Regards,
Kevin

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

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

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

Beth White
Director, Office of the Executive Secretariat
U.S. Environmental Protection Agency
Personal Phone / Ex. 6 direct
cell

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

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

Regards,
Kevin

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

Message

From: Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Sent: 11/15/2018 2:47:27 AM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: EMC slides
Attachments: EPA FOIA EMC presentation 2 ctc-JCM edits.pptx

… just had a chance to look at this – suggesting a few words to clarify – see slides 8, 10, and 16.

From: Creech, Christopher
Sent: Wednesday, November 14, 2018 4:58 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: EMC slides

Un-squished

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, November 14, 2018 4:14 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Re: EMC slides

Sure

Sent from my iPhone

On Nov 14, 2018, at 4:02 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> We can fix that squished logo for you…
> ☺
>
> 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!

From: Epp, Timothy
Sent: Wednesday, November 14, 2018 2:58 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: EMC slides

Team Slides – here is my latest draft of the EMC slides for tomorrow. I've sent to Elise and Joe; hopefully no major changes (other than Wendy Blake doing something on awareness).

Tim

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

Message

From: Creech, Christopher [Creech.Christopher@epa.gov]
Sent: 11/14/2018 9:58:04 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: EMC slides
Attachments: EPA FOIA EMC presentation 2 ctc.pptx

Un-squished

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, November 14, 2018 4:14 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Re: EMC slides

Sure

Sent from my iPhone

On Nov 14, 2018, at 4:02 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> We can fix that squished logo for you…
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>
> 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 Cel Personal Phone / Ex. 6
>
> Have a FOIA question? Try here first!
>
> ---
>
> **From:** Epp, Timothy
> **Sent:** Wednesday, November 14, 2018 2:58 PM
> **To:** Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan

<moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: EMC slides

Team Slides – here is my latest draft of the EMC slides for tomorrow. I've sent to Elise and Joe; hopefully no major changes (other than Wendy Blake doing something on awareness).

Tim

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

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/14/2018 3:44:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]
Subject: RE: Awareness notification draft

Tim –

We are working to iron out a few things with DOJ on the draft. I will send you now the current version that Charlotte and DOJ have commented on, so you can see the direction of the changes to date. We will get you something revised by this afternoon. Will that work for you?

Joan – I left you a voice message. I would like to see if we can get a more refined version by early afternoon. Let me know if you can connect with Julie. 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: Wednesday, November 14, 2018 9:44 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Awareness notification draft

Hi Wendy, Charlotte, and Joan,

Please send me the most recent draft of the awareness notification process document – Nancy Grantham has been getting questions from various offices about it and strongly wants me to describe it during my presentation tomorrow at the Executive Management Council, and I need to see where we are in order to prepare my PowerPoint slides.

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/9/2018 10:07:47 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: FYI only -- FW: Workgroup on OGC's FOIA Procedures

Deliberative Process / Ex. 5

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Epp, Timothy
Sent: Friday, November 09, 2018 1:52 PM
To: Packard, Elise <Packard.Elise@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: FYI only -- FW: Workgroup on OGC's FOIA Procedures
Importance: High

Elise and Wendy – this is an FYI only on standing up the OGC FOIA Procedure/SOP workgroup.

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, November 09, 2018 1:48 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Workgroup on OGC's FOIA Procedures
Importance: High

Hi Nicole, Wendy, and Larry,

Thank you, in advance, for your work on the OGC FOIA Procedures. Please reach out and pull Peter Bermes into the work on this – GLO assigned him to represent GLO's interests. Please pull together a meeting next week and provide me a projected timeline for completing your work (I will need to report this to Elise).

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: Epp, Timothy
Sent: Thursday, November 08, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5 we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure OGC's processing

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: Hill, Kevin W. [hill.kevinw@epa.gov]
Sent: 11/9/2018 6:32:18 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Need a volunteer -- Workgroup on OGC's FOIA Procedures

Sounds good. Have a great weekend.

Regards,
Kevin

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

From: Epp, Timothy
Sent: Friday, November 9, 2018 1:29 PM
To: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: RE: Need a volunteer -- Workgroup on OGC's FOIA Procedures

Hi Kevin, thanks for expressing interest. Elise wants us to do this fairly quickly, so I am going to leave you off the workgroup. There should be plenty of interesting projects this year.
Tim

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

From: Hill, Kevin W.
Sent: Thursday, November 08, 2018 11:11 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Need a volunteer -- Workgroup on OGC's FOIA Procedures

I am interested, but a bit swamped for the next two weeks. Can I join on for the awareness review part?

Regards,
Kevin

Kevin W. Hill
Attorney-Adviser
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Office: 202-564-1652
hill.kevinw@epa.gov

From: Epp, Timothy
Sent: Thursday, November 8, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5 we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure OGC's processing

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: Schwarz, Matthew [Schwarz.Matthew@epa.gov]
Sent: 11/9/2018 2:47:47 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: Interim Policy update -- follow up: policy supplement on extended time periods
Attachments: FOIA improvement Act of 2016 9 20.pdf

Yes I sent the attached to Tim this morning. Please note that the appeal language in Attachment A has since been updated with new OGIS contact info and will need to be revised.

From: Blake, Wendy
Sent: Friday, November 09, 2018 9:46 AM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FW: Interim Policy update -- follow up: policy supplement on extended time periods
Importance: High

Matt – After the 2016 FOIA amendments, you worked with Larry's shop and compiled a document identifying key changes from the new law that must be implemented immediately (e.g., appeal period change from 30 to 90 days), can you send Tim Epp the document (email) that was circulated to FOIA staff re: these important changes?

I thought the information was in the foia toolkit in the appendices but I may be wrong.

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: Friday, November 09, 2018 9:20 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Interim Policy update -- follow up: policy supplement on extended time periods

Hi Wendy,
You mentioned that either GLO or EPA issued guidance after the 2016 amendments to FOIA to explain the longer time periods for appeals (and possibly other deadlines). I have not been able to find that on our website. Can you please send me a copy.

I'll work at getting it up on our website as well as include a reference to it in our interim update of the FOIA Policy & Procedure.

Tim

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

Message

From: Schwarz, Matthew [Schwarz.Matthew@epa.gov]
Sent: 11/9/2018 2:29:44 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Interim Policy update -- follow up: policy supplement on extended time periods
Attachments: FOIA improvement Act of 2016 9 20.pdf

Hi Tim-

Attached is the guidance we circulated in September 2016. Please note, however, that the appeal language in Attachment A is now outdated because OGIS updated its phone numbers.

-Matt

From: Miller, Kevin
Sent: Friday, November 09, 2018 9:26 AM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Subject: FW: Interim Policy update -- follow up: policy supplement on extended time periods

Matt – can you send the guidance to Tim.

From: Epp, Timothy
Sent: Friday, November 9, 2018 9:20 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Interim Policy update -- follow up: policy supplement on extended time periods

Hi Wendy,
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I'll work at getting it up on our website as well as include a reference to it in our interim update of the FOIA Policy & Procedure.

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: 11/8/2018 4:39:24 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: RE: Need a volunteer -- Workgroup on OGC's FOIA Procedures

Raises hand to volunteer.

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: Thursday, November 08, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5 in, we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure

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: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/8/2018 3:23:57 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Need a volunteer -- Workgroup on OGC's FOIA Procedures

Tim,

Happy to help.

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, November 08, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5, we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure OGC's processing

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: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 11/19/2018 4:05:29 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: Today's OEX meeting - need input prior to noon

Importance: High

Below is a draft agenda for today's OEX meeting. Please add any items you have.

1. Awareness notification process – With Friday's issuance, I want to discuss implementation and follow-up to ensure we are implementing the new process effectively.

2. Meeting with Beth to discuss FOIAs in litigation and ANP – Kevin to set up meeting with Beth.

3. Important Litigation Action Items for the next two weeks

Attorney Client / Ex. 5

4. OTHER?

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: Rementer, Nicole [rementer.nicole@epa.gov]
Sent: 11/19/2018 3:50:21 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Workgroup on OGC's FOIA Procedures

Tim and Denise:

I was standing back to give Larry the opportunity to organize and lead this effort. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,
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: Saturday, November 17, 2018 8:48 AM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Re: Workgroup on OGC's FOIA Procedures

Hi Nicole, Wendy, and Larry,

I suspect you have not made much progress yet on this project to review OGC FOIA procedures -- On Thursday and Friday, I learned more about Elise's thinking for this project and timeline. **We need to have a draft done by Wednesday.** But it can be more simple.

The instructions for attorney review can be in the form of a one-page checklist that Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Larry, I also need a draft of the SOP for NFO's handling of the awareness notification process.

I need to have time to review both drafts before I send them on to Elise mid-day on Wednesday.

Thanks,

Tim

From: Epp, Timothy
Sent: Friday, November 9, 2018 1:48 PM
To: Rementer, Nicole; Schumacher, Wendy; Gottesman, Larry
Cc: Walker, Denise
Subject: Workgroup on OGC's FOIA Procedures

Hi Nicole, Wendy, and Larry,

Thank you, in advance, for your work on the OGC FOIA Procedures. Please reach out and pull Peter Bermes into the work on this – GLO assigned him to represent GLO's interests. Please pull together a meeting next week and provide me a projected timeline for completing your work (I will need to report this to Elise).

As you look at the OGC procedures 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: Epp, Timothy
Sent: Thursday, November 08, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5, we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure

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: 6/19/2019 11:55:47 AM
To: Green, Holly [Green.Holly@epa.gov]; Gross, Hayley [gross.hayley@epa.gov]
Subject: RE: Materials for Run-Through of OMB/EPA Strategic Review Meeting, June 18

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

National FOIA Office
EPA Office of General Counsel

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

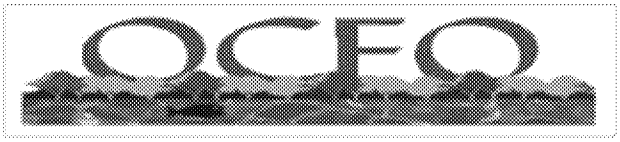
Good afternoon all,

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 Participant Code ex 6
When: Tuesday, June 18, 2019 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4415/DC-OCFO



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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/11/2019 6:24:32 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: To-Dos from FEAT/ILPG meeting

Too cryptic, cannot tell what the ask is.

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: Thursday, April 11, 2019 2:20 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: To-Dos from FEAT/ILPG meeting

Looping in Larry who has action items.

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: 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

Attorney Client / DPP/ Ex. 5

Ask: Follow up with John Ellis (records)

- What's the requirement for saving the hard copy records after they have been entered into FOIA online?
- Do we have a NARA reporting requirement for the loss of the 1 request?

For Chris
Ask: Follow up with Kevin Miller

Attorney Client / DPP/ Ex. 5

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

For Denise
Perfecting FOIA
Question about the start of 20 days.
(answered on call)

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

Attorney Client / DPP/ Ex. 5

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 Personal Phone / Ex. 6 | walker.denise@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: 4/10/2019 12:56:41 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@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.

It might be Shannon from Ethics – I'll start running that down.

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 10, 2019 8:51 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@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.

Yes, please.

Two issues: we need to make sure that equity review is properly completed on this one before the documents go out – and, it may indicate a larger problem regarding folks understanding what is needed in equity review.

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: Wednesday, April 10, 2019 8:46 AM
To: Epp, Timothy <Epp.Timothy@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.

Ok. I don't know who in OGC did that equity review. I don't recall getting this from OAR prior to the awareness review. Do you want me to ask Tom Eagles?

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

On Apr 10, 2019, at 8:34 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Gautam,
>
> It is not an issue that you are expected to do something on the awareness notification email, itself; rather, there is a representation in the awareness notification email that OGC was consulted on "equity review" – it is in that earlier equity review stage when the front office needs to be consulted regarding emails they sent, received, or in which they are mentioned.
>
> 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:** Srinivasan, Gautam
> **Sent:** Wednesday, April 10, 2019 8:23 AM
> **To:** Epp, Timothy <Epp.Timothy@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.
>
> No.
>
> ++++++++++++++++
> (202) 564-5647 (o)
> (202) 695-6287 (c)
>
> On Apr 10, 2019, at 8:17 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
>> Gautam,
>>
>> Did OGC front office sign off on the OGC equity review on these 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: 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	N o R a p
EPA-HQ-2018-010695 <u>Also responsive to:</u> 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	4 p

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: 4/10/2019 12:34:42 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@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.

Gautam,

It is not an issue that you are expected to do something on the awareness notification email, itself; rather, there is a representation in the awareness notification email that OGC was consulted on "equity review" – it is in that earlier equity review stage when the front office needs to be consulted regarding emails they sent, received, or in which they are mentioned.

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: Srinivasan, Gautam
Sent: Wednesday, April 10, 2019 8:23 AM
To: Epp, Timothy <Epp.Timothy@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.

No.

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

On Apr 10, 2019, at 8:17 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Gautam,
>
> Did OGC front office sign off on the OGC equity review on these 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: 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:

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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: 4/10/2019 12:17:32 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@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.

Importance: High

Gautam,

Did OGC front office sign off on the OGC equity review on these 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

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:

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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: 4/10/2019 12:10:32 PM
To: 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'll follow up with Gautam, who is listed on the CC due to the statement of OGC 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

From: Brazauskas, Joseph
Sent: Wednesday, April 10, 2019 8:07 AM
To: Epp, Timothy <Epp.Timothy@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.
Importance: High

Tim, this email indicates that these are Bill Wehrum documents but the first page is Matt Leopold's information. Why is this responsive? I am certain Matt never had equity review of these documents. These must be sent to Matt for equity review. Thank you, Joe

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

From: Epp, Timothy
Sent: Tuesday, April 9, 2019 3:18 PM
To: Brazauskas, Joseph <brazauskas.joseph@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.

From: Eagles, Tom
Sent: Tuesday, April 9, 2019 3:17:23 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: Shaw, Betsy; Shoaff, John; Harlow, David; Lubetsky, Jonathan; Eagles, Tom; Srinivasan, Gautam; Griffo, Shannon
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:

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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 <u>Also responsive to:</u> 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: 4/9/2019 5:20:53 PM
To: Patrick, Monique [Patrick.Monique@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Electronic copy of EMC FOIA talking points
Attachments: Executive Management Counsel.docx

Hi Elise – per our reg review discussion, here is an electronic copy of the FOIA talking points for the EMC meeting. (I've made a few additional edits after Reg 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: 4/8/2019 9:03:47 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R6-2019-003410 - Hurricane Harvey
Attachments: 6SF UR_First Partial Referral Metadata_EPA-R6-2019-003410.pdf

Importance: High

FYI – here is the first.

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, Troy
Sent: Tuesday, March 12, 2019 10:55 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, David <Lyons.David@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: McDonald, James <McDonald.James@epa.gov>; Gray, David <gray.david@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>
Subject: Awareness Notification EPA-R6-2019-003410 - Hurricane Harvey
Importance: High

Subject: Awareness Notification EPA-R6-2019-003410 - Hurricane Harvey

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.

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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 n of request as clarified	Interim or Final Response	Number of Record s and/ or pages
EPA-R6-2019-003410	Susanne Rust	Los Angeles Times	02/12/2019	**03/12/2019**	Hurricane Harvey Information – Referral to FOIAonline for previously released documents.	First Partial / Interim Response	59 documents / 349 pages

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: Ronnie Crossland, Acting Division Director, R6 Superfund

The records are: Hurricane Harvey related information that have been previously released under the FOIA. The documents are available in FOIAonline at the following link: https://www.foiaonline.gov/foiaonline/action/public/search and searching under the following FOIA numbers: EPA-R6-2017-011509, EPA-R6-2017-011643, EPA-R6-2017-011716, EPA-R6-2018-000165, EPA-R6-2018-000485, EPA-R6-2018-000801, and EPA-R6-2018-005985. An index of the responsive documents in FOIAonline is attached.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/10/2019 2:28:34 PM
To: Nguyen, Quoc [Nguyen.Quoc@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
Subject: RE: Supervisor Training - Updated Training Slides

Hi Quoc,

We are seeing problems with the equity review step and training on this will be needed at the manager/supervisor level.

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: Nguyen, Quoc
Sent: Wednesday, April 10, 2019 9:58 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Supervisor Training - Updated Training Slides

My response in red. Thanks, Tim, for your excellent comments.

From: Walker, Denise
Sent: Wednesday, April 10, 2019 9:18 AM
To: Thompson, Heather <Thompson.Heather@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>
Subject: Fwd: Supervisor Training - Updated Training Slides

Some feedback from Tim.

D

Sent from my iPhone

Begin forwarded message:

From: "Epp, Timothy" <Epp.Timothy@epa.gov>
Date: April 10, 2019 at 8:41:07 AM EDT
To: "Walker, Denise" <Walker.Denise@epa.gov>
Subject: RE: Supervisor Training - Updated Training Slides

Yes, this does look like it is coming along nicely. Some questions:

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: Walker, Denise
Sent: Tuesday, April 09, 2019 6:22 PM

To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Supervisor Training - Updated Training Slides

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/8/2019 7:49:43 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

Joe – it won't be released until tomorrow (Tuesday) at 4.
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: Monday, April 08, 2019 1:56 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

So, my question is, has this been released already?

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

From: Epp, Timothy
Sent: Monday, April 8, 2019 1:10 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

---

From: Kirst, Tina
Sent: Monday, April 8, 2019 1:10:23 PM (UTC-05:00) Eastern Time (US & Canada)
To: McDonald, James
Cc: Ho, Nancy; Epp, Timothy; Ortiz, Diana; Malooly, Tom; Brazauskas, Joseph
Subject: RE: EPA-R6-2019-003410 - HQ Awareness Notification Email - Second Partial

You are very welcome Mr. McDonald!

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 12:02 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/10/2019 2:11:27 PM
To: 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 know – that would have been done back in August.

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 10, 2019 9:44 AM
To: Epp, Timothy <Epp.Timothy@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.

Why was this assigned to OAR?

Sent from my iPhone

On Apr 10, 2019, at 9:29 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> **From:** Srinivasan, Gautam
> **Sent:** Wednesday, April 10, 2019 9:29:11 AM (UTC-05:00) Eastern Time (US & Canada)
> **To:** Epp, Timothy
> **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.
>
> Confirmed it was Shannon.
>
> ++++++++++++++++
> (202) 564-5647 (o)
> (202) 695-6287 (c)
>
> On Apr 10, 2019, at 8:56 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

It might be Shannon from Ethics – I'll start running that down.

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: Wednesday, April 10, 2019 8:51 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@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.

Yes, please.

Two issues: we need to make sure that equity review is properly completed on this one before the documents go out – and, it may indicate a larger problem regarding folks understanding what is needed in equity review.

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: Srinivasan, Gautam
Sent: Wednesday, April 10, 2019 8:46 AM
To: Epp, Timothy <Epp.Timothy@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.

Ok. I don't know who in OGC did that equity review. I don't recall getting this from OAR prior to the awareness review. Do you want me to ask Tom Eagles?

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

On Apr 10, 2019, at 8:34 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

Gautam,

It is not an issue that you are expected to do something on the awareness notification email, itself; rather, there is a representation in the awareness notification email that OGC was consulted on "equity review" – it is in that earlier equity review stage when the front office needs to be consulted regarding emails they sent, received, or in which they are mentioned.

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: Srinivasan, Gautam
Sent: Wednesday, April 10, 2019 8:23 AM
To: Epp, Timothy <Epp.Timothy@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.

No.

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

On Apr 10, 2019, at 8:17 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Gautam,
>
> Did OGC front office sign off on the OGC equity review on these 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: 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.

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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
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.

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

<image001.jpg>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/10/2019 2:09:00 PM
To: Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]
Subject: RE: Awareness Notification EPA-HQ-2018-10695 Production Set #1 - Final Response: Any records sent to or from Bill Wehrum regarding ethics advice, consulting, and/or guidance.

Thanks!

Timothy R. Epp
Acting Director | National FOIA Office
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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

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Confirmed it was Shannon.

++++++++++++++++
(202) 564-5647 (o)
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> Washington, D.C. 20460 | WJCN 7309B
> Phone (202) 564-2830| epp.timothy@epa.gov
> <image001.jpg>

From: Epp, Timothy
Sent: Wednesday, April 10, 2019 8:51 AM
To: Srinivasan, Gautam <Srinivasan.Gautam@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.

Yes, please.

Two issues: we need to make sure that equity review is properly completed on this one before the documents go out – and, it may indicate a larger problem regarding folks understanding what is needed in equity review.

Timothy R. Epp
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Phone (202) 564-2830| epp.timothy@epa.gov
<image001.jpg>

From: Srinivasan, Gautam
Sent: Wednesday, April 10, 2019 8:46 AM
To: Epp, Timothy <Epp.Timothy@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.

Ok. I don't know who in OGC did that equity review. I don't recall getting this from OAR prior to the awareness review. Do you want me to ask Tom Eagles?

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

On Apr 10, 2019, at 8:34 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Gautam,
>
> It is not an issue that you are expected to do something on the awareness notification email, itself; rather, there is a representation in the awareness notification email that OGC was consulted on "equity review" – it is in that earlier equity review stage when the front office needs to be consulted regarding emails they sent, received, or in which they are mentioned.
>
> 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
<image001.jpg>

From: Srinivasan, Gautam
Sent: Wednesday, April 10, 2019 8:23 AM
To: Epp, Timothy <Epp.Timothy@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.

No.

++++++++++++++++
(202) 564-5647 (o)
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> Gautam,
>
> Did OGC front office sign off on the OGC equity review on these 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:** 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	Interi or Fi Respo
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 Respo

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: 4/8/2019 3:35:30 PM
To: Schwab, Justin [schwab.justin@epa.gov]
Subject: RE: Weekly Selected Requests 03/27/2019 to 04/03/2019

Will do.

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: Schwab, Justin
Sent: Monday, April 08, 2019 11:10 AM
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 9:39:06 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Fwd: Request for Comment by April 15: DRAFT "Action Office SOPs for Litigation"
Attachments: Action Office SOPs for Litigation DRAFT 04042019 CLEAN.docx; ATT00001.htm

FYI —
Tim

Sent from my iPhone

Begin forwarded message:

From: "Kelly, Lynn" <Kelly.Lynn@epa.gov>
Date: April 5, 2019 at 4:32:23 PM EDT
To: "Albright, Scott" <Albright.Scott@epa.gov>, "Bermes, Peter" <Bermes.Peter@epa.gov>, "Blake, Wendy" <Blake.Wendy@epa.gov>, "Borromeo, Karina" <Borromeo.Karina@epa.gov>, "Boydston, Michael" <Boydston.Michael@epa.gov>, "Buchsbaum, Seth" <buchsbaum.seth@epa.gov>, "Clark, Jacqueline" <clark.jacqueline@epa.gov>, "Clarke, Victoria" <clarke.victoria@epa.gov>, "Donaldson, Yerusha" <donaldson.yerusha@epa.gov>, "Ferrara, Helen" <Ferrara.Helen@epa.gov>, "Goeller, Jon Micah" <goeller.jon@epa.gov>, "Harris, Donald" <Harris.Donald@epa.gov>, "HertzWu, Sara" <HertzWu.Sara@epa.gov>, "Hughes, Krista" <hughes.krista@epa.gov>, "Igoe, Sheila" <Igoe.Sheila@epa.gov>, "Jawgiel, Steven" <Jawgiel.Steven@epa.gov>, "Johnson, Patrick" <johnson.patrick@epa.gov>, "Johnson, SusanA" <Johnson.SusanA@epa.gov>, "Kaminer, Joan" <Kaminer.Joan@epa.gov>, "Kelly, Lynn" <Kelly.Lynn@epa.gov>, "Le, Kathryn" <le.kathryn@epa.gov>, "Logan, Paul" <Logan.Paul@epa.gov>, "Miller, Kevin" <Miller.Kevin@epa.gov>, "Nguyen, Quoc" <Nguyen.Quoc@epa.gov>, "Pickell, Casey" <pickell.casey@epa.gov>, "Pisarick, Marissa" <pisarick.marissa@epa.gov>, "Pratt, Marirose" <Pratt.Marirose@epa.gov>, "Schramm, Daniel" <Schramm.Daniel@epa.gov>, "Stilp, Mark" <Stilp.Mark@epa.gov>, "Stopper, Nathan" <stopper.nathan@epa.gov>, "Sweeney, Edward" <Sweeney.Edward@epa.gov>, "Trawick, Matthew" <Trawick.Matthew@epa.gov>, "Vander Naald, Breanne" <vandernaald.breanne@epa.gov>, "Versace, Paul" <Versace.Paul@epa.gov>, "Williams, LaShawn" <williams.lashawn@epa.gov>, "Zemel, Avital" <Zemel.Avital@epa.gov>, "Levine, Brandon" <levine.brandon@epa.gov>
Cc: "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Epp, Timothy" <Epp.Timothy@epa.gov>, "Walker, Denise" <Walker.Denise@epa.gov>
Subject: Request for Comment by April 15: DRAFT "Action Office SOPs for Litigation"

All,

ILPG is soliciting your input on the attached draft Standard Operating Procedures (SOPs) document g **Deliberative Process / Ex. 5**

al

Deliberative Process / Ex. 5

nt
t

Deliberative Process / Ex. 5

Please reply to Peter Bermes, and copy Kevin Miller and me on your comments, edits, or feedback on the document by **April 15** (or just let us know if you need more time to review it).

Thanks in advance for your valuable input, and have a happy Friday everyone!

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.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:45:22 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-003592 FOIAonline Data Migration/Nye
Attachments: Final Response to FOIA EPA-HQ-2019-003592.pdf; FOIAonline Data Migration of Agencies from version 2.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: Shenefiel, Pam
Sent: Thursday, April 04, 2019 9:05 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>; Vizian, Donna <Vizian.Donna@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Cc: pam.shenefiel@gmail.com; Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-003592 FOIAonline Data Migration/Nye

To:
Elizabeth White
Brian Hope
Victoria Tran
Timothy Epp
Nancy Grantham
Tory Lyons
RobinH Richardson
John Konkus
Denise Walker
Larry Gottesman
Donna Vizian
Vaughn Noga

OMS/OEI 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.

OMS/OEI							
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-2019-003592	*William Nye*	*N/A*	*2/20/19*	*4/2/19*	*Status of FOIAonline Data migration*	*Final Response*	*1 document*

The following offices have equities in these records and have reviewed the relevant records:
OEI
The manager who approved this release is: ___Tobias Schroeder_____
The records are:
_x__ attached
___ may be found at the following link: [*Insert link*]

Regards,

Pam Shenefiel | Office of Enterprise Information Programs | Office of Mission Support | EPA
1200 Pennsylvania Ave NW | Mail Code 2821T | Washington, DC 20460
202.566.0303 (work) | 202.566.1624 (fax) | shenefiel.pam@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:45:20 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification FOIA EPA-HQ-2019-003711 and FOIA EPA-HQ-2019-004205 E&E News/Bogardus
Attachments: 1 EPA Records Policy CIO 2155.3.pdf; 2 EPA Social Media Policy CIO 2184.0.pdf; 3 EPA Procedures Managing Social Media Records CIO 2155-p-06.pdf; 4 EPA Procedures Using Social Media to Communicate With The Public CIO 218.._.pdf; 5 Social Media Tools Intranet Banner.pdf; 6 _Terms of Service Agreements _ Web Guide _ US EPA.pdf; EPA Email Response to NARA Feb_22_17_letter_.pdf; EPA Response to NARA Letter dated Feb 22 20172018-10-10-170236.pdf; ExhibitA_EPA Interim Records Policy_082218.pdf; ExhibitB_MEMORANDUM_ New Mobile Application Approval Process for Government-Furnished Mobile Devices_.pdf; ExhibitC_MD-Acknowledgement-Form-10-28-16.pdf; Final Response FOIA EPA HQ 2019 004205 E&E News.pdf; Initial_Response_dated Mar_24_ to_NARA _Feb22_2017_Allegation.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: Shenefiel, Pam
Sent: Thursday, April 04, 2019 11:13 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>; Vizian, Donna <Vizian.Donna@epa.gov>; Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Cc: Moser, Rebecca <Moser.Rebecca@EPA.GOV>; Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Shenefiel, Pam <shenefiel.pam@epa.gov>; Pickell, Casey <pickell.casey@epa.gov>
Subject: Awareness Notification FOIA EPA-HQ-2019-003711 and FOIA EPA-HQ-2019-004205 E&E News/Bogardus

To:
Elizabeth White
Brian Hope
Victoria Tran
Timothy Epp
Nancy Grantham
Tory Lyons
RobinH Richardson
John Konkus

Denise Walker
Larry Gottesman
Donna Vizian
Vaughn Noga

OMS is responding to/closing out 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." 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.

EPA-HQ-2019-003711 is being administratively closed because EPA received the same request as a referral from the National Archives and Records Administration under EPA-HQ-2019-004205. With the agreement of the requestor, the official response to this request will be provided through EPA-HQ-2019-004205.

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.

OMS/OEI							
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-2019-004205	*Kevin Bogardus*	*E&E News*	*3/13/2019*	*4/4/2019*	*Documents provided to NARA regarding encrypted messaging apps*	*Final Response*	*12 records*

The following offices have equities in these records and have reviewed the relevant records:
OMS
The manager who approved this release is: ___Robert Johnston (signed letter) & Rebecca Moser (reviewing manager)
_____
The records are:
_x__ attached
___ may be found at the following link: [*Insert link*]

Regards,

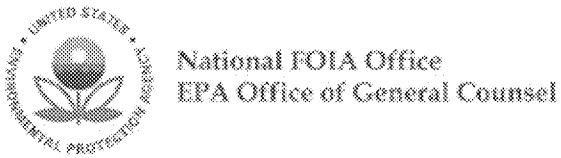
Pam Shenefiel | Office of Enterprise Information Programs | Office of Mission Support | EPA
1200 Pennsylvania Ave NW | Mail Code 2821T | Washington, DC 20460

202.566.0303 (work) | 202.566.1624 (fax) | shenefiel.pam@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:44:58 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-003498 Interim Response: All emails, text messages, faxes, voice mails, and other form of communications from, or to Mandy Gunasekara with any person outside of the EPA

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: Hamilton, Sabrina
Sent: Thursday, April 04, 2019 12:10 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>; Weinstock, Larry <Weinstock.Larry@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: RE: Awareness Notification EPA-HQ-2019-003498 Interim Response: All emails, text messages, faxes, voice mails, and other form of communications from, or to Mandy Gunasekara with any person outside of the EPA

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-2019-003498	Nick Surgey	MurkRock	2/14/2019	4/4/2019	1. All emails, text messages, faxes, voice mails, and other form of communications from, or to Mandy Gunasekara with any person outside of the EPA. 2. All calendars, whether electronic or in paper format, of Mandy Gunasekara for the above listed time period. 3. All sign-in sheets or other records memorializing attendance at any meetings with Mandy Gunasekara for the above-listed time period at which a person outside of EPA was in attendance.	Interim Release	535

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

OAR

The manager who approved this release is: John Shoaff

The records are:

___ attached

_X__ may be found at the following link:

\\v18h1n-eddfs02\prodA\ED_002385\20190404_Produciton

___ Other: No records

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: 4/5/2019 3:44:57 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification; EPA-R4-2019-002326
Attachments: Awareness Notification e-mail - Phoebe Menzer - EPA-R4-2019-002326.docx (4-4-19).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: Robinson, Donna
Sent: Thursday, April 04, 2019 12:46 PM
To: Walker, Mary <walker.mary@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>; Tellis, Vickie <Tellis.Vickie@epa.gov>; Mills, Keith <Mills.Keith@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>
Cc: Robinson, Donna <Robinson.Donna@epa.gov>; Gross, Louann <Gross.LouAnn@epa.gov>; Woodard-Burrell, Gwendolyn <Woodard-Burrell.Gwendolyn@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>
Subject: Awareness Notification; EPA-R4-2019-002326

To whom it may concern,

Region 4 Freedom of Information 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."

Sincerely,

Donna

Donna M. Robinson
Environmental Protection Agency, Region 4

FOIA and Records Management Section
Office of Policy and Management
61 Forsyth Street
Atlanta, GA 30303
Tel: (404) 562-9500
Robinson.Donna@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:44:55 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-Rr-2019-011592
Attachments: Awareness Notification with Chart for 18-011592(002).docx-lag.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: Hines, Andrea
Sent: Thursday, April 04, 2019 1:44 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: Woodard-Burrell, Gwendolyn <Woodard-Burrell.Gwendolyn@epa.gov>; Hines, Andrea <hines.andrea@epa.gov>
Subject: Awareness Notification EPA-Rr-2019-011592

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."

Andrea Hines
FOIA and Records Management Section
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-9698
Email: hines.andrea@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:44:00 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-002485 - Final response - Assessment Sufficient Carryover to Operate
Attachments: HQEPA19-002485-CarryoverTable.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: Fooks-Simon, Brenda
Sent: Thursday, April 04, 2019 3:18 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>; Bloom, David <Bloom.David@epa.gov>; Fooks-Simon, Brenda <Fooks-Simon.Brenda@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>; Kennedy, Chandra <Kennedy.Chandra@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-002485 - Final response - Assessment Sufficient Carryover to Operate

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 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.

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-2019-002485	Kevin Bogardus	E&E News	12/31/2018	04/04/2019	Assessment used to determine Agency could operate the week following the December 2018 government shutdown	Final	1

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

Office 1 OCFO

The manager who approved this release is: Maria Williams

The records are:

_X__ attached

___ may be found at the following link: [*Insert link*]

Brenda Fooks-Simon, MPA, PMP
U. S. EPA / OCFO / Office of Budget / IO / WJCN 4509E / 202 - 564 -7282

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:43:57 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R9-2018-011524 EPA records related to the discovery of a radioluminescent radium deck marker on Parcel A of the former Hunters Point Naval Shipyard

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: Thursday, April 04, 2019 3:36 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-R9-2018-011524 EPA records related to the discovery of a radioluminescent radium deck marker on Parcel A of the former Hunters Point Naval Shipyard

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-R9-2018-011524	Jason Fagone	SF Chronicle	*9/18/2018*	*4/4/2019*	EPA records related to the discovery of a radioluminescent radium deck marker on Parcel A of the former Hunters Point Naval Shipyard	*Final Response*	*144 Records*

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

https://usepa.sharepoint.com/:f:/r/sites/r9_Work/r9foiateam_awarenessdocuments/Shared%20Documents/R9%20FOIA%20Team%20Awareness%20Documents?csf=1

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: 4/5/2019 3:43:55 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-000828 Production Set #2 - Final Response: Any records, email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese
Attachments: Combined Files for EPA-HQ-2019-000828 - Production Set #2.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: Thursday, April 04, 2019 3:52 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>
Subject: RE: Awareness Notification EPA-HQ-2019-000828 Production Set #2 - Final Response: Any records, email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese

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-2019-000828	Susan Rust	LA Times	10/28/2018	4/4/2019	Any records – email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese	Final Response	838 pages

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

OAR

The manager who approved this release is: John Shoaff

The records are:

_X__ attached

___ may be found at the following link:

___ Other: No records

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: 4/5/2019 3:39:53 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-000828 Production Set #2 - Final Response: Any records, email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese

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: Thursday, April 04, 2019 4:21 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>
Subject: RE: Awareness Notification EPA-HQ-2019-000828 Production Set #2 - Final Response: Any records, email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese

Sorry for having to resend this email, but I forgot to state that records have been reviewed by OAR, OCSPP, and OEX. Thanks

Sabrina Hamilton

Sabrina Hamilton
Air and Radiation Liaison Specialist
and FOIA Coordinator
Office of Air and Radiation
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W. (6101-A)

Washington, D.C. 20460
Tel: (202) 564-1083

From: Hamilton, Sabrina
Sent: Thursday, April 4, 2019 3:52 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>
Subject: RE: Awareness Notification EPA-HQ-2019-000828 Production Set #2 - Final Response: Any records, email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence about Dr. Edward Calabrese

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-2019-000828	Susan Rust	LA Times	10/28/2018	4/4/2019	Any records – email, written correspondence, text messages – between any EPA employee and Dr. Edward Calabrese, or any correspondence	Final Response	838 pages

					about Dr. Edward Calabrese		

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

OAR, OCSPP, and OEX

The manager who approved this release is: John Shoaff

The records are:

_X__ attached

___ may be found at the following link:

___ Other: No records

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: 4/5/2019 3:39:52 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2017-006487 (Withheld: Admin. Pruitt speech reords)
Attachments: EPA-HQ-2017-006487 Final.4.4.19.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: Hill, Kevin W.
Sent: Thursday, April 04, 2019 4:40 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-2017-006487 (Withheld: Admin. Pruitt speech reords)

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.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

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

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *94 pages withheld in full*

Regards,

Kevin W. Hill
Attorney-Adviser National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2017-006487	*Catherine M. Rahm*	*Natural Resources Defense Counsel*	*08/09/2017*	4/4/2019	Request for Records Relating to Administrator Pruitt's Speeches, Talks and Remarks.	*Final Response*	*94 pages (WIF)*

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:38:13 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-000623 (S. Dravis Calendars)

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, Kevin W.
Sent: Thursday, April 04, 2019 5:26 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>
Cc: Gray, Doris <Gray.Doris@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-000623 (S. Dravis Calendars)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

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The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

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

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at:
https://usepa-my.sharepoint.com/:f:/g/personal/hill_kevinw_epa_gov/EvX9hGWrhsBOrYheX13gibgBGSXT2AGR8ZDfEGy0KxDcMQ?e=zq8UAO

Regards,

Kevin W. Hill
Attorney-Adviser National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-000623	*Rachel Leven*	*Center for Public Integrity*	*10/17/2017*	4/4/2019	the most complete and up-to-date version of Samantha Dravis's calendar at the agency from June 1, 2017 to the date this search is conducted, including any calendars maintained on behalf of Dravis herself by an assistant or someone else	*Final Response*	*1429 pages*

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:37:55 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R6-2019-004065 - Wheeler Nov 8-2018 Visit and Martin Lake Steam Electric Plant

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 5:38 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, David <Lyons.David@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: Hill, Troy <Hill.Troy@epa.gov>; Gray, David <gray.david@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Stenger, Wren <stenger.wren@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Johnson, LaGayla <Johnson.Lagayla@epa.gov>; Maguire, Charles <maguire.charles@epa.gov>; Garcia, David <Garcia.David@epa.gov>; Adams, Janet <Adams.Janet@epa.gov>; Bradford, Deanna <Bradford.Deanna@epa.gov>; Seager, Cheryl <Seager.Cheryl@epa.gov>; Gilrein, Stephen <gilrein.stephen@epa.gov>
Subject: Awareness Notification EPA-R6-2019-004065 - Wheeler Nov 8-2018 Visit and Martin Lake Steam Electric Plant
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: EPA R6 Multimedia Division							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description n of request as clarified	Interim or Final Response	Number of Record s and/ or pages
EPA-R6-2019-004065	Sharon Lerner	The Intercept	03/11/2019	04/04/2019	Wheeler Nov 8-2018 Visit and Martin Lake Steam Electric Plant	Second Partial / Interim Response	4 files

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

- Region 6 Multimedia Division

The manager who approved this release is: Wren Stenger, Director, EPA R6 Multimedia Division

The records can be viewed here at: **Personal Matter / Ex. 6**

Personal Matter / Ex. 6

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:37:38 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - EPA-HQ-2018-006649 (No records: Admin. at Heritage Foundation)

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, Kevin W.
Sent: Thursday, April 04, 2019 7:15 PM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Konkus, John <konkus.john@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Donahue, Sean <donahue.sean@epa.gov>
Cc: Hill, Kevin W. <hill.kevinw@epa.gov>
Subject: Awareness Notification - EPA-HQ-2018-006649 (No records: Admin. at Heritage Foundation)

To whom it may concern,

The Office of the Administrator, AO4 FOIA Processing Team, is responding to the above-referenced FOIA request. We are providing this awareness notification email pursuant to the Chief of Staff's November 16, 2018 memorandum "Awareness Notification Process for Select Freedom of Information Act Releases." Recipients of this email have up to three business days following transmission of this email to review the documents to be released.

There is no requirement for you to respond to this email or otherwise take action. The Action Office has completed review and obtained management approval consistent with the agency's FOIA policy and procedures.

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

The information provided below is consistent with Paragraph 4 of the above-referenced November 16, 2018 memorandum.

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

The manager who approved this release is: Elizabeth White, Director, Office of the Executive Secretariat, Office of the Administrator

The records are located at: *NO RECORDS LOCATED.*

Regards,

Kevin W. Hill
Attorney-Adviser National FOIA Office
U.S. Environmental Protection Agency | Office of General Counsel
1200 Pennsylvania Avenue, N.W. (MC 2310A)
Washington, D.C. 20460 | WJCN 7309C
Phone 202-564-1652| hill.kevinw@epa.gov

Office of the Administrator (OA)							
FOIA ID	Requester	Requester Organization	Date FOIA Request Perfected	Date sent for Awareness Notification	Brief description of request as clarified	Interim or Final Response	Number of Records and/or pages
EPA-HQ-2018-006649	*Sean Reilly*	*Environment and Energy Publishing*	*04/20/2018*	4/4/2019	All materials, including but not limited to any prepared remarks, drafts, notes, slides and PowerPoint presentation, used by Administrator Scott Pruitt for remarks given at a closed-door event held at Heritage Foundation offices on April 11, 2018. The same request extends to materials	*Final Response*	*No Records*

					used by any other EPA employee who spoke at the event. I am also requesting any sound recording, video, written transcript , notes or summary made of the event's proceedings, as well as any lists of invitees and actual attendees.								

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/5/2019 3:37:23 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-HQ-2019-002806 Interim Production # 1: Records related to Air Quality after the California Wildfires

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: Friday, April 05, 2019 6:08 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>; Harlow, David <harlow.david@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Eagles, Tom <Eagles.Tom@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>
Subject: Awareness Notification EPA-HQ-2019-002806 Interim Production # 1: Records related to Air Quality after the California Wildfires

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-2019-002806	Susanne Rust	The Los Angeles Times	1/14/19	4/5/19	Records related to Air Quality after the California Wildfires	Interim	33 records

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

OAR (OAAPS and OAQPS)

The manager who approved this release is: Jenny Noonan

The records are:

___ attached

_X__ may be found at the following link: :

Personal Matter / Ex. 6

___ Other: No records

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: 4/5/2019 3:30:59 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R6-2019-004574 - Sterigenics Facility

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: Friday, April 05, 2019 11:04 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Lyons, David <Lyons.David@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: Hill, Troy <Hill.Troy@epa.gov>; Gray, David <gray.david@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Pemberton, Mary <Pemberton.Mary@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>; Kirst, Tina <kirst.tina@epa.gov>; Edlund, Carl <Edlund.Carl@epa.gov>; Crossland, Ronnie <Crossland.Ronnie@epa.gov>; Bayless, Shirley <Bayless.Shirley@epa.gov>; Price, Lisa <Price.Lisa@epa.gov>; Stenger, Wren <stenger.wren@epa.gov>; Gupta, Kaushal <Gupta.Kaushal@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>
Subject: Awareness Notification EPA-R6-2019-004574 - Sterigenics Facility
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 n of request as clarified	Interim or Final Response	Number of Record s and/ or pages
EPA-R6-2019-004574	Adrian O Vega	Will Ferguson & Associates	Not applicable	04/05/2019	Sterigenics facility: Testing, air quality testing reports, all soil testing reports, as well as any reports relating to the of use of ethylene oxide and cancer.	Final Response – Records Not Reasonably Described	zero

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

- Not applicable

The manager who approved this response is: James McDonald, Assistant Regional Administrator, EPA Region 6.

No records are provided. The FOIA request is not reasonably described.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/4/2019 12:40:25 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: EcoRights v. EPA: awareness notification
Attachments: Condo Docs awareness notification set 2.25.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: Schwarz, Matthew
Sent: Monday, February 25, 2019 6:30 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>; Farren, Victor <Farren.Victor@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>
Subject: EcoRights v. EPA: awareness notification

All-

Attached is a 359-page pdf representing the documents for February 28 production in the FOIA litigation *EcoRights v. EPA*, Case No. 18-cv-394 (N.D. Ca.). I am 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 until 4pm on the third business day following transmission of this email to review the documents to be released. Per court order, the agency will release the attached documents on Monday, February 11. Please find relevant info concerning this production below:

- The name of the Action Office: OEX
- The FOIAonline tracking number: HQ-2018-006474
- The name of the requester/organization: Heather Kryczka; EcoRights Foundation
- The date the FOIA request was perfected: 4/7/18
- A brief description of the request, as clarified/modified: "(1) All documents related to Administrator Pruitt's living arrangements in Washington, D.C., whether McKenna Pruitt, Administrator Pruitt's daughter, was also living in the apartment, the ethics investigation of Administrator Pruitt's living arrangements, rationale for reopening the investigation, and any documents created or relied upon in the ethics investigation. (2) All

documents between Administrator Pruitt, and/or any official or employee of EPA, and Steven Hart and/or his wife Vicki Hart, including but not limited to communications involving the living arrangement referenced in (1) above."

- Whether the response is interim or final: Interim
- The number of documents and/or pages to be released: 359 pages
- An attachment of, or link to, the documents to be released: Attached
- A list of offices with an equity in the documents and a statement that those offices have reviewed the relevant documents: These documents contained equities with OGC Ethics. All equity reviews are complete.
- The name of the manager responsible for making the FOJA determination: Beth White/Victoria Tran

Thanks,
Matt

Matthew Schwarz
Attorney-Advisor
Office of General Counsel | General Law Office | Information Law Practice Group
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (Mail Code 2377A)
Washington, DC 20460
202-564-5654

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/4/2019 12:39:28 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification EPA-R9-2019-00564 Communication records sent to and from individuals at EPA regarding ethics advice, consulting and/or guidance given to and/or asked from by Mike Stoker
Attachments: 000564 Justina's note.pdf; FOIA ending 564 Responsive Records.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: Johnson, Ivry
Sent: Thursday, March 14, 2019 6:08 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-R9-2019-00564 Communication records sent to and from individuals at EPA regarding ethics advice, consulting and/or guidance given to and/or asked from by Mike Stoker

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-R9-2019-000564	Kevin Bogardus	E& E News	*10/17/2018*	*3/14/2019*	Communication records sent to and from individuals at EPA regarding ethics advice, consulting and/or guidance given to and/or asked from by Mike Stoker	*Final Response*	*2 Records*

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: 4/4/2019 12:23:44 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification - Ethics STOCK Act notifications (EPA-HQ-2019-000245; EPA-HQ-2019-001258; EPA-HQ-2019-001777)
Attachments: Byron Brown STOCK Act.pdf; Forrest McMurray STOCK Act_Redacted.pdf; Lincoln Ferguson STOCK Act_Redacted.pdf; Sarah Greenwalt STOCK Act_Redacted.pdf; Arthur Elkins STOCK Act_Redacted.pdf; Kenneth Wagner STOCK Act_Redacted.pdf

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: Griffo, Shannon
Sent: Tuesday, March 05, 2019 3:45 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 - Ethics STOCK Act notifications (EPA-HQ-2019-000245; EPA-HQ-2019-001258; EPA-HQ-2019-001777)

Hi all,

OGC/Ethics 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." 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 – STOCK Act Notifications							
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-2019-000245	Kevin Bogardus (E&E)	10/9/2018	3/5/2019	STOCK Act notifications for the following individuals: Ryan Jackson; Bryon Brown; Kevin Chmielewski; Hayley Ford; Sarah Greenwalt; Michelle Hale; Millan Hupp ; Sydney Hupp; Albert "Kell" Kelly; Forest McMurray; Madeline Morris; Charles Munoz; Samantha Dravis; George Sugiyama; Don Benton; David Schnare; Doug Ericksen; Layne Bangerter; Liz Bowman; Lincoln Ferguson; Amy Graham; Jahan Wilcox; John Konkus; Kelsi Daniell; Michael Dourson; Marcella Burke; Richard Yamada; Jeff Sands; Ken Wagner; and Arthur Elkins.	Final	5 (plus 2 pages withheld in full)	Ex. 6
EPA-HQ-2019-001258	Kevin Bogardus (E&E)	11/8/2018	3/5/2019	STOCK Act notification for Arthur Elkins	Final	2	Ex. 6
EPA-HQ-2019-001777	Kevin Bogardus (E&E)	12/3/2018	3/5/2019	STOCK Act notification for Kenneth Wagner	Final	1	Ex. 6

Because these requests involve individuals who are no longer with the Agency, Beth White and Helena Wooden-Aguilar have completed the equity review and reviewed the relevant records. Justina Fugh with OGC/Ethics has approved the release, and the records are attached.

Please let us know if you have any questions.

Thanks,
Shannon

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/28/2019 2:37:23 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: RE: National FOIA Portal Line of Business Meeting

Hi Rebecca,
I think Tim C. is out this week. We will go ahead and RSVP to include space for him.
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: Moser, Rebecca
Sent: Wednesday, March 27, 2019 8:12 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: National FOIA Portal Line of Business Meeting

Tim:

Thanks for the note . . . we may want both of our offices to be there – OMS from the FOIAonline operability standpoint & OGC-NFO from the EPA National FOIA Office perspective.
I'm touching base with Tim Crawford to get his thoughts, and I'll get back to you again tomorrow.

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: Wednesday, March 27, 2019 1:56 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: FW: National FOIA Portal Line of Business Meeting

Hi Rebecca,

Did you also receive the invitation that Larry has forwarded below? I assume that your office would be the lead on the topic of interoperability. Do you agree? If so, would you also like someone from my office to attend?

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: Gottesman, Larry
Sent: Wednesday, March 27, 2019 1:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: National FOIA Portal Line of Business Meeting

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/28/2019 1:42:21 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: Re: National FOIA Portal Line of Business Meeting

Ok. Thanks.

Sent from my iPhone

On Mar 28, 2019, at 8:57 AM, Schumacher, Wendy <schumacher.wendy@epa.gov> wrote:

Tim,

I've attended this meeting with Tim Crawford in the past. May I go again?

Thanks for your consideration, 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

<image001.png>

From: National.FOIAPortal (OIP) <National.FOIAPortal@usdoj.gov>
Sent: Wednesday, March 27, 2019 12:07 PM
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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/2/2019 7:19:49 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Awareness Notification

These are notifying them that OGC is the action office on a FOIA request that will need to go through awareness notification.

The awareness notification emails under the ANP memo are not sent to all AA-ships, only to the DAA of the action office. Thus, under the ANP, Elise and David won't receive an email on all FOIA responses that go through awareness notification, only on the ones where OGC is the action office. Ethics has been sending them to David Cozad.

I'm about to send you an email on the documents from last Friday's article.

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: Tuesday, April 02, 2019 3:07 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification

Got it – so these are the head's up for awareness notification in the future. Does that mean David and Elise are sent the documents to be sent around for awareness notification? Thanks, Joe

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

From: Epp, Timothy
Sent: Tuesday, April 2, 2019 2:40 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Awareness Notification

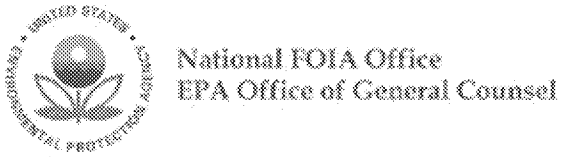
Hi Joe,

These are the emails that the NFO sends to the action office when a FOIA request has been selected by OCIR, OPA, and OEX to be included in the awareness notification process.

This is an FYI to David and Elise so that they know in advance that the request will go through the awareness notification process before it is released. Probably not a significant piece of information for OGC; but we are careful to treat OGC the same as other AA-ships.

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: Tuesday, April 02, 2019 9:56 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification

Tim – what are these emails and what are David and Elise supposed to do with them?

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

From: Fotouhi, David
Sent: Tuesday, April 2, 2019 9:34 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: Awareness Notification

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Person, Linda
Sent: Thursday, March 28, 2019 7:56 AM
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. Gray:

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-2019-004245	Any email sent to or received from Patricia Underwood, Deputy Director, Risk Management at DOD office of Secretary (using Patricia.m.underwood.civ@mail.mil or other DOD email she might use, please check for others this may no longer be an active email address) as well as from or to Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment as well as any email from or to Linda Wennerberg of NASA (linda.s.wennerberg@nasa.gov) with Nancy Beck, Andrew Wheeler, Alexandra Dapolito Dunn, Assistant Administrator; Charlotte Bertrand, Deputy Assistant Administrator for Programs, Erik Baptist, Deputy Assistant Administrator; as well as these individuals from the Water Office, Dave Ross, Assistant Administrator Office of Water, Dennis Lee Forsgren, Jr., Deputy Assistant Administrator, Dr. Owen McDonough, Senior Science Advisor, and - Peter Grevatt, the former Director of EPA's Office of Ground Water and Drinking Water; Jennifer McLain, Acting Director, OGWDW, Eric Burneson, Director. The dates covered would be Jan. 20 2017 through the date that you respond to this request.

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/4/2019 12:23:07 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Awareness Notification, Interim Release - OGC/Ethics PAS Travel guidance documents (EPA-HQ-2018-011345)
Attachments: HOW TO REVIEW POLITICAL INVITATIONS.docx; HOW TO CALCULATE POLITICAL TRAVEL v2.docx; Hatch Act and Social Media FAQs for PAS Appointees (Feb 2017).docx

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: Griffo, Shannon
Sent: Thursday, March 21, 2019 4:35 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, Interim Release - OGC/Ethics PAS Travel guidance documents (EPA-HQ-2018-011345)

Hi all,

OGC/Ethics is providing an interim response 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 Interim Release letter to the requestor. The letter 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 – PAS Travel guidance documents							
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-2018-011345	Anne Weisman (CREW)	9/12/18	3/21/18	(4) copies of records sufficient to show the formula the EPA uses to apportion costs incurred during travel that has both official and political components (5) copies of records concerning how the EPA ensures compliance with the Hatch Act's restrictions on political travel	Interim	12	None

These ethics guidance documents were written by OGC/Ethics, and Justina Fugh has approved their release. The records are attached.

Please let us know if you have any questions.

Thanks,
Shannon

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/3/2019 4:34:57 PM
To: Warzynski, Jillian (OIP) [Jillian.Warzynski@usdoj.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Draft EPA Chief FOIA Officer Report
Attachments: EPA Chief FOIA Officer Report Final .pdf

Hi Jill,

Here is the report with the link per your earlier email. In addition, here is the link to our CFO report on EPA's website. https://www.epa.gov/foia/report-chief-foia-officer-us-department-justice-2019 We sent this link to DOJ on March 13.

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

From: Warzynski, Jillian (OIP) <Jillian.Warzynski@usdoj.gov>
Sent: Tuesday, April 02, 2019 2:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Draft EPA Chief FOIA Officer Report

Good afternoon,

I just wanted to touch base on EPA's CFO Report, and this final edit. Can you please send me an updated report once this edit has been made?

Thank you!
Jill

From: Warzynski, Jillian (OIP)
Sent: Friday, March 08, 2019 12:11 PM
To: 'Epp, Timothy' <Epp.Timothy@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Draft EPA Chief FOIA Officer Report

Good afternoon,

Thank you for clarifying this. I see the 2017 raw data on EPA's website, however I did not see that it is located at the link provided in your email. I found it at: https://www.epa.gov/foia/foia-reports. Can you please update this link to your CFO report?

Thanks!
Jill

From: Epp, Timothy <Epp.Timothy@epa.gov>
Sent: Thursday, March 07, 2019 11:07 AM
To: Warzynski, Jillian (OIP) <jwarzynski@jmd.usdoj.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: RE: Draft EPA Chief FOIA Officer Report

Hi Jill,

This was the first time that we have received a request from DOJ that we depart from DOJ's prior instructions to only post the csv format data. We are in the process of uploading an excel spreadsheet format data set for the FY 2016 and 2017 reports. And, we will load the FY 2018 data after DOJ approves this year's report.

Larry Gottesman will send the FY 2018 data report under separate cover, shortly.

To help speed the approval process, attached is EPA's final Chief FOIA Officer Report (with the "draft" watermark removed).

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: Warzynski, Jillian (OIP) <Jillian.Warzynski@usdoj.gov>
Sent: Thursday, February 28, 2019 6:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft EPA Chief FOIA Officer Report

Good evening,

Thank you for submitting EPA's CFO Report. I have reviewed the report, and have just one item for clarification:

- Section IV, Q5 – The link provided takes you to the FY2016 annual report. I located the raw data for FY2017 on your reports page, and while the url indicates it is in csv format, it's not in an excel spreadsheet format. Is the raw data available to post in a downloadable excel spreadsheet?

Once you have addressed this item, can you please submit an updated report to me? If you have any questions, please do not hesitate to reach out to me.

Thanks,
Jill

From: Epp, Timothy <Epp.Timothy@epa.gov>
Sent: Friday, February 15, 2019 3:37 PM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Draft EPA Chief FOIA Officer Report

EPA's draft 2019 Chief FOIA Officer Report is attached.

Please let me know if you have any 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: 4/3/2019 4:11:05 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: FW: Non-Significant Justification Results

Thanks Chris.

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, April 03, 2019 12:02 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Manibusan, Mary <manibusan.mary@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Non-Significant Justification Results

Thank you, Caryn. I appreciate your thoroughness and help. I'll keep you up-to-date on my end, as well.

Best,

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

From: Muellerleile, Caryn
Sent: Wednesday, April 3, 2019 11:57 AM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Manibusan, Mary <manibusan.mary@epa.gov>
Subject: RE: Non-Significant Justification Results

Hello Christopher,

Thanks for taking my call just now and for your patience. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you!

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

From: Creech, Christopher
Sent: Tuesday, April 02, 2019 4:18 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: RE: Non-Significant Justification Results

Hi Caryn,

Did you have any new feedback from OMB? The GC may want to brief the Admin and this would be the last hurdle to clear before that meeting is set up.

Thanks,

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

From: Muellerleile, Caryn
Sent: Monday, April 1, 2019 8:17 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: Non-Significant Justification Results

I think that OMB may want a briefing. I should have better information tomorrow.

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

From: Creech, Christopher
Sent: Monday, April 01, 2019 12:39 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Subject: Non-Significant Justification Results

Hello Caryn,

Did you receive any feedback from OMB about the FOIA Regulations? We may have the GC's sign-off as soon as tomorrow, and I want to be able to set expectations for our management. I would also like the opportunity to talk through timing with the Administrator's signature process.

Thank you very much for your help,

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/26/2019 12:29:13 PM
To: Richmond, Jonah [Richmond.Jonah@epa.gov]
Subject: RE: Weekly Selected Requests 03/13/2019 to 03/20/2019

Hi Jonah,

There is no expectation that you do anything with this list. Some folks asked for it; I presume to have broader awareness of what types of substantive requests are coming into EPA.

The next step on this document 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: Richmond, Jonah
Sent: Monday, March 25, 2019 2:06 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Weekly Selected Requests 03/13/2019 to 03/20/2019

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/27/2019 5:55:40 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: FW: National FOIA Portal Line of Business Meeting
Attachments: National FOIA Portal Line of Business Meeting.ics; ATT00001.htm

Hi Rebecca,

Did you also receive the invitation that Larry has forwarded below? I assume that your office would be the lead on the topic of interoperability. Do you agree? If so, would you also like someone from my office to attend?

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: Gottesman, Larry
Sent: Wednesday, March 27, 2019 1:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: National FOIA Portal Line of Business Meeting

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/3/2019 1:10:03 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: RE: National FOIA Portal Line of Business Meeting

Should we meet to head over together this morning?

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: Moser, Rebecca
Sent: Wednesday, March 27, 2019 8:12 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: National FOIA Portal Line of Business Meeting

Tim:

Thanks for the note . . . we may want both of our offices to be there – OMS from the FOIAonline operability standpoint & OGC-NFO from the EPA National FOIA Office perspective.
I'm touching base with Tim Crawford to get his thoughts, and I'll get back to you again tomorrow.

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: Wednesday, March 27, 2019 1:56 PM
To: Moser, Rebecca <Moser.Rebecca@EPA.GOV>
Subject: FW: National FOIA Portal Line of Business Meeting

Hi Rebecca,

Did you also receive the invitation that Larry has forwarded below? I assume that your office would be the lead on the topic of interoperability. Do you agree? If so, would you also like someone from my office to attend?

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: Gottesman, Larry
Sent: Wednesday, March 27, 2019 1:43 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: National FOIA Portal Line of Business Meeting

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/3/2019 10:26:35 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/2/2019 11:07:57 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

National FOIA Office
EPA Office of General Counsel

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

Attorney Client / DPP/ Ex. 5

Tim

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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: 4/2/2019 9:51:36 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Report to Matt on history of documents from last Friday's article

Hi Joe,

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/2/2019 12:21:53 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: RE: The Friday E&E article on condo

Hi Nicole -- please let me know when you get in -- so that we can take next steps on 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

-----Original Message-----
From: Rementer, Nicole
Sent: Monday, April 01, 2019 6:02 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: The Friday E&E article on condo

Attorney Client / DPP/ Ex. 5

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

-----Original Message-----
From: Epp, Timothy
Sent: Monday, April 01, 2019 5:12 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: Re: The Friday E&E article on condo

Thanks. Do you know who did the awareness notification on it?

Sent from my iPhone

> On Apr 1, 2019, at 5:07 PM, Rementer, Nicole <rementer.nicole@epa.gov> wrote:

Attorney Client / DPP/ 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
>
>
>
>
> -----Original Message-----
> From: Epp, Timothy
> Sent: Monday, April 01, 2019 5:00 PM
> To: Rementer, Nicole <rementer.nicole@epa.gov>
> Subject: The Friday E&E article on condo
>
> Did that come from an Ethics FOIA response or an AO one?
>
> Do you know?
>
> Sent from my iPhone

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 4/1/2019 11:02:52 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: Re: The Friday E&E article on condo

Thanks Nicole. Sorry for going silent. Was in a meeting with Matt. Let's talk in the morning.
Tim

Sent from my iPhone

> On Apr 1, 2019, at 6:01 PM, Rementer, Nicole <rementer.nicole@epa.gov> wrote:

Attorney Client / DPP/ Ex. 5

>
> 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
>
>
>
>
> -----Original Message-----
> From: Epp, Timothy
> Sent: Monday, April 01, 2019 5:12 PM
> To: Rementer, Nicole <rementer.nicole@epa.gov>
> Subject: Re: The Friday E&E article on condo
>
> Thanks. Do you know who did the awareness notification on it?
>
> Sent from my iPhone
>
>> On Apr 1, 2019, at 5:07 PM, Rementer, Nicole <rementer.nicole@epa.gov> wrote:

Attorney Client / DPP/ 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
>>
>>
>>
>>
>> -----Original Message-----
>> From: Epp, Timothy
>> Sent: Monday, April 01, 2019 5:00 PM
>> To: Rementer, Nicole <rementer.nicole@epa.gov>

>> Subject: The Friday E&E article on condo
>>
>> Did that come from an Ethics FOIA response or an AO one?
>>
>> Do you know?
>>
>> Sent from my iPhone

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/26/2019 5:35:30 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Here is alternative text on DOJ - Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

The timeline looks good.

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 26, 2019 1:31 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

Thanks, Tim,

With your approval of the two passages below, I will finalize the appropriate documents and assemble the PDF Portfolio for the 2PM.

1. DOJ Summary (for insertion into Cut-off Squibs):

Deliberative Process / Ex. 5

2. Regulatory Plan Timeline (for insertion into Regulatory Plan):

Proposed Regulatory Timeline:

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, March 26, 2019 1:30 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review
Importance: High

Hi Chris, a few verb edits to read like a plan, rather than a rulemaking.
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, March 25, 2019 5:04 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

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:

Deliberative Process / Ex. 5

Elise's asks:

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 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:

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

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: 3/26/2019 5:29:57 PM
To: Creech, Christopher [Creech.Christopher@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

Importance: High

Hi Chris, a few verb edits to read like a plan, rather than a rulemaking.
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, March 25, 2019 5:04 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

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.

Elise's asks:

1. Deliberative Process / Ex. 5

intention was only to provide this document to Matt

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:

Deliberative Process / Ex. 5

Christophe
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>
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Thank you both, and we will be back in touch shortly.

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Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

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Deliberative Process / Ex. 5

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

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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>
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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/29/2019 12:32:15 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: SEVENTH Request for EPA FOIA Public Liaison pursuant to Federal Law 5 USC 552(l) - Status on past due FOIA requests!
Attachments: image002.jpg; ATT00001.htm; EPA-HQ-2019-000357 Request Details.pdf; ATT00002.htm; EPA-HQ-2019-000386 Request Details.pdf; ATT00003.htm; EPA-HQ-2019-000505 Request Details.pdf; ATT00004.htm; FOIA Request for EPA FOIA Public Liaison EPA-HQ-2019-381.pdf; ATT00005.htm; EPA Larry Gottesman Full Grant Response for EPA-HQ-2019-381 that contained links without the EPA FOIA Public Liaison name (2).pdf; ATT00006.htm; EPA Attorney Miller Appeal Denial for EPA-HQ-2019-381 - that changes the FOIA Response Final Deter. of Full Grant is now both Partial Grant and No Records.pdf; ATT00007.htm; epa_chief_foia_officer_report_final.pdf; ATT00008.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Date:** March 29, 2019 at 6:27:54 AM EDT
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Cc:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: Fwd: SEVENTH Request for EPA FOIA Public Liaison pursuant to Federal Law 5 USC 552(l) - Status on past due FOIA requests!**
>
> Tim, can you please let me know what our response is to this request. Thank you.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **From:** <jcheimowski@comcast.net>
>> **Date:** March 28, 2019 at 6:04:13 PM EDT
>> **To:** <Leopold.Matthew@epa.gov>
>> **Cc:** "'Wheeler, Andrew'" <wheeler.andrew@epa.gov>, <OIP.ComplianceInquiry@usdoj.gov>
>> **Subject: RE: SEVENTH Request for EPA FOIA Public Liaison pursuant to Federal Law 5 USC 552(l) - Status on past due FOIA requests!**
>>
>> Dear Mr. Leopold
>>
>> You are the EPA Chief FOIA Officer. See below snippet from the EPA Chief FOIA Annual Report Annual:

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/17/2019 8:55:57 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Edits?
Attachments: ANP rollout chronology.docx

Here are my 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: Kaminer, Joan
Sent: Monday, June 17, 2019 4:30 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Edits?

Hi Tim and Denise,

Charlotte is handing this back to me now that I'm back in town. I've added a few points/edited from my calendar.

I'm going to send this over the Julie with DOJ unless you have anything else to add. Thank you!

Steps Taken to Ensure Compliance with ANP

1.
2.
3.
4.

Deliberative Process / Ex. 5

5.

6.

7. Deliberative Process / Ex. 5

8.

9.

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

From: Walker, Denise
Sent: Monday, June 17, 2019 11:44 AM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Re: Edits?

HI Charlotte:

No, we have not shared the email template.

Yes, the standing FOIA meeting is monthly.

I don't know Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I don't have anything else to add to this list.

Denise

SES PARS Language:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Youngblood, Charlotte
Sent: Monday, June 17, 2019 9:44:43 AM
To: Epp, Timothy; Walker, Denise
Cc: Kaminer, Joan
Subject: Edits?

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.
2.
3.
4. Deliberative Process / Ex. 5
5.
6.
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/17/2019 8:44:35 PM
To: Kaminer, Joan [Kaminer.Joan@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]
Subject: RE: Edits?

I'll send edits shortly.

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: Kaminer, Joan
Sent: Monday, June 17, 2019 4:30 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Edits?

Hi Tim and Denise,

Charlotte is handing this back to me now that I'm back in town. I've added a few points/edited from my calendar.

I'm going to send this over the Julie with DOJ unless you have anything else to add. Thank you!

Steps Taken to Ensure Compliance with ANP

1.
2.
3.
4.
5.

Deliberative Process / Ex. 5

6.

7. Deliberative Process / Ex. 5

8.

9.

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

From: Walker, Denise
Sent: Monday, June 17, 2019 11:44 AM
To: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kaminer, Joan <Kaminer.Joan@epa.gov>
Subject: Re: Edits?

HI Charlotte:

No, we have not shared the email template.

Yes, the standing FOIA meeting is monthly.

Deliberative Process / Ex. 5

I don't have anything else to add to this list.

Denise

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

d
oth:

Deliberative Process / Ex. 5

From: Youngblood, Charlotte
Sent: Monday, June 17, 2019 9:44:43 AM
To: Epp, Timothy; Walker, Denise
Cc: Kaminer, Joan
Subject: Edits?

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.
2.
3.
4. Deliberative Process / Ex. 5
5.
6.
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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/12/2019 7:17:13 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: Chief FOIA Officer report
Attachments: EPA DRAFT Chief FOIA Officer Report 03072018.docx

Larry, please make sure that the link is updated in the following, and we are nearly ready to upload.
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: 3/12/2019 6:35:24 PM
To: Thompson, Heather [Thompson.Heather@epa.gov]
Subject: RE: Hearing Prepared Statement
Attachments: EPA DRAFT Chief FOIA Officer Report 03072018.docx; EPA-Timothy Epp Testimony_House Ovesight and Reform 03-13-19_Passback redline.docx

Thank you!

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: Thompson, Heather
Sent: Tuesday, March 12, 2019 2:34 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Hearing Prepared Statement

Hi Tim,

Nicole passed on the task to me. Would you please send me the most current version of the prepared statement.

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
Phone 202-566-1025 | thompson.heather@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: 3/12/2019 5:53:11 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: silly crap
Attachments: EPA DRAFT Chief FOIA Officer Report 03072018.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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/20/2019 10:15:27 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Thompson, Heather [Thompson.Heather@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]
Subject: Re: Item from Kevin's Monthly Information Law Call

Thanks for noting the challenge and starting a conversation re improvements.
Tim

Sent from my iPhone

On Mar 20, 2019, at 3:45 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

> Yes- thank you for raising. I agree- there is considerable overlap and uncertainty about who is doing what.
>
> 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:** Thompson, Heather
> **Sent:** Wednesday, March 20, 2019 3:21 PM
> **To:** Walker, Denise <Walker.Denise@epa.gov>
> **Cc:** Bhatt, Krishna <bhatt.krishna@epa.gov>
> **Subject:** Item from Kevin's Monthly Information Law Call
>
> Hi Denise,
>
> Quoc asked Regions whether they are interested/have a need for refresher FOIA training –
>
> **Deliberative Process / Ex. 5**
>
> Let me know if you 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

<image001.png>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/20/2019 10:10:55 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: FOIA Regs, Options Papers and Draft Action Memo for Matt's Review

Hi Joe and Elise,
Please let us know if you have any comment or edits to the three documents Chris sent in the email below.

If you do not have any, then these would be ready for us to either schedule another hot topics with Matt or, Joe, for you to discuss with him.

Please let us know how you would like to proceed. (We can also discuss this at Reg Review next Tuesday afternoon)

I will be out of the office until Tuesday morning, checking email occasionally.
Tim

Sent from my iPhone

On Mar 20, 2019, at 5:06 PM, Creech, Christopher <Creech.Christopher@epa.gov> wrote:

> 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>

<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>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/20/2019 6:47:15 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 – now, are we ready for a package to go to Elise and Joe? (I'd assume that it would include the items we've been pulling together over the last week as well as the original package we presented to 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: Creech, Christopher
Sent: Wednesday, March 20, 2019 2:43 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

Hi Tim,

Attached is the guidance document and the draft memo.

Two notes:

- Re the guidance document
  - Deliberative Process / Ex. 5
- Re the draft memo
  - 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.

I agree with your recommendation to take Phase 1 out of the title.

I'd recommend 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: 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:

1) Deliberative Process / Ex. 5

2)

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 1:29 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Creech, Christopher <Creech.Christopher@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

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: Schramm, Daniel
Sent: Wednesday, March 20, 2019 1:26 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

From: Creech, Christopher
Sent: Wednesday, March 20, 2019 12:21 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

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 12:16 PM
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,

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: Wednesday, March 20, 2019 12:08 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

Tim,

Squib edits attached.

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.

Squibs – see attached modest edits. Deliberative Process / Ex. 5
providing these.

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: 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,

Attorney Client / DPP/ 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

Attorney Client / DPP/ 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

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

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.

- Re the same person signing both initial and appeal determinations:

Deliberative Process / Ex. 5

- Re OGC appeals:
  -
  -

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. For the Phase I Regs, Matt wanted us to 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. This would allow us to handle the authority issue through a delegation but also wouldn't lead the process completely open to conjecture. Word version attached.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/20/2019 5:53:33 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
Attachments: Draft ACTION MEMO Phase I FOIA Regulations (03.20.2019) TRE comments.docx

Looks Good, Chris. Minor comments in the attached.

I agree with your recommendation to take Phase 1 out of the title.

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:

1)

2)

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 1:29 PM
To: Schramm, Daniel <Schramm.Daniel@epa.gov>; Creech, Christopher <Creech.Christopher@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

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: Schramm, Daniel
Sent: Wednesday, March 20, 2019 1:26 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

Deliberative Process / Ex. 5

From: Creech, Christopher
Sent: Wednesday, March 20, 2019 12:21 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

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 12:16 PM
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,

in

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: Wednesday, March 20, 2019 12:08 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

Tim,

Squib edits attached.

-
-
-

he

Deliberative Process / Ex. 5

hat

e

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
providing these.

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,

Deliberative Process / Ex. 5

Tim,

Attorney Client / DPP/ 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

Attorney Client / DPP/ 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
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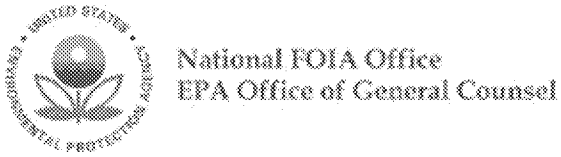
Washington, D.C. 20460 | WJCN 7309B
Phone (202) 564-2830| epp.timothy@epa.gov



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

- Re OGC appeals:

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. For the Phase I Regs, Matt wanted us to follow up with squibs for the as-applied cut-off date issue and with new language for the appeals authority language. Note, I updated the proposed administrative appeals attachment.

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. This would allow us to handle the authority issue through a delegation but also wouldn't lead the process completely open to conjecture. Word version attached.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/18/2019 8:15:32 PM
To: Joffe, Brian [Joffe.Brian@epa.gov]
Subject: RE: FOIA 3.0

Two possibilities:

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: Joffe, Brian
Sent: Monday, March 18, 2019 4:01 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: FOIA 3.0

It was referred to me as "FOIA 3.0" where the public submits their requests and then it is assigned to the regions and then tracked and all responses are uploaded. Does that ring a bell?

Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

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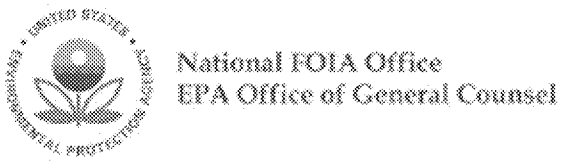
communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information.

From: Epp, Timothy
Sent: Monday, March 18, 2019 1:59 PM
To: Joffe, Brian <Joffe.Brian@epa.gov>
Subject: RE: FOIA 3.0

Hi Brian, do you mean the DOJ FOIA portal, or something else?
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: Joffe, Brian
Sent: Monday, March 18, 2019 1:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FOIA 3.0

Hi Tim – Could you provide me with some information about the new FOIA system? I have heard it will replace FOIA on line. Is that correct and if so are there more details you could provide about the new system?

Thanks.
Brian

Brian Joffe
Deputy Regional Counsel
EPA Region 8
Ph: (303) 312-6499
Fax: (303) 312-6859

NOTICE: This communication may contain deliberative, privileged, or other confidential information. Do not release under FOIA without appropriate review. 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, re-transmit, disseminate or otherwise use the information.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/8/2019 9:00:23 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
Subject: RE: updated prepared statement
Attachments: Draft EPA Prepared Statement_version 3-8-19_2pm.docx; Draft clean EPA Prepared Statement_version 3-8-19_4pm.docx

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 – added under the "proactive disclosure" discussion:

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

I think
I think

AWP, ACP, and Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

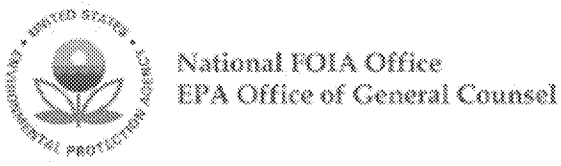
From: Epp, Timothy
Sent: Friday, March 8, 2019 3:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: updated prepared statement

EPA has had a significant number of overdue FOIA requests for years. At the end of FY 2016 and FY 2017, EPA had, respectively, 1,284 and 1,891 FOIA requests that were overdue. At the end of FY 2018, EPA had 2,761 FOIA requests that were overdue.

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: 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.

I recommend **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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/8/2019 8:17:00 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
Subject: updated prepared statement
Attachments: Draft EPA Prepared Statement_version 3-8-19_2pm.docx

See attached.

I recommend a **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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/15/2019 3:44:08 PM
To: Mackay, Cheryl (ENRD) [Cheryl.Mackay@usdoj.gov]
Subject: Awareness Notification Process
Attachments: FOIA Efficiency 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

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: 3/8/2019 2:13:51 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: Fwd: FOR REVIEW: 3/13 FOIA Hearing Testimony - Melanie Pustay (DOJ)
Attachments: DOJ_ Pustay_HOGR Testimony 3-13-19_Clean.docx; ATT00001.htm

FYI — this should come through other channels officially but forwarding in case there is delay.
Tim

Sent from my iPhone

Begin forwarded message:

From: "Voyles, Travis" <Voyles.Travis@epa.gov>
Date: March 8, 2019 at 9:07:57 AM EST
To: "Epp, Timothy" <Epp.Timothy@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Rodrick, Christian" <rodrick.christian@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>
Cc: "Knapp, Kristien" <Knapp.Kristien@epa.gov>
Subject: FOR REVIEW: 3/13 FOIA Hearing Testimony - Melanie Pustay (DOJ)

Hey Everyone-

Attached is DOJ's testimony from OMB for next week's FOIA hearing. The deadline for us to provide comments/edits is noon on Monday. Please have any comments/edits to me by COB today. This should also be hitting your email box from Christina Moody (OCIR), but I just wanted to get it to you as quick as possible.

Thanks,

Travis

--

Travis Voyles
Director of Oversight
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
O: (202) 564-6399
C: Personal Phone / Ex. 6

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/15/2019 6:23:24 PM
To: OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; James, Kimberly M (Jones) [James.Kimberly@epa.gov]; Koslow, Karin [Koslow.Karin@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: For David Fotouhi's binder -- Talking Points for Quarterly Performance Review mtg
Attachments: Talking points for FY19 Q2.docx; FOIA_missed target and reform area_FY19 Q1 QPR.PNG

Hi all,

Attached are talking points and the FOIA "Missed Target and Reform Area" slide for the Quarterly Performance Review meeting next week (FY 2019 Q1).

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: 3/19/2019 7:03:28 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Review by COB Today
Attachments: OGC-2 Redline FOIA Fact Sheet.docx

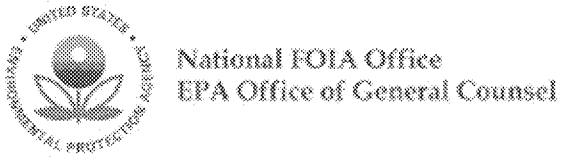
Joe – I needed to make some edits; attached is in redline.

There was one internal inconsistency and some updates to text made as part of my hearing prep.

Let me know if you have 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: Brazauskas, Joseph
Sent: Tuesday, March 19, 2019 2:36 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Review by COB Today

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/11/2019 5:25:57 PM
To: Block, Molly [block.molly@epa.gov]
Subject: RE: Prep for FOIA Hearing

Thanks Molly

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: Block, Molly
Sent: Monday, March 11, 2019 12:58 PM
To: Knapp, Kristien <Knapp.Kristien@epa.gov>; HQ-Room-WJCN-2530-50pp <HQ-Room-WJCN-2530-50pp@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Rodrick, Christian <rodrick.christian@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: RE: Prep for FOIA Hearing

FYI

https://www.eenews.net/eedaily/2019/03/11/stories/1060126819

FEDERAL AGENCIES

Democrats to grill Interior, EPA over FOIA

Kevin Bogardus, E&E News reporter
Published: Monday, March 11, 2019

The Trump administration this week will face its first grilling in the Democratic-controlled House on its handling of the nation's premier public records law.

On Wednesday, the House Oversight and Reform Committee will hold a hearing on the Freedom of Information Act.

The transparency law, more than 50 years old, has long been used by journalists and activists to pry records loose from federal agencies. FOIA requests for documents have surged under the Trump administration, and once released, those records often have detailed embarrassing fodder regarding some of the president's top officials.

Rep. Elijah Cummings (D-Md.), the committee's chairman, has been a watchdog on FOIA, championing legislation in Congress to strengthen the public records law.

On Friday, Cummings accepted an award at the National Freedom of Information Day Conference for his work pushing the 2016 amendments to the act, which were signed into law by President Obama.

In a speech accepting his award, Cummings said he decided to keep FOIA and federal records law under the purview of the full Oversight Committee so that "I give them my close, personal, microscopic attention. Amen," adding, to laughs from the audience, that he was the son of two preachers.

He said one of his panel's top priorities will be agencies' compliance with FOIA as well as to evaluate how lawmakers can improve the public records law. Cummings said he wants to work with Republicans to bolster FOIA, which he has done in the past.

"Things can always be improved upon. We can always be better on Tuesday than we were on Monday," the chairman said.

EPA, Interior

Cummings said his panel will hear testimony from the departments of Justice and the Interior as well as EPA at the hearing.

The chairman said he invited the Justice Department because of its role in overseeing FOIA. "In my opinion, they need to do a much, much, much, much better job, because we are seeing far too much information being delayed and even withheld," he said.

Cummings said he invited the Department of the Interior because of its recently proposed rule that could make it harder for requesters to obtain information under FOIA.

Interior's proposal would have the department not honor requests that require "unreasonably burdensome" searches, impose monthly limits on processing records and ask more information from requesters. Cummings joined with Sens. Chuck Grassley (R-Iowa), John Cornyn (R-Texas) and Patrick Leahy (D-Vt.) in signing a letter sent last week to the department raising concerns about the planned regulation (*E&E News PM*, March 5).

Cummings said, "I invited EPA because our committee conducted an investigation last year of former Administrator Scott Pruitt and of course his senior staff. We uncovered troubling issues with the way EPA was responding to FOIA."

He noted EPA's policy of having "politically charged" FOIA requests fall under review by political appointees at the agency.

"You hear that? That's deep. Deep-six," Cummings said.

Known as so-called awareness reviews at EPA, the policy triggered a subpoena request from Cummings last year. He did not have the authority to issue it, since he was then the ranking member on the panel.

EPA has since reined in the policy, giving political aides only three business days to review FOIA responses and affirming that they have no power to stall the release of records, according to a memo from EPA Chief of Staff Ryan Jackson (*Greenwire*, Nov. 28, 2018).

On Friday, Cummings implored the crowd to support government transparency and the freedom of the press. Throughout his speech, he stressed that without information, there can be no accountability.

"I beg you to tear down any walls that might block you from getting information to the American people and to the world that they need to know. I beg you to continue to stand up for a strong FOIA law," Cummings said.

The hearing will be held during Sunshine Week, which aims to raise awareness of the importance of transparency in government and the right to access public information.

-----Original Appointment-----
From: Knapp, Kristien
Sent: Tuesday, March 5, 2019 5:19 PM
To: Knapp, Kristien; HQ-Room-WJCN-2530-50pp; Voyles, Travis; Brazauskas, Joseph; Ringel, Aaron; Rodrick, Christian; Epp, Timothy; Walker, Denise; Thompson, Heather; White, Elizabeth; Rementer, Nicole; Creech, Christopher; Lyons, Troy; Leopold, Matt (OGC); Block, Molly
Cc: Blake, Wendy; Youngblood, Charlotte; Kelly, Lynn
Subject: Prep for FOIA Hearing
When: Monday, March 11, 2019 4:00 PM-5:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: HQ-Room-WJCN-2530-50pp

Reserving this time for a mock hearing to prepare Tim Epp for next Wednesday's (3/13) House Oversight hearing on FOIA.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/10/2019 11:24:26 AM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: Re: Awareness Notification

Adding Kevin Miller and Denise. Please see below

Sent from my iPhone

On Mar 10, 2019, at 7:22 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Hi Wendy,
>
> **Deliberative Process / Ex. 5**
>
> Tim
>
> Sent from my iPhone
>
> On Mar 9, 2019, at 11:02 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:
>
>> What about this?
>
> **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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/10/2019 11:22:36 AM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Kaminer, Joan [Kaminer.Joan@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: Re: Awareness Notification

Hi Wendy,

Deliberative Process / Ex. 5

Sent from my iPhone

On Mar 9, 2019, at 11:02 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

What about this?

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/8/2019 10:36:47 PM
To: Thompson, Heather [Thompson.Heather@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]
Subject: Fwd: updated prepared statement
Attachments: image001.jpg; ATT00001.htm; image001.jpg; ATT00002.htm; image001.jpg; ATT00003.htm; Draft EPA Prepared Statement_version 3-8-19_2pm.docx; ATT00004.htm; Draft clean EPA Prepared Statement_version 3-8-19_4pm.docx; ATT00005.htm

Sent from my iPhone

Begin forwarded message:

From: "Epp, Timothy" <Epp.Timothy@epa.gov>
Date: March 8, 2019 at 4:00:23 PM EST
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 – added under the "proactive disclosure" discussion:

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/7/2019 4:11:24 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]
Subject: FW: EPA's Draft Annual Report for DOJ Submission
Attachments: FY18 AnnualReport 3 7 19.pdf

FYI, only

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: Thursday, March 07, 2019 11:08 AM
To: Hopkins, Karen N. (OIP) <Karen.N.Hopkins@usdoj.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: EPA's Draft Annual Report for DOJ Submission

Karen.

Attached is a revised FOIA Annual Report for OIP review and approval for posting in PDF.

We will also be posting the raw statistical data in the 2 requested formats.

I responded to you questions below in RED.

Let me know if you have any additional questions.

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: Hopkins, Karen N. (OIP)
Sent: Thursday, February 21, 2019 1:01 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

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.

1. Deliberative Process / Ex. 5
2. Deliberative Process / Ex. 5

Updated:

Timothy Epp	epp.timothy@epa.gov
Larry Gottesman	gottesman.larry@epa.gov

3. I have reviewed the report and note items I've changed below.
   a. Agency Info. Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5
   b. Section IV Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5
   a. Section V.A. Deliberative Process / Ex. 5
   Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

b. Section VI.A. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

c. Section VII.E. Deliberative Process / Ex. 5

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/13/2019 11:41:44 AM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: chief FOIA Officer Report
Attachments: EPA Chief FOIA Officer Report Final.docx

Add the link and post.

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: 3/7/2019 3:15:52 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: DOJ report
Attachments: EPA DRAFT Chief FOIA Officer Report 03072018.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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/6/2019 9:19:42 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: For tomorrow's discussion -- redline of functional statement
Attachments: FOIA Functional Statement 03062019.docx

Would you like to send this out to the RC/DRC? Or, should I?

My meeting with Matt has been delayed to Friday, so I was not able to do a quick check with him on process. I'm assuming we hold a short discussion on it in the FOIA block tomorrow – Neil is on board to kick that off. (I'll cover other items first; Wendy has time after the functional statement discussion).

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: 3/6/2019 8:20:28 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Cummings, Grassley, Leahy, Cornyn Letter to DOI re FOIA regs
Attachments: 2019-03-05.EEC Leahy Grassley Cornyn to Bernhardt-DOI re FOIA_0.pdf

FYI

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: Wednesday, March 06, 2019 2:52 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Schramm, Daniel <Schramm.Daniel@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: [Hearing Prep]: Cummings, Grassley, Leahy, Cornyn Letter to DOI re FOIA regs

Chris & Dan:

Take note!

d

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

National FOIA Office
EPA Office of General Counsel

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Please consider the environment before printing this email or its attachments.

From: Rementer, Nicole
Sent: Wednesday, March 06, 2019 2:40 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: [Hearing Prep]: Cummings, Grassley, Leahy, Cornyn Letter to DOI re FOIA regs

Attached is the letter sent yesterday on Oversight letter to Acting Secretary Bernhardt of Interior outlining their concerns over DOI's proposed FOIA regulations. The letter does not request documents, but the members of Congress do ask DOI to reconsider the proposed rule. Rep. Cummings as House Oversight Chair, and Sens. Leahy, Grassley, and Cornyn signed the letter.

The concerns cover the following topics in DOI's proposed regulations: (1) "reasonably described" records standard; (2) proposed limit on review of voluminous records related to a request or requester; (3) substitution of "time limit" in current DOI regulations and in FOIA statute with "time frame".

This letter has some great signals to Cummings' views on FOIA and may preview the direction his questioning takes next week.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/6/2019 6:52:42 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: One Pager Request
Attachments: FOIA Regulations 2 Phase summary.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/6/2019 4:36:41 PM
To: Kelly, Lynn [Kelly.Lynn@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: New Team Lead & Draft/Final DOJ Report Numbers
Attachments: 2018 final AnnualReportPDF.PDF

Lynn and Matt,

This is the Annual report we submitted to DOJ on February 15 – there will be minor changes to this, including a few footnotes. The numbers won't change.

Tim

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: Wednesday, March 06, 2019 11:02 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: New Team Lead & Draft/Final DOJ Report Numbers

Hi Wendy/All:

First, I wanted to mention by email in case it hadn't trickled up to you all yet that Matt Schwarz is now the Team Lead in ILPG for FOIA Appeals, while I am in my Temporary Assistant Role. Please work with Matt directly on any appeal issues, including messages from requesters regarding status.

Second, can you please provide the latest copy (not sure if its final yet or not) of the DOJ FOIA report? **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Thanks!

Lynn Kelly | Temporary Assistant General Counsel for FOIA Litigation & Special Projects | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington, DC 20460 | phone: (202) 564-3266

The contents of this e-mail and any attachments to it may contain deliberative-process, attorney-client, attorney work product, or otherwise privileged material. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, retransmit, disseminate, or otherwise use the information. Thank you.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/6/2019 1:29:59 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: One Pager Request
Attachments: FOIA Regulations 2 Phase summary.docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/6/2019 12:08:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: New draft of FOIA Regulations Options Paper
Attachments: Options Selection_11.1.18.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

> **From:** "Schramm, Daniel" <Schramm.Daniel@epa.gov>
> **Date:** November 2, 2018 at 1:25:05 PM EDT
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Subject: FW: New draft of FOIA Regulations Options Paper**
>
> Tim – here is the paper again. Shall I go ahead and put a hardcopy in Matt's folder?
>
> ---
>
> **From:** Schramm, Daniel
> **Sent:** Thursday, November 1, 2018 5:10 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Talty, Mark <Talty.Mark@epa.gov>; McConkey, Diane <Mcconkey.Diane@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>
> **Subject:** New draft of FOIA Regulations Options Paper
>
> Hi all –
>
> Thanks everyone, and especially most recently our CCILO APA experts, for your assistance with this paper, which now must be on track to set a record for the longest under-development briefing paper in OGC history ☺.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks all,

Daniel Schramm
U.S. EPA Office of General Counsel
(202) 564-3377
schramm.daniel@epa.gov

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/5/2019 1:31:37 PM
To: Logan, Shanita [logan.shanita@epa.gov]
Subject: RE: FY 2020 budget narrative

Hi Shanita – hopefully we have a chance to touch base on this today – is FOIA discussed in any other portion of the OGC budget narrative? I'd like to see the full range of FOIA description before editing to make sure that all portions are coordinated.

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: Logan, Shanita
Sent: Monday, March 04, 2019 5:41 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FY 2020 budget narrative

Hi Tim
We received feedback from OMB on OGC's FY 2020 Congressional narratives. They would like to link the sentence highlighted below to FY 2020 or remove the sentence.

Maybe we could add something like this.. **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

Please provide a response by 3pm tomorrow. I am sorry for the short turnaround.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/4/2019 11:26:36 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Fwd: FY 2020 budget narrative

Sent from my iPhone

Begin forwarded message:

From: "Logan, Shanita" <logan.shanita@epa.gov>
Date: March 4, 2019 at 5:40:44 PM EST
To: "Epp, Timothy" <Epp.Timothy@epa.gov>
Subject: FY 2020 budget narrative

Hi Tim
We received feedback from OMB on OGC's FY 2020 Congressional narratives. They would like to link the sentence highlighted below to FY 2020 or remove the sentence.

Maybe we could add something like this Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 ....

Please provide a response by 3pm tomorrow. I am sorry for the short turnaround.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

[1] Resources for legal services to support environmental programs are included in the Legal Advice: Environmental Program.

Deliberative Process / Ex. 5

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/3/2019 3:06:22 PM
To: Cozad, David [Cozad.David@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]
Subject: edits to Functional Statement
Attachments: FOIA Functional Statement 03022019.docx

Importance: High

Gentlemen: attached document shows redline changes to the functional statement to take into account comments from Paul Simon, R10 (submitted by Joe Edgell), Bert Frey, KC Schefski,
Dana Skelley, Leif Palmer, and Tim Williamson.

Deliberative Process / Ex. 5

I do have a 30 minute Hot Topics meeting with Matt on Tuesday morning – to go over the draft regulations. Could we be in a position to add this document to that meeting agenda? (I could also ask for more time.)

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: 3/1/2019 9:35:19 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FW: For review: FOIA Standard Functions document - Comments from ORC Region 5
Attachments: FOIA Functional Statement 2.13.19clean jec edits swp.docx

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

From: Frey, Bert
Sent: Thursday, February 28, 2019 3:29 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: For review: FOIA Standard Functions document - Comments from ORC Region 5

[Tim, here is what I believe Rett sent or intended to send yesterday.]

Dave,

ORC Region 5 very much appreciates the opportunity to comment on the draft FOIA Standard Functions Memo. I will give my full attention to implementing ORC's new FOIA coordination function in my office and Region. In light of the Region's existing backlog of FOIA responses and Regional program staffing issues, I am aware of the challenges ahead in assuming the FOIA coordination for the Region. Future PARS agreements for the Regional Counsel will be revised to incorporate FOIA metrics once FOIA functions shift to ORC. ORC Region 5 looks forward to meeting the challenges and not only addressing the backlog but also having a fully functioning, efficient and effective program going forward.

Deliberative Process / Ex. 5

We have a few additional comments and suggested revisions, as noted below (and on the attached reline/strikeout version of the draft FOIA Standard Functions Memo):

1. **Deliberative Process / Ex. 5**

2.

3. Deliberative Process / Ex. 5
4.
5.
6.

Rett

From: Epp, Timothy
Sent: Thursday, February 28, 2019 1:55 PM
To: Cozad, David <Cozad.David@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: RE: For review: FOIA Standard Functions document

Hi RCs and DRCs –

We received only one set of comments by yesterday's deadline. Please let me know by 10 am tomorrow (Friday) of any additional comments – we will treat the FOIA Functional Statement as having general ORC approval if we don't hear from you.

Thank you,
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: 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 fing

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/1/2019 4:40:08 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Preamble Edits/Comments
Attachments: Phase I FOIA Regs, Clean, 02.27.2019_jab.docx

Congrats, Chris! The comments are minor.

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: Friday, March 01, 2019 11:22 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Preamble Edits/Comments

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/1/2019 4:38:24 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
Subject: RE: Preamble Edits/Comments
Attachments: Phase I FOIA Regs, Clean, 02.27.2019_jab.docx

Joe,

I'd like to circle back with you on your question pertaining to a statement about future public comment – 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: Friday, March 01, 2019 11:22 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>
Subject: Preamble Edits/Comments

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Thanks,
Joe

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/28/2019 8:25:25 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FW: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx

Dave – did you receive any comments from Rhett in R5 on the functional statement – Bert called me and said that he had prepared a set for him to send (he's on vacation now).
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 28, 2019 2:55 PM
To: Cozad, David <Cozad.David@epa.gov>; OGC RCs and DRCs <OGC_RCs_and_DRCs@epa.gov>
Subject: RE: For review: FOIA Standard Functions document

Hi RCs and DRCs –

We received only one set of comments by yesterday's deadline. Please let me know by 10 am tomorrow (Friday) of any additional comments – we will treat the FOIA Functional Statement as having general ORC approval if we don't hear from you.

Thank you,
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: 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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/28/2019 7:55:01 PM
To: Cozad, David [Cozad.David@epa.gov]; OGC RCs and DRCs [OGC_RCs_and_DRCs@epa.gov]
Subject: RE: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx

Hi RCs and DRCs –

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Thank you,
Tim

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

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Cc: Epp, Timothy <Epp.Timothy@epa.gov>
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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Many thanks to the workgroup for putting this together –

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Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
Deliberative Process / Ex. 5 (c)

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/27/2019 11:58:35 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
Subject: Fwd: House oversight hearing prep

Sent from my iPhone

Begin forwarded message:

From: "Voyles, Travis" <Voyles.Travis@epa.gov>
Date: February 27, 2019 at 6:57:02 PM EST
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: (202) 309-6931

-----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.

Wheeler FOIA Memo –
https://www.epa.gov/sites/production/files/2018-11/documents/wheeler-messageonfoia-november132018.pdf

Wheeler Transparency Memo –
https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-messageontransparency-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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/27/2019 11:52:17 PM
To: Voyles, Travis [Voyles.Travis@epa.gov]
CC: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Knapp, Kristien [Knapp.Kristien@epa.gov]
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>
> Wheeler Transparency Memo – https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-messageontransparency-august022018.pdf
>
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> Previous FOIA oversight testimony before the Committee
> EPA testimony guidance
>
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> O: (202) 564-6399
> C: Personal Phone / Ex. 6
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> From: Epp, Timothy
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> To: Voyles, Travis <Voyles.Travis@epa.gov>
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> Subject: Re: House oversight hearing prep
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>
>
> 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
>
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>
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> 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/4/2019 5:53:38 PM
To: Veney, Carla [Veney.Carla@epa.gov]; Maher, Lauren [Maher.Lauren@epa.gov]
CC: OGC Immediate Office Support [OGCFrontOfficeSupportStaff@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: Material for Matt's Hot Topic Meeting with the NFO
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

Carla and Lauren,

Please place the attached documents into Matt's binder for tomorrow's Hot Topic meeting with the NFO.

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: 3/4/2019 3:50:15 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]
Subject: FW: House oversight hearing prep
Attachments: 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

FYI

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

From: Voyles, Travis
Sent: Wednesday, February 27, 2019 5:31 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-

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-messageonfoia-november132018.pdf

Wheeler Transparency Memo – https://www.epa.gov/sites/production/files/2018-08/documents/wheeler-messageontransparency-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: Deliberative Process / Ex. 5

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> 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 Number / Ex. 6
>
> **From:** Epp, Timothy
> **Sent:** Tuesday, February 26, 2019 11:58 AM
> **To:** Voyles, Travis <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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/27/2019 7:31:11 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
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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/27/2019 7:26:32 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
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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/27/2019 2:58:16 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]
Subject: changes I've made to preamble
Attachments: DRAFT Phase I FOIA Regs Clean (02.22.2019) - cy 2.26.WLB with lek preamble comments.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: 2/26/2019 6:22:17 PM
To: Thompson, Heather [Thompson.Heather@epa.gov]
Subject: FW: Final Signed Letter to Cummings
Attachments: 2018-07-13.EEC to Gowdy re.FOIA Subpoena.pdf; 2018-06-11.EEC to Pruitt re. FOIA requests.pdf

Heather, please also include these in a hearing prep binder.

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: Monday, February 25, 2019 9:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: RE: Final Signed Letter to Cummings

There are two Cummings letters, both attached:

June 11, 2018 – Cummings' document request to EPA
July 13, 2018 – Cummings' letter to Gowdy requesting a subpoena

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: Monday, February 25, 2019 9:10 AM
To: Walker, Denise <Walker.Denise@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Thompson, Heather <Thompson.Heather@epa.gov>
Subject: FW: Final Signed Letter to Cummings

Denise, Nicole, and Heather –

Putting this at the top of folk's box – we need to think through our tactical approach to the issues in the attached letter as part of my prep for the March 13 hearing.

Does anyone have a copy of the incoming letter from Cummings?

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: Tuesday, August 21, 2018 6:55 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Final Signed Letter to Cummings

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

Have a FOIA question? Try here first!

From: Walker, Denise
Sent: Tuesday, July 17, 2018 4:26 PM
To: OGC NFO FEAT <OGC_NFO_FEAT@epa.gov>
Subject: Final Signed Letter to Cummings

As promised.

I will let you know when I have an update or any additional information.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/25/2019 8:11:33 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]
Subject: Materials for today
Attachments: FOIA Efficiency Memo.pdf; Administrator FOIA memo 2018.pdf; February 2019 EPA Freedom of Information Act (FOIA) Backlog Report.pdf

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

From: Brooks, Becky
Sent: Monday, February 04, 2019 2:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: Reschedule of FOIA meeting

Hi Tim — I wanted to check your availability on February 25 at 3:30 for the FOIA meeting with OLEM or do you prefer to look at dates in March? Thanks. Becky

Sent from my iPhone

On Dec 14, 2018, at 7:41 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> That would be a good approach.
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> ---
>
> **From:** Brooks, Becky
> **Sent:** Friday, December 14, 2018 6:42 AM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Cc:** Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
> **Subject:** RE: Reschedule of FOIA meeting
>
> Hi Tim – No need to apologize. For now, would you like us to remove the attachments and we can add materials as it gets closer to the date? Becky
>
> *Becky Brooks*
> *Special Assistant*
> *Office of Land and Emergency Management*
> *U.S. Environmental Protection Agency*
> *ph. 202-566-2762*

From: Epp, Timothy
Sent: Thursday, December 13, 2018 4:29 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Reschedule of FOIA meeting

Hi Becky,

First, let me apologize for my delayed response. Monday, January 28 works for me. If we go forward with that date, I'm sure that we will want to use updated or different material than was attached to the meeting invite for 12/17. We do anticipate rolling out in the new year training for managers on their FOIA responsibilities – at this point, I cannot commit that we will be ready by 1/28, but it you may be our first trial run.

Tim

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

From: Brooks, Becky
Sent: Wednesday, December 12, 2018 2:06 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Reschedule of FOIA meeting

Hi Timothy – Apologies, but we are going to have to reschedule the FOIA meeting w/OLEM that is currently scheduled for Monday, December 17. Does Monday, January 28 at 3:30 work for you for that meeting? If we are able to move things around to do it sooner, we will, but for now January 28 is open. Thanks. Becky

Becky Brooks
Special Assistant
Office of Land and Emergency Management
U.S. Environmental Protection Agency
ph. 202-566-2762

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/25/2019 2:08:03 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]
CC: Thompson, Heather [Thompson.Heather@epa.gov]
Subject: updating FOIA fact sheet for March 13 hearing
Attachments: OGC-4 FOIA Fact Sheet and Q&As clean.docx

Hi Nicole, Denise, and Chris, (FYI for Heather)

Attached is the FOIA fact sheet we prepared for the Administrator's confirmation hearing – we need to update this with current information for the hearing on March 13. Chris, did you come in during the shutdown to provide additional or updated information?

I've reached out to Beth to ask for a meeting with her on this.

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: 2/25/2019 2:03:13 PM
To: Thompson, Heather [Thompson.Heather@epa.gov]
Subject: draft Chief FOIA Officer Report
Attachments: EPA DRAFT Chief FOIA Officer Report 02152018.pdf

Heather, thanks for your interest in working on my draft testimony for the hearing. Here is our draft Chief FOIA Officer Report.

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: 2/22/2019 9:47:29 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
CC: Albright, Scott [Albright.Scott@epa.gov]
Subject: RE: Freedom of Information Act Appeal EPA-HQ-2019-002029 (Request EPA-HQ-2019-000381)
Attachments: FOIAPolicyand ProceduresMemo.pdf; OGC Guidance_FOIA Improvement Act of 2016.pdf; EPA FOIA Policy 09-30-2014.pdf; EPA FOIA Procedures 09-30-2014.pdf

Hi Kevin and Scott,

As of last week, we have a new document that identifies the EPA Public Liaison. See attached Memo from Matt updating the Agency's policy and procedure to define the Public Liaison as the director of the NFO.

Tim

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

From: Gottesman, Larry
Sent: Friday, February 22, 2019 4:16 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: Freedom of Information Act Appeal EPA-HQ-2019-002029 (Request EPA-HQ-2019-000381)

Kevin-

When we responded to the original request, after consultation with Tim Epp, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Hope this helps.

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: Miller, Kevin
Sent: Friday, February 22, 2019 3:56 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: Freedom of Information Act Appeal EPA-HQ-2019-002029 (Request EPA-HQ-2019-000381)

Larry and Tim,

I wanted to verify this appeal Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Kevin

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 6/17/2019 4:39:27 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
Attachments: DRAFT Messaging for FOIA Regulations Update (06.17.2019).docx

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/12/2019 10:25:06 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Packard, Elise [Packard.Elise@epa.gov]
Subject: Revisions to Chief FOIA Officer Report
Attachments: DRAFT Chief FOIA Officer Report 02122018.docx

Hi Joe,

The attached redline shows updates to the Chief FOIA Report, including edits we accepted from GLO's review. As I mentioned in the hallway, later today and prior to sending to Matt tomorrow, we will run through this one more time focused on fine proofing.

Let me know if you have any concerns or comments on the changes in the attached.

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: 2/12/2019 8:11:23 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: Chief FOIA Officer report for proofing
Attachments: DRAFT Chief FOIA Officer Report 02122018.docx

Hi Denise,

The attached document is the one that I am going to send to Joe this evening – except, I will 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: 2/12/2019 3:54:32 PM
To: Kelly, Lynn [Kelly.Lynn@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

Thanks for all your attention to this.

This morning, we received another OEI run on the Annual Report; we will check all numbers against it.

Tim

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: Tuesday, February 12, 2019 10:52 AM
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

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 the descriptions pertaining to 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/12/2019 2:31:07 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]; Neal, Kerry [neal.kerry@epa.gov]
Subject: NFO comments on functional statement
Attachments: FOIA Functional Statement 2.12.19.docx

Greetings all – Allyn, I hope you have electrical power and are staying warm.

Attached are comments on the functional statement from the NFO. The NFO staff had many more questions and requests for clarification that I have included in the attached; my assumption is that we are viewing this as an initial document that will go through refinement through experience.

In this version, I hope we have met your requests for clarification of the NFO functions portion of the document. In our last call, we discussed the NFO review of Regional Policies and Procedures – I have been able to determine that the appropriate standard is "certify." This does not come from statute or regulations, but instead was a commitment that the Agency made to the I.G. in response to a 2014 report detailing significant non-compliance between regional and program policies and procedures as compared to the Agency's policies and procedures. The commitment was that the regions and programs would certify that they had updated their policies and procedures to comply with those of the Agency.

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: 2/14/2019 8:00:05 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Maher, Lauren [Maher.Lauren@epa.gov]; Veney, Carla [Veney.Carla@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
Subject: Text for an email cover note for transmittal of interim FOIA Policy and Procedures Update

Hi Matt,

The FOIA Policy and Procedures Update is in your folder for signature. Below is text for you to consider using as an email cover note in transmitting the signed document (Joe has cleared) – this is also in your folder:

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: 2/15/2019 7:37:17 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: redline of Chief FOIA Officer report
Attachments: DRAFT Chief FOIA Officer Report 02152018redline.docx

Importance: High

Joe, here it is with your edits and the few number changes that impacted this report.

Let me know if you have additional edits or if this is good to go.

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: 2/15/2019 7:02:40 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Interim FOIA Policy and Procedures Update
Attachments: FOIAPolicyand ProceduresMemo.pdf; OGC Guidance_FOIA Improvement Act of 2016.pdf; EPA FOIA Policy 09-30-2014.pdf; EPA FOIA Procedures 09-30-2014.pdf

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 15, 2019 1:46 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; 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: RE: Interim FOIA Policy and Procedures Update

For your records, see attached FOIA Policy and Procedure update with three attachments.

Tim

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 7:01:04 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: FW: Interim FOIA Policy and Procedures Update
Attachments: FOIAPolicyand ProceduresMemo.pdf

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

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,

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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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 6:57:06 PM
To: Veney, Carla [Veney.Carla@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
CC: Shaffer, Patricia [Shaffer.Patricia@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: OIG response memo & supporting Chart
Attachments: OGC Guidance_FOIA Improvement Act of 2016.pdf; EPA FOIA Policy 09-30-2014.pdf; EPA FOIA Procedures 09-30-2014.pdf; OGC Memo for Reply to Discussion Document 021519final.doc; Response to Discussion Document for Project OA_E_-FY18-0217 021519final.docx

Hi Matt and Carla,

Attached for Matt's signature is a Memo to OIG responding to the Discussion Document, along with a chart in the word document and the Policy & Procedure Update with its three attachments.

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 15, 2019 11:51 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Cc: Veney, Carla <Veney.Carla@epa.gov>; Shaffer, Patricia <Shaffer.Patricia@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>
Subject: OIG response memo & supporting Chart
Importance: High

Joe – attached for your review and Matt's signature today is the OGC memo responding to the OIG and a supporting chart.

Lynn Kelly gets kudos for leading the drafting and navigating this through.

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: 2/21/2019 5:37:00 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]
Subject: FYI -- Regional Functional Statement
Attachments: FOIA Functional Statement 2.13.19clean.docx

Wendy, Charlotte, Kevin, and Lynn – see attached Regional Functional Statement. David Cozad set a February 27 deadline for the Regions to comment. Your comments by that date would be welcome.

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: 2/15/2019 5:07:21 PM
To: Veney, Carla [Veney.Carla@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Maher, Lauren [Maher.Lauren@epa.gov]
Subject: RE: GC Signature Request, NFO, FOIA Policy and Procedures Update

Thanks Chris – copying Larry because he is working on it as well.

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 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 4:51:08 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Veney, Carla [Veney.Carla@epa.gov]; Shaffer, Patricia [Shaffer.Patricia@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: OIG response memo & supporting Chart
Attachments: DRAFT OGC Memo for Reply to Discussion Document 021519 for Joe.doc; Draft Response to Discussion Document for Project OA_E_-FY18-0217 021519 for Joe.docx

Importance: High

Joe – attached for your review and Matt's signature today is the OGC memo responding to the OIG and a supporting chart.

Lynn Kelly gets kudos for leading the drafting and navigating this through.

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: 2/8/2019 4:40:05 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: editing notes

Thanks!

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 11:39 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: editing notes

OIP called me back and says that we can put in an executive summary if we want to.

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
Personal Privacy / Ex. 6

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

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
Personal Privacy / Ex. 6

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

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: 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?

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
Personal Privacy / Ex. 6

Have a FOIA question? Try here first!
Have a Relativity 9 question? Try here first!

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/13/2019 6:02:39 PM
To: Cozad, David [Cozad.David@epa.gov]
Subject: draft Regional FOIA Program Functional Statement
Attachments: FOIA Functional Statement 2.13.19.docx

Hi David – this is a more cleaned up version of what I gave you yesterday.
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: 2/13/2019 6:01:03 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: draft Regional FOIA functional statement
Attachments: FOIA Functional Statement 2.13.19.docx

Hi Leif,

Before the shutdown, you expressed an interest in getting an early look at the work-product of the Regional FOIA Reorganization Workgroup – we now have something for you to look at. Unfortunately, our time has been cut short by the shutdown and our current plan is to deliver the attached document to David Cozad this Friday. After that, all of the Regional Counsels will be invited to comment on it. We would welcome early feedback from you, especially if you have time to look at it before Friday.

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: 2/13/2019 3:30:21 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]; Neal, Kerry [neal.kerry@epa.gov]
Subject: RE: Gut check with David C.
Attachments: FOIA Functional Statement 2.13.19.docx

Hi all – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Please review.

I plan to send this document to Leif this afternoon, and if I hear no comments on it, this is the document I will send to David Cozad on Friday.

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, February 12, 2019 4:01 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>; Neal, Kerry <neal.kerry@epa.gov>
Subject: Gut check with David C.

Hi all,
I showed David our current draft (without redlines) – Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Process going forward:

1) We proceed with our plan to clean this version up and send it to David by Friday.
2) Unless anyone objects, I will send this version to Leif Palmer to give him a preview and ask for any top-level reactions.
3) David will take the document for an early review with Matt and, if all goes well, David or we as a workgroup will send it out to all RCs and schedule a meeting to discuss it.

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: Epp, Timothy
Sent: Tuesday, February 12, 2019 9:31 AM
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>; Neal, Kerry <neal.kerry@epa.gov>
Subject: NFO comments on functional statement

Greetings all – Allyn, I hope you have electrical power and are staying warm.

Attached are comments on the functional statement from the NFO. The NFO staff had many more questions and requests for clarification that I have included in the attached; **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: 2/13/2019 3:26:29 PM
To: Cozad, David [Cozad.David@epa.gov]
Subject: RE: Regional FOIA

That is correct – the Standard Functions document is intended to guide management in structuring and staffing the regional FOIA operations; the FOIA procedures are intended as guidance to staff in implementing their FOIA responsibilities.

Yes, the regional FOIA procedures will need to be updated for a number of reasons: to reflect the reorganization; to reflect the regulations we are about to issue; to reflect statutory changes in 2016.

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: Wednesday, February 13, 2019 10:20 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Regional FOIA

Tim –

Quick question. The "Standard Functions" document is not meant to replace the region-specific SOPs, correct (see intranet link below)? It is meant to inform and guide them. But those SOPs will need to be revised when FOIA moves to ORC to reflect that new structure and to be consistent with the expectation in this new document.

http://intranet.epa.gov/foia/FOIA-Procedures.html

Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
Personal Privacy / Ex. 6

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 2:55:51 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]
Subject: RE: Updated Chart of Factual Responses
Attachments: Draft Response to Discussion Document for Project OA_E_-FY18-0217.docx

Importance: High

Hi Wendy,

It appears you did not edit the version with my last edits – please look at these: **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: Blake, Wendy
Sent: Friday, February 15, 2019 9:48 AM
To: Kelly, Lynn <Kelly.Lynn@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Updated Chart of Factual Responses

Lynn – I will call you re: the attached shortly. 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: Kelly, Lynn
Sent: Friday, February 15, 2019 7:57 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Updated Chart of Factual Responses

Good morning,

Attached is an updated chart of factual responses – the only thing I left in redline is the last comment so you can see how I tried to address your comments Tim.

I also am drafting a cover memo for OGC which I will send around shortly this morning for you two to review. This chart would be attached to that memo.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 1:51:07 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Update has been signed

Wendy, Lynn and Joe,

Carla told me that Matt has signed the FOIA Policy and Procedure Update – I'm still working with her to sort out getting it distributed.

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: 2/15/2019 1:32:03 PM
To: Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Draft OGC transmittal memo for factual response to discussion document
Attachments: OGC Memo for Reply to Discussion Document.doc

ACP, Deliberative Process / Ex. 5

Tim

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

From: Kelly, Lynn
Sent: Friday, February 15, 2019 8:20 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Draft OGC transmittal memo for factual response to discussion document

Here is a simple memo for OGC to use to transmit the combined factual response chart for you to review and edit.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 1:23:32 PM
To: Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Updated Chart of Factual Responses
Attachments: Draft Response to Discussion Document for Project OA_E_-FY18-0217.docx

Thanks Lynn – this looks really good; I've made some edits to the last box. Please check my thinking.

BTW – I checked with Carla this morning: Matt did not sign the Update yesterday. She said she will "light a fire" for him on it when he arrives this morning.

Tim

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 7:57 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Updated Chart of Factual Responses

Good morning,

Attached is an updated chart of factual responses – the only thing I left in redline is the last comment so you can see how I tried to address your comments Tim.

I also am drafting a cover memo for OGC which I will send around shortly this morning for you two to review. This chart would be attached to that memo.

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.

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 2/19/2019 9:12:13 PM
To: OGC RCs and DRCs [OGC_RCs_and_DRCs@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]

Subject: For review: FOIA Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx
Location: 202-991-0477 passcode: 4609930

Start: 2/21/2019 8:00:00 PM
End: 2/21/2019 9:00:00 PM
Show Time As: Tentative

FOIA Functional Statement 2.13.1...

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. The intent of this document is to guide management in structuring and staffing the regional FOIA operations as they move to ORC. It will be issued by Matt Leopold, as the Agency's Chief FOIA Officer. The draft was put together by a workgroup led by Tim Epp and Neil Bigioni, with participants from Regions 1, 8, 9, and 10.

The primary purpose of the document is to ensure that there is a base level of adequate and consistent staff and structure for regional FOIA offices in ORC from the outset. 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 Privacy / Ex. 6

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/15/2019 8:06:43 PM
To: Busterud, Gretchen [Busterud.Gretchen@epa.gov]
Subject: RE: Interim FOIA Policy and Procedures Update

Hi Gretchen – thanks for noting – we updated the Chief FOIA Officer delegation in September. Let me know if you need a copy of it; also, let me know if there is another delegation on FOIA that I should review.

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

From: Busterud, Gretchen
Sent: Friday, February 15, 2019 2:04 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Interim FOIA Policy and Procedures Update

Thanks for sending this!

FYI – just wanted to pass along that one of our FOIA attorneys noted the national FOIA delegation may also need to be updated.

From: Epp, Timothy
Sent: Friday, February 15, 2019 10:46 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; 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: RE: Interim FOIA Policy and Procedures Update

For your records, see attached FOIA Policy and Procedure update with three attachments.

Tim

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

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/19/2019 7:09:51 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
Subject: FW: Ethics FOIAs: Head's Up Draft Email
Attachments: revised heads up note about releasing documents.docx

As discussed.

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: 202-336-9101

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 vet the attached draft email, which OGC Ethics was asked to draft so that it could be sent to political appointees whose documents will be released under FOIA. Justina and I want to include the NFO in this, since such communications should squarely be within the NFO's wheelhouse, and I will defer to you as to which member of ILPG lends this their input on what should be a pretty benign communication. (As an side, FEAT has considered using similar communications and having a draft template for FEAT to use on its big projects would not be amiss. ☺)

Essentially, all this email is designed to do is to tell the political appointee that their documents are being released under FOIA and, in the least amount of legalese possible, explain the most commonly used FOIA exemptions and how those FOIA exemptions are applied. This should clarify a lot of the confusion about political appointees

assuming that the attorney-client privilege, DPP, or personal privacy interest applies in full to the entirety of their documents. So when the political appointee is being notified that their documents are going out, and receive a copy of their documents, they'll have this very handy email explaining how and why things have been redacted.

You will see that there are comments from OGC Ethics in this draft. Shannon Griffo and I put together the initial draft, Justina revised, and then Dave Cozad made subsequent comments, to which we have replied. I left the commentary in for context.

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: 202-336-9101

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/19/2019 5:58:01 PM
To: Cozad, David [Cozad.David@epa.gov]
CC: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx

David,

We can go ahead and distribute the draft functional statement (Leif said he doesn't want to hold us up).

Your draft note below looks great to both Neil and m. We've added one line (noted with brackets [] and underline). A few other, minor edits were also added without highlight.

Phone call on the afternoon of Thursday, Feb. 21 at 3 pm; with a written commend deadline of COB Wednesday, Feb. 27.

Should I arrange the phone call? Or, do you want to host, with an invite using the video in 4045?

The document is attached for distribution.

Tim

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

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: Friday, February 15, 2019 12:57 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Standard Functions document

Hi Tim –

I walked Matt through the document, and while he hasn't been through it in detail, he likes the direction and supports moving out for review. So once you hear back from Leif, I would like to send it to all the regions. Below is a draft cover note. If you could review and let me know what you think, I would appreciate it. Thanks –

Hello RCs and DRCs -

Deliberative Process / Ex. 5

Thanks –

Dave

Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
816-835-1909 (c)

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/19/2019 5:11:22 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: Standard Functions document
Attachments: FOIA Functional Statement 2.13.19clean.docx

Neil – sending this for your thoughts/comment

We can go ahead and distribute the draft functional statement (Leif said he doesn't want to hold us up).

See David's draft note below-- looks great to me. I've added one line (noted with brackets [] and underline). I made a few other, minor changes that I did not highlight.

On the deadline for comment and a phone call – seems we should hold the call before the deadline for comment so that we can quiet any misunderstandings.

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: Friday, February 15, 2019 12:57 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Standard Functions document

Hi Tim –

I walked Matt through the document, and while he hasn't been through it in detail, he likes the direction and supports moving out for review. So once you hear back from Leif, I would like to send it to all the regions. Below is a draft cover note. If you could review and let me know what you think, I would appreciate it. Thanks –

Hello RCs and DRCs -

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks –

Dave

Dave Cozad
Acting Deputy General Counsel
202-564-5434 (w)
816-835-1909 (c)

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/1/2019 7:05:32 PM
To: Maher, Lauren [Maher.Lauren@epa.gov]
Subject: FW: For Matt's Weekend Binder -- Read-ahead material for NFO Hot Topics
Attachments: DRAFT MEMO Policy and Procedure Update 11.19.2018 .docx; Cover Note for NFO Read ahead materials.docx; AnnualReport 2 1 19 130pm (003).pdf

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/5/2019 4:04:07 PM
To: OGC NFO [OGC-NFO@epa.gov]; Thompson, Heather [Thompson.Heather@epa.gov]; Bhatt, Krishna [bhatt.krishna@epa.gov]; Spears, Rasheena [spears.rasheena@epa.gov]
Subject: FW: NFO Hot Topics Agenda & Read-ahead documents
Attachments: DRAFT MEMO Policy and Procedure Update 11.19.2018 .docx; AnnualReport 2 1 19 130pm (003).pdf; NFO Hot Topics Agenda 2-6-19.docx; Chief FOIA Officer Memo.pdf; Discussion Document - Audit of Email, Text and FOIA Practices (Project No. OAE-FY18-0217).pdf; Monthly Backlog reduction memo 2-6-19.docx

Hi all, here is the agenda and read-ahead documents for the NFO Hot Topics meeting with Matt tomorrow.
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, February 05, 2019 11:03 AM
To: OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: NFO Hot Topics Agenda & Read-ahead documents

Folks,

For Matt's evening binder, attached are the following documents that will be relevant to NFO's Hot Topic meeting tomorrow:

1) NFO Hot Topics Agenda
2) Resend of "Freedom of Information Act (FOIA) Policy and Procedure Update"
3) EPA Annual FOIA Report to DOJ (final for approval)
4) OIG Memo & Discussion Document
5) DOJ Memo to Chief FOIA Officers
6) NFO FOIA Backlog Report for 2/6/2019

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: 2/1/2019 6:32:32 PM
To: Maher, Lauren [Maher.Lauren@epa.gov]
Subject: For Matt's Weekend Binder -- Read-ahead material for NFO Hot Topics
Attachments: DRAFT MEMO Policy and Procedure Update 11.19.2018 .docx; Cover Note for NFO Read ahead materials.docx

Lauren – I'm missing item 3 in the below. That will come shortly.

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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/2/2019 2:03:49 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: FOIA Training and Guidance
Attachments: OGC foia guidance FINAL.pdf; OGC FOIA Procedures FINAL 3-31-15.pdf; Reviewing and preparing Outlook emails for FOIA Online_FINAL (2).pdf; Reviewing and preparing Outlook emails for FOIA Online_FINAL.pdf; Scoping Update Email Comms.dolph comments.docx; 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).docx; 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).pdf; Backup of 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).wbk; Backup of FOIA Conference 2017. registration. final draft.wbk; Backup of FOIA Conference 2017. registration.wbk; Backup of FOIAonline improvement suggestions. OGC. 05.03.2017.wbk; Conference 7-5-17 with presenters.xlsx; Conference Attendee Emails.docx; Conference Webinar Schedule.doc; DETAILED Lifecycle AGENDA for the National FOIA Training 2017 (07-17-2017).docx; DOJ OIP FOIA Training Powerpoint Part 1.pptx; DOJ OIP FOIA Training Powerpoint Part 2.pptx; DRAFT GUIDANCE_Building Better Searches Using Boolean Logic.docx; Exemption 7.pptx; FEAT Bi-Weekly Meeting Agenda.030315.docx; FOIA Conference 2017. registration. final draft.docx; FOIA Conference 2017. registration.docx; FOIA Conference 2017. external panel proposal.docx; FOIA Conference 2017. registration email. final.docx; FOIA Conference. Estimated Travel Costs and Attendance.docx; FOIA Conference. facility rental. docx.docx; FOIA Exemptions Cheat Sheet.msg; FOIA improvement Act of 2016 9 20.pdf; FOIAonline improvement suggestions. OGC. 05.03.2017.docx; FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf; FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm and bid.docx; FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm.doc; FOIIA Response. 10 day Extension Draft 5-4-12.docx; Full List of FOIA Exemptions.docx; MS Outlook Email Search Service Training - Group 2.pptx

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

-----Original Message-----
From: Bigioni, Neil
Sent: Wednesday, August 29, 2018 5:15 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: FOIA Training and Guidance

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 8:07 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: FOIA Training and Guidance

Neil -- as my successor, I am emailing to you my electronic files pertaining to FOIA Training and Guidance. Thanks.

OGC foia guidance FINAL.pdf
OGC FOIA Procedures FINAL 3-31-15.pdf
Reviewing and preparing Outlook emails for FOIA Online_FINAL (2).pdf Reviewing and preparing Outlook emails for FOIA Online_FINAL.pdf Scoping Update Email Comms.dolph comments.docx
2017 National FOIA Training Conference Agenda (07-17-2017 Draft).docx
2017 National FOIA Training Conference Agenda (07-17-2017 Draft).pdf Backup of 2017 National FOIA Training Conference Agenda (07-17-2017 Draft).wbk Backup of FOIA Conference 2017. registration. final draft.wbk Backup of FOIA Conference 2017. registration.wbk Backup of FOIAonline improvement suggestions. OGC. 05.03.2017.wbk Conference 7-5-17 with presenters.xlsx Conference Attendee Emails.docx Conference Webinar Schedule.doc DETAILED Lifecycle AGENDA for the National FOIA Training 2017 (07-17-2017).docx DOJ OIP FOIA Training Powerpoint Part 1.pptx DOJ OIP FOIA Training Powerpoint Part 2.pptx DRAFT GUIDANCE_Building Better Searches Using Boolean Logic.docx Exemption 7.pptx FEAT Bi-Weekly Meeting Agenda.030315.docx FOIA Conference 2017. registration. final draft.docx FOIA Conference 2017. registration.docx FOIA Conference 2017. external panel proposal.docx FOIA Conference 2017. registration email. final.docx FOIA Conference. Estimated Travel Costs and Attendance.docx FOIA Conference. facility rental. docx.docx FOIA Exemptions Cheat Sheet.msg FOIA improvement Act of 2016 9 20.pdf FOIAonline

improvement suggestions. OGC. 05.03.2017.docx FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf
FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm and bid.docx FOIA-Training-Alternative-Text-Version Dec 4 2014 kmm.doc FOIIA Response. 10 day Extension Draft 5-4-12.docx Full List of FOIA Exemptions.docx MS Outlook Email Search Service Training - Group 2.pptx

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 2/1/2019 1:27:45 PM
To: Boydston, Michael [Boydston.Michael@epa.gov]
CC: Schwarz, Matthew [Schwarz.Matthew@epa.gov]
Subject: Re: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

That's good to hear. The Agency received more than 500 requests during the shutdown, so the practical implications are significant.
Tim

Sent from my iPhone

On Feb 1, 2019, at 8:25 AM, Boydston, Michael <Boydston.Michael@epa.gov> wrote:

> Thanks, Tim. I think we'll be okay as to the request I mentioned; hoping there are not many others.
>
> Michael Boydston
> Senior Assistant Regional Counsel
> EPA Region 8
> 303.312.7103
>
> **From:** Epp, Timothy
> **Sent:** Thursday, January 31, 2019 2:10 PM
> **To:** Boydston, Michael <Boydston.Michael@epa.gov>
> **Cc:** Schwarz, Matthew <Schwarz.Matthew@epa.gov>
> **Subject:** RE: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019
>
> Hi Michael,
>
> We are encouraging folks to work with requesters to seek agreement to address the pragmatic problems; DOJ has decided not to change its legal interpretation.
>
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> **From:** Boydston, Michael
> **Sent:** Thursday, January 31, 2019 4:07 PM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Cc:** Schwarz, Matthew <Schwarz.Matthew@epa.gov>
> **Subject:** RE: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019
>
> Tim, do you have any guidance as to requests submitted before the shutdown started? I'm looking at one right now that was submitted on 12/28; the calculated due date was Tuesday. The 2013 guidance

from OIP to count shutdown time as business days seems impractical especially in light of our longer outage this time (and I don't think its rationale was persuasive in any case).

Michael Boydston
Senior Assistant Regional Counsel
EPA Region 8
303.312.7103

From: Schwarz, Matthew
Sent: Thursday, January 31, 2019 7:20 AM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Nguyen, Quoc <Nguyen.Quoc@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Dreyfus, Bethany <Dreyfus.Bethany@epa.gov>; Hartman, Bob <Hartman.Bob@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>; Glowacki, Joanna <glowacki.joanna@epa.gov>; Borromeo, Karina <Borromeo.Karina@epa.gov>; Myers, Lucretia <MYERS.LUCRETIA@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>; Wood, Nicole <wood.nicole@epa.gov>; Allen, Robin <Allen.Robin@epa.gov>; Leon, Sandra <Leon.Sandra@epa.gov>; Laumann, Sara <Laumann.Sara@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>; Matthews, Julie <Matthews.Juliane@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>; MacDonald, Jennifer <Macdonald.Jennifer@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>; Lieben, Ivan <Lieben.Ivan@epa.gov>; Bunnell, Julia <Bunnell.Julia@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Connery, Shannon <Connery.Shannon@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Stilp, Mark <Stilp.Mark@epa.gov>; Knapp, Michael <Knapp.Michael@epa.gov>; Campbell, Rich <Campbell.Rich@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Howell, Joyce <Howell.Joyce@epa.gov>; Bolender, Mark <Bolender.Mark@epa.gov>; Fritz, Frank <Fritz.Frank@epa.gov>; Capel, Susan <Capel.Susan@epa.gov>; Mancusi-Ungaro, Philip <Mancusi-Ungaro.Philip@epa.gov>; Luetscher, Greg <Luetscher.Greg@epa.gov>; Pickell, Casey <pickell.casey@epa.gov>; Debes, Alison <debes.alison@epa.gov>; Gardner, Allison <Gardner.Allison@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Miller, Patricia G. <Miller.Patriciag@epa.gov>; Ferrara, Helen <Ferrara.Helen@epa.gov>; Johnson, Patrick <johnson.patrick@epa.gov>; Buchsbaum, Seth <buchsbaum.seth@epa.gov>; Dugan, Brett <Dugan.Brett@epa.gov>; Pisarick, Marissa <pisarick.marissa@epa.gov>; Info Attys <Info_Attys@epa.gov>
Subject: FW: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Hi All-

Please see the email below from Tim Epp about FOIA requests and appeals received during the shutdown.

Thanks,
Matt

From: Epp, Timothy
Sent: Thursday, January 31, 2019 9:15 AM
To: FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Coordinators Alt <FOIA_Coordinators_Alt@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>; FOIA Officers Alt <FOIAOfficers-Alt@epa.gov>; Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>; HQ Communications Directors <HQCommunicationsDirectors@epa.gov>
Cc: Richardson, RobinH <Richardson.RobinH@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Status of FOIA requests and FOIA appeals submitted during the Government Shutdown December 29, 2018 – January 27, 2019

Dear EPA FOIA and communications professionals,

This email addresses the status of FOIA requests and FOIA appeals submitted during the time EPA was shut down from December 29, 2018 to January 27, 2019.

The Department of Justice Office of Information Policy (OIP) issued guidance after the 2013 shutdown available here: https://www.justice.gov/oip/blog/calculating-foia-response-times-after-government-shutdown. OIP recommends that agencies continue to follow this guidance.

EPA will implement the OIP guidance as follows:

Any FOIA request or appeal that EPA received electronically, whether via FOIAonline or email, should be considered received on the date the requester electronically submitted it (or, on the next business day when submitted on a weekend or legal holiday). As appropriate, however, EPA should explain to requestors that, as a practical matter, FOIA requests were not actually received for purposes of initiating processing until January 28, when the Agency reopened.

FOIA requests and appeals sent through US mail or express delivery services should be considered received on the date that the FOIA Offices re-opened and actually received the requests and appeals. For example, if a FOIA request is postmarked on January 2, but not received in the FOIA Office until January 28, then January 28 is the date the request will be considered received.

As always, Program and Regional Offices are encouraged to work with requesters on extensions to due dates whenever appropriate. If you receive a question from the public about the guidance or its impact on the processing of their FOIA request or appeal, please refer them to EPA's FOIA Public Liaison at hq.foia@epa.gov or at 202-566-1667.

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: 2/2/2019 1:59:53 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: FW: National FOIA Office Staffing
Attachments: Kevin Miller PD 15 (003).pdf; Kevin Miller PD 15.pdf; Lewis. PD. staff 13.pdf; Person. PD. staff 13.pdf; SES-GLO.doc; Team_Leader_Checklist.pdf; Backup of FEAT Practice Group Leader. PD.wbk; Backup of FOIA Practice Group Leader. PD.wbk; Backup of FOIT Practice Group Leader. PD.wbk; FEAT Practice Group Leader. PD and Team Leader.pdf; FEAT Practice Group Leader. PD.docx; FEAT Practice Group Leader. PD.pdf; FEAT Practice Group Leader. Team Leader Checklist.pdf; FOIT Practice Group Leader. PD and Team Leader Checklist.pdf; FOIT Practice Group Leader. PD.docx; FOIT Practice Group Leader. PD.pdf; FOIT Practice Group Leader. Team Leader Checklist.pdf; Gottesman. PD. staff15.pdf

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

-----Original Message-----
From: Bigioni, Neil
Sent: Wednesday, August 29, 2018 5:15 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: National FOIA Office Staffing

-----Original Message-----
From: Dolph, Becky
Sent: Monday, March 26, 2018 8:08 PM
To: Bigioni, Neil <bigioni.neil@epa.gov>
Subject: National FOIA Office Staffing

Neil -- as my successor, I am emailing to you my electronic files pertaining to the staffing of the new National FOIA Office. Thanks.

Kevin Miller PD 15 (003).pdf
Kevin Miller PD 15.pdf
Lewis. PD. staff 13.pdf
Person. PD. staff 13.pdf
SES-GLO.doc
Team_Leader_Checklist.pdf
Backup of FEAT Practice Group Leader. PD.wbk Backup of FOIA Practice Group Leader. PD.wbk Backup of FOIT Practice Group Leader. PD.wbk FEAT Practice Group Leader. PD and Team Leader.pdf FEAT Practice Group Leader. PD.docx FEAT Practice Group Leader. PD.pdf FEAT Practice Group Leader. Team Leader Checklist.pdf FOIT Practice Group Leader. PD and Team Leader Checklist.pdf FOIT Practice Group Leader. PD.docx FOIT Practice Group Leader. PD.pdf FOIT Practice Group Leader. Team Leader Checklist.pdf Gottesman. PD. staff15.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 1/31/2019 1:45:57 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Thanks for trying!

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

From: Blake, Wendy
Sent: Thursday, January 31, 2019 8:39 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Re: Shutdown FOIA requests and appeals - Draft for you review an comments

I thought I sent it yesterday. I don't know why it didn't send.

Sent from my iPhone

On Jan 31, 2019, at 7:42 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Wendy,
> Frankly, the NFO needs greater efficiency and more rapid turnaround from your office on simple reviews like this. An international communication like this should not require three levels of review within your office.
>
> On this one, if I do not receive your comments by 9 am, I am sending it out as is (or with some additional edits from me).
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830
>
> ---
>
> **From:** Gottesman, Larry
> **Sent:** Wednesday, January 30, 2019 4:39 PM
> **To:** Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
> **Cc:** Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
> **Subject:** RE: Shutdown FOIA requests and appeals - Draft for you review an comments
>
> Any update?
>
> We really wanted to get this out today.
>
> 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: Miller, Kevin
Sent: Wednesday, January 30, 2019 2:36 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Hi, Wendy will be reviewing this shortly. Thanks.

From: Walker, Denise
Sent: Wednesday, January 30, 2019 12:23 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

One quick catch: The date should be December 29, 2018. Not 2019.

Thanks, Larry!

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: Miller, Kevin
Sent: Wednesday, January 30, 2019 12:21 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Shutdown FOIA requests and appeals - Draft for you review an comments

Thanks Larry. We will take a look and get back to you with any comments.

Kevin

From: Gottesman, Larry
Sent: Tuesday, January 29, 2019 3:43 PM
To: Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: Shutdown FOIA requests and appeals - Draft for you review an comments

Please let me know if you have any comments or concern about the guidance set out below. We have been receiving a lot of inquiries by the program and regional offices on this issue, and would like to get the guidance out by noon tomorrow.

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)

Deliberative Process / Ex. 5

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 1/29/2019 7:24:00 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: Fwd: Shutdown FOIA requests and appeals - Draft for you review an comments

Let's co-edit this before Larry leaves.

Sent from my iPhone

Begin forwarded message:

> **From:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>
> **Date:** January 29, 2019 at 2:09:56 PM EST
> **To:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Cc:** "Neal, Kerry" <neal.kerry@epa.gov>
> **Subject: Shutdown FOIA requests and appeals - Draft for you review an comments**
>
> **Status of FOIA requests and FOIA appeals submitted during the Government Shutdown**
>
> The Department of Justice Office of Information Policy (OIP) issued guidance after the 2013 shutdown that may be found at: https://www.justice.gov/oip/blog/calculating-foia-response-times-after-government-shutdown. OIP recommends that agencies continue to follow this guidance.
>
> EPA will implement the OIP guidance as follows:
>
> Any FOIA request or appeal that EPA received electronically whether via FOIAonline or email should be considered received on the date submitted. FOIA requests and appeals sent through US mail or overnight delivery service should be considered received on the date that it is received in the FOIA Office. For example, if a FOIA request is postmarked on January 2, but not received in the FOIA Office until January 28 then January 28 is the date the request is received.
>
> As always, Program and Regional Offices are encouraged to work with requesters on extension to due dates whenever appropriate. If you receive a question from the public about the guidance or its impact on the processing of their FOIA request or appeal, please reference them to EPA's FOIA Public Liaison at hq.foia@epa.gov or at 202-566-1667.
>
> 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 1/28/2019 9:36:09 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
Attachments: FOIA Functional Statement clean 12.26.18.docx; FOIA Functional Statement redline 12.26.18.docx

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 Deliberative Process, ACP / Ex. 5

Deliberative Process, ACP / 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: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/11/2018 5:58:17 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: Re: Policy and Procedures

Same list as Ryan' notification memo: AA, DA, RA, DRA, FIOA OFficers, FOIA Coordinators.
Tim

Sent from my iPhone

On Dec 11, 2018, at 12:13 PM, Brazauskas, Joseph <brazauskas.joseph@epa.gov> wrote:

> Tim, who is this document sent out to again?
>
> **Joseph A. Brazauskas**
> Associate Deputy General Counsel
> U.S. Environmental Protection Agency
> (202) 564-5189
>
> ---
>
> **From:** Epp, Timothy
> **Sent:** Tuesday, December 11, 2018 7:57 AM
> **To:** Brazauskas, Joseph <brazauskas.joseph@epa.gov>
> **Subject:** RE: Policy and Procedures
>
> Any concern with sending out the Monthly Backlog report?
>
> 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, December 11, 2018 7:54 AM
> **To:** Epp, Timothy <Epp.Timothy@epa.gov>
> **Subject:** Re: Policy and Procedures
>
> Thanks Tim
>
> Sent from my iPhone
>
> On Dec 11, 2018, at 7:50 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:
>
>> Here it is.
>>
>> 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: Monday, December 10, 2018 5:18 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Policy and Procedures

Tim, Please send me the Policy and Procedures document that you gave to Matt, thank you.

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

<DRAFT MEMO Policy and Procedure Update 11.19.2018 .docx>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/11/2018 2:52:41 PM
To: 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: FOIA fact sheet for Admin Confirmation Hearing Prep
Attachments: OGC-4 FOIA Fact Sheet clean.docx

Hi Wendy, Charlotte, Denise, and Larry,

Please take a look at this fact sheet for the Administrator Confirmation Hearing Prep. Can you get any comments back to me by COB today?

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: 12/13/2018 4:10:39 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]
CC: Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: RE: Draft Adm'r FOIA Fact Sheet and Q&As
Attachments: OGC-4 FOIA Fact Sheet and Q&As 12 13 am.docx

Importance: High

Joe and Elise this is an FYI – Joe, thanks for the quick feedback this morning.

Wendy, Charlotte, Kevin, Nicole, Denise, and Larry –

Please look at this updated version of the FOIA Fact Sheet and Q&As – it adds Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks all for looking at this quickly.

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, December 13, 2018 9:02 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Draft Adm'r FOIA Fact Sheet and Q&As

Thanks Tim,

Overall this looks pretty good, I am still completing my review but wanted to get back to you about one issue Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you,
Joe

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

From: Epp, Timothy
Sent: Wednesday, December 12, 2018 10:24 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Draft Adm'r FOIA Fact Sheet and Q&As

Hi Joe and Elise,

Attached is the updated FOIA Fact Sheet along with Q&As for the Administrator's testimony briefing book. There are two pieces of data that I am still verifying – I've flagged these with bubble comments. For example, the increase in total number of FOIA staff in FY 2018 seems very large.

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: 12/3/2018 6:50:56 PM
To: Bermes, Peter [Bermes.Peter@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Person, Linda [Person.Linda@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Need comments/Edits to Agenda for Elise/Joe Meeting
Attachments: Options for Projects to Improve NFO Service Delivery.docx

Importance: High

<!--[if lte mso 15 || CheckWebRef]-->

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

Monthly NFO FO Briefing 12-04-18.docx

<!--[endif]-->

Hi all,
Please send to me by COB today edits to the attached agenda for the NFO meeting tomorrow with Elise and Joe. What have you been working on that you want to report to Elise and Joe?

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: 12/3/2018 1:29:27 PM
To: Walker, Denise [Walker.Denise@epa.gov]; James, Kimberly M (Jones) [James.Kimberly@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: RE: ACTION REQUIRED BY 11/21/18: Goal Overview for Objective 2.2

Another for the meeting this morning

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

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

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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

Have a FOIA question? Try here first!

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

Tim,

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

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

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Lance,

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

Deliberative Process / Ex. 5

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency, HQ
Office of General Counsel- Resource Management Office
(202) 564-3001
james.kimberly@epa.gov

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

Hello All,

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

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

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

a. Summary of progress toward strategic objective
    i. Identify specific accomplishments that may help EPA achieve the objective
    ii. Cite evidence including key annual performance goal results
    iii. Address performance trends as appropriate
b. Significant challenges
    i. Identify specific, actionable challenges that may prevent EPA from achieving the objective
    ii. Include internal and external risks
    iii. Cite evidence including key annual performance goal results
    iv. Address performance trends as appropriate

Thanks,
Lance

Lance O. McCluney
Assistant Director, Resource Management Staff
Office of Administrative and Executive Services
Office of the Administrator
202-564-2944
mccluney.lance@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/3/2018 1:20:57 PM
To: Koslow, Karin [Koslow.Karin@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]
Subject: FW: FOIA Deliverables -- Meeting this morning
Attachments: FOIA & Legal Deadlines Guidance for Objective Overview.docx; ATT00001.htm; FY 2018 APR Preliminary Table OGC KMJ.docx; ATT00002.htm

Hi Karin, for the meeting this morning on the FOIA Deliverables report to OMB, let's meet in the NFO conference room – 5313M.

This is copied to all participants in the meeting so that all have the document you sent last week. I will also forward the two or three update emails.

Tim

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

From: Koslow, Karin
Sent: Friday, November 30, 2018 3:14 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: FOIA Deliverables in One Email

Hi Tim - following up from my email earlier today, attached is the document we need to finalize Monday.

Thanks,
Karin

Karin Koslow
Deputy Associate General Counsel
Cross Cutting Issues Law Office, OGC
202-564-0171

Begin forwarded message:

> **From:** "James, Kimberly M (Jones)" <James.Kimberly@epa.gov>
> **Date:** November 30, 2018 at 12:06:35 PM CST
> **To:** "Koslow, Karin" <Koslow.Karin@epa.gov>
> **Subject: FOIA Deliverables in One Email**
>
> Karin,
>
> Here is the ask from Nic in one email. Please include Lance McCluney on your submittal to Nic.

The Preliminary Table is the true deliverable. The areas in yellow require review from Elise and edits as necessary. The key takeaways is where we need an evidence based response from FOIA.

The FOIA & Legal Deadlines document is merely reference at this point.

Sincerely,

Kimberly M. James (Jones)
Management Analyst and Federal Professional Coach
U.S. Environmental Protection Agency
Office of General Counsel- Resource Management Office
1200 Pennsylvania Ave, NW
William J. Clinton North 4315D
Mailcode 2311A
Washington, DC 20460
(202) 564-3001
james.kimberly@epa.gov

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/12/2018 4:58:20 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

Yes – OEX, OPA, OCIR have flagged that they want to know about these FOIA requests before the response goes out. The Action Offices need to give notice of a no records response. Once they have given that notice, Beth certainly can approve the lifting of the flag early.

In this Region10 case, Beth was notified even if not through the full formality of the email template.

Once we get everyone accustomed to using the template, they will see that it is in fact easier to follow the procedures than to ask for a one-time exception.
Tim

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

From: Gottesman, Larry
Sent: Wednesday, December 12, 2018 11:53 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

I have, but other programs and regions have asked if we could move the review forward (not wait the 3 days) or eliminate it all together for no records/withdrawn similar dispositions. I have said no. Is that still the message?

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: Epp, Timothy
Sent: Wednesday, December 12, 2018 11:23 AM

To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

Thanks – Let's accommodate R10 on this one.

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

From: Gottesman, Larry
Sent: Wednesday, December 12, 2018 10:31 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

R10 has not started the close out process, so I do not have a task to close out, since they still have the request on hold. All I can do is remove my review, which I will do.

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

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

From: Walker, Denise
Sent: Wednesday, December 12, 2018 10:26 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

They did send it through yesterday. But Beth also wanted to be able to clear things earlier than 3 days where it makes sense to do so- as in this kind of case. I don't feel strongly about it but R10 does.

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: Gottesman, Larry
Sent: Wednesday, December 12, 2018 10:17 AM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

Denise

Tim instructed me that even no records or withdrawn request has to go through the Awareness Notification process once the request was flagged. Is that not the case?

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

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

From: Walker, Denise
Sent: Wednesday, December 12, 2018 10:09 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: Fwd: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records

R10 needs to close out - no records will be released. May we lift the flag?

Sent from my iPhone

Begin forwarded message:

> **From:** "MacDonald, Jennifer" <Macdonald.Jennifer@epa.gov>
> **Date:** December 11, 2018 at 7:54:31 PM EST
> **To:** "Walker, Denise" <Walker.Denise@epa.gov>
> **Subject: Region 10 FOIA 18-010996 held up for HQs review - no assurance of payment so awaiting final close-out; no release of records**
>
> Hi Denise,
>
> I called to let you know that FOIA 18-010996 – requester Jay Tufano, of Ring Bender seeking records related to Northwest Natural a site within Portland Harbor. The requester only initially offered $300 in assurance of payment. The estimated cost to produce the records is $2,500. We informed the requester and put the matter on hold. The requester called and asked for more time to reply to our letter. We

provided 5 more days until November 23. Still no reply. We moved to close the case and found that it is marked for HQ Awareness Review. By now you'll have seen the formal Awareness notification from Stephanie Kercheval, Region 10 FOIA Officer.

Thank you for listening. At least with this one, there are no records awaiting release. And we appreciate the new process. It should be helpful for all of us.

-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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/14/2018 1:41:01 PM
To: Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: First Look Media - December 12 Minute Order - PLEASE READ

Thanks Kevin.

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

From: Miller, Kevin
Sent: Thursday, December 13, 2018 1:22 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: First Look Media - December 12 Minute Order - PLEASE READ

From: Nguyen, Quoc
Sent: Thursday, December 13, 2018 11:56 AM
To: White, Elizabeth <white.elizabeth@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>; Farren, Victor <Farren.Victor@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: First Look Media - December 12 Minute Order - PLEASE READ

Dear OEX,

AWP/ Deliberative Process / AC Ex. 5

Thanks,
Quoc

Quoc P. Nguyen
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

202-564-6343

PRIVILEGED COMMUNICATION for internal deliberation only; may contain deliberative, attorney-client, attorney work product, or otherwise privileged material; do not distribute outside EPA or DOJ.

From: <DCD_ECFNotice@dcd.uscourts.gov<mailto:DCD_ECFNotice@dcd.uscourts.gov>>
Date: December 12, 2018 at 3:29:22 PM EST
To: <DCD_ECFNotice@dcd.uscourts.gov<mailto:DCD_ECFNotice@dcd.uscourts.gov>>
Subject: Activity in Case 1:18-cv-00929-BAH FIRST LOOK MEDIA WORKS, INC. v. ENVIRONMENTAL PROTECTION AGENCY Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.
NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of Columbia

Notice of Electronic Filing

The following transaction was entered on 12/12/2018 at 3:29 PM EDT and filed on 12/12/2018
Case Name: FIRST LOOK MEDIA WORKS, INC. v. ENVIRONMENTAL PROTECTION AGENCY
Case Number: 1:18-cv-00929-BAH<https://ecf.dcd.uscourts.gov/cgi-bin/DktRpt.pl?195746>
Filer:
Document Number: No document attached

Docket Text:
MINUTE ORDER (paperless) DIRECTING, in light of the parties' [14] Joint Status Report, which reveals that the parties hold widely divergent positions regarding a viable production schedule for the 20,055 potentially responsive records, with the defendant seeking to produce 500 records per month over the next three years, and the plaintiff seeking the production of 2,500 records per month over the next eight months, that the defendant submit by December 20, 2018 responses to the following issues raised by information set out in the Declaration of Brian Hope ("Hope Decl."):

(1) the effect of the "AO4 project," which in December 2017 consolidated FOIA processing of four offices into a single operation, see Hope Decl. ¶ 14, on the defendant's production capacity and whether the AO4 project has slowed or accelerated the defendant's production capacity for responsive records in the Office of the Administrator;

(2) given that the "temporary team of 12 staff ... dedicated to first-line review of records" is focused on only "FOIA requests not in litigation," see Hope Decl. ¶ 15, how much the defendant's proposed production rate of 500 records per month could be increased by allocating more staff to FOIA requests in litigation and whether such allocation could bring this case to a prompt resolution;

(3) given that only "four of the total six staff," who are "dedicated to working on FOIA matters assigned to the Office of the Administrator," are authorized "to spend a portion of their time on FOIA requests that are in litigation," see Hope

Decl. ¶ 16, how much the defendant's proposed production rate of 500 records per month could be increased were these four staffers allowed to spend all their time on FOIA requests in litigation;

(4) given the defendant's plan to "cap" at "50 percent of their time" the time the four staff members referenced in (3), above, are authorized to spend on FOIA requests in litigation, see Hope Decl. ¶ 17, how much the defendant estimates this plan slows the production rate of responsive records and impedes prompt resolution of FOIA litigation;

(5) given that the four staff members referenced in (3), above, "support a maximum total of 256 hours per month to process records for FOIA requests in litigation," see Hope Decl. ¶ 19, what the total number of hours per month for such processing would be if all six staff members dedicated to working on FOIA matters, plus the 12 staff members referenced in (2) above, were authorized to work on FOIA matters in litigation, and how quickly the production of 20,055 potentially responsive records in this case could be accomplished to bring this case to a prompt resolution;

(6) given that the "awareness notification process is not an approval process," see Hope Decl. ¶ 28, how long does this process delay release of responsive records, and how does this process effect the defendant's production rate; and

(7) given that the defendant's estimate of the "average rate of review," is based on "review projects of varying degrees of complexity," see Hope Decl. ¶ 30, explain how the defendant evaluates the complexity of the FOIA requests at issue in this litigation, which, for example, seek such records as "the Administrators use of first class or business class expenses for the Italy trip and other meetings," and "records in the possession of Ryan Jackson pertaining to Scott Pruitt's actual or proposed use of first class or business class travel," see Hope Decl. ¶¶ 6–7, and whether non-complex requests at issue here should be reviewed and processed more quickly than the average rate of review to bring this case to a prompt resolution. Signed by Chief Judge Beryl A. Howell on December 12, 2018. (lcbah1)

1:18-cv-00929-BAH Notice has been electronically mailed to:

Jay Ward Brown brownjay@ballardspahr.com<mailto:brownjay@ballardspahr.com>

Jeremy S. Simon jeremy.simon@usdoj.gov<mailto:jeremy.simon@usdoj.gov>, maynard.minor@usdoj.gov<mailto:maynard.minor@usdoj.gov>

Matthew E. Kelley kelleym@ballardspahr.com<mailto:kelleym@ballardspahr.com>

1:18-cv-00929-BAH Notice will be delivered by other means to::

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/12/2018 4:23:31 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Awareness Notification

Understood. Thanks.

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

From: Gottesman, Larry
Sent: Wednesday, December 12, 2018 10:19 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification

Ok, I thought you had said we were just following the notification email per the prescribed in the Jackson memo.

No issue, to make the change on my side.

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

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

From: Epp, Timothy
Sent: Wednesday, December 12, 2018 9:55 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FW: Awareness Notification

Hi Larry, I just got a call from John Shoaff asking that we make sure to implement the changes Betsy requested in her email below on the awareness notification emails. Please make sure that we use this list.
Thanks,
Tim

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

From: Shaw, Betsy
Sent: Tuesday, December 04, 2018 5:36 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Person, Linda <Person.Linda@epa.gov>; Woods, Clint <woods.Clint@epa.gov>; Harlow, David <harlow.david@epa.gov>; Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>; Shoaff, John <Shoaff.John@epa.gov>
Subject: FW: Awareness Notification

Hi Tim,

OAR just received the first set of FOIA awareness notification emails today which is prompting me to follow up on the offer you made at the EMC meeting for us to add other appropriate individuals in our organization to receive these e-mails. For OAR, we request that you send all future awareness notification e-mails to me, (Betsy Shaw), David Harlow, Sabrina Hamilton, Jonathan Lubetsky, and John Shoaff. Given the assignment of responsibilities within OAR's senior team, Clint Woods should be deleted from your awareness notification mailing list.

Please note that the initial email below was inappropriately sent to a group list rather than the intended individual (Clint Woods). In addition, I learned that similar emails went to various staff in OAQPS and OTAQ regarding different FOIA requests. For compatibility with our centralized FOIA process in OAR, we request that you send all future such notifications only to the group named above. We will distribute the e-mail to the appropriate leads within our offices.

Finally, EPA-HQ-2019-001583, which was included in the list below, is a closed FOIA, and the word "principal" is misspelled in the template that was provided.

Thanks in advance for your assistance. We look forward to our ongoing collaboration with your office to continue to improve the effectiveness and efficiency of the FOIA process.

Thanks,

Betsy

From: Person, Linda
Sent: Tuesday, December 04, 2018 2:37 PM
To: Shaw, Betsy <Shaw.Betsy@epa.gov>; Clint Woods Calendar Read Only Access Group <ClintWoodsCalendarReadOnlyAccessGroup@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness Notification

(This is being sent on behalf of Larry Gottesman)

Dear Ms. Shaw & Mr. Woods:

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:

EPA-HQ-2019-001546
EPA-HQ-2019-001583

EPA-HQ-2019-001601

For these FOIA requests, please follow the procedures set out in the attached Chief of Staff's Memorandum. For steps 4 and 5, an email template is attached for your use.

Please contact me if you have any questions.

Thank you,

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

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

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 12/7/2018 1:26:19 PM
To: Person, Linda [Person.Linda@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]
Subject: Revisions to NFO improvement options
Attachments: Options for Projects to Improve NFO Service Delivery v2.docx

Hi Judith and Linda, thank you both for your comments on the "Options for Projects to Improve NFO service Delivery" document. I've attempted to incorporate your comments in the attached revised version. Please take a look at it and let me know if you have additional comments or if this sufficiently captures your ideas.

After you have had a chance to review, I will circulate to Wendy, Denise and Joan to make sure they are ok with the changes.

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: 12/12/2018 1:02:48 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Improvements paper w/ champions
Attachments: Options for Projects to Improve NFO Service Delivery v2 w advocates.docx

Folks,
The attached paper Options for Projects to Improve NFO Service Delivery includes my notes on who volunteered to be the champion or advocate for the project in today's meeting with Matt. Please let me know if I have made any mistakes in these notes.

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: 12/6/2018 3:56:54 PM
To: Person, Linda [Person.Linda@epa.gov]; Lewis, Monica [lewis.monica@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Lewis, Judith [Lewis.Judith@epa.gov]; Green, LindaE [Green.LindaE@epa.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Request for comment/edit on NFO improvements list
Attachments: Options for Projects to Improve NFO Service Delivery.docx

Linda, Wendy, Monica, Judith, and Linda,

In response to concerns raised at our staff meeting regarding the attached list of possible NFO improvement projects, I'd welcome you to propose edits or provide comments by COB tomorrow – Friday. If you need more time, please let me know.

At our staff meeting, I heard concerns that the attached document does not adequately reflect current work/effort of all staff as well as your vision for what we can do better as we bring on the new staff. I very much want this document to represent all of us in the NFO – so I very much want your input on it.

Thanks in advance,
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: 11/26/2018 10:59:10 AM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: Fwd: Follow-up re: front office action item -
Attachments: Outlook-bjxm2r2c.png; ATT00001.htm; Outlook-fyqgrkgh.png; ATT00002.htm; Outlook-jhdrmkow.png; ATT00003.htm; Outlook-pethdncp.png; ATT00004.htm; draft paper for Elise.2.docx; ATT00005.htm

Good morning, Denise.

I hope the below emails and the attached do not ruin your day or week. And, I hope that this does not prove to be an impossible task.

I am 8 hours ahead of you and could conceivably talk to you on the phone at approximately 10:30 or 11 am (or later). Please send an email to coordinate if this would be useful.
Tim

Sent from my iPhone

Begin forwarded message:

> **From:** "Epp, Timothy" <Epp.Timothy@epa.gov>
> **Date:** November 25, 2018 at 9:07:27 PM GMT+3
> **To:** "Blake, Wendy" <Blake.Wendy@epa.gov>
> **Cc:** "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Walker, Denise" <Walker.Denise@epa.gov>
> **Subject: Re: Follow-up re: front office action item -**
>
> Wendy, I have reached the limit of what I can do on this today. It is far from ready for prime time viewing -- and, what's more, I can see that there is significant coordination needed among you, me, and our leadership teams to coalesce around an option that we can live with and sell.
>
> Again, I am copying Denise so that she can engage early.
> Tim

> **From:** Epp, Timothy
> **Sent:** Sunday, November 25, 2018 4:29 AM
> **To:** Blake, Wendy
> **Cc:** Youngblood, Charlotte; Walker, Denise
> **Subject:** Re: Follow-up re: front office action item -
>
> Wendy,
> I have been working on this for a bit of time this morning and now need to go to lunch and a coordination meeting here. I will pick this back up later this afternoon. I'm sending it to you now because I do not know when you might be able to engage on it today. I'm also copying Denise so that she can engage if she wants to today.

Deliberative Process / Ex. 5

Tim

From: Blake, Wendy
Sent: Saturday, November 24, 2018 8:26 PM
To: Epp, Timothy
Cc: Youngblood, Charlotte
Subject: Follow-up re: front office action item -

Tim,

Elise tasked us with the following: Identify things that we can do now as OGC to clarify FOIA roles and responsibilities within OGC and where our clients go for FOIA service? She also asked us to identify options for potential realignment. The final option included in the attached paper is not one that we had identified, but one that Matt wants in the attached paper.

Deliberative Process / Ex. 5

Thanks in advance for your assistance with this front office request.

Wendy

Wendy L. Blake

Associate General Counsel

General Law Office
Office of General Counsel

U.S. Environmental Protection Agency
phone: (202) 564-1821

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/25/2018 6:07:27 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: Re: Follow-up re: front office action item -
Attachments: draft paper for Elise.2.docx

Wendy, I have reached the limit of what I can do on this today. It is far from ready for prime time viewing -- and, what's more, I can see that there is significant coordination needed among you, me, and our leadership teams to coalesce around an option that we can live with and sell.

Again, I am copying Denise so that she can engage early.
Tim

From: Epp, Timothy
Sent: Sunday, November 25, 2018 4:29 AM
To: Blake, Wendy
Cc: Youngblood, Charlotte; Walker, Denise
Subject: Re: Follow-up re: front office action item -

Wendy,
I have been working on this for a bit of time this morning and now need to go to lunch and a coordination meeting here. I will pick this back up later this afternoon. I'm sending it to you now because I do not know when you might be able to engage on it today. I'm also copying Denise so that she can engage if she wants to today.

Deliberative Process / Ex. 5

Tim

From: Blake, Wendy
Sent: Saturday, November 24, 2018 8:26 PM
To: Epp, Timothy
Cc: Youngblood, Charlotte
Subject: Follow-up re: front office action item -

Tim,

Elise tasked us with the following: Identify things that we can do now as OGC to clarify FOIA roles and responsibilities within OGC and where our clients go for FOIA service? She also asked us to identify options for potential realignment. The final option included in the attached paper is not one that we had identified, but one that Matt wants in the attached paper.

Deliberative Process / Ex. 5

Thanks in advance for your assistance with this front office request.

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: 11/23/2018 3:17:07 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]
CC: Walker, Denise [Walker.Denise@epa.gov]
Subject: Numbers keep changing -- Why?
Attachments: Monthly Backlog reduction memo 11-1-18.docx; Monthly 2 month view Oct 2018.xlsx

Hi Larry and Wendy,

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: Epp, Timothy
Sent: Tuesday, November 20, 2018 5:59 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Fwd: EMC readout -- Thank You!

Larry and Wendy,

Deliberative Process / Ex. 5

Tim

Sent from my iPhone

Begin forwarded message:

From: "Bermes, Peter" <Bermes.Peter@epa.gov>
Date: November 20, 2018 at 5:24:38 PM EST

To: "Epp, Timothy" <Epp.Timothy@epa.gov>, "Gottesman, Larry" <Gottesman.Larry@epa.gov>, "Schumacher, Wendy" <schumacher.wendy@epa.gov>
Cc: "Walker, Denise" <Walker.Denise@epa.gov>
Subject: RE: EMC readout -- Thank You!

Hello all,

Attorney Client, AWP, DPP / Ex. 5

Peter

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

From: Bermes, Peter
Sent: Monday, November 19, 2018 9:07 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: EMC readout -- Thank You!

Attorney Client, AWP, DPP / Ex. 5

Peter

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

From: Epp, Timothy
Sent: Saturday, November 17, 2018 7:10 AM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Fw: EMC readout -- Thank You!

Hi Peter,

Attorney Client, AWP, DPP / Ex. 5

Thanks,

Tim

From: Bermes, Peter
Sent: Friday, November 16, 2018 4:43 PM
To: Epp, Timothy
Cc: Walker, Denise
Subject: RE: EMC readout -- Thank You!

Hello Tim/Denise,

In a litigation matter with Sierra Club, AWP, DPP, ACP / Ex. 5

AWP, DPP, ACP / Ex. 5

AWP, DPP, ACP / Ex. 5

Any context you can provide would be useful. Thank you,

Peter

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

From: Epp, Timothy
Sent: Thursday, November 15, 2018 9:43 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: EMC readout -- Thank You!

Hi all,

I just got back from the Executive Management Council meeting where I reported on our FOIA improvement efforts. My final slides are attached. Our presentation was well-received. Thank you to all who took the time to review it and offer feedback large and small. It was much improved by your efforts.

Some key takeaways: 1) Henry Darwin suggested that we should collect data on errors found during the second review of FOIA productions – collecting this information can inform analysis to identify the root causes of accuracy errors (we need to figure out how to do this). 2) Helena ask that we consider producing documents for awareness notification in a form that is easy to access and read on an iPhone. 3) Charlotte Bertrand suggested that errors caught in second and third reviews at her level, particularly regarding application of discretionary exemptions (e.g. deliberative process) should be folded into training across the Agency. 4) Elise mentioned the accuracy problem OGC had with an attorney authorizing the release of attorney-client information and noted that OGC had failed to have the second-line review as part of its process in that case.

Another key takeaway -- the FEAT received a specific "shout-out" of praise regarding what you accomplished in Gold King Mine – you were described as producing extraordinary results, saving the Regions from paralysis, and providing a leading model that should be shared with other federal agencies. Congratulations!

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: 11/21/2018 8:33:29 PM
To: Walker, Denise [Walker.Denise@epa.gov]
Subject: FW: Awareness Notification Process Email Template

For your information only.

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, November 21, 2018 3:33 PM
To: Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Awareness Notification Process Email Template

Wendy,

DPP, ACP / 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: Blake, Wendy
Sent: Wednesday, November 21, 2018 1:47 PM
To: Kaminer, Joan <Kaminer.Joan@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Awareness Notification Process Email Template

Attached are my additional edits on the awareness notification template.

Joan – Please share with Julie.

Denise and Tim – I would prefer that we not finalize the attached until we have a chance to take a cleaner look at this document on Monday. We had several revisions to the attached.

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: 11/16/2018 1:40:11 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Briefing paper for Matt on Improvement Options
Attachments: Options for Project to Improve NFO Service Delivery.docx

Hi all,

Attached is a draft briefing paper for Matt on options to improve the NFO. I will soon send a sharedrive link for this document. Please review and provide your edits/comments.

I developed these options from the text that you have been working on this week. Thank you much! I had wanted to add a section to highlight the major areas of our current work – I did not have time to get to that last night.

Although Matt has canceled our meeting today, and we will need to move the Regulation Option paper to Monday, I still want to send Matt this paper for him to read over the weekend. We might be able to have time to touch on it with him at the Monday meeting.

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: 11/15/2018 12:54:01 PM
To: Kent, Alison [kent.alison@epa.gov]
CC: Jenkins, Laura Flynn [Jenkins.Laura@epa.gov]
Subject: One more item for EMC today
Attachments: Administrator FOIA memo 2018.pdf

OK, I'll bring my computer.

I also plan to hand out the attached Administrator's message on FOIA. Do you have a recommendation as the best way to choreograph the distribution?

Tim

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

From: Kent, Alison
Sent: Thursday, November 15, 2018 7:40 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: Re: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed

Hi Timothy!

Thank you. If you could provide please bring your own computer, that would be the best option as I am responsible for taking notes today.

I will, of course, help you connect to the projector.

Sent from my iPhone

On Nov 15, 2018, at 7:37 AM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> <image002.gif>
> Hi Alison,
> Attached is my PowerPoint for the FOIA presentation this morning. Is sending it to you sufficient; or, do I need to bring a flash drive or my own computer to hook up?
> Thanks,
> Tim
>
> Timothy R. Epp
> Acting Director, National FOIA Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel. 202-564-2830

From: Kent, Alison
Sent: Wednesday, November 07, 2018 1:02 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Subject: RE: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed

Hi Tim-

It is totally up to you! You will have access to a projector and screen, and dry erase board. Whatever fits your needs. Folks have presented with and without a PP over the past EMCs.

From: Epp, Timothy
Sent: Wednesday, November 07, 2018 12:55 PM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Cc: Kent, Alison <Kent.Alison@epa.gov>
Subject: RE: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed

Hi Laura, would a PowerPoint be useful; or do folks typically speak without a display?

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

From: Jenkins, Laura Flynn
Sent: Wednesday, November 07, 2018 12:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kent, Alison <kent.alison@epa.gov>
Subject: RE: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed

Got it, thanks!

Laura Flynn Jenkins
Lead Region Coordinator for AO & OITA
USEPA – Region 8
Email: Jenkins.laura@epa.gov
Land Line: 303-312-6256
Cell Phone: 720-519-5504

Region 8 employees and SEEs: Ask me about our upcoming Green Dot training!

<image003.jpg>

From: Epp, Timothy
Sent: Wednesday, November 7, 2018 10:31 AM
To: Jenkins, Laura Flynn <Jenkins.Laura@epa.gov>
Cc: Kent, Alison <kent.alison@epa.gov>
Subject: RE: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed

Hi Laura and Alison,

Please change my name to Timothy R. Epp. Here is the purpose: Up-date on FOIA backlog and reorganization of FOIA program and processing.

Thanks,
Tim

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

From: Jenkins, Laura Flynn
Sent: Wednesday, November 07, 2018 10:56 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Kent, Alison <kent.alison@epa.gov>
Subject: TIME SENSITIVE - EMC Presentation - Purpose Statement Needed
Importance: High

Tim:

Can you please send me a 1-2 sentence purpose statement for your presentation to the EMC? We need to finalize the agenda this morning.

9:45 – 10:15	**FOIA**	**Session Leads:** Tim Epp (OGC) **Purpose:**

We don't need anything big, just a simple state to the effect of "Discuss FOIA backlog/procedures/whatever" that describes the general focus of your remarks.

Thanks,

Laura Flynn Jenkins
Lead Region Coordinator for AO & OITA
USEPA – Region 8
Email: Jenkins.laura@epa.gov
Land Line: 303-312-6256
Cell Phone: Personal Phone / Ex. 6

Region 8 employees and SEEs: Ask me about our upcoming Green Dot training!

<image003.jpg>

<EPA FOIA EMC presentation Final.pptx>

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/14/2018 3:53:50 PM
To: Rementer, Nicole [rementer.nicole@epa.gov]
CC: Hill, Kevin W. [hill.kevinw@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: RE: Regional FOIA Officer PD
Attachments: Region 9 FOIA Centralization Project 3.19.18.pdf; R8 FOIA Centralization Suggestion for Creating a More Efficient EPA 07June2016.docx; Reorganization Org Chart.docx; Region 10 roles.docx; Region 3 FOIA Office Proposal 9.28.18.docx; Regional FOIA Officer GS-0306-14 Position Descrption_DRAFT (003).docx; Reorganization Org Chart.docx; Region 3 FOIA Office Proposal 9.28.18.docx

Hi Nicole, Kevin, and Wendy,

Following up on your great work on a Regional FOIA Officer position 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: 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

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: 11/14/2018 2:37:59 PM
To: Walker, Denise [Walker.Denise@epa.gov]
CC: Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Creech, Christopher [Creech.Christopher@epa.gov]; Hill, Kevin W. [hill.kevinw@epa.gov]; Vander Naald, Breanne [vandernaald.breanne@epa.gov]
Subject: RE: Representing you
Attachments: EPA FOIA EMC presentation 2.pptx

Here's my latest.

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: Wednesday, November 14, 2018 9:24 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>
Subject: Re: Representing you

Deliberative Process / Ex. 5

Happy to meet with you to discuss the FEAT description but let's make it a quick meeting.

Sent from my iPhone

On Nov 13, 2018, at 8:23 PM, Epp, Timothy <Epp.Timothy@epa.gov> wrote:

> Thank you all very much for reviewing my draft PowerPoint and giving your unvarnished, honest feedback.
>
> **Deliberative Process / Ex. 5**
>
> <image002.jpg>
>
> 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, November 13, 2018 3:22 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>
Subject: RE: Representing you

Tim:
We discussed at staff mtg.

team on cc line is editing (rough comments below)- Stand by.
Will get you a revised presentation by COB.

dw

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: Personal Phone / Ex. 6

Have a FOIA question? Try here first!

From: Epp, Timothy
Sent: Tuesday, November 13, 2018 8:27 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Representing you

Hi all,

On Thursday morning, I have 30 minutes to speak about FOIA to the Agency's Executive Management Council – these are the DAAs and DRAs for the whole agency. Attached is the PowerPoint I plan to use. I'd welcome your comments, thoughts, suggested edits. Please send any to me by the end of the day.

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: 11/13/2018 5:55:39 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FW: The Freedom of Information Act (FOIA): An Important Tool for Promoting Transparency and Building Public Trust in Agency Actions

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

From: Message from the Administrator
Sent: Tuesday, November 13, 2018 9:13 AM
To: Message from the Administrator <messagefromtheadministrator@epa.gov>
Subject: The Freedom of Information Act (FOIA): An Important Tool for Promoting Transparency and Building Public Trust in Agency Actions

Colleagues,

Throughout the history of the U.S. Environmental Protection Agency (EPA), Administrators have reaffirmed a commitment to transparency in our agency's operations. The Freedom of Information Act (FOIA) is an important tool for promoting transparency and building public trust in agency actions. I reaffirm the Agency's commitment to operating in an open and transparent manner, and I encourage all Agency employees to join me to help improve the Agency's FOIA response efforts. The success of our efforts at the EPA directly depends on the trust of the public we serve.

Key Messages

- **Transparency:** The EPA is committed to operating in an open and transparent manner. People have the right to access agency records, except where the information is protected from disclosure.
- **Timeliness:** The EPA will improve the timeliness of our FOIA responses.
- **Quality:** The EPA will improve the quality of our FOIA responses so that the public receives both clear communication about the FOIA process and appropriately redacted records.
- **Professionalism:** The EPA will bolster our training efforts and ensure that our FOIA professionals have the resources they need to help make the EPA a flagship example of transparent, efficient and effective government.

General Principles

Like all federal agencies, the EPA is subject to FOIA. FOIA encourages accountability through transparency, and pursuant to FOIA, any person has the right to access agency records, except where the information is protected from disclosure. The Agency is committed to conducting its business in an open and transparent manner. The Agency will work to ensure that its FOIA professionals have the support needed to satisfy FOIA's requirements in a timely and efficient a manner. The EPA should also strive, when possible, to proactively provide the public with access to information that is likely to be requested under FOIA to better assist the public to participate and engage with the Agency.

Because the EPA is a public regulatory agency, staff may come into possession of information that may need to be protected from disclosure under FOIA, including confidential business information, trade secrets, deliberative information, or personal privacy information. Although the Agency's business is to be conducted in an open, accountable manner, we must also ensure that sensitive information entitled to special protection is handled with the utmost care and in full compliance with all applicable laws and regulations. The EPA's FOIA Regulations are available here (https://www.ecfr.gov).

Important Steps Taken to Date

The Agency has taken several steps recently to improve its FOIA program. The Agency's FY 2018-2022 EPA Strategic Plan sets one of its Strategic Goals as increasing transparency and public participation. Measures for meeting this goal include eliminating the backlog of pending FOIA requests and meeting the requisite deadlines for responding to FOIA requests. As part of this improvement effort, in April of 2018, the Agency created the National FOIA Office within the Office of General Counsel and soon thereafter delegated to the General Counsel the Chief FOIA Officer functions. These functions include FOIA regulations and policy, public liaison and data-reporting, training, and assisting offices Agency-wide that are responsible for FOIA. The General Counsel also oversees legal counseling, FOIA appeals, and FOIA litigation as well as the FOIA Expert Assistance Team (FEAT), which was created in 2014 and has been very successful at efficiently managing the Agency's most complex FOIA issues. Additional FOIA professionals are being hired to increase the services the National FOIA Office provides.

To enhance accountability, the Agency recently announced a reorganization of the Regional Counsel Offices to provide clear authority and reporting lines for FOIA offices in the regions. FOIA accountability language is also being added to FOIA manager performance agreements Agency-wide.

At the same time, the Agency also launched a significant effort to tackle the large volume of FOIA requests within the Administrator's Office. This initiative (known as the AO4 project) included:

1. Centralizing the FOIA process for four sub-offices,
2. Engaging the FEAT from OGC to provide critical project management, legal guidance, and training,
3. Standing up a "Tiger Team" of 12 staff dedicated to FOIA review and processing, and
4. Hiring additional FOIA professionals.

So far, this effort has yielded significant results and continues to make deep inroads into the Administrator's Office's backlog. I want to thank all who helped with these efforts and with prior backlog reduction initiatives in the program and regional offices. All Agency components should continue to tackle their FOIA backlog. I am directing the National FOIA Office to circulate monthly a report of the FOIA request backlog across EPA.

In addition, last fall, the EPA hosted a multi-day conference for over 180 of the Agency's FOIA professionals. The conference was the first of its kind in more than a decade. The training agenda tracked the life cycle of a FOIA and addressed legal issues encountered at all stages of FOIA processing. Last fall's conference

represents the first of a two-phased training program. The second phase, described below, involves specialized FOIA training for supervisors.

In February 2018, the Agency also held a multi-day Lean event focused on FOIA. That event resulted in two pilot projects that the National FOIA Office has led in conjunction with the Office of Continuous Improvement (OCI) to identify bottlenecks and help streamline the FOIA response process.

Moving Forward to Improve the FOIA Process

The Agency's leadership intends to continue to take steps to improve its FOIA process this year. In addition, I encourage organizations responsible for FOIA to undertake their own projects to improve FOIA processing. These should include centralization of FOIA review and management functions in the organization, adding tracking identification numbers to all documents released through FOIA, hiring additional staff, and providing supplemental training using existing resources.

To meet the transparency and public participation Strategic Goal, the EPA must work to ensure that it is not only providing responses to FOIA requests in a timely manner, but also that those responses are of the highest quality. Programs and regions should continue implementing current EPA FOIA policy and procedures to help reduce errors in their responses. For instance, all organizations should continue to have at least two knowledgeable individuals, including one manager, review all documents before they are released to the public to improve accuracy and consistency in release determinations. See Freedom of Information Act Policy, CIO 2157.1 (September 20, 2014) (available at https://intranet.epa.gov/foia/docs/FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf).

Further, the Agency should continue FOIA training for all staff. To that end, the Office of General Counsel is planning the second phase of the training program mentioned above. This second phase of the training program will include a training directed at supervisors, including Division Directors or the equivalent, responsible under the Agency's FOIA Policy for the review of FOIA responses. These training efforts and continued annual training of our FOIA professionals will help ensure that the Agency is responding effectively and efficiently to FOIA requests and utilizing fully available technological resources. Questions about whether FOIA exemptions apply to certain information or other questions about FOIA processing should be directed to the Office of General Counsel.

Federal Records Act Requirements

For the Agency to have an effective FOIA program, the Agency must also ensure that it has a robust Federal Records program. The Federal Records Act provides the foundation for transparency at the EPA. Under the Federal Records Act, employees must create and maintain records that document the persons, places, things, or matters dealt with by the agency and which facilitate action by agency officials and their successors in office. Proper records management protects the financial, legal, and other rights of the EPA and of persons directly affected by the EPA's actions, and permits adequate oversight of the Agency's work by Congress and the public. All employees must take care to document the formulation and execution of basic policies and decisions, and the taking of necessary actions. It is particularly important that all employees understand that the Federal Records Act requirements apply to oral communications. All substantive decisions and commitments reached orally should be documented. You can learn more about the Federal Records Act at http://intranet.epa.gov/records/. Should you have any questions about your Federal Records Act obligations, you should contact the Records Help Desk by calling 202-566-1494 or emailing records@epa.gov.

Conclusion

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
Acting Administrator

Appointment

From: Epp, Timothy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=46b70972e0c7421a9a922eeab6280211-TEpp]
Sent: 11/13/2018 4:59:16 PM
To: Williamson, Timothy [Williamson.Tim@epa.gov]; Bigioni, Neil [bigioni.neil@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Joffe, Brian [Joffe.Brian@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]

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

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

202-564-1700
Conf. code Ex 6
Participant

Sharing various FOIA Officer roles descriptions.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/14/2018 7:00:07 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
CC: Miller, Tia [Miller.Tia@epa.gov]
Subject: Slides for my EMC presentation tomorrow
Attachments: EPA FOIA EMC presentation 2.pptx

Hi Elise and Joe,

Attached are my slides for the 30 minute EMC presentation on FOIA tomorrow. Let me know if you have any questions/concerns.

Note on Awareness Notification Process – Nancy Grantham strongly emphasized this should be included. I am working closely with Wendy to update as the document evolves, and she says it will be finalized by tomorrow morning.

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: 11/13/2018 2:59:29 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: Congratulations NFO Team!

FORT and FEAT –

This email from Acting Administrator Wheeler is for you! What we do is critical to building trust with the American People. And, we have challenges ahead of us.

Thank you for your hard work over the past months on the seemingly endless requests to envision what we can do better, and to keep repackaging it in new ways. We are starting to get the building of excellence underway.
Tim

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

From: Message from the Administrator
Sent: Tuesday, November 13, 2018 9:13 AM
To: Message from the Administrator <messagefromtheadministrator@epa.gov>
Subject: The Freedom of Information Act (FOIA): An Important Tool for Promoting Transparency and Building Public Trust in Agency Actions

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Conclusion

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Andrew Wheeler
Acting Administrator

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 11/13/2018 2:48:19 PM
To: OGC NFO [OGC-NFO@epa.gov]
Subject: FW: Representing you
Attachments: EPA FOIA EMC presentation.pptx

Hi All,
I got some nice feedback already from Elise this morning at my one-on-one with her. Essentially Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Yeah! I'm relieved.
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, November 13, 2018 8:27 AM
To: OGC NFO <OGC-NFO@epa.gov>
Subject: Representing you

Hi all,

On Thursday morning, I have 30 minutes to speak about FOIA to the Agency's Executive Management Council – these are the DAAs and DRAs for the whole agency. Attached is the PowerPoint I plan to use. I'd welcome your comments, thoughts, suggested edits. Please send any to me by the end of the day.

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: 11/13/2018 12:02:33 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
Subject: Re: Documents for Administrator for Monday Meeting

Yep that is the one.

I don't know the time. I'll check with Nancy.

Tim

Sent from my iPhone

On Nov 12, 2018, at 10:59 PM, Blake, Wendy <Blake.Wendy@epa.gov> wrote:

> Tim – I think you mentioned this, but did you catch the following typo in the memo. I never saw the version you sent to Nancy.
>
> **Deliberative Process / Ex. 5**
>
> It's the only typo I saw so I am pretty sure you caught it. Do you know what time the memo will be issued?
> 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, November 05, 2018 8:53 AM
> **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
>
> 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 impacted a sentence we had carefully balanced regarding the General Counsel's Office. I was able to get a few minutes with Matt to change his words, but not back to our language.
>
> 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, 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: 11/9/2018 6:52:26 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]
Subject: FYI only -- FW: Workgroup on OGC's FOIA Procedures
Attachments: Awareness notification process 10.30.docx

Importance: High

Elise and Wendy – this is an FYI only on standing up the OGC FOIA Procedure/SOP workgroup.

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, November 09, 2018 1:48 PM
To: Rementer, Nicole <rementer.nicole@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>
Subject: Workgroup on OGC's FOIA Procedures
Importance: High

Hi Nicole, Wendy, and Larry,

Thank you, in advance, for your work on the OGC FOIA Procedures. Please reach out and pull Peter Bermes into the work on this – GLO assigned him to represent GLO's interests. Please pull together a meeting next week and provide me a projected timeline for completing your work (I will need to report this to Elise).

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: Epp, Timothy
Sent: Thursday, November 08, 2018 10:18 AM
To: OGC NFO <OGC-NFO@epa.gov>

Subject: Need a volunteer -- Workgroup on OGC's FOIA Procedures
Importance: High

Hi all,

Deliberative Process / Ex. 5 we have been asked to work with GLO to review the OGC FOIA procedures to ensure that those procedures are adequate to ensure OGC's processing

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: 11/9/2018 6:50:01 PM
To: Packard, Elise [Packard.Elise@epa.gov]
Subject: FYI only -- FW: Awareness SOP needed in OGC -- improper FOIA release
Attachments: [April 20 2018 e-mail] flag foias.pdf; Awareness notification process 10.30.docx

Elise, welcome back from France! This is only an FYI of my message to Larry.

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 08, 2018 10:08 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Awareness SOP needed in OGC -- improper FOIA release

Larry,

On August 8, documents were released to ProPublica on FOIA request EPA-HQ-2008-006330. Those documents

Deliberative Process / Ex. 5

s

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: 11/9/2018 6:15:38 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]
CC: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Schwarz, Matthew [Schwarz.Matthew@epa.gov]
Subject: RE: Policy and procedure memo
Attachments: DRAFT MEMO Policy and Procedure Update 11.9.2018 tre response to wlb.docx

Hi Wendy,

Thanks for your comments on our FOIA Policy/Procedure interim update memo. And, thanks to Matt for providing the guidance on the 2016 Amendment.

In the attached, I have accepted many of your edits. The attached shows changes made in response.

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: 11/9/2018 5:37:58 PM
To: Schwarz, Matthew [Schwarz.Matthew@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]
Subject: RE: Interim Policy update -- follow up: policy supplement on extended time periods

Thanks Matt.
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: Friday, November 09, 2018 9:30 AM
To: Miller, Kevin <Miller.Kevin@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Interim Policy update -- follow up: policy supplement on extended time periods

Hi Tim-

Attached is the guidance we circulated in September 2016. Please note, however, that the appeal language in Attachment A is now outdated because OGIS updated its phone numbers.

-Matt

From: Miller, Kevin
Sent: Friday, November 09, 2018 9:26 AM
To: Schwarz, Matthew <Schwarz.Matthew@epa.gov>
Subject: FW: Interim Policy update -- follow up: policy supplement on extended time periods

Matt – can you send the guidance to Tim.

From: Epp, Timothy
Sent: Friday, November 9, 2018 9:20 AM
To: Blake, Wendy <Blake.Wendy@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Cc: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Interim Policy update -- follow up: policy supplement on extended time periods

Hi Wendy,
You mentioned that either GLO or EPA issued guidance after the 2016 amendments to FOIA to explain the longer time periods for appeals (and possibly other deadlines). I have not been able to find that on our website. Can you please send me a copy.

I'll work at getting it up on our website as well as include a reference to it in our interim update of the FOIA Policy & Procedure.

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: 11/19/2018 5:30:43 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: RE: Awareness Notification Process for Select Freedom of Information Act Releases

Thanks for forwarding – Yes, I was not on the distribution, but was closely involved and knew it went out.

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

From: Stachowiak, Robert
Sent: Monday, November 19, 2018 11:14 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: Awareness Notification Process for Select Freedom of Information Act Releases

Hi Tim – I presume you're well in the loop here, but I can't tell if you received this, so forwarding FYI just in case.

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: Jackson, Ryan
Sent: Friday, November 16, 2018 5:46 PM
To: Leadership_Assistant_Administators <Leadership_Assistant_Administators@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 FOIA Officers <Regional_FOIA_Officers@epa.gov>; Regional Counsel Contacts <Regional_Counsel_Contacts@epa.gov>; Deputy Regional Counsels <Deputy_Regional_Counsels@epa.gov>; FOIA Coordinators <FOIA_Coordinators@epa.gov>; FOIA Officers <FOIAOfficers@epa.gov>
Subject: Awareness Notification Process for Select Freedom of Information Act Releases

Colleagues –

Following Acting Administrator Wheeler's memorandum earlier this week regarding Freedom of Information Act processing, please see the attached additional memorandum. Senior leadership review is necessary to ensure consistency, accuracy, and efficient production of information under FOIA.

Ryan Jackson
Chief of Staff

U.S. Environmental Protection Agency
(202) 564-6999

Message

From: Franklin, Jamia [franklin.jamia@epa.gov]
Sent: 12/18/2017 3:34:24 PM
To: OGC GLO MGMT [OGC_GLO_MGMT@epa.gov]; OGC CCILO MGMT [OGC_CCILO_MGMT@epa.gov]; OGC FEAT_MGMT [OGC_FEAT_MGMT@epa.gov]
CC: Johnson, AngelaL [Johnson.AngelaL@epa.gov]; Lee, Terry [lee.terry@epa.gov]
Subject: FW: Official Stakeholder Review - OEI's LAD to OGC Proposed Reorg
Attachments: FEAT-FOIA Org Code.OGC.12.14.17.xlsx; ATT00001.htm; OEI org charts (OEI-part of FOIA to OGC Reorg).xlsx; ATT00002.htm; Signed.pdf; ATT00003.htm

Good Morning,

Please see the email below and attachments for an EPA Proposed Reorg Review. Comments are due by Thursday, January 4, 2018 to Jamia Franklin (franklin.jamia@epa.gov) and Angela Johnson (Johnson.angelaL@epa.gov). If no comments/responses are received by the due date, we will assume that there are no issues with this EPA Proposed Reorg Review. Thank you for your time.

Jamia

From: "Boxton, Troy" <Boxton.Troy@epa.gov>
To: "Binder, Michael" <Binder.Michael@epa.gov>, "Greening, Gary" <Greening.Gary@epa.gov>, "Johnson, Melissa" <Johnson.Melissa@epa.gov>, "Showman, John" <Showman.John@epa.gov>, "Salahuddin, Diane" <Salahuddin.Diane@epa.gov>, "Dubbs, Kimberly" <Dubbs.Kimberly@epa.gov>, "Soward, Ruth-Alene" <Soward.Ruth-Alene@epa.gov>, "Ovalle, Art" <Ovalle.Arturo@epa.gov>, "Maher, Karen" <Maher.Karen@epa.gov>, "Lee, Terry" <lee.terry@epa.gov>, "Larsen, Elena" <Larsen.Elena@epa.gov>, "Gutshall, Renee" <Gutshall.Renee@epa.gov>, "Hitchens, Lynnann" <hitchens.lynnann@epa.gov>
Cc: "Stanton, Rachel" <stanton.rachel@epa.gov>, "Young, Debbie" <young.debbie@epa.gov>
Subject: Official Stakeholder Review - OEI's LAD to OGC Proposed Reorg

Greetings

We are submitting – OEI's LAD to OGC proposed reorganization to you and the other applicable stakeholders for review, and/or concurrence or non-concurrence. The projected due date is **Thursday, January 4, 2018** or sooner. If no comments/responses are received by this date, we will continue to process this reorganization. If the stakeholders respond with comments, these comments will be forwarded by us and then addressed by OEI's LAD to OGC. We will modify the due date as applicable. If you have any questions, please feel free to contact Troy Boxton or Rachel Stanton at (202) 564-7419 or (202) 564 - 8139 or simply reply to this e-mail.

- **IMPACT**

This reorganization relocates the FOIA staff from the FOIA, Libraries & Accessibility Division of the Office of Enterprise Information Programs within OEI to the OGC. The purpose of this change is to co-locate the FOIA program staff and the FOIA Expert Assistance Team (FEAT) staff under a single office. This is expected to create efficiencies and improve the effectiveness of the agency's FOIA program

Thanks,

Troy Boxton, MBA
Management Analyst
Office of Administration & Resource Management
1200 Pennsylvania Ave., N.W.
Room 1419 WJC East MC-3600A
Washington, D.C. 20460
Office: (202) 564-7419
Fax: (202) 564-1928
boxton.troy@epa.gov

Message

From: Martinez, Gwendolyn [Martinez.Gwendolyn@epa.gov]
Sent: 10/30/2018 5:14:16 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
CC: Lee, Terry [lee.terry@epa.gov]; Lattimore, Kraig [lattimore.kraig@epa.gov]; Logan, Deborah [Logan.Deborah@epa.gov]
Subject: RE: NFO SES position
Attachments: PD - Senior Counsel for FEAT.pdf

Hello Tim and Denise.

Attached is Becky's PD prior to the establishment of the National FOIA Office. This is the PD that will need to be revised to include a broader perspective to cover the new program functions.

Thank you.

Gwen
Gwen Martinez
RMO HR Team Lead
Office of General Counsel
U.S. Environmental Protection Agency
martinez.gwendolyn@epa.gov
202-564-1644 office
Personal Phone / Ex. 6 mobile

From: Lattimore, Kraig
Sent: Tuesday, October 30, 2018 8:05 AM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Cc: Lee, Terry <lee.terry@epa.gov>; Martinez, Gwendolyn <Martinez.Gwendolyn@epa.gov>
Subject: RE: NFO SES position

Sure, having Denise work on it will be fine.

From: Epp, Timothy
Sent: Tuesday, October 30, 2018 7:06 AM
To: Lattimore, Kraig <lattimore.kraig@epa.gov>
Cc: Lee, Terry <lee.terry@epa.gov>; Martinez, Gwendolyn <Martinez.Gwendolyn@epa.gov>
Subject: Re: NFO SES position

Hi Kraig,

Is there any problem for me to work on this if I am a potential applicant? If that is a concern, I can ask Denise to work on it with Gwen.

The position is much broader now than when Becky headed the FEAT. It now includes the program functions that we are in the process of rebuilding.

Tim

Sent from my iPhone

On Oct 30, 2018, at 6:38 AM, Lattimore, Kraig <lattimore.kraig@epa.gov> wrote:

Hi Tim,

Matt has cleared the way for recruiting for an SES for the NFO. A position description was never developed during the reorg and we will need one to start this process. I suggest [redacted] Personal Phone / Ex. 6 [redacted] Deliberative Process / Ex. 5 [redacted]'s

---

From: Packard, Elise
Sent: Monday, October 29, 2018 6:19 PM
To: Lattimore, Kraig <lattimore.kraig@epa.gov>
Subject: NFO SES position

Matt is OK with us advertising this. Did you ever circle with Tim on getting them to do a PD? If I was supposed to I didn't! Let's get one and get it advertised.

Thanks.

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

Message

From: Beard, Deborah-Ward [beard.deborah-ward@epa.gov]
Sent: 9/14/2018 7:36:59 PM
To: Kirkland, William [Kirkland.William@epa.gov]
CC: Prout, Derico [Prout.Derico@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
Subject: Pls Post 1-131 OGC Chief FOIA Officer
Attachments: 1-131 OGC Chief Freedom of Information Act Officer 09-14-2018.pdf; TN 670 OGC Chief FOIA Officer.doc

Please post delegation

1-131. Chief Freedom of Information Act Officer dtd 9/11/2018

At the following link:

http://intranet.epa.gov/ohr/rmpolicy/ads/dm/index1.htm

and Transmittal

TN 670 1-131. Chief Freedom of Information Act Officer dtd 9/11/2018

at the following link:

http://intranet.epa.gov/ohr/rmpolicy/ads/delegattrans.htm

Derico, please post the delegation on the Delegations SharePoint Site.

Thank you always.

Deborah

Deborah Ward Beard
EPA Central Directives Officer
OARM-OHR AWBERC MC 406C
26 W. Martin L. King BLVD
Cincinnati, Ohio 45268
513 569-7766 Office
Beard.Deborah-Ward@epa.gov

Message

From: Williams, LaShawn [williams.lashawn@epa.gov]
Sent: 6/7/2019 5:33:51 PM
To: Blake, Wendy [Blake.Wendy@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]
CC: Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]
Subject: FOIA Coordinator Transition Memo
Attachments: 06-07-2019 FOIA Coordinator Transition Memo.docx

Good Afternoon Wendy and Tim,

Attached is my transition memo regarding the FOIA Coordinator role. I will place a hard copy in your mailbox.

Please let me know if you have any questions.

Thank you,
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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Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 8/22/2018 1:57:07 PM
To: Anderson, Monique [anderson.monique@epa.gov]
Subject: FW: FORMAL NOTICE - OGC & OEI Reorganization
Attachments: Signed.pdf; OEI org charts (OEI-part of FOIA to OGC Reorg).xlsx; FEAT-FOIA Org Code.OGC.12.14.17.xlsx

Hi Monique – could you help me with this? I cannot get the attached PDF to print. Can you try?

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: Walker, Denise
Sent: Tuesday, August 21, 2018 6:38 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: FW: FORMAL NOTICE - OGC & OEI Reorganization

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

Have a FOIA question? Try here first!

From: Lynne, Diane
Sent: Monday, January 08, 2018 10:30 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Cc: Margolis, Alan <Margolis.Alan@epa.gov>
Subject: FW: FORMAL NOTICE - OGC & OEI Reorganization

Greetings,

You are receiving this note because you are in the NTEU bargaining unit being impacted by the proposed reorganization of OGC/OEI. I am sending you the reorg package to review prior to our meeting at noon tomorrow. On behalf of NTEU, I already demanded to bargain. Our proposals are due by January 24. Tomorrow we can discuss your concerns and questions about what management has proposed and discuss negotiable proposals that may be helpful.

Diane

202 566 2786

From: Patterson, Nicole
Sent: Wednesday, December 20, 2017 9:56 AM
To: James, Nathaniel <james.nathaniel@epa.gov>; Lynne, Diane <Lynne.Diane@epa.gov>
Cc: Johnson, StacyD <Johnson.StacyD@epa.gov>
Subject: FORMAL NOTICE - OGC & OEI Reorganization

Good morning, Nate and Diane:

Per my email and voicemail last week, this email serves as official notice of a reorganization impacting the Office of the General Counsel (OGC) and Office of Environmental Information (OEI). Please see the short summary below and the attached files which constitute the complete reorganization package.

This reorganization relocates the FOIA staff from the FOIA, Libraries & Accessibility Division of the Office of Enterprise Information Programs within OEI to the OGC. The purpose of this change is to co-locate the FOIA program staff and the FOIA Expert Assistance Team (FEAT) staff under a single office. This reorganization will significantly increase the effectiveness and visibility of the National FOIA Program, by bringing together the team setting FOIA policies and procedures for the agency with the legal experts in FOIA processing at EPA. The reorganization will also increase collaboration, improve the efficiency of EPA's programmatic FOIA work and delivery of critical legal advice, and provide agency stakeholders with a clear understanding of which office to turn to when they need FOIA-related assistance.

We have scheduled a courtesy briefing for **Thursday, December 28, 2017 at 2:30 PM**, and meeting invites have been sent. Please respond to this reorganization package by the deadlines in the applicable CBA, and let me know if you have any questions.

Thank you,
Nicole

Nicole M. Patterson
Attorney-Adviser
Labor and Employee Relations Division
Office of Human Resources
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
WJC North – Room 6313E
Washington, DC 20460
Mail Code 3602A
☎: 202-564-4839 FAX: 202-564-2837 ✉: Patterson.Nicole@epa.gov
Note: This e-mail is intended for the exclusive use of the recipient(s) named above, and must not be disseminated or copied to other non-authorized persons. If you have received this e-mail in error, please contact the sender immediately. Thank you.

Message

From: Epp, Timothy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=46B70972E0C7421A9A922EEAB6280211-TEPP]
Sent: 3/7/2019 4:07:28 PM
To: Warzynski, Jillian (OIP) [Jillian.Warzynski@usdoj.gov]
CC: Gottesman, Larry [Gottesman.Larry@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: RE: Draft EPA Chief FOIA Officer Report
Attachments: image2019-03-07-105711.pdf

Hi Jill,

This was the first time that we have received a request from DOJ that we depart from DOJ's prior instructions to only post the csv format data. We are in the process of uploading an excel spreadsheet format data set for the FY 2016 and 2017 reports. And, we will load the FY 2018 data after DOJ approves this year's report.

Larry Gottesman will send the FY 2018 data report under separate cover, shortly.

To help speed the approval process, attached is EPA's final Chief FOIA Officer Report (with the "draft" watermark removed).

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: Warzynski, Jillian (OIP) <Jillian.Warzynski@usdoj.gov>
Sent: Thursday, February 28, 2019 6:44 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>
Subject: RE: Draft EPA Chief FOIA Officer Report

Good evening,

Thank you for submitting EPA's CFO Report. I have reviewed the report, and have just one item for clarification:

- Deliberative Process / Ex. 5 n

Once you have addressed this item, can you please submit an updated report to me? If you have any questions, please do not hesitate to reach out to me.

Thanks,
Jill

From: Epp, Timothy <Epp.Timothy@epa.gov>
Sent: Friday, February 15, 2019 3:37 PM
To: DOJ.OIP.FOIA (SMO) <Ex_DOJOIPFOIA@jmd.usdoj.gov>
Subject: Draft EPA Chief FOIA Officer Report

EPA's draft 2019 Chief FOIA Officer Report is attached.

Please let me know if you have any 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: 2/7/2019 10:22:52 PM
To: Creech, Christopher [Creech.Christopher@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]
Subject: RE: doc request, Delegations of Authority
Attachments: 1-131 OGC Chief Freedom of Information Act Officer 09-14-2018.pdf

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

From: Creech, Christopher
Sent: Thursday, February 07, 2019 4:03 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>
Subject: doc request, Delegations of Authority

Hi Guys,

Do either one of you have the FOIA delegations of authority; specifically, the chief foia officer duties? Thanks!

-Chris

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: Zipf, Lynn [Zipf.Lynn@epa.gov]
Sent: 4/19/2018 2:00:51 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FW: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages - being released today
Attachments: 18-0216 WKA hydrological connections FOIA.pdf; Notice for Comment on Groundwater Discharges (3) (1).pdf; Binder2.pdf

Lee and Sarah – per my email below, we are sending this interim response for this FOIA out today. This interim release of 71 pages focuses on (a) communication with people and parties outside of EPA. Since it is with external stakeholders, the deliberative exemption does not apply.

The responsive documents were also sent to Susan Bodine via Cari Shiffman for awareness. I have also updated the responsive record file to include one attachment per OWM's review.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 16, 2018 1:51 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Ann Campbell <Campbell.Ann@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages

This is a FOIA from Super Law Group requesting:

> "Any and all records of communications subsequent to November 7, 2016, regarding whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to Clean Water Act regulation, including but not limited to records or communications related to the February 14 Notice attached, between (a) people and organizations outside EPA and (b) members of the transition, beachhead, and landing teams in any EPA office, and EPA staff in any EPA office, including but not limited to the Office of the Administrator (Immediate Office), Office of Congressional and Intergovernmental Relations, Office of the Executive Secretariat, Office of Policy, Office of Public Affairs, Office of Water, and Office of General Counsel."

I have attached the FOIA request for your information. This is the first interim release of 69 pages focusing on (a) communication with people and parties outside of EPA. Since it is with external stakeholders, the deliberative exemption does not apply.

The deadline for sending these to the requester is this upcoming Thursday, April 19. Please let me know if you have any questions.

Lynn Zipf
FOIA Specialist

Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 11/15/2017 6:41:24 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: FW: For your review: proposed document release in response to FOIA request relating to WOTUS Rule
Attachments: 2017.04.19 FOIA Request to EPA RE Waters of the US in CWA.pdf; FOIA_Request_EPA_EO_13778_.pdf

FYI

David Fotouhi

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

From: Dubey, Susmita
Sent: Tuesday, November 14, 2017 1:27 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: For your review: proposed document release in response to FOIA request relating to WOTUS Rule

Below for your review is a link to a proposed document release under the Freedom of Information Act relating to the Waters of the United States Rule. The production is scheduled for November 30.

Background

On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30.

Proposed production

The proposed document release for the November 30 production is available through the Sharepoint link below, in four separate pdf files. I have also attached the FOIA requests at issue. The proposed release includes 134 documents totaling approximately 1300 pages, and reflects a search conducted for responsive documents created between January and April 2017. Custodians who were identified as having potentially responsive documents include members of the transition team as well as the Agency's Designated Ethics Official and his staff. Approximately 700 pages of the production are written responses from the Administrator to QFRs from Senate EPW committee members following the Administrator's confirmation hearing, which are included as attachments to several emails. The proposed production also includes meeting invitations and agendas relating to the WOTUS rule, as well as email communications. There are some redactions of records which are subject

to the deliberative process privilege, as well as redactions of personal identifying information, including conference line numbers and personal email addresses.

Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Please feel free to contact me with any questions. Thank you for your time on this.

Ex. 6

Susmita Dubey
Office of General Counsel
202-564-5577

Message

From: Kaminer, Joan [Kaminer.Joan@epa.gov]
Sent: 3/26/2018 3:30:59 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: ACTION: California v. EPA FOIA Litigation Awareness Process Due Mar 30 COB
Attachments: FOIA -- REQUEST -- of 4-7-2017 fr Timothy E. Sullivan.pdf; St CA v. EPA Complaint 81117.pdf; ED_001267_000287151137614.pdf

Sarah,

In preparation for our next production in California v. EPA, I am attaching the proposed production of records responsive to portions of the FOIA request. We have an agreement with Plaintiffs to provide rolling productions of records monthly, the next production is due on **April 5, 2018.** This agreement was adopted by the Court. Also attached is the request and complaint.

With the assistance of OGC/Ethics, I conducted the review of the attached record.

In total, there are 8 documents proposed in this release, 1 release in full and 3 release in part. An additional 4 records will be withheld in full. There is one document containing your equities, which I've attached. I've also attached the request and complaint for your reference.

Please send me any questions via email, referencing the document ID, by March 30, 2018 to allow adequate time before the April 5 production deadline. I will send you all of the records for awareness notification after COB March 30.

Thank you,

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

Message

From: Zipf, Lynn [Zipf.Lynn@epa.gov]
Sent: 4/16/2018 5:52:06 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Campbell, Ann [Campbell.Ann@epa.gov]; Gude, Karen [Gude.Karen@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages
Attachments: 18-0216 WKA hydrological connections FOIA.pdf; Notice for Comment on Groundwater Discharges (3) (1).pdf; Binder1.pdf

This is a FOIA from Super Law Group requesting:

> "Any and all records of communications subsequent to November 7, 2016, regarding whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to Clean Water Act regulation, including but not limited to records or communications related to the February 14 Notice attached, between (a) people and organizations outside EPA and (b) members of the transition, beachhead, and landing teams in any EPA office, and EPA staff in any EPA office, including but not limited to the Office of the Administrator (Immediate Office), Office of Congressional and Intergovernmental Relations, Office of the Executive Secretariat, Office of Policy, Office of Public Affairs, Office of Water, and Office of General Counsel."

I have attached the FOIA request for your information. This is the first interim release of 69 pages focusing on (a) communication with people and parties outside of EPA. Since it is with external stakeholders, the deliberative exemption does not apply.

The deadline for sending these to the requester is this upcoming Thursday, April 19. Please let me know if you have any questions.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Fotouhi, David [fotouhi.david@epa.gov]
Sent: 8/27/2017 10:07:10 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: FW: New FOIA Litigation -- Southern Environmental Law Center v. U.S. EPA
Attachments: Courtlink_Document _US_DIS_VAWD_3.17cv61_ 08.23.2017.pdf; Courtlink_Docket_US_DIS_VAWD_3.17cv61_ 08.23.2017.htm

FYI

David Fotouhi

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

From: Hammitt, Jennifer
Sent: Wednesday, August 23, 2017 3:00 PM
To: OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: New FOIA Litigation -- Southern Environmental Law Center v. U.S. EPA

This FOIA litigation, filed 8/23/17, concerns a multi-part FOIA request for information related in any way to Executive Order 13777, Enforcing the Regulatory Reform Agenda, and the execution or implementation of this Executive Order and Regulatory Reform Task Forces. The request was filed with multiple EPA Offices and Regions but was centralized in the Office of Policy, where the Office and the FEAT worked to clarify the request; however, no response had been provided at the time of the suit. The litigation is in the Western District of Virginia, Charlottesville Division. The FOIA is currently assigned to the Office of the Administrator, Office of Policy.

Jennifer Hammitt
Attorney-Advisor, Information Law Practice Group
Office of General Counsel, General Law Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC-2377A
Washington, DC 20460
(202) 564-5097

Message

From: Campbell, Ann [Campbell.Ann@epa.gov]
Sent: 12/21/2017 6:51:51 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: FW: EPA-HQ-2016--005555 Steam Electric Request Review - UWAG
Attachments: Notes on second level review.docx; Request for Envtl. Org. Communications Regarding the Steam Electric ELG Rule.pdf

Attorney Client and DPP / Ex. 5

As such, based on our conversation, we are moving forward to close out this FOIA pursuant to Ryan's direction to close out old FOIAs by year end. I am hoping to have an answer to your question more broadly (as it would apply to all similar FOIAs) in the new year.

Thank you. Happy Holidays.
Ann

From: Zipf, Lynn
Sent: Monday, December 18, 2017 1:17 PM
To: Ann Campbell <Campbell.Ann@epa.gov>
Subject: EPA-HQ-2016--005555 Steam Electric Request Review - UWAG

Ann – this is not part of the larger Steam FOIA. This is a request from UWAG from April 2016 which requests for EPA to release records related to the ELG Rule, but which are not part of the ELG Rule rulemaking record. Specifically, this request seeks those records and portions of records that meet all of the following criteria: (1) they are communications or information exchanged between EPA and environmental organizations ("Environmental Organizations") between August 1, 2005 and November 3, 2015; (2) they relate to effluent limitations guidelines for the Steam Electric Power Generating Point Source Category; and (3) they are not currently part of the public ELG Rule rulemaking record.

Since these email are with parties outside of the federal government, the deliberative exemption does not apply. The redactions that were done were under exemption 6 – personal privacy. It included cell phones, conference lines etc.

This has been reviewed by OGC and DOJ this past January and they are ok with sending it out.

The FOIA and my notes from second level review are attached. I can share link to the responsive documents. Please advise as to whether or not this needs further review.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Blake, Wendy [Blake.Wendy@epa.gov]
Sent: 9/28/2017 5:36:40 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Johnson, SusanA [Johnson.SusanA@epa.gov]
Subject: FW: PEER PAG LAWSUIT - Draft Production Set for review
Attachments: PAGS FOIA Production Set 7.pdf; PEER_PAGsFOIA_Requests.pdf

Good afternoon,

Attorney Client, AWP, and DPP / Ex. 5

Please feel free to call me 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

Message

From: Shapiro, Mike [Shapiro.Mike@epa.gov]
Sent: 9/20/2017 12:29:33 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: FOIA on Steam Electric ELG

Will do

Michael Shapiro
Acting Assistant Administrator, Office of Water
US EPA, 4101M
1200 Pennsylvania Ave., NW
Washington, DC 20460
202-564-5700

From: Greenwalt, Sarah
Sent: Wednesday, September 20, 2017 8:07 AM
To: Shapiro, Mike <Shapiro.Mike@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: FW: FOIA on Steam Electric ELG

Mike, please advise Rob to hold on sending out this FOIA response.

Thank you.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Jackson, Ryan
Sent: Wednesday, September 20, 2017 8:04 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: FOIA on Steam Electric ELG

We are doing these in sequence. So please wait. I'm aware of it.

Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Sep 20, 2017, at 7:53 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

> Just wanted to confirm this release we spoke about on Monday evening.
>
> Thanks much.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Greenwalt, Sarah
Sent: Wednesday, September 13, 2017 8:10 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: RE: FOIA on Steam Electric ELG

Ryan, please let me know if I can green light this release.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Tuesday, September 12, 2017 1:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: RE: FOIA on Steam Electric ELG

Well it's been an ongoing discussion about the best way to approach it, but the Agency currently has FOIAs that are outstanding from like 2010, so we should really get our folks to focus on getting those out the door.

From: Greenwalt, Sarah
Sent: Tuesday, September 12, 2017 1:33 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: RE: FOIA on Steam Electric ELG

I was not aware that we had set a "first in, first out" policy. If that is the agency's policy, I would at a minimum suggest that we document it well in order to present a tenable defense against the many missed deadline suits that will be brought against us. And, to Liz's point, remain consistent in that approach.

Please let me know if this is the case.

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Tuesday, September 12, 2017 1:01 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: RE: FOIA on Steam Electric ELG

I have no issue with this, except that all the FOIAs should be released one in, one out and in order—we should remain consistent about ensuring that FOIAs don't "jump the line" in when they are responded to.

From: Greenwalt, Sarah
Sent: Tuesday, September 12, 2017 11:41 AM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
Subject: FOIA on Steam Electric ELG

Ryan,

We have a FOIA request for materials relating to our reconsideration of the Steam Electric rule. The attached materials are ready to be released—they are redacted versions of the briefings David and I received regarding the rule. I recommend that we release this week.

Background on the request:
This FOIA from Earthjustice was received by the Agency in early April. Staff was able to narrow the request to a few search terms and a specific list of custodians. To date the agency has released one 2-page briefing document (Interim Response 1) that was reviewed and redacted by OGC. The three briefing documents that staff are proposing to release (Interim Response 2) is attached. These documents have been reviewed and redacted by David Fotouhi, others in OGC, and myself. This release consists of three internal briefing PowerPoints dated March 13, 2017; May 23, 2017; and June 16, 2017 that were delivered to Senior Managers in OW and the AO. Here's a quick summary:

Title	Description	Disposition
EPA-HQ-2017-005671 Steam Electric March 13	PowerPoint Briefing	Release in part. All redactions are for FOIA Exemption (b)(5) Deliberative Process
EPA-HQ-2017-005671 reconsider briefing May 23	PowerPoint Briefing	Release in part. Redactions are for FOIA Exemption (b)(5) Deliberative Process. Pages 12, 15, and 19 are redacted for both FOIA Exemption (b)(5) Deliberative

		Process and Attorney Client privileges.
EPA-HQ-2017-005671 reconsider briefing June 16	PowerPoint Briefing	Release in part. All redactions are for FOIA Exemption (b)(5) Deliberative Process. Pages 4, 7, and 8 are redacted for both FOIA Exemption (b)(5) Deliberative Process and Attorney Client privileges.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

Message

From: Zipf, Lynn [Zipf.Lynn@epa.gov]
Sent: 4/19/2018 4:48:33 PM
To: Forsgren, Lee [Forsgren.Lee@epa.gov]; Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: FW: Request for Review by 4/18/18 - EPA-HQ-2017-011463 Interim release - interim release due today
Attachments: EPA HQ denial of WA WQS Petition 2017.pdf; EPA-HQ-2017-011463 Interim Response 2.pdf

Just as a reminder - the responsive records have been redacted, and then reviewed by OGC and R10 lawyer.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Wednesday, April 11, 2018 10:26 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Request for Review by 4/18/18 - EPA-HQ-2017-011463 Interim release

FOIA from Northwest Environmental Advocates on EPA denial of NWEA Petition on Washington Toxic Criteria. FOIA submitted to EPA on 9/13/17. Request for review by 4/18/18.

This request concerns EPA's May 31, 2017 denial of a petition submitted by NWEA on October 28, 2013 by letter from Michael H. Shapiro, Acting Assistant Administrator. The petition pertained to rulemaking on water quality criteria for toxics in the State of Washington.

Pursuant to this request, please provide all documents prepared or utilized by, in the possession of, or routed through the EPA related to:
1. The October 28, 2013 petition by NWEA to EPA seeking rulemaking to update Washington State's criteria for toxics. (From October 28, 2013 to the date upon which EPA begins its search for records.)
If there are large documents or categories of documents that you suspect we may already have, or that we might not want, please call us and ask in order to avoid waste and/or delay.

We worked with the requester to narrow the scope of the request to only two custodians, Corey Buffo (OW/OST) and Angela Chung (R10).

This is the first of three interim responses. The responsive records have been redacted, and then reviewed by OGC and R10 lawyer. In order to give as much time for review as possible, I will be reviewing simultaneously.

Please let me know if you have any questions.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 4/19/2018 2:53:40 PM
To: Zipf, Lynn [Zipf.Lynn@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
CC: Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]
Subject: RE: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages - being released today

Thank you Lynn. I have reviewed and have no comments.

Sarah A. Greenwalt

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Zipf, Lynn
Sent: Thursday, April 19, 2018 10:01 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>
Subject: FW: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages - being released today

Lee and Sarah – per my email below, we are sending this interim response for this FOIA out today. This interim release of 71 pages focuses on (a) communication with people and parties outside of EPA. Since it is with external stakeholders, the deliberative exemption does not apply.

The responsive documents were also sent to Susan Bodine via Cari Shiffman for awareness. I have also updated the responsive record file to include one attachment per OWM's review.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

From: Zipf, Lynn
Sent: Monday, April 16, 2018 1:51 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Ann Campbell <Campbell.Ann@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: EPA-HQ-2018-004521 Hydrologic Connection Interim Release 69 pages

This is a FOIA from Super Law Group requesting:

> "Any and all records of communications subsequent to November 7, 2016, regarding whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to Clean Water Act regulation, including but not limited to records or communications related to the February 14 Notice attached, between (a) people and organizations outside EPA and (b) members of the transition, beachhead, and landing teams in any EPA office, and EPA staff in any EPA office, including but not limited to the Office of the Administrator (Immediate Office), Office of Congressional and Intergovernmental Relations,

Office of the Executive Secretariat, Office of Policy, Office of Public Affairs, Office of Water, and Office of General Counsel."

I have attached the FOIA request for your information. This is the first interim release of 69 pages focusing on (a) communication with people and parties outside of EPA. Since it is with external stakeholders, the deliberative exemption does not apply.

The deadline for sending these to the requester is this upcoming Thursday, April 19. Please let me know if you have any questions.

Lynn Zipf
FOIA Specialist
Office of Water

EPA East Room 3349K
(202) 564-1509

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/29/2017 9:02:39 AM
To: Shapiro, Mike [Shapiro.Mike@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]
BCC: Fotouhi, David [Fotouhi.David@epa.gov]
Subject: Fwd: New FOIA litigation: Waterkeeper Alliance, Inc. et al v. U.S. Environmental Protection Agency, US DIS NYSD 1:17cv7400
Attachments: Courtlink_Document _US_DIS_NYSD_1.17cv7400_ 09.28.2017.pdf; ATT00001.htm; Courtlink_Docket_US_DIS_NYSD_1.17cv7400_ 09.28.2017.htm; ATT00002.htm

Mike and Lee,

I am concerned with paragraphs 40 and 41 of the complaint, which state that EPA staff indicated to Plaintiffs that these documents had been cleared for production. This should serve as an important reminder that while we try (and should continue trying) to work with requesters to narrow requests and come up with reasonable timelines for production, at the end of the day there is a significant risk of litigation in this context. Please instruct your staff to keep this in mind when communicating with requestors.

Thank you.

Sent from my iPhone

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **To:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
> **Subject: FW: New FOIA litigation: Waterkeeper Alliance, Inc. et al v. U.S. Environmental Protection Agency, US DIS NYSD 1:17cv7400**
>
> FYI
>
> **David Fotouhi**
>
> Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> ---
>
> **From:** Miller, Kevin
> **Sent:** Thursday, September 28, 2017 1:11 PM
> **To:** OGC Immediate Office MGMT <OGC_Immediate_Office_MGMT@epa.gov>; OGC Immediate Office Support <OGCFrontOfficeSupportStaff@epa.gov>
> **Cc:** Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
> **Subject:** New FOIA litigation: Waterkeeper Alliance, Inc. et al v. U.S. Environmental Protection Agency, US DIS NYSD 1:17cv7400
>
> This FOIA litigation concerns a FOIA request submitted by Earthjustice, Waterkeeper Alliance, Inc.,

Environmental Integrity Project, Sierra Club, and Clean Water Action requesting various records concerning the Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category" rule that was signed
by the Administrator on September 30, 2015. The request included communications involving the White House, DOJ, the Presidential Transition team, EPA's Beachhead team, and industry groups. The complaint alleges that EPA has not completed is response to the FOIA request. The FOIA request is assigned to the Office of Water.

Kevin Miller | US EPA | Office of General Counsel | 1200 Pennsylvania Ave., NW | WJC North, Mail Code 2377A | Washington DC 20460 |

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 12/19/2017 4:07:47 PM
To: Campbell, Ann [Campbell.Ann@epa.gov]
Subject: FW: For your review: second proposed document release in response to FOIA request on WOTUS Rule
Attachments: 2017.04.19 FOIA Request to EPA RE Waters of the US in CWA.pdf; 2017.05.10 FOIA Request to EPA RE Communications with Congress.pdf

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: White, Elizabeth
Sent: Tuesday, December 19, 2017 9:47 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: FW: For your review: second proposed document release in response to FOIA request on WOTUS Rule

Sarah – checking to see if you were OK with this production – the second production on WOTUS. Thanks, Beth

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

From: Dubey, Susmita
Sent: Friday, December 8, 2017 10:27 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
Subject: For your review: second proposed document release in response to FOIA request on WOTUS Rule

Below for your review is a link to the second proposed document release under the Freedom of Information Act request relating to the Waters of the United States Rule. The production is scheduled for December 20, in light of holiday schedules.

Background

On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the

development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30. The first production of documents was delivered to CBD on November 30.

Proposed production

The proposed document release for the December 20 production is available through the Sharepoint link below. I have also attached the FOIA requests at issue. The proposed release includes 277 documents totaling approximately 1400 pages, and reflects a search conducted for responsive documents created between January and April 2017. Custodians who were identified as having potentially responsive documents include members of the transition team as well as the Agency's Designated Ethics Official and his staff. The proposed production includes meeting invitations and agendas relating to the WOTUS rule, including meetings within EPA as well as meetings with outside parties. In addition, the proposed production includes email communications within EPA and with outside parties. Some information is redacted because it is subject to the deliberative process privilege, in addition to redactions of personal identifying information, such as conference line numbers and personal email addresses.

Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Please feel free to contact me with any questions. Thank you for your time on this.

Ex. 6

Susmita Dubey
Office of General Counsel
202-564-5577

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/22/2017 8:59:29 PM
To: Baptist, Erik [baptist.erik@epa.gov]
Subject: FW: FOIA on Steam Electric ELG

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Jackson, Ryan
Sent: Wednesday, September 20, 2017 8:04 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: FOIA on Steam Electric ELG

We are doing these in sequence. So please wait. I'm aware of it.

_____
Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Sep 20, 2017, at 7:53 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

> Just wanted to confirm this release we spoke about on Monday evening.
>
> Thanks much.
>
> **Sarah A. Greenwalt**
> Senior Advisor to the Administrator
> for Water and Cross-Cutting Issues
>
> U.S. Environmental Protection Agency
> Work: 202-564-1722 | Cell: 202-816-1388
> Greenwalt.Sarah@epa.gov
>
> ---
>
> **From:** Greenwalt, Sarah
> **Sent:** Wednesday, September 13, 2017 8:10 PM
> **To:** Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
> **Cc:** Schwab, Justin <schwab.justin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
> **Subject:** RE: FOIA on Steam Electric ELG

Ryan, please let me know if I can green light this release.

Sarah A. Greenwalt
Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Bowman, Liz
Sent: Tuesday, September 12, 2017 1:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
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To: Jackson, Ryan <jackson.ryan@epa.gov>
Cc: Schwab, Justin <Schwab.Justin@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>
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Title	Description	Disposition
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Greenwalt.Sarah@epa.gov

Message

From: Greenwalt, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6C13775B8F424E90802669B87B135024-GREENWALT,]
Sent: 9/20/2017 12:07:18 PM
To: Schwab, Justin [schwab.justin@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
Subject: FW: FOIA on Steam Electric ELG

Sarah A. Greenwalt
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U.S. Environmental Protection Agency
Work: 202-564-1722 | Cell: 202-816-1388
Greenwalt.Sarah@epa.gov

From: Jackson, Ryan
Sent: Wednesday, September 20, 2017 8:04 AM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: Re: FOIA on Steam Electric ELG

We are doing these in sequence. So please wait. I'm aware of it.

_____
Ryan Jackson
Chief of Staff
U.S. EPA
(202) 564-6999

On Sep 20, 2017, at 7:53 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

> Just wanted to confirm this release we spoke about on Monday evening.
>
> Thanks much.
>
> **Sarah A. Greenwalt**
> Senior Advisor to the Administrator
> for Water and Cross-Cutting Issues
>
> U.S. Environmental Protection Agency
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