From: Mitschele, Becky
Sent: Monday, March 11, 2013 5:21 PM
To: Eve C. Gartner
Cc: Gilinsky, Ellen; Frace, Sheila; Hill, Randy; Nagle, Deborah; Frazer, Brian; Kupchan, Simma; Levine, MaryEllen; Wiedeman, Allison; Utting, George; Yager, Scott; Bittleman, Sarah; Nguyen, Quoc
Subject: CAFO FOIA - Industry Correspondance and EPA's Response (Nancy Stoner Letter)
Attachments: cwa-foia13 0222.pdf; NKStoner re Recent CWA FOIA Release 02-28-13.pdf

Hi Eve,

Please see attached the records related to your recent FOIA requests (# 2013-004082 and 2013-004070) for industry correspondence to Bob Perciasepe about EPA's release of CAFO information and EPA's subsequent response to the industry letter.

Thanks,
Becky Mitschele
U.S. Environmental Protection Agency
Office of Water, Office of Wastewater Management, Water Permits Division

The Honorable Bob Perciasepe
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

To EPA Acting Administrator

We are writing as representatives of the nation's agricultural community to express our deep concern, and our members' outrage, over the recent actions of the Environmental Protection Agency (EPA) to publicly release a significant amount of personal and business information about thousands of livestock and poultry farmers across the country. It is our understanding that this information was gathered from more than 30 state permitting authorities and simply transmitted as raw data to the Natural Resources Defense Council (NRDC), Earth Justice and the Pew Charitable Trusts as part of two separate Freedom of Information Act requests.

It is our understanding that EPA released the information without undertaking a review of the data to protect against the release of private or confidential business information that may have been improperly included in the states' submissions. There appears to have been a presumption by EPA that *all* data submitted by the states was publicly and readily available and therefore afforded no protection from disclosure under any federal laws.

From the farmer's perspective, the agency has collected and released details of peoples' private lives to NRDC and the others. The data included information on livestock and poultry farms and ranches of all sizes, from large CAFOs to the smallest of farms, many of which are maintained in state databases solely under state laws. The overwhelming majority of those farms are owned and operated by *families*. These are farmers who are honorably engaged in honest work to produce livestock and poultry to support themselves, their families, their communities, our country and consumers around the world. In most instances, farmers and ranchers live and raise their children in very close proximity to their animals. We object in the strongest terms possible to the release of this data for possible use by groups who oppose our members' businesses and way of life for reasons largely, if not entirely, unrelated to the honorable goals and objectives of the Clean Water Act.

We are deeply concerned that EPA is also actively developing from this, and similarly collected data for, a comprehensive, national and public database of every livestock and poultry operation in this nation, regardless of whether the facility holds a Clean Water Act permit. We stand ready to work with EPA and other appropriate government entities on creative and serious ways to help support these farmers and ranchers in meeting the goals of the Clean Water Act. But we, as representatives of the agricultural community, cannot see in these efforts a legitimate role for such a national, comprehensive database that does not also carry serious and unacceptable risks for farmers and ranchers and their families, and we would consequently oppose any such effort by EPA.

The specific reasons for our opposition are detailed in the lengthy comments we submitted to EPA and OIRA in 2011 opposing EPA's proposed Section 308 rule. In those comments we

expressed our concerns regarding the privacy and security implications of EPA's collection and release of individual farmer information. We went to great lengths to explain our concerns and justify the need to handle this type of information with the greatest of care. We emphasized that the information EPA sought to collect was not merely a business address, but a vital link in the nations' food systems, so vital in fact, that the Department of Homeland Security considers livestock critical infrastructure an important national resource. We also pointed out that many locations were also the address of a family's home. Yet, despite our very public efforts to sensitize EPA, agency staff made the unilateral decision that these concerns were not credible.

Going forward, it is critical that EPA reconsider the depth and seriousness of rural America's concerns and act responsibly to avoid any further release of sensitive information that could cause harm, not only to individual farmers and ranchers but to the nations' food supply.

Sincerely,

American Farm Bureau Federation
National Cattlemen's Beef Association
National Council of Farmer Cooperatives
National Chicken Council
National Pork Producers Council
National Turkey Federation
United Egg Producers
US Poultry and Egg Association

CC:
Rep. Frank Lucas
Rep. Collin Peterson
Rep. Bill Shuster
Rep. Nick Rahall
Rep. Bob Gibbs
Rep. Timothy Bishop
Sen. Debbie Stabenow
Sen. Thad Cochran
Sen. Barbara Boxer
Sen. David Vitter
Sen. Benjamin Cardin
Sen. John Boozman

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Mr. Michael C. Formica
Chief Environmental Counsel
National Pork Producers Council
122 C Street, N.W.
Suite 875
Washington, D.C. 20001

Dear Mr. Formica:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

The issues you raised in your letter are significant and we are reviewing them carefully. To put these issues in context, some background will be helpful.

The information included in the FOIA releases was obtained from States following our decision not to proceed with a rule requiring reporting by CAFOs under Section 308 of the Clean Water Act. During the rulemaking, states and others advised us we could obtain the information we needed to characterize the universe of CAFOs through voluntary means, including access to State databases. We subsequently entered into an Memorandum of Understanding with the Association of Clean Water Administrators that provided a means for the EPA to work with States to obtain this information. The EPA obtained data on animal feeding operations in thirty States.

As your letter reflects, the information included in the FOIA responses was released in the same condition as it was received by the EPA from the States. It was the EPA's understanding, based on our communication with states, that the information received, and subsequently released, was all publicly available, either through a publicly accessible database or through a public records request to each state. We have subsequently confirmed that a considerable portion of the information is in fact posted on State Websites or is otherwise easily accessible.

Nonetheless, prompted by your concerns, we are investigating whether the FOIA releases contained additional information that is not readily available from States or other sources and that raises privacy concerns under FOIA. The Acting Administrator has emphasized the importance of this analysis and the

need to complete it as soon as possible. In the interim, we have asked the FOIA requestors - and they have agreed -- to refrain from further dissemination of information in the FOIA responses.

My intention is to ensure that we address any legitimate privacy concerns regarding these FOIA responses consistent with the Agency's obligations under the Freedom of Information Act. In addition, we are working to ensure that any future FOIA requests for similar information are reviewed carefully to ensure that privacy-related information is protected to the extent required by FOIA.

Again, I thank you for contacting the Acting Administrator with your concerns and look forward to continuing to work with you and your members to mitigate any issues that arise as a result of these circumstances.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Mr. Don Parrish
Senior Director, Regulatory Relations
American Farm Bureau Federation
600 Maryland Avenue, S.W.
Suite 1000W
Washington, D.C. 20024

Dear Mr. Parrish:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Ms. Ashley McDonald
Deputy Environmental Counsel
National Cattlemen's Beef Association
1301 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20004

Dear Ms. McDonald:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Again, I thank you for contacting the Acting Administrator with your concerns and look forward to continuing to work with you and your members to mitigate any issues that arise as a result of these circumstances.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Ms. Lisa Kelley
Vice President & Chief of Staff, Government Affairs
National Council of Farmer Cooperatives
50 F Street, N.W.
Suite 900
Washington, D.C. 20001

Dear Ms. Kelley:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

The issues you raised in your letter are significant and we are reviewing them carefully. To put these issues in context, some background will be helpful.

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Again, I thank you for contacting the Acting Administrator with your concerns and look forward to continuing to work with you and your members to mitigate any issues that arise as a result of these circumstances.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Ms. Mary Colville
Vice President of Government Affairs
National Chicken Council
1152 Fifteenth Street, N.W.
Suite 430
Washington, D.C. 20005

Dear Ms. Colville:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Again, I thank you for contacting the Acting Administrator with your concerns and look forward to continuing to work with you and your members to mitigate any issues that arise as a result of these circumstances.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Mr. Christian Richter
The Policy Group
700 12th Street, N.W.
Suite 700
Washington, D.C. 20005

Dear Mr. Richter:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 2 8 2013

OFFICE OF WATER

Mr. David Inall
Senior Vice President
United Egg Producers
1720 Windward Concourse
Suite 230
Alpharetta, Georgia 30005

Dear Mr. Inall:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 28 2013

OFFICE OF WATER

Mr. Ryan Bennett
Director, Government Relations
National Milk Producers Federation
2101 Wilson Boulevard
Suite 400
Arlington, Virginia 22201

Dear Mr. Bennett:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 28 2013

OFFICE OF WATER

Mr. Paul J. Bredwell
Vice President - Environmental Programs
U.S. Poultry and Egg Association
1530 Cooledge Road
Tucker Georgia 30084

Dear Mr. Bredwell:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 28 2013

OFFICE OF WATER

Mr. Tom Hebert
Principal
Bayard Ridge Group LLC
4440 Faraday Place, N.W.
Washington, D.C. 20016

Dear Mr. Hebert:

The Acting Administrator has asked me to respond to your letter expressing concerns about the Environmental Protection Agency's recent release of data on CAFOs pursuant to Freedom of Information Act (FOIA)(#2012-1337, #2013-1516). I want to reaffirm the Environmental Protection Agency's commitment, as well as my personal commitment, to working cooperatively with agriculture to achieve our mutual goals for protection of the environment and of our food supply. I also appreciate your offer to continue to work with us on ways to help support farmers and ranchers in meeting the goals of the Clean Water Act.

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Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Tuesday, February 12, 2013 9:17 AM
To: Wiedeman, Allison
Subject: Actual FOIA Request?

Hi Allison,

Is there any reason why we can't now review the actual NRDC/Earth Justice FOIA request? I understand you don't want to post all the other documents until it is finished, but why can't folks see what was in the request originally?

Sorry to be a pain!

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Michael Formica <formicam@nppc.org>
Sent: Monday, February 11, 2013 10:05 AM
To: Gilinsky, Ellen
Cc: Stoner, Nancy; Wiedeman, Allison
Subject: CAFO Data & NPPC Environment Committee Meeting

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Ellen

Thank you for the call on Friday night. As we discussed on Friday, my environment committee is meeting this afternoon in Raleigh, NC. I appreciate your offer to have EPA Water staff call in and provide an update on this issue to the committee. Based on our conversation Friday, I have placed you and your staff on the agenda for 2:20 pm EST this afternoon. Here is the call in number:

Call In Number: [redacted] Redacted : FOIA Exemption 6
Passcode: [redacted]

Will have a break in the agenda scheduled for 2:10 pm, so this will provide an easy opportunity to get the phone system set up. Our committee is composed of approximately 25 members of NPPC Environment Committee including a number of individual producers, the primary environmental staff from the swine production side of our larger member companies (Smithfield, Cargill, etc) and some state executives. We will also likely have some of our internal staff who do state outreach on the phone as well. Paul Bredwell of US Poultry and Egg Association is also attending the meeting, and will be on the call. By and large, it's a pretty friendly group. Allison Weidman has met with them a number of times over the years and I hope can vouch that we are fairly hospitable (perhaps we can have you come out to meet with them in person at our fall meeting).

I'm look forward to reviewing the statement and information that you indicated the Office of Water intends to release this morning on the FOIA responses.

Of course, while disappointed to learn of the release of all the state FOIA data without any notice to producers, we certainly understand that in any organization as large as EPA, it is tough to control the actions of everyone and sometimes one branch accidently gets ahead of itself. With any luck, once the released data is reviewed we will be able to ensure that it only included data that was otherwise subject to FOIA release and did not include any confidential information or data that shouldn't otherwise have been released. If it did, I trust that we will find a way to work together towards correcting the situation and ensuring the safety of the producers farms (which in many instances also serve as their family home).

We are looking forward to speaking with you and your staff at 2:20pm today.
In the meantime if you have any questions, don't hesitate to call me at 202-680-3820

Michael Formica
National Pork Producers Council
(202) 680-3820

From: Melissa Thomas <thomas@nrdc.org>
Sent: Monday, February 11, 2013 10:05 AM
To: Gilmartin, Ellen
Cc: Stoner, Nancy; Weisenhan, Allison
Subject: CAFO Data & NPPC Environment Committee Meeting

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Ellen,

Thank you for the call on Friday night. As we discussed on Friday, my environment committee is meeting this afternoon in Italy. No, I appreciate your offer to have EPA Water staff call in and provide an update on this issue to the committee. Based on our conversation Friday, I have placed you and your staff on the agenda for 2:20 pm EST this afternoon. Here is the call in number:

[redacted]

Monday's meeting is the agenda scheduled for 2:10 pm, so this will provide an easy opportunity to get the pork system update. Our committee is composed of approximately 25 members of NPPC Environment Committee including a number of individual producers, the primary environmental staff from the swine producer coalition, a gas member company representative, Cargill, and some state executives. We will also likely have some of our internal staff who state in attend on the phone as well. Paul Brewbaker of US Poultry and Egg Association is also attending the meeting and will be on the call. Bill and Larry, it's a pretty friendly group. Allison Weisenhan has met with them a number of times over the years. I hope can assure that we are fairly hospitable (perhaps we can have you come out to meet with them in person at our fall meeting!)

Thank you for forwarding the statement and information that you indicated the Office of Water intends to release concerning our FOIA requests.

I am sure we will be disappointed to learn of the release of all the state FOIA data without any notice. I understand AA Cathy may be in a stand that in any organization as large as EPA, it is tough to control the actions of everyone and sometimes one branch accidentally gets ahead of itself. With any luck, once the released data is reviewed we will be able to determine that only included data that was otherwise subject to FOIA release and did not include confidential information or data that should not otherwise have been released. If it did, trust that we will find a way to work through that towards correcting the situation and ensuring the safety of the producers (some who are mom and pop operations as well as from family farms).

As we are looking forward to speaking with you and your staff at 2:20pm today, please feel free to call me if you have any questions. Don't hesitate to call me at 202-380-1820.

Melissa A. Thomas
National Pork Producers Council
[illegible] 1820

From: Don Parrish <donp@fb.org>
Sent: Thursday, February 14, 2013 10:53 AM
To: Wiedeman, Allison
Subject: CAFO data

Allison

How did you send the CAFO data to Farm Bureau? I am hearing that others got packages yesterday –

Don Parrish
Senior Director, Regulatory Relations
American Farm Bureau Federation®
202-406-3667
donp@fb.org

From: Hank Zygmunt <hankzyg@gmail.com>
Sent: Monday, April 29, 2013 10:54 AM
To: Wiedeman, Allison
Subject: CAFO Permit Debacle

Hello Allison:

I read about EPA providing cafo data from 30 states to the PEW and 2 other organizations and then asking for it back.....and now a few members of congress both house and senate may have some questions. Can't believe we did that....are you know involved in calming the waters?

Hank

Hank Zygmunt
Agriculture Advisor
Resource Dynamics, Inc
O: 215-428-9655
C: 215-681-2355
Hankzyg@gmail.com

********** ATTACHMENT NOT DELIVERED **********

This Email message contained an attachment named
image001.jpg
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

********** ATTACHMENT NOT DELIVERED **********

From: Hank Zygmunt <hank.zygmunt@gmail.com>
Sent: Monday, April 28, 2012 10:55 AM
To: Wiedenman, Allison
Subject: CARO Permit Debacle

Hello Allison:

I read about EPA providing cafo data from 30 states to the PEW and 2 other organizations and then asking for it back... and now a few members of congress both house and senate may have some questions. Can't believe it didn't... are you involved in calming the waters?

Hank

Hank Zygmunt
Agriculture Advisor
Advance Dynamics, Inc
O: 215-423-9055
C: 215-681-2355
hankzyg@gmail.com

********** ATTACHMENT NOT DELIVERED **********

This email message contained an attachment named
caro.jpg
application/octet-stream
which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been quarantined.

Further action may be done to limit the distribution of computer viruses introduced into EPA networks. EPA is deleting all computer program e-mattachments from the Internet into the agency via Email.

If the sender is known and the attachment was legitimate, you should contact the sender and request that they resend the message in file zipped format. Also, resend this email with the removed attachment. If at receiving the received email, contacting the removed attachment, you can rename the file extension on the attached name.

For technical information, please contact the EPA Call Center at 866-411-EPA (4372). The TDD number is (866) 489-4900.

********** ATTACHMENT NOT DELIVERED **********

From: Mitschele, Becky
Sent: Tuesday, April 16, 2013 3:57 PM
To: Mitschele, Becky; Eve C. Gartner
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: Call to discuss CAFO FOIA

Hi Eve,

Can we speak tomorrow at 11 am or Thursday at 12:30 pm to discuss the four documents?

I can call you directly, or I can set up a conference line since I know you want another person at EarthJustice to attend. Please let me know if one of these times work for you.

Thanks,
Becky Mitschele
US EPA, Office of Water
202-564-6418

From: crichter@thepolicygroup.com
Sent: Tuesday, February 19, 2013 11:46 PM
To: Nagle, Deborah; Wiedeman, Allison; Gilinsky, Ellen
Cc: crichter@thepolicygroup.com
Subject: Confirmation & Agenda for Meeting Tomorrow @ 930 AM

Hello Ellen, Deborah and Allison:

In line with what I had noted earlier to Deborah and Allison, the agenda for tomorrow's meeting @ 930 – 1030 am at Farm Bureau is fairly straightforward, and is below.

We have confirmed the attendees will be the Farm Bureau, US Poultry & Egg Association, United Egg Producers, National Pork Producers Council, National Cattlemen's Beef Association, and possibly one additional attendee. There will be no more than 7 of us at this point.

Thanks very much for sending over list of EPA attendees.

Please let me know if you have any questions or concerns in the meantime.

Best regards,

Christian

Agenda
Industry - EPA 308 Meeting
Wednesday, February 20, 2013

1. Introductions

2. Meeting Objectives

3. EPA Review of CAFO Data Collection Efforts & FOIA Response

4. Industry Review of Concerns

5. Broader Policy Matters

6. Adjourn

From: [illegible]@napolleygroup.com
Sent: Tuesday, February 19, 2013 [illegible] PM
To: Nagle, Deborah; Wagoner, Allison; Gilinsky, Ellen
Cc: [illegible]@napolleygroup.com
Subject: Confirmation & Agenda for Meeting Tomorrow @ 930 AM

Hello Ellen, Deborah and Allison

In line with what I had noted earlier to Deborah and Allison, the agenda for tomorrow's meeting @ 930 – 1030 am at Farm Bureau is fairly straightforward, and is below

We have confirmed the attendees will be the Farm Bureau, US Poultry & Egg Association, United Egg Producers, National Pork Producers Council, National Cattlemen's Beef Association, and possible one additional attendee. There will be no more than 7 of us at this point.

Thanks very much for sending over list of EPA attendees.

Please let me know if you have any questions or concerns in the meantime.

Best regards

Christian

Agenda
Industry - EPA 309 Meeting
Wednesday, February 20, 2013

1. Introductions

2. Meeting Objectives

3. EPA Review of CAFO Data Collection Efforts & FOIA Responses

4. Industry Review of Concerns

5. Broader Policy Matters

6. Adjourn

From: Hill, Randy
Sent: Friday, February 08, 2013 5:42 PM
To: RFH@adem.state.al.us; rp4@azdeq.gov; SHAFII@adeq.state.ar.us; phyllis.woodford@state.co.us; brian.churchill@state.de.us; allen.hubbard@dep.state.fl.us; tom.hopkins@dnr.state.ga.us; Sanjay.Sofat@Illinois.gov; DLASITER@idem.IN.gov; Gene.Tinker@dnr.iowa .gov; Tmedley@kdheks.gov; jory.becker@ky.gov; Mitch.Mitchell@LA.GOV; Kimberly.Corts@LA.GOV; Bill.J.Sheehan@maine.gov; mark.hedrich@maine.gov; halhija@mde.state.md.us; gkelman@mde.state.md.us; bitondom@michigan.gov; lisa.scheirer@state.mn.us; Tracy_Tomkins@deq.state.ms.us; melanie_morris@deq.state.ms.us; darrick.steen@dnr.mo.gov; jchambers@mt.gov; dennis.heitmann@nebraska.gov; clawson@ndep.nv.gov; drashlin@gw.dec.state.ny.us; keith.larick@ncdenr.gov; krockema@nd.gov; Cathy.Alexander@epa.state.oh.us; jon.bernstein@epa.state.oh.us; cdevore@oda.state.or.us; staglang@pa.gov; chapliwp@dhec.sc.gov; Kent.Woodmansey@state.sd.us; Erin.O'Brien@tn.gov; saya.qualls@tn.gov; janet.wyman@tceq.texas.gov; dghall@utah.gov; evanvleet@utah.gov; Marli.Rupe@state.vt.us; bkbowles@deq.virginia.gov; joje461@ECY.WA.GOV; NMena@agr.wa.gov; Amy.Callis@wisconsin.gov; Thomas.Bauman@Wisconsin.gov; bill.dirienzo@wyo.gov
Cc: Perkins, Stephen; Matthews, Joan; Capacasa, Jon; Giattina, James; Hyde, Tinka; Honker, William; Flournoy, Karen; Garcia, Bert; Hoskie, Sadie; Kemmerer, John; Opalski, Dan; Coats, Andrea; Frawley, Austine; Zolandz, Mark; Zieba, Kyle; Toy, Ashley; Sampath, Sam; Socha, Julianne; Juarez, Paul; Stine, Scott; Porter, Donna; Clark, Amy; Draper, Seth; Whitson, Amelia; Peak, Nicholas; Nagle, Deborah; Wiedeman, Allison; Mitschele, Becky; Yager, Scott; Alexandra Dunn; srolland@acwa-us.org; Stoner, Nancy; Gilinsky, Ellen
Subject: EPA received FOIA request for all records related to the CAFO data collection effort and the withdrawal of the CAFO Reporting Rule

Dear State NPDES Permitting Manager,

I wanted to make you aware of two separate Freedom of Information Act (FOIA) requests to EPA, both of which asked for all records relating to EPA's effort to collect CAFO data. One was from EarthJustice and the other was submitted by the Natural Resources Defense Council and Pew Charitable Trust. As indicated during our state conference calls, state information shared with EPA is subject to FOIA requirements.

Working with our Office of General Counsel, we determined what records we were legally required to provide, and these records included information provided to EPA from states. On Monday, EPA sent the requesters a CD with responsive and releasable documents that included the information states have provided regarding the data collection effort. We have provided the data in the format provided by the state. We did not share any state data that EPA has processed (i.e. removing duplicates, converting coordinate systems, etc.).

Along with other federal agencies, EPA now manages FOIA requests through FOIAonline. FOIAonline is a public website that tracks and stores information responsive to a request. It's the Agency's policy to upload records to FOIAonline. While publically available, a user would need to search through all FOIA requests to EPA with a keyword or have the ID number for the FOIA to review the responsive and releasable documents. Once EPA closes out the FOIA request in the next few weeks, the information we provided under these FOIAs will be available at:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28001613d

We will be reaching out to our agricultural stakeholders, so would appreciate if you would wait until Monday afternoon before you reach out to your own stakeholders.

If you have additional questions, you can contact Allison Wiedeman, Rural Branch Chief, either at wiedeman.allison@epa.gov or (202) 564-3105, or call Becky Mitschele, of my staff, at either (202) 564-6418 or mitschele.becky@epa.gov. We also can discuss these FOIAs during the Rural Branch workgroup call hosted by the Association of Clean Water Administrators.

Sincerely yours,

Randy Hill

Acting Director
Office of Wastewater Management
U.S. EPA (4201M)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-0748
(202) 501-2338 (FAX)
hill.randy@epa.gov

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From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Monday, February 11, 2013 4:16 PM
To: Wiedeman, Allison
Subject: Getting the data on disc?

Allison,

Can we get the data released to NRDC in disc format to facilitate the speed of review needed to QA/QC the data?

Thanks,

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

Subject:	Meet w/Tom Hebert Bayard Ridge Group
Location:	3233 EPA East
Start:	Wed 5/8/2013 9:00 AM
End:	Wed 5/8/2013 9:30 AM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Gilinsky, Ellen
Required Attendees:	Bittleman, Sarah; Wiedeman, Allison; Thomas Hebert
Optional Attendees:	Sawyers, Andrew; Nagle, Deborah

When: Wednesday, May 08, 2013 9:00 AM-9:30 AM (GMT-05:00) Eastern Time (US & Canada).
Where: 3233 EPA East

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*~*~*

POC – Hebert – 202-441-0570

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Wednesday, May 01, 2013 1:50 PM
To: Wiedeman, Allison
Subject: Other states' data?

Hi Allison,

What were the other states that sent in cafo data to you all **after** the original FOIA request was received last fall? Do you know if a FOIA been filed to get those data from you?

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Wednesday, May 07, 2013 1:50 PM
To: Wiedemann, Allison
Subject: Other states' data?

Hi Allison,

What were the other states that sent in data data to you all after the original FOIA request was received last fall? Do you know if a FOIA been filed to get those data from you?

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-8658
(Mobile) 202-44[illegible]-0520
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Thursday, May 16, 2013 3:25 PM
To: Wiedeman, Allison
Subject: Re: Other states' data?

Hi Allison,

Any chance you can answwer this now?

Tom

From: Thomas Hebert
Sent: Wednesday, May 01, 2013 01:50 PM
To: Allison Wiedeman (wiedeman.allison@epa.gov) <wiedeman.allison@epa.gov>
Subject: Other states' data?

Hi Allison,

What were the other states that sent in cafo data to you all **after** the original FOIA request was received last fall? Do you know if a FOIA been filed to get those data from you?

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Thursday, May 16, 2013 3:25 PM
To: Wiedeman, Allison
Subject: Re: Other states' data?

Hi Allison,

Any chance you can answer this now?

Tom

From: Thomas Hebert
Sent: Wednesday, May 01, 2013 01:50 PM
To: Allison Wiedeman (wiedeman.allison@epa.gov) <wiedeman.allison@epa.gov>
Subject: Other states' data?

Hi Allison,

What were the other states that sent in cafo data to you all **after** the original FOIA request was received last fall? Do you know if a FOIA been filed to get those data from you?

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0170
(Fax) 202-204-3070
tom.hebert@bayardridge.com

From: Nagle, Deborah
Sent: Friday, June 06, 2014 5:15 PM
To: Mitschele, Becky; Yager, Scott
Subject: Progressive Farmer FOIA _ Responsive Records 3 of 11FW: (NE) Amended Freedom of information Act Response # 2012-1337 and 2012-1516
Attachments: LWCFACTY 9 12_redactions completed 2.xlsx; LWCF location 9 12_redactions completed 2.xlsx

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From: Wiedeman, Allison
Sent: Tuesday, April 30, 2013 5:08 PM
To: dennis.heitmann@nebraska.gov
Cc: Flournoy, Karen; Porter, Donna; Mitschele, Becky; Gilinsky, Ellen; Nagle, Deborah; Neugeboren, Steven; Sawyers, Andrew; adunn@acwa-us.org; srolland@acwa-us.org; lgarrigan@ecos.org
Subject: (NE) Amended Freedom of information Act Response # 2012-1337 and 2012-1516

Dear NE State Permitting Authority;

After careful review of the state CAFO data requested and released via FOIA to NRDC, EarthJustice and Pew, EPA will be providing a second amended version of this data. The new data contains all information released through the first amended response, except that the data the EPA released for operations in Montana and Nebraska has been further redacted which implicated privacy interests. The EPA has redacted additional names of individuals, telephone numbers, personal addresses, and notations about private matters in these two states pursuant to FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

Please find attached the redacted databases for NE that were provided to the FOIA requestors. EPA has requested that the FOIA requesters return all copies of previously released data and destroy any records that were duplicates of the earlier releases. If you have any questions please feel free to call me at 202-564-0901.

Allison Wiedeman, Chief
Rural Branch
Water Permits Division, Office of Water
202-564-0901
1200 Pennsylvania Ave.,
Washington, DC 20460

From: Nagle, Deborah
Sent: Friday, June 06, 2014 3:15 PM
To: Mitschele, Becky; Yager, Scott
Subject: Progressive Farmer FOIA _ Responsive Records 2 of 17FW: (NE) Amended Freedom of Information Act Response # 2012-1327 and 2012-1516
Attachments: LWOFACTY 8 12_redactions completed 2.xlsx; LWOF location 8 12_redactions completed 2.xlsx

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From: Wiedeman, Allison
Sent: Tuesday, April 30, 2013 5:08 PM
To: dennis.bellmann@nebraska.gov
Cc: Flournoy, Karen; Porter, Donna; Mitschele, Becky; Gilinsky, Ellen; Nagle, Deborah; Neugebauer, Steven; Sawyers, Andrew; adonin@acwa-us.org; vrolland@acwa-us.org; lgarrigan@epcos.org
Subject: (NE) Amended Freedom of Information Act Response # 2012-1327 and 2012-1516

Dear NE State Permitting Authority,

After careful review of the state CAFO data requested and released via FOIA to NRDC, Earthjustice and Pew, EPA will be providing a second amended version of this data. The new data contains all information released through the first amended response, except that the data the EPA released for operations in Montana and Nebraska has been further redacted which implicated private interests. The EPA has redacted additional names of individuals, telephone numbers, personal addresses, and notations about private matters in these two states pursuant to FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

Please find attached the redacted databases for NE that were provided in the FOIA response. EPA has requested that the FOIA requestors return all copies of previously released data and destroy any records that are duplicates of the earlier versions. If you have any questions please feel free to call me at 202-564-0901.

Allison Wiedeman, Ph.D.
Risk Analyst
Water Permits Division, Office of Water
202-564-0901
1200 Pennsylvania Ave.
Washington, DC 20460

From: Nagle, Deborah
Sent: Friday, June 06, 2014 5:16 PM
To: Mitschele, Becky; Yager, Scott
Subject: Progressive Farmer FOIA _ Responsive Records 4 of 11FW: (MT) Amended Freedom of Information Act Response #2012-1337 and 2012-1516
Attachments: MT_CAFOs_redactions completed 2.xlsx

From: Wiedeman, Allison
Sent: Tuesday, April 30, 2013 5:07 PM
To: jchambers@mt.gov
Cc: Perrin, Rebecca; Clark, Amy; Gilinsky, Ellen; Sawyers, Andrew; Bittleman, Sarah; Nagle, Deborah; Mitschele, Becky; Neugeboren, Steven; Draper, Seth; adunn@acwa-us.org; lgarrigan@ecos.org; srolland@acwa-us.org
Subject: (MT) Amended Freedom of Information Act Response #2012-1337 and 2012-1516

Dear MT State Permitting Authority;

After careful review of the state CAFO data requested and released via FOIA to NRDC, EarthJustice and Pew, EPA will be providing a second amended version of this data. The new data contains all information released through the first amended response, except that the data the EPA released for operations in Montana and Nebraska. EPA has redacted additional names of individuals, telephone numbers, personal addresses, and notations about private matters in these two states pursuant to FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

Please find attached the redacted database for MT that was provided to the FOIA requestors. EPA has requested that the FOIA requesters return all copies of previously released data and destroy any records that were duplicates of the earlier releases. If you have any questions please feel free to call me at 202-564-0901.

Allison Wiedeman, Chief
Rural Branch
Water Permits Division, Office of Water
202-564-0901
1200 Pennsylvania Ave.,
Washington, DC 20460

From: Nagle, Deborah
Sent: Friday, June 06, 2014 5:19 PM
To: Mitschele, Becky; Yager, Scott
Subject: Progressive Farmer FOIA _ Responsive Records 8 of 11FW: Amended Freedom of Information Act Response # 2012-1337 and 2012-1516

From: Hill, Randy
Sent: Thursday, April 4, 2013 6:24 PM
To: RFH@adem.state.al.us; rp4@azdeq.gov; SHAFII@adeq.state.ar.us; phyllis.woodford@state.co.us; brian.churchill@state.de.us; allen.hubbard@dep.state.fl.us; tom.hopkins@dnr.state.ga.us; Sanjay.Sofat@Illinois.gov; DLASITER@idem.IN.gov; .gov; Tmedley@kdheks.gov; jory.becker@ky.gov; Mitch.Mitchell@LA.GOV; Kimberly.Corts@LA.GOV; Bill.J.Sheehan@maine.gov; mark.hedrich@maine.gov; halhija@mde.state.md.us; gkelman@mde.state.md.us; bitondom@michigan.gov; Tracy_Tomkins@deq.state.ms.us; melanie_morris@deq.state.ms.us; jchambers@mt.gov; dennis.heitmann@nebraska.gov; clawson@ndep.nv.gov; drashlin@gw.dec.state.ny.us; keith.larick@ncdenr.gov; krockema@nd.gov; Cathy.Alexander@epa.state.oh.us; jon.bernstein@epa.state.oh.us; cdevore@oda.state.or.us; staglang@pa.gov; chapliwp@dhec.sc.gov; Kent.Woodmansey@state.sd.us; Erin.O'Brien@tn.gov; janet.wyman@tceq.texas.gov; dghall@utah.gov; evanvleet@utah.gov; Marli.Rupe@state.vt.us; Amy.Callis@wisconsin.gov; Thomas.Bauman@Wisconsin.gov; bill.dirienzo@wyo.gov; wmatthews@oda.state.or.us
Cc: Perkins, Stephen; Matthews, Joan; Capacasa, Jon; Giattina, James; Hyde, Tinka; Honker, William; Flournoy, Karen; Garcia, Bert; Hoskie, Sadie; Kemmerer, John; Opalski, Dan; Coats, Andrea; Frawley, Austine; Zolandz, Mark; Zieba, Kyle; Toy, Ashley; Sampath, Sam; Socha, Julianne; Juarez, Paul; Stine, Scott; Porter, Donna; Clark, Amy; Draper, Seth; Whitson, Amelia; Peak, Nicholas; Nagle, Deborah; Wiedeman, Allison; Mitschele, Becky; Yager, Scott; Alexandra Dunn; srolland@acwa-us.org; lgarrigan@ecos.org
Subject: Amended Freedom of Information Act Response # 2012-1337 and 2012-1516

Dear State Permitting Authorities,

After careful review of the state CAFO data that EarthJustice, NRDC and Pew Charitable Trust requested and EPA released via FOIA, EPA will be providing a new version of the this data. This new version contains data for 29 states (AL, AR, AZ, CO, FL, GA, IA, IL, IN, LA, MD, ME, MI, MS, MT, NC, ND, NE, NJ, NY, OH, OR, PA, SD, TN, TX, UT, WI, and WY) (which is the same number of states as the original response) but redacts portions of the data for 10 states (AZ, CO, GA, IN, IL, MI, MT, NE, OH, and UT).

Redacting data from the remaining 19 of those states is not necessary or appropriate because the information is entirely publicly available on websites, or is information from the federal NPDES or state permitting programs and required by federal or state law to be available to members of the public. Spreadsheets from 10 states contain certain data elements that may implicate privacy interests, and therefore, the EPA has redacted those data elements for the above listed states. Those ten states are also receiving a separate email discussing the redactions.

EPA has requested that the FOIA requesters return all copies of the original data and destroy any records that were duplicates of the original disk. If you have any questions, please feel free to call me or Allison Wiedeman, 202-564-0901.

Sincerely,

Randy Hill
Acting Director
Office of Wastewater Management
U.S. EPA (4201M)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-0748
(202) 501-2338 (FAX)
hill.randy@epa.gov

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From: Christian Richter <crichter@thepolicygroup.com>
Sent: Thursday, May 02, 2013 8:00 AM
To: Wiedeman, Allison
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

Great. With confirming paul's travel arrangements, can I assume we will have a poultry specific meeting next Friday morning, then? Ellen G is getting back to me, and if you are out, I would still like to meet with Deborah when Paul is here. I can reach Deborah, but wanted to connect with you on this.

From: Wiedeman, Allison [mailto:Wiedeman.Allison@epa.gov]
Sent: Thursday, May 02, 2013 7:58 AM
To: Christian Richter
Subject: Re: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

Yes!

From: Christian Richter
Sent: Wednesday, May 01, 2013 10:42:35 PM
To: Wiedeman, Allison
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

OK – let me know what might work. I would like to meet with him separately with Paul briefly next Friday if possible. Can we roll that in?

From: Wiedeman, Allison [mailto:Wiedeman.Allison@epa.gov]
Sent: Wednesday, May 01, 2013 2:32 PM
To: Christian Richter
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

I have started bowl rolling here - am looking at either afternoon of the 8th or 9th. We want to have a meet and greet, to discuss the CAFO FOIA issue, and where we can go from here on this and other things.

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Wednesday, May 01, 2013 1:53 PM
To: Wiedeman, Allison
Subject: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

From: Mitschele, Becky
Sent: Tuesday, April 16, 2013 4:03 PM
To: Eve C. Gartner
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: RE: Call to discuss CAFO FOIA

Would 3:30 pm work?

From: Eve C. Gartner [mailto:egartner@earthjustice.org]
Sent: Tuesday, April 16, 2013 4:00 PM
To: Mitschele, Becky
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: RE: Call to discuss CAFO FOIA

Hi Becky –
Is there any chance of doing the call tomorrow before 11, or between 2 and 5?
Thanks,
Eve

Eve C. Gartner
Staff Attorney
Earthjustice
156 William Street
Suite 800
New York, New York 10038
T: 212-845-7381
F: 212-918-1556
www.earthjustice.org

Because the earth needs a good lawyer

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*please consider the environment before printing

From: Mitschele, Becky [mailto:Mitschele.Becky@epa.gov]
Sent: Tuesday, April 16, 2013 3:57 PM
To: Mitschele, Becky; Eve C. Gartner
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: Call to discuss CAFO FOIA

Hi Eve,

Can we speak tomorrow at 11 am or Thursday at 12:30 pm to discuss the four documents?

I can call you directly, or I can set up a conference line since I know you want another person at EarthJustice to attend. Please let me know if one of these times work for you.

Thanks,
Becky Mitschele
US EPA, Office of Water
202-564-6418

From: Eve C. Gartner <egartner@earthjustice.org>
Sent: Tuesday, April 16, 2013 4:00 PM
To: Mitschele, Becky
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: RE: Call to discuss CAFO FOIA

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US EPA, Office of Water
202-564-6418

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Sent: Tuesday, April 16, 2013 4:00 PM
To: Mitschele, Becky
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: RE: Call to discuss CAFO FOIA

Hi Becky –

Is there any chance of doing the call tomorrow before 11, or between 2 and 3?

Thanks,

Eve

Eve C. Gartner
Staff Attorney
Earthjustice
156 William Street
Suite 200
New York, New York 10038
T: 212 845 7381
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Sent: Tuesday, April 16, 2013 3:57 PM
To: Mitschele, Becky; Eve C. Gartner
Cc: Kupchan, Simma; Yager, Scott; Wiedeman, Allison
Subject: Call to discuss CAFO FOIA

Hi Eve,

Can we speak tomorrow at 11 am or Thursday at 12:30 pm to discuss the four documents?

I can call you directly, or I can set up a conference line since I know you want another person at Earthjustice to attend. Please let me know if one of these times work for you.

Thanks,
Becky Mitschele
US EPA, Office of Water
202-564-6118

From: Eve C. Gartner <egartner@earthjustice.org>
Sent: Wednesday, May 01, 2013 5:10 PM
To: Mitschele, Becky; Kupchan, Simma
Cc: 'jdevine@nrdc.org' (jdevine@nrdc.org); calthouse@nrdc.org; Wiedeman, Allison; Yager, Scott
Subject: RE: follow up call

Dear Becky and Simma –
In light of the second amended responsive disk that we received today, we and NRDC no longer think it is necessary to have the call tomorrow. Let us know if EPA sees that differently.
Thank you,
Eve

Eve C. Gartner
Staff Attorney
Earthjustice
156 William Street
Suite 800
New York, New York 10038
T: 212-845-7381
F: 212-918-1556
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*please consider the environment before printing

From: Mitschele, Becky [mailto:Mitschele.Becky@epa.gov]
Sent: Wednesday, April 24, 2013 1:12 PM
To: Eve C. Gartner; Kupchan, Simma
Cc: 'jdevine@nrdc.org' (jdevine@nrdc.org); calthouse@nrdc.org; Wiedeman, Allison; Yager, Scott
Subject: RE: follow up call

Hi Eve,

Yes we are available to meet with you and NRDC. Would sometime between 1 and 4 pm work next Thursday (5/1/13)? If not, could you let us know when a good time is for you both.

Thanks,
Becky Mitschele
US EPA
202-564-6418

From: Eve C. Gartner [mailto:egartner@earthjustice.org]
Sent: Wednesday, April 24, 2013 12:43 PM
To: Mitschele, Becky; Kupchan, Simma
Cc: 'jdevine@nrdc.org' (jdevine@nrdc.org); calthouse@nrdc.org
Subject: follow up call

Dear Becky and Simma—
Are you available for a follow-up to our conversation from last Wednesday? I have discussed this with Jon Devine and Claire Althouse from NRDC and they would like to participate as well.
Thanks,
Eve

Eve C. Gartner
Staff Attorney
Earthjustice
156 William Street
Suite 800
New York, New York 10038
T: 212-845-7381
F: 212-918-1556
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*please consider the environment before printing

From: Gilinsky, Ellen
Sent: Saturday, May 04, 2013 10:04 AM
To: Jon Devine; Wiedeman, Allison; Mitschele, Becky; Kupchan, Simma; Neugeboren, Steven
Subject: Re: From Greenwire -- WATER POLLUTION: EPA stumbles again in releasing more CAFO documents

Yes they were asked to return

From: Devine, Jon
Sent: Friday, May 03, 2013 6:30:14 PM
To: Wiedeman, Allison; Gilinsky, Ellen; Mitschele, Becky; Kupchan, Simma; Neugeboren, Steven
Subject: FW: From Greenwire -- WATER POLLUTION: EPA stumbles again in releasing more CAFO documents

Allison—
I received your latest correspondence in the mail today. I will review it promptly. In the meantime, I had a question: am I correct in assuming that the livestock groups, which the article below indicates received the same material as NRDC and others, have also been asked to return/destroy the prior production?
Thank you,
Jon
Jon Devine
Senior Attorney, Water Program
Natural Resources Defense Council
jdevine@nrdc.org
(202) 289-2361 (phone)
(202) 289-1060 (fax)
Admitted in Massachusetts and the District of Columbia only
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From: jdevine@nrdc.org [mailto:jdevine@nrdc.org]
Sent: Friday, May 03, 2013 1:25 PM
To: Devine, Jon
Subject: From Greenwire -- WATER POLLUTION: EPA stumbles again in releasing more CAFO documents

This Greenwire story was sent to you by: jdevine@nrdc.org

Personal message:

An E&E Publishing Service

WATER POLLUTION: EPA stumbles again in releasing more CAFO documents
(Friday, May 3, 2013)

Amanda Peterka, E&E reporter

For the second time in a month, U.S. EPA is asking environmental groups to return another set of documents containing personal information of livestock producers.

Allison Wiedeman, chief of the rural branch of EPA's Office of Wastewater Management, told environmental groups in a letter dated Tuesday and obtained by *Greenwire* that the agency accidentally provided too much information on livestock operations in Montana and Nebraska in its package of documents for 30 states.

EPA has sent the environmentalists another version of the documents that redacts names and personal addresses of producers in those states.

The blunder comes as EPA attempts for the second time to respond to a Freedom of Information Act request on confined animal feeding operations (CAFOs) by Earthjustice, the Natural Resources Defense Council and the Pew Charitable Trusts.

The National Cattlemen's Beef Association, the trade group for the beef industry, is calling on EPA's Office of Inspector General to investigate the matter and threatening to pursue legislative action.

"Someone at EPA is either completely incompetent or intentionally violating federal law," wrote J.D. Alexander, the group's past president. "Either way, this action shows EPA cannot be trusted with sensitive information and should not have the authority to procure or disseminate it."

EPA didn't make Nancy Stoner, the water office's acting assistant administrator, or other agency officials available for an interview on the issue today. But the agency issued an emailed statement to *Greenwire* emphasizing its commitment to "openness and transparency" in its oversight of CAFOs and animal feeding operations (AFOs).

"After a recent release by EPA of CAFO- and AFO-related information under a Freedom of Information Act request, the agricultural community raised a number of privacy concerns," the statement says. "In response, EPA determined that some personal information that could have been protected under FOIA was inadvertently released. EPA has now redacted that information and asked the FOIA requesters to return the information."

Environmental groups began requesting CAFO information in October as part of an effort to examine EPA efforts to stem pollution from those facilities. In response to that FOIA request, EPA provided hundreds of pages of information

containing the names, street addresses, latitude and longitude, and contact information for 80,000 livestock facilities.

EPA said then that it collected all the data from state agencies and that it was publicly available. EPA did the data-gathering after withdrawing a rule last year that would have compelled CAFOs to report similar types of data directly to the agency.

The release of the data enraged trade groups representing the beef, pork and poultry industries. In a March 22 letter to Stoner, they accused EPA of violating the Privacy Act of 1974, which prohibits the release of information about individuals without their consent. They also said the release was inconsistent with EPA's own FOIA policies.

The agency, the livestock groups said, took it for granted that all the data was already publicly available and did not first review whether any of it contained private information.

"EPA did not exercise the 'utmost care' in protecting the sensitive personal information contained in the released documents," the groups said.

In a follow-up letter April 4, EPA's Stoner told the livestock groups that the agency determined that all the information for 19 of the states was publicly available on EPA or state websites. Stoner said she didn't believe EPA violated the Privacy Act.

Stoner said the agency did find, though, that it had released some personal information in the data sets for 10 of the states -- Arizona, Colorado, Georgia, Indiana, Illinois, Michigan, Montana, Nebraska, Ohio and Utah.

"Certain pieces of information received from ten of the twenty-nine states are neither available on the EPA or state websites nor subject to mandatory disclosure requirements under federal or state permitting programs," Stoner wrote. "The EPA has thoroughly evaluated every data element from each of these states and concluded that personal information ... implicates a substantial privacy interest that outweighs any public interest in disclosure."

EPA then asked that the environmental groups return all the original data and destroy any copies; the three groups complied early last month, saying they weren't interested in personal information but rather in records on discharges of nutrients, pathogens, heavy metals and pharmaceuticals from agricultural operations (*E&E Daily*, April 11).

After redacting portions of the data from the 10 states where the agency found privacy issues, EPA again released the data set to the environmental groups, as well as the livestock groups, EPA explained in correspondence to the groups.

But that data still included personal information on operations in Montana and Nebraska, so the agency Tuesday asked the groups to return it and destroy any copies.

EPA sent out a third version of the data this week that contained all the information of the second set, "except that the data EPA released for operations in Montana and Nebraska has been further redacted. The EPA has redacted additional names of individuals, telephone numbers, personal addresses and notations about private matters in these two states," EPA's Wiedeman wrote.

The National Cattlemen's Beef Association said it was "appalled" by the whole situation. In a statement, Nebraska's two senators also said they were alarmed by the scope of the data release.

"This whole episode is more than a mere comedy of errors," said Sen. Deb Fischer (R-Neb.). "It represents a pattern of disturbing disregard for the rights of our citizens."

Sen. Mike Johanns (R-Neb.), a former secretary of Agriculture in the George W. Bush administration, hinted that he thought the release was part of a "larger agenda to jeopardize American agriculture operations."

"EPA's disregard for the privacy of farmers and ranchers in Nebraska and across the country is, at best, woeful negligence, and at worst, a flagrant effort to aid organizations seeking to radically dismantle agriculture practices, with no regard for what it takes to feed the world," Johanns said.

The three environmental groups did not respond to requests for information on whether they've returned the second data set or received the third one.

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www.eenews.net

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From: crichter@thepolicygroup.com
Sent: Tuesday, May 07, 2013 4:44 PM
To: Wiedeman, Allison
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

A few of us:

Michael Formica, National Pork Producers Council
Ashley McDonald, National Cattlemens Beef Association
Don Parrish, Farm Bureau
Danielle Quist, Farm Bureau
Christian Richter, US Poultry & Egg Association / National Turkey Federation

Tom may not be able to join us, but will let you know.

Best regards,

Christian

The Policy Group
700 12th Street NW
Suite 700
Washington, DC 20005
(202) 257-0250 direct
crichter@thepolicygroup.com

"Wiedeman, Allison" <Wiedeman.Allison@epa.gov> wrote:

Christian - can you tell me who to expect for our meeting at 3 tomorrow??

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Thursday, May 02, 2013 8:00 AM
To: Wiedeman, Allison
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

Great. With confirming paul's travel arrangements, can I assume we will have a poultry specific meeting next Friday morning, then? Ellen G is getting back to me, and if you are out, I would still like to meet with Deborah when Paul is here. I can reach Deborah, but wanted to connect with you on this.

From: Wiedeman, Allison [mailto:Wiedeman.Allison@epa.gov]
Sent: Thursday, May 02, 2013 7:58 AM
To: Christian Richter
Subject: Re: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

Yes!

From: Christian Richter
Sent: Wednesday, May 01, 2013 10:42:35 PM
To: Wiedeman, Allison
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

OK – let me know what might work. I would like to meet with him separately with Paul briefly next Friday if possible. Can we roll that in?

From: Wiedeman, Allison [mailto:Wiedeman.Allison@epa.gov]
Sent: Wednesday, May 01, 2013 2:32 PM
To: Christian Richter
Subject: RE: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

I have started bowl rolling here - am looking at either afternoon of the 8th or 9th. We want to have a meet and greet, to discuss the CAFO FOIA issue, and where we can go from here on this and other things.

From: Christian Richter [mailto:crichter@thepolicygroup.com]
Sent: Wednesday, May 01, 2013 1:53 PM
To: Wiedeman, Allison
Subject: Allison - I reached out to small group of my barnyard colleagues for mtg next week...

From: Michael Formica <formicam@nppc.org>
Sent: Monday, February 11, 2013 11:27 AM
To: Wiedeman, Allison
Subject: RE: CAFO Data & NPPC Environment Committee Meeting

Sure! My phone and computer are reading 11:26 right now (didn't see this email until now). Might want to call in a few minutes early, but we will be there on break waiting for you to call in.

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Monday, February 11, 2013 10:24 AM
To: Michael Formica
Subject: Re: CAFO Data & NPPC Environment Committee Meeting

No problem. So shuld we call in precisely at 2:20?

From: Michael Formica [formicam@nppc.org]
Sent: 02/11/2013 03:16 PM GMT
To: Allison Wiedeman; Ellen Gilinsky
Cc: Nancy Stoner; Randy Hill
Subject: RE: CAFO Data & NPPC Environment Committee Meeting

Thanks. Allison, just tried to call you. We are pretty casual (I try to keep us as low key and casual as possible) so if it's a couple of minutes on either end, that's fine. We had a previously schedule break at 2:10, so it was a good place to slip you in to.

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Monday, February 11, 2013 10:14 AM
To: Gilinsky.Ellen@epamail.epa.gov; Michael Formica
Cc: Stoner.Nancy@epamail.epa.gov; Hill.Randy@epamail.epa.gov
Subject: Re: CAFO Data & NPPC Environment Committee Meeting

Yes - per Michael's email below we will be calling in to the committee at 2:20pm today.

From: Ellen Gilinsky
Sent: 02/11/2013 10:07 AM EST
To: "Michael Formica" <formicam@nppc.org>
Cc: Nancy Stoner; Allison Wiedeman; Randy Hill
Subject: Re: CAFO Data & NPPC Environment Committee Meeting

Allison and Deborah Nagle will be on the call to answer any questions and give more specifics on the data itselg

---

From: Michael Formica [formicam@nppc.org]
Sent: 02/11/2013 03:05 PM GMT
To: Ellen Gilinsky
Cc: Nancy Stoner; Allison Wiedeman
Subject: CAFO Data & NPPC Environment Committee Meeting

Ellen

Thank you for the call on Friday night. As we discussed on Friday, my environment committee is meeting this afternoon in Raleigh, NC. I appreciate your offer to have EPA Water staff call in and provide an update on this issue to the committee. Based on our conversation Friday, I have placed you and your staff on the agenda for 2:20 pm EST this afternoon. Here is the call in number:

Call In Number: [redacted] Redacted: FOIA Exemption 6
Passcode: [redacted]

Will have a break in the agenda scheduled for 2:10 pm, so this will provide an easy opportunity to get the phone system set up. Our committee is composed of approximately 25 members of NPPC Environment Committee including a number of individual producers, the primary environmental staff from the swine production side of our larger member companies (Smithfield, Cargill, etc) and some state executives. We will also likely have some of our internal staff who do state outreach on the phone as well. Paul Bredwell of US Poultry and Egg Association is also attending the meeting, and will be on the call. By and large, it's a pretty friendly group. Allison Weidman has met with them a number of times over the years and I hope can vouch that we are fairly hospitable (perhaps we can have you come out to meet with them in person at our fall meeting).

I'm look forward to reviewing the statement and information that you indicated the Office of Water intends to release this morning on the FOIA responses.

Of course, while disappointed to learn of the release of all the state FOIA data without any notice to producers, we certainly understand that in any organization as large as EPA, it is tough to control the actions of everyone and sometimes one branch accidently gets ahead of itself. With any luck, once the released data is reviewed we will be able to ensure that it only included data that was otherwise subject to FOIA release and did not include any confidential information or data that shouldn't otherwise have been released. If it did, I trust that we will find a way to work together towards correcting the situation and ensuring the safety of the producers farms (which in many instances also serve as their family home).

We are looking forward to speaking with you and your staff at 2:20pm today.
In the meantime if you have any questions, don't hesitate to call me at 202-680-3820

Michael Formica
National Pork Producers Council
(202) 680-3820

From: Michael Formica <formicam@nppc.org>
Sent: Monday, February 11, 2013 10:17 AM
To: Wiedeman, Allison; Gilinsky, Ellen
Cc: Stoner, Nancy; Hill, Randy
Subject: RE: CAFO Data & NPPC Environment Committee Meeting

Thanks. Allison, just tried to call you. We are pretty casual (I try to keep us as low key and casual as possible) so if it's a couple of minutes on either end, that's fine. We had a previously schedule break at 2:10, so it was a good place to slip you in to.

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Monday, February 11, 2013 10:14 AM
To: Gilinsky.Ellen@epamail.epa.gov; Michael Formica
Cc: Stoner.Nancy@epamail.epa.gov; Hill.Randy@epamail.epa.gov
Subject: Re: CAFO Data & NPPC Environment Committee Meeting

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To: "Michael Formica" <formicam@nppc.org>
Cc: Nancy Stoner; Allison Wiedeman; Randy Hill
Subject: Re: CAFO Data & NPPC Environment Committee Meeting

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From: Michael Formica [formicam@nppc.org]
Sent: 02/11/2013 03:05 PM GMT
To: Ellen Gilinsky
Cc: Nancy Stoner; Allison Wiedeman
Subject: CAFO Data & NPPC Environment Committee Meeting

Ellen

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Michael Formica
National Pork Producers Council
(202) 680-3820

From: Don Parrish <donp@fb.org>
Sent: Thursday, February 14, 2013 1:03 PM
To: Wiedeman, Allison
Subject: RE: CAFO data

Thanks.

Don Parrish
Senior Director, Regulatory Relations
American Farm Bureau Federation®
202-406-3667
donp@fb.org

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Thursday, February 14, 2013 12:51 PM
To: Don Parrish
Subject: RE: CAFO data

Additionally Don, I send this email to those i mentioned earlier. You should know this too.

Below is a short summary of the states from which we have gathered CAFO data:

EPA gathered data from 30 states - (AL, AR, AZ, CO, CA, FL, GA, IN, IA, IL, LA, ME, MD, MI, MS, MT, NE, NC, NJ, NY, ND, OH, OR, PA, SD, TN, TX, UT, WI, WY). In addition to providing the FOIA requesters the data gathered from these 30 states, we also released publically accessible data for the Delmarva peninsula that EPA collected from a previous 308 data collection effort.

We spoke to 9 states (KY, KS, DE, VT, VA, SC, MO, CT, and WV) who did not provide data or information to EPA. However, KS and VA sent us a screen shot of their database. Those screenshots were released.

Allison Wiedeman, Chief
Rural Branch
Office of Wastewater Management
US EPA
202-564-0901

"Don Parrish" ---02/14/2013 11:24:04 AM---I am disappointed – we have a lot of members that would like to know what you guys have released. M

From: "Don Parrish" <donp@fb.org>
To: Allison Wiedeman/DC/USEPA/US@EPA
Date: 02/14/2013 11:24 AM
Subject: RE: CAFO data

I am disappointed – we have a lot of members that would like to know what you guys have released. More members combined that

the other groups put together.

Don Parrish
Senior Director, Regulatory Relations
American Farm Bureau Federation®
202-406-3667
donp@fb.org

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Thursday, February 14, 2013 11:02 AM
To: Don Parrish; deborah nagle
Subject: Re: CAFO data

Don - we only sent the CDs to 4 people : tom H, formica, ashley M, and Paul B (for Christian). It was an attempt to cover all major sectors. Wuld be glad to get you a cd as well. Timing is tough because we R At oFfsite mtg again all day but I culd see if someone Culd deliver. One to U tomorrow.

From: "Don Parrish" [donp@fb.org]
Sent: 02/14/2013 10:53 AM EST
To: Allison Wiedeman
Subject: CAFO data

Allison

How did you send the CAFO data to Farm Bureau? I am hearing that others got packages yesterday –

Don Parrish
Senior Director, Regulatory Relations
American Farm Bureau Federation®
202-406-3667
donp@fb.org

From: crichter@thepolicygroup.com
Sent: Thursday, February 14, 2013 4:00 PM
To: Nagle, Deborah
Cc: Wiedeman, Allison
Subject: Re: Deborah - how does next wednesday morning look for mtg at Farm Bureau - Don agrees to host

Deborah/Allison:

Here are folks who would be at the meeting, besides me for US Poultry & Egg Association and National Turkey Federation:

Don Parrish - Farm Bureau
Tom Hebert - United Egg Producers
Michael Formica - National Pork Producers Council
Ashley McDonald, National Cattlemens Beef Association

Probably one other organization will be represented as well. Don will likely have one or two other staffers present. We do not plan on having an open telephone line.

We will be putting together an agenda in meantime which we will share with you next week.

Best regards,

Christian

The Policy Group
700 12th Street NW
Suite 700
Washington, DC 20005
(202) 257-0250 direct
crichter@thepolicygroup.com

Nagle.Deborah@epamail.epa.gov wrote:

Christian-

We are all free between 8:30 and 10:30 for an hour meeting on WED, 20 FEB. If you have to push the meeting later as long as it ends at 11:30 we can make it work, but Ellen would have to rearrange her schedule.

Here is the EPA invite list
-Ellen Glinski
-Deborah Nagle
-Allison Wiedeman
-Simma Kupchan
-Randy Hill
-Becky Mitschele

Thanks

Deborah

Sent by EPA Wireless E-Mail Services

From: Christian Richter [crichter@thepolicygroup.com]
Sent: 02/14/2013 02:58 AM GMT
To: Deborah Nagle
Subject: Re: Deborah - how does next wednesday morning look for mtg at Farm Bureau - Don agrees to host

Any word you can give shortly that would be great, or I can press as well with Ellen.

Thx Deborah.

Best regards,

Christian

The Policy Group
700 12th Street NW
Suite 700
Washington, DC 20005
(202) 257-0250 direct
crichter@thepolicygroup.com

Nagle.Deborah@epamail.epa.gov wrote:

I will check with Ellen's scheduler and get back to you.

Sent by EPA Wireless E-Mail Services

From: Christian Richter [crichter@thepolicygroup.com]
Sent: 02/13/2013 10:25 PM GMT
To: Deborah Nagle
Subject: Deborah - how does next wednesday morning look for mtg at Farm Bureau - Don agrees to host

Best regards,

Christian

The Policy Group
700 12th Street NW
Suite 700
Washington, DC 20005
(202) 257-0250 direct

crichter@thepolicygroup.com

From: Alexandra Dunn <adunn@acwa-us.org>
Sent: Friday, February 08, 2013 11:15 AM
To: Sean Rolland
Cc: Mitschele, Becky; Wiedeman, Allison
Subject: Re: draft email to states re FOIAs on data

Randy hill says Coming out today later

Sent from my iPhone

On Feb 7, 2013, at 5:23 PM, "Sean Rolland" <srolland@acwa-us.org> wrote:

Hi Becky,

I think sending to EPA regions to share with their state counterparts was what we were thinking. Didn't contemplate that you already had most of the states' contact details.

Actually, sending directly to the folks you spoke to directly would expedite the communication.

We will also share as appropriate.

Thanks for checking.

Sean

Sean Rolland, Esq.
Deputy Director
Association of Clean Water Administrators--"The Voice of States & Interstates"
1221 Connecticut Ave. , NW, 2d Floor
Washington, DC 20036
(P:) 202-465-7179 (F:) 202-756-0605
srolland@acwa-us.org; www.acwa-us.org

The information contained in this transmission is privileged and confidential information protected from disclosure. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Mitschele.Becky@epamail.epa.gov [mailto:Mitschele.Becky@epamail.epa.gov]
Sent: Thursday, February 07, 2013 1:34 PM
To: Alexandra Dunn
Cc: Wiedeman.Allison@epamail.epa.gov; Sean Rolland
Subject: RE: draft email to states re FOIAs on data

Hi Alex,

I'm going to send out the email on behalf of Allison.

I was wondering who you meant by Regional Contacts below - is it only the EPA Regional Contacts or is it EPA Regional Contacts as well as the staff we spoke to at the state permitting authority?

The sample email is written for a state audience and may need to be adjusted if it is intended that I send it out only to EPA and ACWA.

Thanks
Becky Mitschele
Water Permits Division, OWM
U.S. Environmental Protection Agency
Tel: 202.564.6418

<image001.gif>"Alexandra Dunn" ---02/07/2013 04:10:32 PM---We'll await seeing it.

From: "Alexandra Dunn" <adunn@acwa-us.org>
To: Allison Wiedeman/DC/USEPA/US@EPA
Cc: Becky Mitschele/DC/USEPA/US@EPA, "Sean Rolland" <srolland@acwa-us.org>
Date: 02/07/2013 04:10 PM
Subject: RE: draft email to states re FOIAs on data

We'll await seeing it.

Alexandra Dapolito Dunn, Esq.
Executive Director & General Counsel
Association of Clean Water Administrators--"The Voice of States & Interstates"
1221 Connecticut Ave. , NW, 2d Floor
Washington, DC 20036
202-756-0600 (T); 202-230-4247 (C); 202-756-0605 (F)
adunn@acwa-us.org; www.acwa-us.org
Save The Date: ACWA's Mid Year Meeting Feb 24 -26, 2013, The Westin Hotel, National Harbor, MD
And ACWA's 52nd Annual Meeting, The Lodge at Santa Fe, August 5 - 7, 2013 Santa Fe, NM

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Thursday, February 07, 2013 3:14 PM
To: Alexandra Dunn
Cc: Mitschele.Becky@epamail.epa.gov; Sean Rolland
Subject: RE: draft email to states re FOIAs on data

Thanks Alex.

Allison Wiedeman, Chief
Rural Branch
Office of Wastewater Management
US EPA
202-564-0901

<image001.gif>"Alexandra Dunn" ---02/07/2013 11:06:41 AM---We've just talked and we have no comments other than changing Hello to Dear....

From: "Alexandra Dunn" <adunn@acwa-us.org>
To: Allison Wiedeman/DC/USEPA/US@EPA, "Sean Rolland" <srolland@acwa-us.org>
Cc: Becky Mitschele/DC/USEPA/US@EPA
Date: 02/07/2013 11:06 AM
Subject: RE: draft email to states re FOIAs on data

We've just talked and we have no comments other than changing Hello to Dear....

In terms of distribution, we recommend you send to the Regional Contacts with a cc: to us at ACWA and we will then immediately fwd to our Rural Branch Workgroup and Primary State Member Contacts.

Alexandra Dapolito Dunn, Esq.
Executive Director & General Counsel
Association of Clean Water Administrators--"The Voice of States & Interstates"
1221 Connecticut Ave. , NW, 2d Floor
Washington, DC 20036
202-756-0600 (T); 202-230-4247 (C); 202-756-0605 (F)
adunn@acwa-us.org; www.acwa-us.org
Save The Date: ACWA's Mid Year Meeting Feb 24 -26, 2013, The Westin Hotel, National Harbor, MD
And ACWA's 52nd Annual Meeting, The Lodge at Santa Fe, August 5 - 7, 2013 Santa Fe, NM

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Thursday, February 07, 2013 8:04 AM
To: Sean Rolland; Alexandra Dunn
Cc: Mitschele.Becky@epamail.epa.gov
Subject: draft email to states re FOIAs on data

Sean and Alex - please see draft email below. any comments by noon would be appreciated. thanks

Hello State Permitting Authority

I wanted to make you aware of two separate Freedom of Information Act (FOIA) requests to EPA, both of which asked for all records relating to EPA's effort to collect CAFO data. One was from EarthJustice and the other was submitted by the Natural Resources Defense Council and Pew Charitable Trust. As indicated during our state conference calls, state information shared with EPA is subject to FOIA requirements.

Working with our Office of General Counsel, we determined what records we were legally required to provide, and these records included information provided to EPA from states. On Monday, EPA sent the requesters a CD with responsive and releasable documents that included the information states have provided regarding the data collection effort. We have provided the data in the format provided by the state. We did not share any state data that EPA has processed (i.e. removing duplicates, converting coordinate systems, etc.).

Along with other federal agencies, EPA now manages FOIA requests through FOIAonline. FOIAonline is a public website that tracks and stores information responsive to a request. It's the Agency's policy to upload records to FOIAonline. While publically available, a user would need to search through all FOIA requests to EPA with a keyword or have the ID number for the FOIA to review the responsive and releasable documents. Once EPA closes out the FOIA request in the next few weeks, the information we provided under these FOIAs will be available at:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28001613d

If you have additional questions, you can email or call Becky Mitschele, of my staff, at either 202-564-6418 or mitschele.becky@epa.gov. We can also discuss these FOIAs during the Rural Branch workgroup call hosted by the Association of Clean Water Administrators.

Allison Wiedeman, Chief
Rural Branch

Office of Wastewater Management
US EPA
202-564-0901

From: Michael Formica <formicam@nppc.org>
Sent: Tuesday, February 12, 2013 3:17 PM
To: Wiedeman, Allison
Subject: RE: EPA released data related to FOIA request for all CAFO information collected by EPA from states

Allison

Thank you for reaching out to us on this.

So we can better inform our producers about the release, which data impacting them was actually transmitted, and to put the entire release in context for them, I would appreciate you providing me a list of all the states that EPA reached out to as part of the CAFO information collection process, a list of all the states that actually submitted data to EPA as part of the CAFO information collection process, as well as a list of all the states from which EPA transmitted CAFO data as part of the agency response to both EarthJustice FOIA as well as the Natural Resources Defense Council and Pew Charitable Trust FOIA requests.

Additionally please send me duplicate copies of the CDs that were provided as part of the FOIA response to both EarthJustice FOIA as well as the Natural Resources Defense Council and Pew Charitable Trust FOIA, and discussed in the email below from Ellen Gilinsky and with the NPPC Environment Policy Committee yesterday, as well as copies of any cover letters or other information that accompanied it.

You can mail the FOIA data to me at my office:

Michael Formica
National Pork Producers Council
122 C Street, N.W. Suite 875
Washington, D.C. 20001

Finally, I would like to request a copy of the actual FOIAs that EarthJustice, Natural Resources Defense Council and Pew Charitable Trust filed with EPA.

Thank you again for your assistance with this matter.

If you have any questions, please do not hesitate to call or email me.

Michael Formica
National Pork Producers Council
(202) 680-3820

From: Penman.Crystal@epamail.epa.gov [mailto:Penman.Crystal@epamail.epa.gov] **On Behalf Of** Gilinsky.Ellen@epamail.epa.gov
Sent: Monday, February 11, 2013 4:45 PM
To: crichter@thepolicygroup.com; jthorne@lawbc.com; Tom Hebert; thomascrigler4@gmail.com; Michael Formica; amcdonald.beef.org._donp@fb.org
Cc: ann.mills@osec.usda.gov; Stoner.Nancy@epamail.epa.gov; Wiedeman.Allison@epamail.epa.gov; Nagle.Deborah@epamail.epa.gov; Mitschele.Becky@epamail.epa.gov; Hill.Randy@epamail.epa.gov
Subject: EPA released data related to FOIA request for all CAFO information collected by EPA from states

Dear Agriculture Stakeholders,

EPA has made a commitment to you to be open and transparent in our work with the agriculture community.

Therefore, I wanted to make you aware of two separate Freedom of Information Act (FOIA) requests to EPA, both of which asked for all records relating to EPA's effort to collect CAFO data. One was from EarthJustice and the other was from the Natural Resources Defense Council and Pew Charitable Trust.

You may recall that in July 2012, EPA withdrew a proposed rule that would have required CAFOs to submit information to EPA. The Agency indicated it would use existing federal, state and local sources of information instead of a regulation to gather data about CAFOs. Over the last six months, EPA has been working with states to gather the following information about CAFOs: facility contact information, production area location, permit status, the number and type of animals, and the number of acres available for land application of manure, litter and wastewater.

EPA has been gathering publicly accessible information from States, which is subject to FOIA requirements. EPA made clear to all states that provided us with information that the publicly accessible data they submitted would be required by law to be released to FOIA requestors.

Based on our obligations under FOIA, last week EPA sent the requesters a CD with responsive and releasable documents that included the information states have provided regarding the data collection effort. EPA did not alter the information states submitted in any way before releasing it to the requestors. Along with other federal agencies, EPA now manages FOIA requests through FOIAonline. FOIAonline is a public website that tracks and stores information responsive to a request. It's the Agency's policy to upload records to FOIAonline. While publically available, a user would need to search through all FOIA requests to EPA with a keyword or have the ID number for the FOIA to review the responsive and releasable documents. Once EPA closes out the FOIA request in the next few weeks, the information we provided under these FOIAs will be available at:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28001613d

I have been reaching out to you and your colleagues as soon as I became aware of this situation and we will be setting up a meeting at EPA with call in number in the next week to ten days to answer questions you may have. In the meantime you can contact Allison Wiedeman, Rural Branch Chief, either at wiedeman.allison@epa.gov or (202) 564-0901. I am of course available at gilinsky.ellen@epa.gov or 202 564 2549.

Ellen Gilinsky, Ph.D.
Senior Policy Advisor
Office of Water

US Environmental Protection Agency
Room 3111 East
Telephone: (202) 564-2549
Cell : (202) 236-6882
Email: Gilinsky.Ellen@epa.gov

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001
Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3111 East Bldg., Washington, DC 20004-3302

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Monday, February 11, 2013 4:51 PM
To: Wiedeman, Allison
Subject: RE: FW: EPA released data related to FOIA request for all CAFO information collected by EPA from states

Thnx!

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Monday, February 11, 2013 4:51 PM
To: Thomas Hebert
Subject: Re: FW: EPA released data related to FOIA request for all CAFO information collected by EPA from states

that's why I will be sending you a CD

Allison Wiedeman, Chief
Rural Branch
Office of Wastewater Management
US EPA
202-564-0901

Thomas Hebert ---02/11/2013 04:47:36 PM---Hi Allison, So this link is not populated yet and we can't look at the data online. Do you know wha

From: Thomas Hebert <tom.hebert@bayardridge.com>
To: Allison Wiedeman/DC/USEPA/US@EPA
Date: 02/11/2013 04:47 PM
Subject: FW: EPA released data related to FOIA request for all CAFO information collected by EPA from states

---

Hi Allison,

So this link is not populated yet and we can't look at the data online. Do you know what the plan/schedule is to get that raw data out there for us to look at? Will it take a few weeks? All the more reason to get a cd if we can .

Thanks!

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570

(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Penman.Crystal@epamail.epa.gov [mailto:Penman.Crystal@epamail.epa.gov] **On Behalf Of** Gilinsky.Ellen@epamail.epa.gov
Sent: Monday, February 11, 2013 4:45 PM
To: crichter@thepolicygroup.com; jthorne@lawbc.com; Thomas Hebert; thomascrigler4@gmail.com; formicam@nppc.org; amcdonald.beef.org. donp@fb.org
Cc: ann.mills@osec.usda.gov; Stoner.Nancy@epamail.epa.gov; Wiedeman.Allison@epamail.epa.gov; Nagle.Deborah@epamail.epa.gov; Mitschele.Becky@epamail.epa.gov; Hill.Randy@epamail.epa.gov
Subject: EPA released data related to FOIA request for all CAFO information collected by EPA from states

Dear Agriculture Stakeholders,

EPA has made a commitment to you to be open and transparent in our work with the agriculture community. Therefore, I wanted to make you aware of two separate Freedom of Information Act (FOIA) requests to EPA, both of which asked for all records relating to EPA's effort to collect CAFO data. One was from EarthJustice and the other was from the Natural Resources Defense Council and Pew Charitable Trust.

You may recall that in July 2012, EPA withdrew a proposed rule that would have required CAFOs to submit information to EPA. The Agency indicated it would use existing federal, state and local sources of information instead of a regulation to gather data about CAFOs. Over the last six months, EPA has been working with states to gather the following information about CAFOs: facility contact information, production area location, permit status, the number and type of animals, and the number of acres available for land application of manure, litter and wastewater.

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Based on our obligations under FOIA, last week EPA sent the requesters a CD with responsive and releasable documents that included the information states have provided regarding the data collection effort. EPA did not alter the information states submitted in any way before releasing it to the requestors. Along with other federal agencies, EPA now manages FOIA requests through FOIAonline. FOIAonline is a public website that tracks and stores information responsive to a request. It's the Agency's policy to upload records to FOIAonline. While publically available, a user would need to search through all FOIA requests to EPA with a keyword or have the ID number for the FOIA to review the responsive and releasable documents. Once EPA closes out the FOIA request in the next few weeks, the information we provided under these FOIAs will be available at:

https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28001613d

I have been reaching out to you and your colleagues as soon as I became aware of this situation and we will be setting up a meeting at EPA with call in number in the next week to ten days to answer questions you may have. In the meantime you can contact Allison Wiedeman, Rural Branch Chief, either at wiedeman.allison@epa.gov or (202) 564-0901. I am of course available at gilinsky.ellen@epa.gov or 202 564 2549.

Ellen Gilinsky, Ph.D.
Senior Policy Advisor
Office of Water

US Environmental Protection Agency

Room 3111 East
Telephone: (202) 564-2549
Cell : (202) 236-6882
Email: Gilinsky.Ellen@epa.gov

Mailing Address: 1200 Pennsylvania Avenue, NW, Mail Code 4101M, Washington, DC 20460-0001
Physical/FedEx/Courier Address: 1201 Constitution Ave., NW, Rm. 3111 East Bldg., Washington, DC 20004-3302

From: Thomas Hebert <tom.hebert@bayardridge.com>
Sent: Monday, February 11, 2013 4:31 PM
To: Wiedeman, Allison
Subject: RE: Getting the data on disc?

Thanks. I am sure you checked, but I wondered if you could give us the data that way without our own FOIA request. If you can, it would make this a great deal easier.

Thanks!

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Wiedeman.Allison@epamail.epa.gov [mailto:Wiedeman.Allison@epamail.epa.gov]
Sent: Monday, February 11, 2013 4:29 PM
To: Thomas Hebert
Subject: Re: Getting the data on disc?

you are reading my mind Tom. It will be quicker that way for you. I have to burn several for each animal sector but I will not be able to get it to you and others until tomorrow.

Allison Wiedeman, Chief
Rural Branch
Office of Wastewater Management
US EPA
202-564-0901

Thomas Hebert ---02/11/2013 04:15:48 PM---Allison, Can we get the data released to NRDC in disc format to facilitate the speed of review neede

From: Thomas Hebert <tom.hebert@bayardridge.com>
To: Allison Wiedeman/DC/USEPA/US@EPA
Date: 02/11/2013 04:15 PM
Subject: Getting the data on disc?

Allison,

Can we get the data released to NRDC in disc format to facilitate the speed of review needed to QA/QC the data?

Thanks,

Tom

Tom Hebert
Bayard Ridge Group
(Office) 202-407-9069
(Mobile) 202-441-0570
(Fax) 202-204-5676
tom.hebert@bayardridge.com

From: Michael Formica <formicam@nppc.org>
Sent: Tuesday, February 12, 2013 4:58 PM
To: Wiedeman, Allison
Subject: Re: states that EPA has gathered CAFO data from
Attachments: graycol.gif

Thanks Allison. This is very helpful.

Michael C. Formica
National Pork Producers Council
(202) 680-3820

Sent from my SwinePhone

On Feb 12, 2013, at 4:42 PM, "Wiedeman.Allison@epamail.epa.gov" <Wiedeman.Allison@epamail.epa.gov> wrote:

> Folks - please confirm receipt of the email below. My system is acting up and not sure it went through. thanks
>
> Allison Wiedeman, Chief
> Rural Branch
> Office of Wastewater Management
> US EPA
> 202-564-0901
>
> <graycol.gif>Allison Wiedeman---02/12/2013 04:36:47 PM---Dear Michael, Tom, Ashley, Christian, and Paul - In an effort to provide you with information as ti
>
> From: Allison Wiedeman/DC/USEPA/US
> To: Michael Formica <formicam@nppc.org>, Thomas Hebert <tom.hebert@bayardridge.com, amcdonald@beef.org, Christian Richter <crichter@thepolicygroup.com>, pbredwell@uspoultry.org, ,
> Cc: Deborah Nagle/DC/USEPA/US@EPA, Becky Mitschele/DC/USEPA/US@EPA
> Date: 02/12/2013 04:36 PM
> Subject: states that EPA has gathered CAFO data from
>
> ---
>
> Dear Michael, Tom, Ashley, Christian, and Paul - In an effort to provide you with information as timely as possible, we will be mailing you copies of the data that we provided in the FOIA releases in the form of a CD and a copy of the FOIA requests. They are going in the mail today. In addition, as requested, below is a short summary of the states from which we have gathered CAFO data:
>
> EPA gathered data from 30 states - (AL, AR, AZ, CO, CA, FL, GA, IN, IA, IL, LA, ME, MD, MI, MS, MT, NE, NC, NJ, NY, ND, OH, OR, PA, SD, TN, TX, UT, WI, WY). In addition to providing the FOIA requesters the data gathered from these 30 states, we also released publically accessible data for the Delmarva peninsula that EPA collected from a previous 308 data collection effort.
>
> We spoke to 9 states (KY, KS, DE, VT, VA, SC, MO, CT, and WV) who did not provide data or information to EPA. However, KS and VA sent us a screen shot of their database. Those screenshots were released.
>
> Allison Wiedeman, Chief

Rural Branch
Office of Wastewater Management
US EPA
202-564-0901