From:	Nixon, Donald
To:	Helmlinger, Andrew; Huitric, Michele; Lawrence, Kathryn
Cc:	Harris-Bishop, Rusty
Subject:	RE: Media query - KQED - Request for Valero"s response
Date:	Tuesday, December 05, 2017 4:16:00 PM

Sounds good.

From: Helmlinger, Andrew
Sent: Tuesday, December 05, 2017 3:19 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Works for me.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Tuesday, December 5, 2017 3:17 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

How about something like this:

> As mentioned previously, the review may take an extended period of time due to the volume and complexity of the submitted information. In this case, it will likely be early 2018 before the team is able to wrap up the review.

From: Helmlinger, Andrew
Sent: Tuesday, December 05, 2017 3:02 PM
To: Nixon, Donald <Nixon.Donald@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

I have no concern with mentioning that we have to review assertions of business confidentiality in accordance with the process set forth in 40 CFR Part 2, and that it is a fact dependent, challenging inquiry. I am more reluctant to suggested that the review takes months. Candidly, given other work obligations and the lack of imperative from a live FOIA request, we may not meaningfully conclude the review until the new year. Can that be diplomatically stated?

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Nixon, Donald
Sent: Tuesday, December 5, 2017 2:09 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

I'm not sure we should mention confidentiality claims.

From: Huitric, Michele
Sent: Tuesday, December 05, 2017 1:49 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Hi all ~

KQED is checking in again on Valero. In this case, he is asking when would be a good time for him to check back with us.

If possible, it might be helpful to give him some additional context regarding our review. For example, we could explain that the review process for business confidentiality claims, though case-specific, often takes several months.

Thoughts?

Thanks,
Michele

From: Huitric, Michele
Sent: Tuesday, November 28, 2017 3:06 PM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Thanks, Kay! I will clear with OPA and then send to reporter.

Michele

From: Lawrence, Kathryn
Sent: Tuesday, November 28, 2017 3:01 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>
Subject: Re: Media query - KQED - Request for Valero's response

Sounds good thanks

Sent from my iPad

On Nov 28, 2017, at 2:55 PM, Huitric, Michele <Huitric.Michele@epa.gov> wrote:

> Hi Kay – Don and Andrew have signed off on this response for KQED; I wanted to make sure you are ok with it also?
>
> > There are no updates to share at this time, as the team is still reviewing Valero's submitted documentation. Due to the amount and complexity of information to review, it may be a lengthy process.
>
> thanks!
> Michele
>
> ---
>
> **From:** Nixon, Donald
> **Sent:** Monday, November 27, 2017 3:32 PM
> **To:** Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
> **Cc:** Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
> **Subject:** RE: Media query - KQED - Request for Valero's response
>
> OK by me.
>
> ---
>
> **From:** Helmlinger, Andrew
> **Sent:** Monday, November 27, 2017 3:28 PM
> **To:** Huitric, Michele <Huitric.Michele@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>

Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

This is fine with me.

Best,

J. Andrew Helmlinger
(415) 972-3904

From: Huitric, Michele
Sent: Monday, November 27, 2017 3:13 PM
To: Nixon, Donald <Nixon.Donald@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Ok, here is a revised version. I will wait to hear what Andrew and Kay think before I send it.

> There are no updates to share at this time, as the team is still reviewing Valero's submitted documentation. Due to the amount and complexity of information to review, it may be a lengthy process.

Thanks,
Michele

From: Nixon, Donald
Sent: Monday, November 27, 2017 3:03 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

HI;

Please say "…may be" rather than "can be", and please don't give any time estimate due to the holidays coming up, and our already overbooked work schedules.

Otherwise, make sure Andrew and Kay are ok with it.

Thanks,

Don

From: Huitric, Michele
Sent: Monday, November 27, 2017 2:58 PM
To: Nixon, Donald <Nixon.Donald@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi Don,

Understood. Is this response accurate? Or do we not even want to give this much of a time estimate?

> There are no updates to share at this time, as the team is still reviewing Valero's submitted documentation. Due to the amount and complexity of information to review, the process can be lengthy and is expected to take at least several weeks longer.

Thanks,
Michele

From: Nixon, Donald
Sent: Monday, November 27, 2017 2:48 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi;

I just got back into the office today after a week off and a week or two helping out up north. I am trying to catch up, and have not yet had a chance to review what Valero provided.

To stay off any potential bad press about the EPA taking too long, it might be worthwhile to somehow explain that there is a significant amount of fairly complicated information to review, so it is not a quick process.

Thanks,

Don

From: Huitric, Michele
Sent: Monday, November 27, 2017 2:06 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Hi all ~

The KQED reporter is checking in about Valero again. Any updates?

FYI, here is what I sent him on 11/16:

> Valero has submitted additional documentation to EPA. Once EPA's review process is complete, the agency will make available those portions of the documentation that are not confidential business information or otherwise subject to withholdings.

thanks,
Michele

From: Helmlinger, Andrew
Sent: Wednesday, November 15, 2017 2:48 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Yes.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Wednesday, November 15, 2017 2:47 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi Andrew – just wanted to check and make sure you are also ok with Kay's change below? thanks!

From: Nixon, Donald

Sent: Wednesday, November 15, 2017 2:11 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Sounds fine with me.

From: Huitric, Michele
Sent: Wednesday, November 15, 2017 9:22 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi all ~

Kay has made a small change to the statement (taking out "by EPA regulations" at the end). I will move ahead with this version at noon today, unless anyone has any final concerns:

> Valero has submitted additional documentation to EPA. Once EPA's review process is complete, the agency will make available those portions of the documentation that are not confidential business information or otherwise subject to withholdings.

By the way, here is the reporter's latest article on Valero (no mention of EPA): https://ww2.kqed.org/news/2017/11/14/benicia-still-looking-for-answers-from-valero-six-months-after-refinery-outage/

Thanks,
Michele

From: Huitric, Michele
Sent: Wednesday, November 15, 2017 9:06 AM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Huitric, Michele <huitric.michele@epa.gov>
Subject: FW: Media query - KQED - Request for Valero's response

Hi Kay –
Just a quick note in follow-up to the voicemail I just left. Andrew and Don have signed off on this response to the KQED reporter (who is asking for an update on Valero). I wanted to make sure you are ok with it also?
Thanks,

Michele

> Valero has submitted additional documentation to EPA. Once EPA's review process is complete, the agency will make available those portions of the documentation that are not confidential business information or otherwise subject to withholding by EPA regulations.

From: Helmlinger, Andrew
Sent: Monday, November 13, 2017 1:29 PM
To: Nixon, Donald <Nixon.Donald@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

This is fine, Michele,
Don, we may withhold other information based on a few variations of personal privacy, maybe even national security or medical. We aren't saying that these exemptions will be used, but I think Michele is correct to mark the potential.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Nixon, Donald
Sent: Monday, November 13, 2017 1:06 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi;

I believe I got a call from security to find someone to sign for it on 11/3/17 around noon.

The draft response sounds good, but for my own understanding, if something is not CBI, what is "otherwise subject to withholding by EPA regulations"?

Thanks,

Don

From: Huitric, Michele
Sent: Monday, November 13, 2017 1:01 PM
To: Nixon, Donald <Nixon.Donald@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Thanks, Don. Based on the input I've received from you and Andrew, I have pulled together this draft response. Would everyone please take a look and let me know if good to go?

> Valero has submitted additional documentation to EPA [do we know the date it arrived?]. Once EPA's review process is complete, the agency will make available those portions of the documentation that are not confidential business information or otherwise subject to withholding by EPA regulations.

Thanks,
Michele

From: Nixon, Donald
Sent: Monday, November 13, 2017 11:55 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi;

While deployed to the NorCal Fires, I understand that Valero provided EPA with a package of documents (now secured in my locked file cabinet by a co-worker). As I will not be back in the office until 11/27/17, I cannot verify if the package is the remainder of the initial RFI, their justification of which items are CBI, or both.

I will not be complete with any analysis until well after 11/27/17. However, if there are documents that Valero clearly is not considering CBI, I have no issues with releasing it any time, as long as there is clear verification that it is not CBI.

Thanks,

Don Nixon, CHMM, CSP
Chemical Accident Prevention Program
EPA Region IX, SFD-9-3, Superfund Division

Emergency Prevention & Preparedness Section
75 Hawthorne Street
San Francisco, CA 94105
415-972-3123

From: Huitric, Michele
Sent: Monday, November 13, 2017 9:47 AM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Good morning,

KQED is checking in again on the status of this issue and the potential release of the information that Valero submitted to EPA.

Is the current status that Valero has submitted information to substantiate their claims of confidentiality and EPA is currently reviewing it? And will the review process need to be completed before EPA can release any non-confidential information?

Btw, here is the most recent response that we sent the reporter on October 10:

> On September 26, Valero requested an additional 30 days to substantiate their claims of confidentiality. EPA approved the request on September 27. Once Valero has submitted their response, the length of EPA's subsequent review process will depend on the scope and complexity of Valero's response.

Thanks,
Michele

From: Lawrence, Kathryn
Sent: Friday, October 06, 2017 12:21 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>
Subject: Re: Media query - KQED - Request for Valero's response

Looks good

Sent from my iPad

On Oct 6, 2017, at 10:48 AM, Huitric, Michele <Huitric.Michele@epa.gov> wrote:

Hi Kay,

Don and Andrew both signed off on the proposed response below. When you have a chance, would you please let me know if you are ok with it too?

Thanks,
Michele

From: Huitric, Michele
Sent: Friday, October 6, 2017 8:18 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Good morning ~

KQED has followed up on their earlier requests, asking "What is the latest on this issue? How much information can the EPA release etc?"

Based on Andrew's email in late September, I have developed this draft response. Would you please take a look and let me know if it is accurate or if there are additional updates to share?

> On September 26, Valero requested an additional 30 days to substantiate their claims of confidentiality. EPA approved the request on September 27. Once Valero has submitted their response, the length of EPA's subsequent review process will depend on the scope and complexity of Valero's response.

Thanks,
Michele

From: Helmlinger, Andrew
Sent: Wednesday, September 27, 2017 9:15 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>

Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Okay. I'll keep you all posted on whether we approve an extension. I'll wait for comments from others before proceeding.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Wednesday, September 27, 2017 9:12 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Correct, as far as I know, the reporter has not submitted a FOIA request for this information. In his last email, he mentioned that he would be checking in again at the end of the month, so - based on this new information - I will start drafting a response that explains the new timing of the substantiation process. That way we will be ready when he does ask for an update.

Thanks,
Michele

From: Helmlinger, Andrew
Sent: Wednesday, September 27, 2017 9:03 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Nixon, Donald <Nixon.Donald@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Michele,
Last night I spoke with Valero's counsel, who requested an additional 30 days to substantiate the CBI claims. Per our regulations, the decision to approve the extension for substantiation claims rests with ORC, but unless there are "extraordinary" circumstances, we must get the consent of the

FOIA requester. It is my understanding that the reporter that you are speaking with has not actually made a FOIA request – is that correct? Assuming so, given the volume of the material, we'd probably be inclined to approve the extension, but I want to check with you first and solicit input from you and others on this post (Kay, Don, Rusty).

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Monday, September 18, 2017 3:05 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Thanks, Andrew. How does this look as a response to the reporter:

> On September 15, EPA sent Valero a written request (see attached) for substantiation of the company's claim of confidentiality for the records they submitted. Once Valero's receipt of the letter is confirmed, the company has 15 days in which to respond. The length of EPA's subsequent review process will vary depending on the scope and complexity of Valero's response.

Thanks,
Michele

From: Helmlinger, Andrew
Sent: Monday, September 18, 2017 11:53 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Michelle,
The written request for substantiation went out last week. We're now in the process of waiting for a response, if any, from Valero. Although we sent the letter be e-mail, the 15 day clock to respond doesn't start until

Valero takes receipt by certified mail, which may create a lag of a few more days. The scope and timing of our review will depend on the scope and complexity of Valero's response. Our substantial request is a public document, and is attached.

Please let me know if you have questions, or would like my assistance in speaking with the reporter. Several weeks was always a best case scenario.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Monday, September 18, 2017 11:25 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Good morning,

The KQED reporter is checking in to see if there is an update on whether EPA can release the information that Valero submitted. Anything to share? As a reminder, on Aug 31 we told him that the review process could take at least several weeks, and I reiterated that to him on Sept. 7.

Thanks,
Michele

- **Sept. 7 response to reporter:** As mentioned, there is no set time frame for the review process but it can be expected to take at least several weeks. You are welcome to check in with me as often as needed.

- **Aug. 31 response to reporter:** Valero submitted a response to EPA's request for information on August 29. Valero has claimed that all of the information submitted thus far is confidential business information, which means that EPA cannot release any of the information to the public pending an EPA review to substantiate that claim. EPA will begin the process to review

Valero's claim of confidentiality, and will be able to release portions of Valero's submission that are not finally determined to be confidential business information or otherwise subject to withholding. The length of time needed for this process varies, but it can be expected to take at least several weeks.

From: Huitric, Michele
Sent: Thursday, September 07, 2017 2:47 PM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Ok, thanks for the quick update. For now, I will reiterate to the reporter that there is no set time frame for the process but it can be expected to take at least several weeks, and that he is welcome to check in with me as often as needed.

From: Helmlinger, Andrew
Sent: Thursday, September 07, 2017 2:35 PM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

I will be out of the office tomorrow, but can speak more on Monday. There are general forms available on our intranet site, which the program could use to start the process. (See the Forms linst here, bottom right: http://intranet.epa.gov/9online/sites/foia/index.html#
).

Before or commensurate with the letter going out, we could call Valero and let them know that the letter is coming, but if there is any information that Valero would release from its CBI claim early, that would be appreciated. If the program has reviewed the response and has some ideas of things to suggest as not CBI, perhaps we can help get those cleared early.

As for the requestor, I'd hate to suggest to him that he provide a FOIA, but he'll have more rights if he does. He probably knows this, though.

J. Andrew Helmlinger
Attorney-Advisor

Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Lawrence, Kathryn
Sent: Thursday, September 7, 2017 2:23 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

HI Michele

Andrew, the case lead and I have not yet had a chance to meet and get the substantiation process started. I will aim to connect with both tomorrow to establish a clearer timeline.

From: Huitric, Michele
Sent: Thursday, September 7, 2017 2:15 PM
To: Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>; Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Hi – just heard back from the reporter, he is asking when he should check back on the status of Valero's response. I wanted to see if at this point you have a better sense of timing, or if we should stick with the "can be expected to take at least several weeks" timeframe for now.

Thanks,
Michele

From: Lawrence, Kathryn
Sent: Wednesday, August 30, 2017 10:10 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: Re: Media query - KQED - Request for Valero's response

Looks fine to me

Sent from my iPad

On Aug 30, 2017, at 9:53 AM, Helmlinger, Andrew <Helmlinger.Andrew@epa.gov> wrote:

Michele,

With all apologies to the potential legal-ese, I've suggested a modification to your response.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Wednesday, August 30, 2017 9:45 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi Kay and Andrew,

Thank you for the helpful call this morning. Please let me know if you have any edits to this proposed response.

> Valero submitted a response to EPA's request for information on August 29. Valero has claimed that all of the the information submitted thus far is confidential business information, which means that EPA cannot release any of the information to the public pending an EPA review to substantiate that claim. EPA will begin the process to review Valero's claim of confidentiality, and will be able to release portions of Valero's submission that are not finally determined to be confidential business information or otherwise subject to withholding. The length of time needed for this process varies, but it can be expected to take at least several weeks.

Thanks,
Michele

From: Lawrence, Kathryn
Sent: Tuesday, August 29, 2017 9:21 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Huitric, Michele <Huitric.Michele@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

Hi Andre and Michele

As the response may trigger an enforcement action on our part it may be premature to offer it only on the basis of a CBI review and PII review. We may need to further consider it as Enforcement Confidential.

Can we have a brief discussion (ideally on phone/in-person) to pick the best path forward? I am available between now and 1030 and then again in the afternoon.

Thanks

k

From: Helmlinger, Andrew
Sent: Tuesday, August 29, 2017 9:02 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: RE: Media query - KQED - Request for Valero's response

This looks fine to me, Michele. And I know that you have in your back pocket some prepared language for any follow up requests for comment on pending or potential enforcement actions.

J. Andrew Helmlinger
Attorney-Advisor
Office of Regional Counsel
U.S. EPA Region IX
d: (415) 972-3904
f: (415) 947-3570

From: Huitric, Michele
Sent: Tuesday, August 29, 2017 8:54 AM
To: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Lawrence, Kathryn <Lawrence.Kathryn@epa.gov>
Cc: Huitric, Michele <Huitric.Michele@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>
Subject: Media query - KQED - Request for Valero's response

Hi Kay,

As you can see below, KQED has asked if they can receive a copy of whatever information Valero submits in response to our request. I am proposing the following response. Would you please take a look and let us know if it sounds ok? Andrew is also reviewing.

> Yes, we will share the response with you once it is available. Please note, there may be a delay pending EPA's review of the response for non-public information, such as confidential business information or information subject to personal privacy concerns. Non-public information will be withheld as needed. I will keep you posted as to possible timing.

I would like to get back to the reporter today.

Thanks,
Michele

From: Harris-Bishop, Rusty
Sent: Tuesday, August 29, 2017 8:49 AM
To: Huitric, Michele <Huitric.Michele@epa.gov>
Cc: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>
Subject: Re: KQED Question

We should loop in Kay as well. She thought consideration if we are pursuing a case might require us to withhold some information too.

Rusty

Sent from my iPhone

On Aug 29, 2017, at 11:21 AM, Huitric, Michele <Huitric.Michele@epa.gov> wrote:

Good morning,

KQED has asked if they can receive a copy of whatever information that Valero submits in response to our request. I am planning to send the following response, based on the language Andrew had previously provided. Please take a look and let me know if it sounds ok.

> Yes, we will share the response with you once it is available. Please note, there may be a delay pending EPA's review of the response for non-public information, such as confidential business information or information subject to personal privacy concerns. Non-public information will be withheld as needed. I will keep you posted as to possible timing.

Thanks,
Michele