Ex. 5 - Deliberative Process

From: Peter Candy [mailto:pcandy@hbsb.com]
Sent: Monday, June 22, 2015 3:35 PM
To: Moffatt, Brett
Cc: 'nikki.gramian@nara.gov'; Michelle R. Ricker (mricker@hathawayllc.com)
Subject: FW: FW: FOIA EPA-R9-2015-006163 (Fruitvale Oil Field)

Brett,

Thanks for your email. Please see Michelle Ricker's response below confirming that in proposing the narrowed request for the specific records identified, Ms. Ricker did not intend to abandon our original FOIA request. To the contrary, the purpose of the narrowed request was to give EPA an opportunity to respond as soon as possible with the specific documents identified, understanding that a response to our broader (original) document request would follow.

Feel free to contact me if you have questions or wish to discuss.

-Peter

Peter L. Candy | Shareholder | **Hollister & Brace**, A Professional Corporation | 1126 Santa Barbara Street | Santa Barbara CA 93101 | Direct Dial: (805) 963-6711 Ext. 218 | Cell Phone: (805) 637-8178 | Fax: (805) 965-0329 | Switchboard: (805) 963-6711 | pcandy@hbsb.com | www.hbsb.com

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From: Michelle Ricker [mailto:mricker@hathawayllc.com]
Sent: Monday, June 22, 2015 3:22 PM
To: Nikki Gramian
Cc: Peter Candy
Subject: RE: FW: FOIA EPA-R9-2015-006163 (Fruitvale Oil Field)

Nikki,

Thank you very much for following up with me.

In our phone conversation on June 12, 2015, I had asked if it was possible to obtain specific documents sooner than the estimated completion date of July 2, 2015. The list that I sent you was not intended to fully replace the original FOIA request. With regard the specific documents listed in my email, waiting until July 2nd (when all the documents would be available) was not a desirable option for us. We understand that EPA staff have already spent time to fulfill the original request. That time has not been squandered, as we would still like to obtain the documents listed in the original FOIA request from Peter Candy.

Please let me know if you have any further questions.

Thank you,

Michelle Ricker

From: Nikki Gramian [mailto:nikki.gramian@nara.gov]
Sent: Monday, June 22, 2015 12:13 PM
To: Michelle Ricker
Subject: Fwd: FW: FOIA EPA-R9-2015-006163 (Fruitvale Oil Field)

Hi Michelle,

Did you get the attached email? Kindly advise.

Nikki Gramian
Deputy Director of OGIS

(202) 741-5772

---------- Forwarded message ----------
From: **Moffatt, Brett** <Moffatt.Brett@epa.gov>
Date: Fri, Jun 19, 2015 at 7:48 PM
Subject: FW: FOIA EPA-R9-2015-006163 (Fruitvale Oil Field)
To: "pcandy@hbsb.com" <pcandy@hbsb.com>
Cc: "mricker@hathawayllc.com" <mricker@hathawayllc.com>, Nikki Gramian <nikki.gramian@nara.gov>

Mr. Candy,

You may be aware that Chad Hathaway has been in contact with the US Office of Government Information Services (OGIS) regarding this FOIA request. OGIS informs us that in these conversations, Mr. Hathaway narrowed the request to the following records:

A copy of the UIC permit issued by the EPA for "Red Ribbon WD1" (API No. 02978664)

A copy of the UIC permit issued by the EPA for "Red Ribbon WD2" (API No. 029788999)

A copy of the UIC permit issued by the EPA for San Joaquin Refinery Management's "WD-1" (API No. 03003015)

A copy of the UIC permit issued by the EPA for "Red Ribbon WD 3" (API No. 03009732)

A copy of the Aquifer Exemption granted for the Santa Margarita formation within the Fruitvale Field for the purposes of Class I and Class V injection. If the Santa Margarita was determined to not require an Aquifer Exemption, according to the SDWA requirements, please provide a copy of documents supporting same.

Water quality data for the formation water of the Santa Margarita in the Fruitvale Field.

EPA will be responding to this narrowed request as soon as possible, most likely by the end of next week. Please be advised that EPA had already spent a substantial amount of time searching for records related to the original FOIA request, which will be included in the fee invoice at the conclusion of this FOIA request.

Please let me know if you have any questions.

Brett

Brett Moffatt

US EPA, Region 9

(415) 972-3946

From: Moffatt, Brett
Sent: Friday, May 29, 2015 12:31 PM
To: 'pcandy@hbsb.com'
Cc: Johnson, Ivry
Subject: FOIA EPA-R9-2015-006163 (Fruitvale Oil Field)

Mr. Candy,

This is to inform you of the status of your FOIA, and to request an extension of time for EPA to complete its search and release the non-exempt responsive records.

Our FOIA office processed your FOIA request on April 14, 2015, and followed up with an estimated cost for responding to the FOIA and request for an assurance of payment. EPA received notice of your assurance of payment on May 12, 2015. However, this was a day or two before our Water Division staff moved out of their offices because of renovations to our building, and they were not aware that the assurance had been received. In any event, potentially relevant files had already been placed into temporary storage, and our Water Division staff currently cannot access older records. Staff will be returning in a few weeks, but will need additional time to search for the requested records.

Because of these unusual circumstances, EPA requests an extension of time to July 2, 2015 to respond to your FOIA. Please let me know if this is acceptable, or if you have any questions.

Thank you for your understanding,

Brett

Brett Moffatt

Office of Regional Counsel (ORC-2)

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