To: Consoli, Carla[CConsoli@lrrc.com]
Cc: Hoefner, Dietrich[DHoefner@lrrc.com]
From: Campbell, Rich
Sent: Fri 1/5/2018 10:46:39 PM
Subject: RE: FOIA Follow Up

Carla,

Thanks for your efforts on the FOIAs and giving us the latitude to get your client the relevant documents in the quickest manner possible. Your plan works for us, except that we need to input into our internal tracking mechanism an actual extended deadline date for the first FOIA (i.e., it can't be open ended). I propose Friday, March 30 based on a worst-case scenario that we receive your FOIA on Friday the 12th, at which point we put aside work on the current FOIA and instead move to process your second targeted FOIA, and provide you a final FOIA response a week later on Friday the 19th, after which your client takes a week or so to review the comments and decides there is merit (hopefully not) to pursuing the current FOIA and then provides us 60 days to provide a complete response to the first FOIA, which would be due sometime the week of March 30.

If I can get an extension now on the first FOIA (#001733) until March 30, I think we can work to speed our response to your contemplated second FOIA as we discussed. Considering the significant amount of documents we will need to review we would likely need this much time in any case.

Thanks,

Rich

From: Consoli, Carla [mailto:CConsoli@lrrc.com]
Sent: Friday, January 5, 2018 12:33 PM
To: Campbell, Rich <Campbell.Rich@epa.gov>
Cc: Hoefner, Dietrich <DHoefner@lrrc.com>
Subject: RE: FOIA Follow Up

Hello Rich-

I appreciate you letting me know the volume of documents involved in responding to our November FOIA request. I understand that we are discussing essentially three groups of documents (1) the external communications documents responsive to our November 6th FOIA request; (2) the internal communication documents responsive to our November 6th FOIA request and (3) the comments filed with EPA in response to EPA's dissemination of the draft UIC permit which deadline is Monday January 8th. In response to the November FOIA request, please continue processing the responsive **external** communications documents of which you thought were very few in light of the interim response provided to this firm on December 15th. Please cease processing the **internal** communications documents responsive to the November 6th FOIA request until further notice.

Please process the FOIA request which I will file after the close of the public comment period. If after reviewing the external communications documents provided in response to our November 6th FOIA and the documents provided in response to a new FOIA which will be filed late next week, this firm believes there continues to be merit in processing our November FOIA request for internal communications documents, we will provide you with written notice of same and 60 days to respond. This will have provided EPA a total of approximately 120 days to complete its response to our November 6th FOIA. Should we determine that the response to our November FOIA request is sufficient, we will provide you written notice of that decision.

I am attempting to lessen the workload for EPA while obtaining the information necessary to our continued application process.

Best regards,

Carla

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From: Consoli, Carla
Sent: Tuesday, January 02, 2018 11:13 AM
To: 'Campbell, Rich'
Subject: RE: FOIA Follow Up

Hello Rich-

We had discussed the end of the month and then dialed back to January 16th. As you can imagine given the length of time this process has taken my client is frustrated at the pace of disclosure and even more so now knowing that Earthworks apparently can just call and receive immediately that which it requests. Please push hard to meet the 16th and then let's talk if more time is needed.

Appreciate your consideration and diligence!

Carla.

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From: Campbell, Rich [mailto:Campbell.Rich@epa.gov]
Sent: Tuesday, January 02, 2018 11:08 AM
To: Consoli, Carla
Subject: RE: FOIA Follow Up

Thanks Carla and Happy New Year!

As we discussed, we will be providing you another interim response on January 16 that I contemplate will include all outside (i.e., public comments and communications with state and local agencies) non-privileged communications … but as you may recall I was also requesting an extension until the end of this month to complete our privilege review of the intra-Agency documents your client requested (internal correspondence and memoranda). I hope this is acceptable. If necessary please call to discuss.

Sincerely,

Rich

415-972-3870

From: Consoli, Carla [mailto:CConsoli@lrrc.com]
Sent: Tuesday, January 2, 2018 9:58 AM
To: Campbell, Rich <Campbell.Rich@epa.gov>
Cc: baggiore.trevor@azdeq.gov; Rebecca Sawyer (rsawyer@excelsiormining.com) <rsawyer@excelsiormining.com>
Subject: FOIA Follow Up

Good Morning Rich,

Per our call on Friday, Excelsior provides to EPA an extension until January 16th for EPA to complete its response to Excelsior's FOIA request originally filed on November 6, 2017. This provides EPA a full 70 days to complete its request. The original due date, assuming a 30 day timeframe, was December 19, 2017.

Based on EPA's preliminary response to Excelsior's FOIA request, we see that Earthworks received information from EPA without having complied with the FOIA process. Given that EPA has allowed some information to be provided to Earthworks without requiring the FOIA process, Excelsior will appreciate EPA extending the same courtesy to the applicant by sending the information Excelsior recently requested, copies of all comments made on Excelsior's draft UIC permit to date without the requirement for a FOIA process.

I will follow up with you on Thursday regarding our conversation of last week. Please let me know a time that works in your calendar to do so.

Best regards,

Carla.

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