To: Gasaway, Mave[Mave.Gasaway@dgslaw.com]
Cc: Cohen, Adam[Adam.Cohen@dgslaw.com]; Wirtschafter, Joshua[Wirtschafter.Joshua@epa.gov]
Bcc: Sullivan, Julie[sullivan.julie@epa.gov]
From: Sullivan, Julie
Sent: Wed 1/31/2018 3:53:46 PM
Subject: RE: FOIA Request EPA-R9-20 18-002819
ED_001578A_00006919_0_02dfc779-7c0b-49f2-bb65-357ac6c0e093.pdf
ED_001578A_00000349_0_fd137646-05fe-4866-bb11-92311bb7a9e9.pdf
ED_001578A_00000350_0_7fdcb9e3-923f-4443-afbb-6e299bce3038.pdf
ED_001578A_00000799_0_591bb370-20ec-4a90-ae64-f4d3b3bd2609.pdf
ED_001578A_00006900_0_e0be9a07-533b-4f93-8033-6d2652901b0a.pdf
ED_001578A_00006901_0_857ad091-43f7-4c21-a6a2-b9669c959301.pdf
ED_001578A_00006911_0_b82db175-eea0-4ede-8bf1-e703084d78ed.pdf
ED_001578A_00006912_0_a4dc3198-1cd7-4bec-9733-e084b56190bf.pdf
ED_001578A_00006915_0_9f453f76-b130-445b-a390-562fb628d582.pdf
ED_001578A_00006916_0_45c9dea5-3682-4e35-8ab9-a9c70f578d52.pdf
ED_001578A_00006918_0_3561d6fd-eca4-499c-a88f-79f6dd05a4b7.pdf

Mave,

Attached are 11 additional communications in response to your FOIA request. As Josh said, they will also be posted to FOIA Online and notification will be sent.

Please contact Josh or me if you need further assistance.

Julie

Julie Sullivan

Environmental Engineer

Superfund Project Manager

U.S. EPA, Region 9

Office Phone: 415.972.3939

Mobile Phone: 628.249.5814

Email: sullivan.julie@epa.gov

From: Wirtschafter, Joshua
Sent: Tuesday, January 30, 2018 3:37 PM
To: Gasaway, Mave <Mave.Gasaway@dgslaw.com>
Cc: Cohen, Adam <Adam.Cohen@dgslaw.com>; Sullivan, Julie <sullivan.julie@epa.gov>
Subject: RE: FOIA Request EPA-R9-20 18-002819

Hi Mave,

We're getting Division Director approval before COB today. The person who posts the documents on FOIA online has left for the day already. He comes in early in the morning. He will post the documents to FOIA online tomorrow morning. I am told that you will receive an email saying that they are posted.

Regards,

Josh

From: Gasaway, Mave [mailto:Mave.Gasaway@dgslaw.com]
Sent: Tuesday, January 30, 2018 2:57 PM
To: Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>
Cc: Cohen, Adam <Adam.Cohen@dgslaw.com>; Sullivan, Julie <sullivan.julie@epa.gov>
Subject: RE: FOIA Request EPA-R9-20 18-002819

Hi Josh-

Have the documents been posted to FOIA online? My understanding is that they would go up yesterday, or today at the latest. Thank you.

Mave

Mave A. Gasaway ▪ Associate Attorney

P: 303.892.7407 ▪ F: 303.893.1379 ▪ C: 405.361.0426 ▪ vcard

Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

A LexMundi Member

From: Gasaway, Mave
Sent: Friday, January 26, 2018 8:11 PM
To: Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov>
Cc: Cohen, Adam <Adam.Cohen@dgslaw.com>; Sullivan, Julie <sullivan.julie@epa.gov>
Subject: Re: FOIA Request EPA-R9-20 18-002819

Josh-

We are okay with narrowing our request to exclude emails and correspondence that went to representatives of BP, Atlantic Richfield, Amec (or other Atlantic Richfield consultants), or DGS. Thank you.

Mave

On Jan 26, 2018, at 6:00 PM, Wirtschafter, Joshua <Wirtschafter.Joshua@epa.gov> wrote:

> Hello again Mave and Adam,
>
> In my previous email I mentioned Leviathan TAC invitations, agendas, and attachments as a category of documents I think you probably don't need EPA to produce in response to your FOIA request, since you were cc'd on these messages. Another similar category is emails describing the spring treatment activities at Leviathan Mine Site in 2017. These messages went to multiple stakeholders including Diamond X's owner, consultants, and

attorney and BP's staff, consultants and attorneys. Please confirm that you can narrow your request to exclude such documents.

Thanks,

Josh

From: Wirtschafter, Joshua
Sent: Friday, January 26, 2018 3:43 PM
To: Cohen, Adam <Adam.Cohen@dgslaw.com>
Cc: 'Gasaway, Mave' <Mave.Gasaway@dgslaw.com>; Sullivan, Julie <sullivan.julie@epa.gov>
Subject: RE: FOIA Request EPA-R9-20 18-002819

Hi Adam,

I should have cc'd you on this request to Mave as well. Please let me know if you can narrow the scope of the request as described below.

Thanks,

Josh

From: Wirtschafter, Joshua
Sent: Friday, January 26, 2018 3:28 PM
To: 'Gasaway, Mave' <Mave.Gasaway@dgslaw.com>
Subject: FOIA Request EPA-R9-20 18-002819

Hello Mave,

Just today, regional staff received the results from EPA's Discovery Service Team of their search for messages responsive to your request. There are 45 messages in this collection. A high percentage of them are messages that you or your clients received copies when they were sent. For example, there are many messages related to the annual Leviathan TAC meeting: invitations, draft agendas, final agendas, attachments, etc. Such messages were sent to dozens of recipients, including Diamond X Ranch's owners, attorneys, and contractors, as well as Atlantic Richfield personnel and their attorneys and contractors. Based on my understanding of the purpose of your FOIA request, I suspect you do not need EPA to provide additional copies of such messages.

Could you please confirm that you can narrow the scope of your FOIA request to exclude emails and attachments that were also sent to people at BP, Amec, or DGSlaw, such as Anthony Brown, Marc Lombardi, Britt Jones or Adam Cohen?

Thanks,

Josh

From: Wirtschafter, Joshua
Sent: Wednesday, January 17, 2018 4:36 PM
To: 'Gasaway, Mave' <Mave.Gasaway@dgslaw.com>
Subject: FOIA: Partial Response

Hello Mave,

A full response to your FOIA Request of Dec. 20, 2017 will take at least another week. However, as I understand you are facing litigation deadlines, I am providing a partial response today. Please see the attached emails. I will try to send all of this in a single message, except at least one message with many attachments, which I will send separately.

You requested communications between EPA Region 9 and the Diamond X Ranch and its attorneys and consultants from January 1, 2016 to the present. I am now sending emails sent between Noah Perch-Ahern and myself in that timeframe. I have tried to be complete, without including copies.

I suspect this will be the majority of responsive messages, but I won't know until I see the collection EPA's Discovery Service Team will provide next week.

Regards,

Josh

Joshua Wirtschafter

Assistant Regional Counsel

U.S. EPA Region IX

ORC-3

75 Hawthorne Street

San Francisco, CA 94105

(415) 972-3912

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