Message

From: Chow, Kevin [chow.kevin@epa.gov]
Sent: 11/21/2018 4:26:51 PM
To: Galbraith, Michael [Galbraith.Michael@epa.gov]
Subject: FW: FOIA Request by Environmental Technology Council to EPA Region 5 regarding Tradebe (EPA-R5-2018-009810)
Attachments: ATT00001.txt

Mike, this is how David Case agreed to narrow the scope of the Region 5 FOIA request.

From: David Case <dcase@etc.org>
Sent: Monday, November 12, 2018 7:29 AM
To: Chow, Kevin <chow.kevin@epa.gov>
Subject: RE: FOIA Request by Environmental Technology Council to EPA Region 5 regarding Tradebe (EPA-R5-2018-009810)

Thank you for your e-mail, which accurately summarizes our discussion and agreement.

David R. Case
Executive Director
1112 16th Street NW, Suite 420
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Environmental Technology Council

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From: Chow, Kevin [mailto:chow.kevin@epa.gov]
Sent: Thursday, November 08, 2018 4:40 PM
To: dcase@etc.org
Cc: Wilson, Terri
Subject: FOIA Request by Environmental Technology Council to EPA Region 5 regarding Tradebe (EPA-R5-2018-009810)

David,

Thank you for speaking with me earlier today about the above-referenced FOIA request. Terri Wilson and I had called you yesterday seeking clarification about your request, and had left you a voicemail message. This is to summarize our conversation from this morning:

You are interested in determining the degree of attention being paid by Region 5 to the TDU issues related to Tradebe. Thus, your request would include such items as Calendar entries that identify the meetings and conference calls that have been held over the matter. However, e-mails that concern availability, logistics, or arrangements for such meetings and conference calls would not be necessary.

You clarified that documents subject to CBI claims would be within the scope of the request, but that e-mails concerning the administration, processing, and handling of such documents would not be necessary.

You also clarified that your primary interest lies in the TDUs at the Tradebe facility, and that you have no interest in Tradebe's operations or in non-TDU matters pertaining to Tradebe. Thus, documents related to enforcement or permit issuance, for example, would not be within the scope of the request. Similarly, documents not specifically related to Tradebe would be outside the scope of your request to Region 5, such as documents related to Rineco or other EPA-regulated facilities with TDUs.

In general, e-mails and documents that are non-substantive, administrative, or logistical in nature or content would not be necessary. This type of excluded material would include documents: where Tradebe is simply a line item in a list, spreadsheet, report, or other compilation of multiple cases or facilities across Region 5 or nationally; or where Tradebe is identified or referenced simply as a work item or assignment for an employee within a personnel-related document or e-mail.

You have agreed to extend Region 5's due date for our response to December 31, 2018, which coincides with the extension you have provided for a parallel FOIA request (EPA-HQ-2018-009809) you have sent to EPA HQ.

I hope the above is consistent with your understanding of our conversation. Please let me know if there's anything I missed and whether you have any further clarifying language you would like us to consider.

Kevin Chow
Associate Regional Counsel
U.S. EPA, Region 5
(312) 353-6181