UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LOWER PASSAIC RIVER STUDY AREA COOPERATING PARTIES GROUP,	)	
vs.	)	Civil Action No. _____
U.S. ENVIRONMENTAL PROTECTION AGENCY, 1200 Pennsylvania Avenue NW Washington, DC 20460	)	
Defendant.	)	**COMPLAINT**

Plaintiff, the Lower Passaic River Study Area Cooperating Parties Group ("CPG"), by and through its undersigned attorneys, comes forth and alleges as follows:

PRELIMINARY STATEMENT

1. The CPG, by and through counsel, brings this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552 *et seq.*, as amended, and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, to compel the United States Environmental Protection Agency ("EPA") to disclose agency records it has wrongfully withheld from the CPG after multiple FOIA requests and subsequent appeals.

2. The subject FOIA requests seek records from EPA related to the Diamond Alkali Superfund Site (EPA Site NJD980528996).

3. The Diamond Alkali Superfund Site is the subject of EPA's *Superfund Proposed Plan for the Lower Eight Miles of the Lower Passaic River Part of the Diamond Alkali Superfund Site* (the "Proposed Plan") based upon the multi-year Focused Feasibility Study ("FFS") of an eight-mile section of the Lower Passaic River to evaluate cleanup options to address contaminated sediment in the river.

4. The CPG conducted an 8-year remedial investigation under EPA's oversight, at a cost of over $130 million, and was tasked with completing a feasibility study to determine a cost-effective and adequate remedy in accordance with the National Contingency Plan and CERCLA. EPA appears to have ignored much of this data, however, and proposed a technically questionable, costly, and massive bank-to-bank dredge-and-cap remedy in its Proposed Plan. EPA has estimated the remedy will cost over $1.7 billion. It is expected to disrupt the regional economy and community due to, for example, bridge openings, barge-movement restrictions, and vehicular and rail traffic delays.

5. EPA failed to produce agency records related to the FFS and the Proposed Plan that were sought by the CPG in the FOIA requests. And EPA improperly asserted privileges to avoid producing all of the requested records. The records requested included information that was necessary and important for the CPG to effectively evaluate and comment effectively on the Proposed Plan, and when it is issued, the Record of Decision ("ROD"), and to understand what EPA did or did not consider with respect to the Proposed Plan. EPA has not even responded to properly and timely filed administrative appeals of these improper FOIA denials.

6. EPA's responses to the CPG's record requests and appeals failed to provide all of the requested records and erroneously and unlawfully claimed certain documents were privileged and exempted from disclosure.

7. EPA ignored the statutory mandate to respond to the properly filed FOIA administrative appeals.

8. EPA's conduct is arbitrary and capricious and amounts to a flat denial of the CPG's FOIA Requests.

9. The CPG has exhausted its administrative remedies related to the subject FOIA requests.

JURISDICTION AND VENUE

10. This Court has subject-matter jurisdiction and personal jurisdiction over the parties based on 5 U.S.C. § 552 (a)(4)(B). This Court also has jurisdiction over this action under 28 U.S.C. § 1331.

11. This Court has the authority to grant declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq*.

12. This Court has the authority to grant injunctive relief under FOIA, 5 U.S.C. § 552 (a)(4)(B).

13. The Court has the authority to award attorney fees and litigation costs under FOIA, 5 U.S.C. § 552 (a)(4)(E).

14. Venue is proper in this Court pursuant to 5 U.S.C. § 552 (a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

15. The Lower Passaic River Study Area Cooperating Parties Group ("CPG") is an unincorporated, voluntary association of more than 60 companies whose purpose, *inter alia*, is to conduct a Remedial Investigation and Feasibility Study ("RI/FS") within the 17-mile Lower Passaic River Study Area ("LPRSA").

16. EPA is an agency of the United States and has possession and control of the records at issue here.

FACTUAL BACKGROUND

17. The Diamond Alkali Superfund Site was added to the National Priorities List in 1984 and includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area, and the Newark Bay Study area. The EPA Site ID number is NJD980528996.

18. Pursuant to a 2004 settlement agreement with EPA Region 2, as amended, the CPG provided EPA with over $13,000,000 in funding for a Remediation Investigation/Feasibility Study ("RI/FS") of the entire 17-mile LPRSA.

19. On May 8, 2007, the CPG and EPA Region 2 entered into a Settlement Agreement and Administrative Order on Consent ("RI/FS AOC") under which the CPG agreed to complete the RI/FS of the entire 17-mile LPRSA, including the lower eight miles of the LPRSA that are the subject of the Proposed Plan.

20. Since 2007, the CPG has spent more than $130 million on the RI/FS, which complies with the National Contingency Plan (NCP) and was submitted to EPA in 2015. The RI/FS is a mandatory step in the remedy selection process required by the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9601 *et seq.* (CERCLA), and the NCP.

21. At the same time the CPG was conducting the RI/FS of the Diamond Alkali Superfund Site, EPA conducted a study it called a "Focused Feasibility Study" for the lower eight-mile section of the LPRSA to evaluate cleanup options to address contaminated sediment in the river. (Ex. 1, EPA, *Cleaning Up the Lower Passaic River: An Overview of EPA's Proposal for the Lower Eight Miles* (May 2014), *available at* http://www.epa.gov/region02/passaicriver/pdf/prap_overview_fact_sheet_english_june_2014.pdf

(last visited on July 24, 2015).)

22. In 2012, the sampling performed as part of the RI/FS process identified a mudflat with elevated concentrations of 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or TCDD) and other contaminants in the vicinity of RM 10.9. In response, the CPG entered into another settlement with EPA Region 2 to conduct the RM 10.9 Removal Action, which was a time-critical action to remove and cap sediment contaminated with TCDD at RM 10.9.

23. On or around April 11, 2014, EPA released for public review and comment the *Superfund Proposed Plan for the Lower Eight Miles of the Lower Passaic River Part of the Diamond Alkali Superfund Site* (the "Proposed Plan") to remove 4.3 million cubic yards of sediment from the lower eight miles of the Passaic River. Massive in scale, scope, and cost, EPA described the Proposed Plan as the "largest cleanup in EPA history." (EPA News Release (Apr. 11, 2014), *available at* http://yosemite.epa.gov/opa/admpress.nsf/8b770facf5edf6f185257359003fb69e/cf9f96c6f99f225b85257cb700635826!OpenDocument (last visited on July 24, 2015).)

24. The deadline for commenting on the Proposed Plan was August 20, 2014. (Ex. 1, EPA, *Cleaning Up the Lower Passaic River: An Overview of EPA's Proposal for the Lower Eight Miles* (May 2014), *available at* http://www.epa.gov/region02/passaicriver/pdf/prap_overview_fact_sheet_english_june_2014.pdf (last visited on July 24, 2015).)

25. The CPG timely submitted comments to the Proposed Plan (comments *available at* http://www.lowerpassaiccpg.com/index.php/component/edocman/?view=document&id=14 (last visited July 27, 2015)), challenging the appropriateness of EPA Region 2's FFS and Proposed Plan on many grounds, albeit without the benefit of a review of the FOIA-requested

material that EPA has refused to produce.

26. Through a series of FOIA requests submitted in April, May, and June 2014, which are described below in this Complaint, the CPG sought EPA agency records that should have been considered—and perhaps were—by EPA as part of its supporting analysis in preparing the Proposed Plan and the FFS. The requested records therefore should have been part of the administrative file and ultimately the administrative record.

27. Because the requested information was not part of the administrative file, the CPG and other members of the public were not able to adequately comment (as they were entitled to) on all aspects of the massive Proposed Plan and FFS by the August 20, 2014 deadline.

28. Because the requested information has not been provided by EPA, the CPG and the public remain unable to fully understand the basis for the Proposed Plan, which is estimated by EPA to cost $1.731 billion, and the FFS.

29. The colossal scale and cost of the preferred alternative remedy described in the Proposed Plan require a far more rigorous approach to the development and screening of remedial alternatives, the comparative analysis of those alternatives, and the determination of the overall costs and benefits of the Preferred Alternative, than has been presented in the 2014 FFS and the Proposed Plan. As importantly, for the purposes of this lawsuit, EPA cannot fail to release, or in fact even respond to proper appeals for, appropriately requested information that is critical to evaluating EPA's massive Proposed Plan.

FOIA Request No. 1 – EPA-R2-2014-005768 (April 21, 2014)

30. On or around April 21, 2014, the CPG, through counsel, submitted a FOIA Request with EPA Region 2 seeking records relating to the Diamond Alkali Superfund Site and

the Proposed Plan. Among other information, this request sought records related to bioaccumulation samples; data sets and technical documentation used in regression models, biota analysis, human health and ecological risk assessments, and other reports; and correspondence and documents related to the Contaminated Sediments Technical Advisory Group, Proposed Remedial Action Plan, and Focused Feasibility Study. (Ex. 2, CPG April 21, 2014 FOIA Request and Appendices.). These are key pieces of technical information essential for developing and considering the Focused Feasibility Study, and such materials are clearly required to be produced under FOIA.

31. On or around April 21, 2014, the EPA confirmed receipt of the April 21, 2014 FOIA request, which the EPA identified as EPA-R2-2014-005768. (Ex. 3, April 21, 2014 Request Confirmation.)

32. Among other communications regarding the FOIA requests, including numerous calls, emails, and other communications with EPA in attempts to obtain the requested records, on or around June 17, 2014, the CPG, through counsel, submitted a letter to the Assistant Regional Counsel for EPA Region 2 to follow up on the FOIA requests described in this Complaint, including FOIA Request EPA-R2-2014-005768 (Apr. 21, 2014). The letter explained that the EPA's responses to the FOIA requests had been inadequate and that the CPG needed the requested information and records in order to evaluate the Proposed Plan and prepare comments during the public comment period. (Ex. 4, Letter from William Hyatt, Jr. to Sarah Flanagan (June 17, 2014).)

33. On or around October 10, 2014, EPA Region 2 informed the CPG that information responsive to FOIA request EPA-R2-2014-005768 had been released and that certain documents were publicly available. EPA purported that its response to the FOIA request

was complete and that EPA was withholding certain responsive information that allegedly is exempt from disclosure. (Ex. 5, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Oct. 10, 2014) and Log of Withheld Documents.)

34. EPA's response to the CPG's April 21, 2014 FOIA request, number EPA-R2-2014-005768, was inadequate, incomplete, and improper.

35. EPA failed to produce all materials responsive to FOIA Request No. EPA-R2-2014-005768. Among other things, EPA failed to provide:

- electronic files that identify biota tissue sample IDs and locations;
- datasets used to generate the normalized tissue and sediment concentration data pairs that EPA used in turn to generate a regression model and BSAF curve presented in the FFS;
- correspondence between EPA and NJDEP discussing NJDEP's angler surveys that included sites on the LPRSA, or any data or analysis from those surveys;
- technical bases (analyses, calculations, modeling files and results, mapping, and any other relevant materials) used to develop the capping area footprints for Alternative 4; and
- the dataset used in the Ecological Risk assessment.

(Ex. 6, Letter from William Hyatt, Jr., K&L Gates, to National Freedom of Information Officer (Nov. 7, 2014); Ex. 7, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Information Officer, EPA (Nov. 26, 2014).)

36. EPA has improperly withheld requested agency records under FOIA Exemption 5 (*e.g.*, deliberative process privilege, attorney-client privilege), even though many of the withheld documents are factual in nature and not privileged. Moreover, EPA has not met its burden to justify the withholding of the records the agency claims are exempt under FOIA.

37. Examples of improperly withheld documents include:

- A 2012 e-mail between EPA employees regarding additional site data (DASS00000032, Dec. 5, 2012, re: additional site data for next Wed.).

- A 2012 ingestion technical memorandum (FOIA_05768_00009015, 2012-01-25 Fish-Crab Ingestion Tech Memo.docx).
- A 2014 e-mail between EPA employees regarding cost effectiveness (DASS00004239, Jan. 14, 2014, re: Cost effectiveness).
- A 2014 e-mail between EPA employees regarding a meeting with members of the Community Advisory Group (DASS00003645, Mar. 2, 2014, re: Meeting with Ana Bautista and Debbie Mans, Passaic CAG).

(Ex. 5, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Oct. 10, 2014) and Log of Withheld Documents.)

38. On or around November 7, 2014, the CPG, though counsel, timely filed a FOIA administrative appeal of the April 21, 2014 FOIA request. (Ex. 6, Letter from William Hyatt, Jr., K&L Gates, to National Freedom of Information Officer (Nov. 7, 2014); Ex. 7, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Information Officer, EPA (Nov. 26, 2014).)

39. On or around November 12, 2014, EPA acknowledged receipt of the FOIA appeal related to FOIA request R2-2014-005768. (Ex. 8, Letter from Barbara Bruce, FOIA Specialist, to William Hyatt (Nov. 12, 2014).)

40. More than 20 business days (in fact more than 11 months) have passed since EPA received the agency appeal of FOIA Request EPA-R2-2014-005768, and EPA has not ruled on the appeal.

FOIA Request No. 2 – EPA-R2-2014-006018 (April 28, 2014)

41. On or around April 28, 2014, the CPG, through counsel, submitted a FOIA request with EPA Region 2 seeking records relating to the Diamond Alkali Superfund Site. The request sought the following:

> [A]ny and all emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the

> lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM.

(Ex. 9, CPG April 28, 2014 FOIA Request.) The requested records include key technical materials that are needed for evaluating the Focused Feasibility Study.

42. Among other communications regarding the FOIA requests, including numerous calls, emails, and other communications with EPA in attempts to obtain the requested records, on or around June 17, 2014, the CPG, through counsel, submitted a letter to the Assistant Regional Counsel for EPA Region 2 to follow up on the FOIA requests described in this Complaint, including FOIA Request EPA-R2-2014-006018 (Apr. 28, 2014). The letter explained that the EPA's responses to the FOIA requests had been inadequate and that the CPG needed the requested information and records in order to evaluate the Proposed Plan and prepare comments during the public comment period. (Ex. 4, Letter from William Hyatt, Jr. to Sarah Flanagan (June 17, 2014).)

43. On or around January 5, 2015, EPA notified the CPG, through counsel, that EPA had completed its response to the April 28, 2014 FOIA request. EPA withheld certain responsive records and improperly claimed that the withheld documents were exempt under the deliberative process privilege, attorney-client privilege, and attorney work-product doctrine and that disclosure would interfere with enforcement proceedings. (Ex. 10, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Jan. 5, 2015), and Log of Withheld Documents.)

44. EPA's response to FOIA Request EPA-R2-2014-006018 was inadequate, incomplete, and improper.

45. Specifically, EPA failed to produce the 2008 CSM and EMBM developed as part of the FFS and Proposed Plan, or to provide comments, revisions or changes to the CSM that

were considered by EPA in the development and issuance of the Proposed Plan. (Ex. 11, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Info. Officer, EPA (Feb. 4, 2015).)

46. EPA has also improperly withheld requested agency records under FOIA Exemption 5 (*e.g.*, deliberative process privilege, attorney-client privilege), even though many of the withheld documents are factual and not privileged. Moreover, EPA has not met its burden to justify the withholding of the records the agency claims are exempt under FOIA.

47. Among other things, examples of improperly withheld documents include:

- 2007 memoranda regarding data sources and high resolution cores (11 & 12/2007, Technical Advisory Committee members; Data Sources and High Resolution Cores);
- 2007 information regarding sampling and modeling data (emails and documents created in 2007, including "Data Sources and High Resolution Cores; Sediment Transport Modeling; Additional Sampling . . . .");
- "86 emails and documents transmitted in 2008 between EPA-R2 and EPA-HQ, including CSTAG members" that included modeling information (1,2,3,4,5,7,8 & 9/2008); and
- 2009 Passaic River sampling information ("31 emails and documents created in 2009 within EPA-R2," 1,3,4,6,7,10,11 & 12/2009, Sampling in Passaic Newark Bay . . .).

(Ex. 10, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Jan. 5, 2015), and Log of Withheld Documents.)

48. On or around February 4, 2015, the CPG, through counsel, timely appealed EPA's decision to improperly withhold agency records pursuant to the April 28, 2014 FOIA request to EPA's National Freedom of Information Officer. (Ex. 11, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Info. Officer, EPA (Feb. 4, 2015).)

49. On or around February 6, 2015, EPA's Office of General Counsel acknowledged receipt of the FOIA appeal related to FOIA Request EPA-R2-2014-006018 (HQ-APP-2015-003894). (Ex. 12, Letter from Shirley Blair, General Law Office, to Robert Paul La Gravenis,

K&L Gates (Feb. 6, 2015).)

50. More than 20 business days (in fact, more than eight months) have passed since EPA received the agency appeal of FOIA Request EPA-R2-2014-006018, and EPA has not ruled on the appeal.

FOIA Request No. 3 – EPA-R2-2014-006476 (May 14, 2014)

51. On or around May 14, 2014, the CPG, through counsel, submitted a FOIA request with EPA Region 2 seeking records relating to the Diamond Alkali Superfund Site NJD980528996. Among other things, the request sought records related to funds spent in developing the April 11, 2014 Proposed Plan for the Lower Eight Miles of the Lower Passaic River Study Area; communications about the LPRSA between EPA personnel, including the Region 2 Administrator, Judith Enck, and members of the public or community advisory groups; documents from a public hearing held on May 7, 2014; and records related to the designation of any portion of the Site as an operable unit. (Ex. 13, CPG May 14 2014 FOIA Request Confirmation with Request & Appendices.)

52. On or around May 14, 2014, the EPA confirmed receipt of the May 14, 2014 FOIA request, which the EPA identified as EPA-R2-2014-006476. (Ex. 13, *id.*)

53. On or around May 15, 2015, the CPG submitted an Amended Appendix A to the May 14, 2014 FOIA Request. The amendment appendix included an added request for information about samples EPA used to define upriver (above the Dundee Dam) surface sediment background conditions. (Ex. 14, CPG May 14 2014 FOIA Request Modification.)

54. Among other communications regarding the FOIA requests, including numerous calls, emails, and other communications with EPA in attempts to obtain the requested records, on or around June 17, 2014, the CPG, through counsel, submitted a letter to the Assistant Regional

Counsel for EPA Region 2 to follow up on the FOIA requests described in this Complaint, including FOIA Request EPA-R2-2014-006476 (May 14, 2014; amended May 15, 2014). The letter explained that the EPA's responses to the FOIA requests had been inadequate and that the CPG needed the requested information and records in order to evaluate the Proposed Plan and prepare comments during the public comment period. (Ex. 4, Letter from William Hyatt, Jr. to Sarah Flanagan (June 17, 2014).)

55. Among other communications regarding the FOIA requests, including numerous calls, emails, and other communications with EPA in attempts to obtain the requested records, on or around November 4, 2014, the CPG, through counsel, submitted a letter to EPA to review the status of the FOIA requests and information that remained outstanding. Regarding FOIA Request No. 3, EPA-R2-2014-006476, the CPG informed EPA that, apart from scheduling-related emails, EPA had not produced "any substantive email communications between Judith Enck and members of the community (on either personal or official email accounts)." The CPG asked EPA to confirm that no such emails existed. (Ex. 15, Letter from William Hyatt, Jr., to Sarah Flanagan, EPA Asst. Regional Counsel (Nov. 4, 2014).)

56. On or around November 13, 2014, EPA responded that it had provided information responsive to the FOIA request for communications between members of the public and Administrator Enck and dismissively and incorrectly stated that that it was "beyond the scope of [EPA's] FOIA review" to determine whether or not the communications released were "substantive." (Ex. 16, Letter from Sarah Flanagan, EPA Asst. Regional Counsel, to William Hyatt, Jr. (Nov. 13, 2014).)

57. On or around March 20, 2015, EPA released more documents and purported that its response to FOIA Request EPA-R2-2014-006476 was complete. (Ex. 17, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Mar. 20, 2015).)

58. EPA's response to FOIA Request EPA-R2-2014-006476 was inadequate, incomplete, and improper.

59. Among other things, EPA failed to produce:

- an accounting of funds spent or committed to be spent in developing the Proposed Plan and the reports and appendices thereto, including but not limited to the Remedial Investigation and Focused Feasibility Study;
- documents authorizing the expenditure of funds for the Proposed Plan;
- documents that explain EPA's decision to designate of any portion of the Diamond Alkali Superfund Site as an operable unit; and
- all responsive emails between Administrator Enck, including responsive emails from her official email account and responsive emails from personal email accounts.

(Ex. 18, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Info. Officer, EPA (Apr. 17, 2015).)

60. EPA improperly withheld a responsive document under the deliberative process privilege, which contains a submission to the National Remedy Review Board by other federal agencies. (Ex. 17, Letter from Eric Schaaf, EPA Regional Counsel, to Robert Paul La Gravenis, K&L Gates (Mar. 20, 2015).) EPA has failed to justify this claimed privilege.

61. The information requested in FOIA Request EPA-R2-2014-006476 is critical for the CPG and the public to understand the bases for the Proposed Plan and the development of EPA's Conceptual Site Model from the time of EPA's initial release of the draft FFS in 2007 through its release of the revised FFS and Proposed Plan in April 2014.

62. On or around April 17, 2015, the CPG, through counsel, timely appealed EPA's decision to improperly withhold agency records in response to the May 14, 2014 FOIA request to EPA's National Freedom of Information Officer. (Ex. 18 Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Info. Officer, EPA (Apr. 17, 2015).)

63. More than 20 business days (in fact more than six months) have passed since the CPG filed its administrative appeal of FOIA Request EPA-R2-2014-006476, and EPA has neither acknowledged receipt of nor ruled on the appeal.

FOIA Request No. 4 – EPA-R2-2014-007546 (June 17, 2014)

64. On or around June 17, 2014, the CPG, through counsel, submitted a FOIA request with EPA Region 2 seeking records relating to the Diamond Alkali Superfund Site NJD980528996. Among other things, the request sought records relating to the technical basis for New Jersey Department of Environmental Protection's Fish Advisory Levels, on which EPA's Proposed Plan relies. (Ex. 19, CPG June 17, 2014 FOIA Request.).

65. On or around June 17, 2014, the EPA confirmed receipt of the June 17, 2014 FOIA request, which the EPA identified as EPA-R2-2014-007546. (Ex. 20, June 17, 2014 Email Confirmation.)

66. Among other communications regarding the FOIA requests, including numerous calls, emails, and other communications with EPA in attempts obtain the requested records, on or around June 17, 2014, the CPG, through counsel, submitted a letter to the Assistant Regional Counsel for EPA Region 2 to follow up on the FOIA requests described in this Complaint, including FOIA Request EPA-R2-2014-007546 (June 17, 2014). The letter explained that the EPA's responses to the FOIA requests had been inadequate and that the CPG needed the requested information and records in order to evaluate the Proposed Plan and prepare comments

during the public comment period. (Ex. 4, Letter from William Hyatt, Jr. to Sarah Flanagan (June 17, 2014).)

67. On or around June 19, 2014, EPA responded to the CPG's June 17, 2014 letter regarding "the four [FOIA] requests that the Cooperating Parties Group ("CPG") has submitted to EPA in the last two months." The letter purported that EPA had processed the CPG's FOIA requests, had provided some responsive information, and that more responsive information would be forthcoming. (Ex. 21, Letter from Sarah Flanagan to William Hyatt, Jr. (June 19, 2014).)

68. On or around November 13, 2014, EPA sent a letter to the CPG purporting that all responsive information to FOIA Request EPA-R2-2014-007546 had been released. (Ex. 22, Nov. 13, 2014 Letter.)

69. EPA's response to FOIA Request EPA-R2-2014-007546 was inadequate, incomplete, and improper. In particular, EPA did not provide documentation relating to the technical basis of the "trigger levels," including toxicity values and exposure assumptions, that are listed in the FFS.

70. On or around November 26, 2014, the CPG, through counsel, timely appealed EPA's decision to improperly withhold agency records in response to the June 17, 2014 FOIA Request (EPA-R2-2014-007546) to EPA's National Freedom of Information Officer. (Ex. 7, Letter from William Hyatt, K&L Gates, to Nat'l Freedom of Information Officer, EPA (Nov. 26, 2014).)

71. More than 20 business days (in fact over 11 months) have passed since the CPG filed its administrative appeal of FOIA Request EPA-R2-2014-007546, and EPA has neither acknowledged receipt of nor ruled on the appeal.

LEGAL BACKGROUND

72. FOIA provides that EPA or any other agency upon request "shall make [] records promptly available to any person." 5 U.S.C. § 552(a)(3)(A).

73. FOIA "focuses on the citizens" right to be informed about "what the government is up to," by fostering the release of "[o]fficial information that sheds light on the agency's performance of its statutory duties." *DOJ v. Reporters Comm. For Freedom of the Press*, 489 U.S. 749, 773 (1989) (citation omitted). "[D]isclosure, not secrecy, is the dominant objective" of FOIA. *Dep't of Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 8 (2001) (internal quotation marks and citations omitted).

74. One of President Obama's first acts after taking office was to state his administration's policy regarding FOIA, instructing agency managers that "[t]he Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails….Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve." Presidential Memorandum, Freedom of Information Act, 74 Fed. Reg. 4,683 (Jan. 21, 2009).

75. Upon receiving a FOIA request, EPA or any other agency "shall … determine within twenty days … whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons thereof, and of the right of such person to appeal to the head of the agency any adverse decision." 5 U.S.C. § 552(a)(6)(A)(i).

76. "In denying a request for records … an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request ..." 5 U.S.C. § 552(a)(6)(F).

77. If an agency denies a claim or fails to act on a request, the person requesting the records can make an administrative appeal. 5 U.S.C. § 552(a)(6)(A)(ii).

78. EPA is required by law to rule on an appeal within 20 business days of receiving the appeal. 5 U.S.C. § 552(a)(6)(A)(ii).

79. If the agency fails to provide a requestor with a determination within the statutory time limits, the entity making the request to the agency will be deemed to have exhausted its administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

80. A federal district court reviews the agency's action *de novo*, and the burden is on the agency to justify its withholding of agency records. 5 U.S.C. § 552(a)(4)(B).

81. A federal district court has authority, upon receipt of a complaint, "to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant." 5 U.S.C. § 552(a)(4)(B).

82. The deliberative-process privilege is not a blanket exemption. Instead, the deliberative-process privilege exempts from disclosure "interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. § 552(b)(5).

83. The burden is upon the agency to show that information withheld under the deliberative-process privilege satisfies the requirements of the privilege, including that the information is both pre-decisional and deliberative.

Count I: Violation of the Freedom of Information Act – Failure to Provide Responsive Records

84. The CPG repeats and re-alleges the allegations in paragraphs 1 through 83.

85. The CPG made clear and adequate FOIA requests pursuant to 5 U.S.C. § 552(a)(3)(A) and EPA's published rules.

86. EPA's responses to the CPG's FOIA requests were inadequate, incomplete, and improper.

87. EPA is improperly withholding requested agency records in violation of FOIA, 5 U.S.C. §§ 552 *et seq.*

88. On information and belief, the records requested by the CPG and withheld by EPA are not protected by the deliberative-process privilege or other asserted privileges.

89. EPA's failure to provide responsive documents, perform a thorough search, and its erroneous and unlawful assertion of the deliberative-process privilege and other privileges demonstrate bad faith and constitute violations of FOIA, 5 U.S.C. §§ 552 *et seq.*

90. EPA's failure to respond to the CPG's administrative appeals within 20 days demonstrated bad faith and constitutes a violation of FOIA, 5 U.S.C. §§ 552 *et seq.*

Count II: Violation of the Administrative Procedure Act – Arbitrary and Capricious Behavior

91. The CPG repeats and re-alleges the allegations in paragraphs 1 through 90.

92. EPA's failure to disclose responsive documents, perform a thorough search, and its erroneous and unlawful assertion of the deliberative-process privilege and other privileges, demonstrated bad faith and was arbitrary and capricious in violation of the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*

93. EPA's failure to respond to the CPG's administrative appeals within 20 days demonstrated bad faith and was arbitrary and capricious in violation of the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*

RELIEF REQUESTED

WHEREFORE, the CPG respectfully requests and prays that this Court:

1. Enter an Order declaring that EPA has wrongfully withheld requested agency records and wrongfully failed to respond to the CPG appeals;

2. Enter an Order declaring that EPA has acted in an arbitrary and capricious manner in withholding such requested agency records and failing to respond to the CPG appeals.

3. Issue an injunction directing EPA to disclose to the CPG all wrongfully withheld documents;

4. Award the CPG its attorney fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E); and

5. Grant such other and additional relief to which the CPG may be entitled, as this Court deems just and proper.

Respectfully submitted,

Dated October 30, 2015

SHOOK, HARDY & BACON L.L.P.

By: ___s/ Justin D. Smith_____
David R. Erickson, MO #31532
Christopher M. McDonald, MO #39559
Justin D. Smith, NJ #039692012

2555 Grand Blvd.
Kansas City, MO 64108-2613
Telephone: (816) 474-6550
Fax: (816) 421-5547
derickson@shb.com
cmcdonald@shb.com
jxsmith@shb.com

ATTORNEYS FOR THE LOWER PASSAIC RIVER STUDY AREA COOPERATING PARTIES GROUP ("CPG")

7075934

EXHIBIT
1

United States Environmental Protection Agency

Cleaning Up the

Lower Passaic River

An Overview of EPA's Proposal for the Lower Eight Miles May 2014

THE PASSAIC RIVER'S POLLUTED PAST

A century of industrialization and development throughout the Passaic River watershed have left behind toxic muck on the bottom and banks of the Passaic River. From Newark Bay to the Dundee Dam in Garfield, New Jersey, a section of the river referred to as the Lower Passaic River, the sediment is severely contaminated with dioxins, polychlorinated biphenyls (PCBs), mercury, lead and other metals, as well as pesticides and other harmful chemicals. Contaminated sediment in the river bottom poses a significant threat to people's health and the health of wildlife that live in and along the river. The primary risks are from eating contaminated fish and shellfish from the river.

The majority of the contamination is located in the lower eight miles of the river, where there is up to 15 feet of accumulated sediment totaling 9.7 million cubic yards (a cubic yard is about the size of a dishwasher) that spans bank-to-bank along the river bottom. The sediment contamination found here is highly concentrated, persistent and continues to move as the river flows, adding to the pollution in the rest of the river, Newark Bay and beyond.

A cubic yard is about the size of a dishwasher.

THE PROPOSAL TO CLEAN THE PASSAIC

The EPA conducted a multi-year study of an eight mile section of the Lower Passaic River. The study, referred to as the Focused Feasibility Study, evaluated three cleanup options to address contaminated sediment in this area of the river, as well as a fourth option of taking no action. A larger study of the entire 17-mile stretch of the Lower Passaic River is ongoing.

Both the cleanup proposal for the lower eight miles and the comprehensive 17-mile study of the Lower Passaic River are part of a federal government cleanup of the Diamond Alkali Superfund site located at 80-120 Lister Avenue in Newark, New Jersey.

On April 11, 2014, the EPA proposed a cleanup plan for the lower eight miles of the river. The proposed plan was released for public review and comment. Of the cleanup alternatives evaluated, the EPA is proposing "Capping with Dredging for Flooding & Navigation" with "Off-Site Disposal of Dredged Materials", described in the Focused Feasibility Study and Proposed Plan as "Alternative 3 with Dredged Materials Management Scenario B." These documents and the Remedial Investigation report, which details the nature and extent of contamination in the lower eight miles, are available in the information repositories and on the project website: http://www.ourpassaic.org/

CAPPING WITH DREDGING FOR FLOODING & NAVIGATION WITH OFF-SITE DISPOSAL OF DREDGED MATERIALS

Under this cleanup plan:

- 4.3 million cubic yards of contaminated sediment (enough to fill MetLife Stadium two times) would be removed, bank-to-bank, by dredging the river bottom from Newark Bay to the Belleville/Newark border. This would result in the permanent removal from the environment of nearly 18 pounds of highly toxic and persistent dioxin (2,3,7,8-TCDD), more than 35,000 pounds of mercury, more than 15,000 pounds of PCBs and nearly 2,000 pounds of DDT (a pesticide).
- Sediment would be dewatered locally and prepared for transport by rail for incineration and/or disposal in landfills.
- 5.4 million cubic yards of contaminated sediment would remain in the river bottom protected by an engineered cap, effectively eliminating the movement of sediment and its availability to contaminate the food chain. The engineered cap (a physical barrier constructed primarily of sand and stone) would be placed over the dredged areas bank-to-bank to protect against erosion or other physical disturbances. The cap would not contribute to additional flooding and would be placed to accommodate the ongoing and projected future use of the federal navigation channel in the 2.2 miles of the river closest to Newark Bay.

- Despite fish and shellfish advisories warning against eating local fish and shellfish, some people ignore the advisories or are unaware of them and catch and eat local fish and crab out of cultural practice or to put food on the table for their families. The EPA's cleanup proposal would significantly decrease cancer risks and non-cancer health hazards to people who eat fish and shellfish from the lower eight miles by: (1) reducing the concentrations of the contaminants in shallow sediment in the lower eight miles that might otherwise be absorbed by worms, which might in turn be eaten by fish, and (2) thereby keeping the contaminants from moving up the food chain where they can enter people's diets.
- Risks to wildlife would also be substantially reduced by lowering the concentrations of the contaminants in sediment in the lower eight miles.
- After project completion, there would be a reduction in the movement of the contaminated sediment from the lower eight miles to other parts of the river and to Newark Bay and beyond.
- Long-term monitoring and maintenance of the remedy would be conducted to ensure stability and integrity of the engineered cap and to determine when cleanup goals are met for the fish and sediment.

DREDGING THE LOWER PASSAIC

The cleanup option preferred by the EPA includes:

- In River Mile 2.2 to River Mile 8.3:
  - » Installing an engineered cap, bank-to-bank.
  - » Before the cap is installed, dredging enough sediment so that the cap will not cause any additional flooding.
- In River Mile 0 (where the river meets Newark Bay) to River Mile 2.2:
  - » Dredging the 300-foot wide federal navigation channel to accommodate the current and reasonably anticipated future use from River Mile 0 to River Mile 2.2.
  - » Filling the dredged area with two feet of sand in the navigation channel from Newark Bay (River Mile 0) to River Mile 1.2.
  - » Installing an engineered cap bank-to-bank from River Mile 1.2 to River Mile 2.2 and in areas outside of the navigation channel from River Mile 1.2 to Newark Bay.
- Reconstructing dredged mudflats to their original grade with an engineered cap that would consist of one foot of sand covered by one foot of material that will restore the mudflat habitat, so the water-dwelling creatures can return.

Disposal of Contaminated Sediment & Other Dredged Materials

The approximately 4.3 million cubic yards of dredged sediment would be disposed of in the following way:

- Dredged materials would be barged to a land-based sediment processing facility in the vicinity of the Lower Passaic River/Newark Bay shorelines for debris screening, sand separation and active dewatering using filter presses.
- Water generated by the sediment dewatering process would be processed through a water treatment plant to meet New Jersey water quality standards and discharged to the Lower Passaic River or Newark Bay.
- Non-hazardous sand separated during processing would be disposed of at a landfill or beneficially used.
- Dewatered, contaminated dredged materials would be transported by rail to incinerators and landfills in the U.S. or Canada for disposal. Up to 7% of dredged sediment may require incineration at out-of-state facilities in the U.S. or Canada. The ash generated by incineration would be disposed of in a regulated landfill. Approximately 93% of the dredged sediment may be sent to licensed, permitted landfills in the U.S. or Canada that are designed to accept the contaminated sediment.
- Incineration of a small portion of the dredged sediment may be necessary if it is characterized under federal standards as "hazardous" and contains elevated concentrations of dioxin. At this time, incineration is the only technology known to be able to treat the most highly concentrated dioxin-contaminated sediment to the applicable federal standards.

Long Term Monitoring & Maintenance

During construction, monitoring of water, air and wildlife would be conducted to evaluate whether the cleanup activities are being managed most efficiently to reduce potential releases of contaminants to the environment. In instances in which water or air quality standards are exceeded, the related construction activity would be evaluated and additional protective measures would be implemented. During and after construction, enhanced community outreach would be conducted regarding New Jersey's fish and crab consumption advisories to improve awareness and compliance.

After project completion, frequent monitoring of fish, river water quality and sediment would be conducted to determine progress toward meeting cleanup goals.

Monitoring and maintenance of the engineered cap would be required both on a regular basis and after significant storms. Controls prohibiting disturbance of the engineered cap by river users would be necessary to maintain cap integrity. A review of site conditions would be conducted at least once every five years, as required by federal law.

BELLEVILLE TWP
Belleville Tpke
LYNDHURST TWP
NORTH ARLINGTON BORO
Railroad Crossing
KEARNY TOWN
Railroad Crossing
EAST NEWARK BORO
Central Avenue
I-280
Railroad Crossing
Bridge Street
HARRISON TOWN
NJ Turnpike
Railroad Crossing
Railroad Crossing
Jackson Street
US 1
US 1 Truck
NEWARK CITY
Railroad Crossing
JERSEY CITY
River Centerline
Municipal Boundary
County Boundary
Bridge
Highway
Primary Road
Railroad

PUBLIC INPUT ON THE CLEANUP OPTIONS IS CRITICAL

Community acceptance of the cleanup proposal is one of the nine criteria mandated by law for the EPA to consider when selecting the final cleanup plan. Public input on EPA's cleanup proposal and the other options that were considered is encouraged. The comments that the EPA receives during the public comment period on the proposed plan will be thoroughly considered and responded to in a responsiveness summary. The responsiveness summary will be included in the Record of Decision, which documents the final cleanup plan selected by the EPA.

Public Comment: April 21, 2014 to August 20, 2014

Decisions to be made during the Design Phase of cleanup

- Exact volume of sediment to be dredged
- Dredging technology for removal of sediment (hydraulic or mechanical dredging)
- Sediment processing location within the Newark Bay / Lower Passaic River area
- Rail transportation routes to move dredged materials for treatment and disposal
- Sediment disposal and incineration locations
- Engineered cap thickness and composition

Public Meetings

The EPA will hold three public meetings during the public comment period to present the cleanup proposal and the other options that were considered. The EPA is particularly interested in comments on the choice of dredged material disposal options (whether off-site disposal or disposal in a container at the bottom of Newark Bay is preferable) and on whether shallower depths in the lower 2.2 miles of the river than those proposed in Alternative 3 might still accommodate reasonably anticipated future uses of that section of the river.

May 7, 2014
7 p.m.
Portuguese Sports Club
55 Prospect Street
Newark, New Jersey 07105

May 21, 2014
6 p.m.
Franklin School Auditorium
100 Davis Avenue
Kearny, NJ 07032

June 23, 2014
2 p.m.
Belleville Senior Citizens Recreation Center
125 Franklin Avenue (Franklin Avenue and Mill Street)
Belleville, NJ 07109

Submit comments via mail or email by August 20, 2014 to:

Alice Yeh, Project Manager
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, NY 10007-1866

PassaicLower8MileComments.Region2@epa.gov

Information Resources

http://www.ourpassaic.org/
http://www.epa.gov/region02/superfund/npl/diamondalkali/
http://www.epa.gov/region2/passaicriver/

Information Repositories

The administrative record file, which contains copies of the Proposed Plan and supporting documentation, is available at the following locations:

Newark Public Library
New Jersey Reference Section
5 Washington Street
Newark, New Jersey 07101
Phone: (973) 733-7784
Hours: Mon., Fri., Sat.: 9 a.m. – 5:15 p.m.
Tues., Wed., Thurs.: 9 a.m. – 8:15 p.m.

Elizabeth Public Library
11 South Broad Street
Elizabeth, New Jersey 07202
Phone: (908) 354-6060
Hours: Mon. – Thurs.: 9 a.m. – 9 p.m.
Fri.: 10 a.m. – 9 p.m., Sat.: 9 a.m. – 5 p.m.

U.S. EPA, Region 2
Superfund Records Center
290 Broadway, 18th Floor
New York, NY 10007-1866
Phone: (212) 637-4308
Hours: Mon. – Fri.:, 9 a.m. – 5 p.m.

EPA Project Contacts

Alice Yeh, Project Manager
U.S. Environmental Protection Agency
Phone: (212) 637-4427
E-mail: yeh.alice@epa.gov

David Kluesner, Public Affairs
U.S. Environmental Protection Agency
Phone: (212) 637-3653
E-mail: kluesner.dave@epa.gov

EXHIBIT
2

Request Details

Tracking Number : *EPA-R2-2014-005768*

Submitted Evaluation Assignment Processing Closed

Request Information

Full Name : Robert Paul La Gravenis

Organization : K&L Gates LLP

Date Submitted : 04/21/2014

Estimated Date of Completion : May 19, 2014

Final Disposition : Undetermined

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly

appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Attached Supporting Files

Attached File	Type	Size (MB)
04_21_14_FOIA_Request_to_USEPA_Region_2.docx	Microsoft Word	0.02

Released Records

No records have been released.

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2

290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

ATTACHMENT A

Documents Requested from EPA Region 2 on 4/21/14

1. An Access or Excel file containing each normalized tissue and sediment concentration data pair (with units, basis and data qualifiers) used to generate a regression model, Biota-Sediment Accumulation Factor (BSAF) curve or Biota Accumulation Factor (BAF) curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis).

- The Access or Excel file should identify, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location.

2. A flat file dataset in Access or CSV including at least the following fields for each sample that was used to generate the normalized tissue and sediment concentration data pairs. that were used to generate a regression model, BSAF curve or BAF curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis):

- Source
- Study
- Location
- Coordinates
- River mile (if appropriate)
- Species and tissue type (for each tissue sample)
- Sample depth (for each sediment sample)
- Sample ID
- Sample type (e.g., field duplicate)
- Analyte name, including all contaminants, lipid, TOC and iron
- Numeric concentration for each analyte, including numeric concentrations for each sum component (e.g., for Polycyclic Aromatic Hydrocarbon (PAH) mixtures) and calculated totals
- Data qualifiers
- Units
- Basis (e.g., dry weight)

3. Data files, including database query output (e.g., sample ID, analytical results, qualifiers) and ProUCL input file, for tissue samples included in current baseline Human Health Risk Assessment (HHRA) fish and crab tissue Exposure Point Calculations (EPC)

4. Technical bases (analyses, calculations, model files and results, and any other relevant materials) for EPA's sliding scale of annual averages based on receptor exposure duration (used to estimate future concentrations)

5. Technical back-up/documentation for EPA's analysis of 2000 US Census data for Essex and Hudson counties (used to estimate residence time)

6. Technical back-up/documentation for EPA's re-analysis of Joanna Burger's 1999 survey of Newark Bay anglers (used to estimate fish and crab consumption rates)

7. Any correspondence between Region 2 and NJDEP on NJDEP angler surveys that included sites on the LPR, and any data and analysis from those surveys

8. Any correspondence between the Region and the National Remedy Review Board (NRRB) since the group's comments were submitted in Nov. 2012 and issuance of the NRRB/Contaminated Sediments Technical Advisory Group (CSTAG)final comments on April 11, 2014

9. Any correspondence between the Region 2 and HQ on draft versions of the Proposed Remedial Action Plan(PRAP) and Focused Feasibility Study (FFS) documents

10. Technical bases (analyses, calculations, modeling files and results, mapping, and any other relevant materials) used to develop the capping area footprints for Alternative 4

11. Technical backup/documentation for all unit or rollup cost items > $5,000 that cite to "Internal Database" in FFS Appendix H

12. The Louis Berger Group, Inc., 2007. "Staging and Processing Areas, Treatment Technologies, and Transportation Logistics Review." Lower Passaic River Contract. Prepared for the NJDEP. April 2007.

13. Data and technical basis for 1) modeled background tissue concentrations, and 2) modeled future tissue concentrations, including the technical basis of EPA's sediment-tissue regression models for HHRA species evaluated in the FFS.

14. The data set used to develop EPCs used in the Ecological Risk assessment and shown in Table 7-6 of the FFS RI. This would include EPCs for sediment, the tissue concentrations for the 'generic fish', biota tissue for mummichog, and crab EPCs.

EXHIBIT
3

La Gravenis, Robert Paul

From: calderon.wanda@epa.gov
Sent: Monday, April 21, 2014 3:43 PM
To: La Gravenis, Robert Paul
Subject: FOIA Request EPA-R2-2014-005768 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: EPA-R2-2014-005768
- Requester Name: Robert Paul La Gravenis
- Date Submitted: Mon Apr 21 15:42:57 EDT 2014
- Request Status: Submitted
- Description: United States Environmental Protection Agency
  Region 2
  Freedom of Information Officer
  U.S. EPA Region 2
  290 Broadway, 26th Floor
  New York, NY 10007-1866

  Re: Diamond Alkali Superfund Site

  To Whom It May Concern:

  I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

  Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

  I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

  Sincerely,

  Robert Paul La Gravenis

  Senior Paralegal
  K&L Gates LLP
  One Newark Center, 11th Floor
  Newark, NJ 07102

robertpaul.lagravenis@klgates.com

EXHIBIT
4

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T 973.848.4000 F 973.848.4001

William H. Hyatt, Jr.
D 973.848.4045
F 973.848.4001
william.hyatt@klgates.com

June 17, 2014

Sarah P. Flanagan, Esquire
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 2
290 Broadway
New York, NY 10007

Re: Lower Passaic River Study Area

Dear Sarah:

As you know, our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). I am writing to follow-up on four FOIA requests submitted by the CPG: [EPA-R2-2014-005758 - 04/21/14 ("First Request"); EPA-R2-2014-00618 - 04/28/14 ("Second Request"); EPA-R2-2014-006476 - 05/14/14 (amended on 05/15/14) ("Third Request"); and EPA-R2-007546 - 06/17/14 ("Fourth Request")) related to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). To date, EPA has provided partial responses to the First and Second Requests. However, the information provided by EPA is of limited value and in many instances includes documents submitted by the CPG to EPA.

The EPA's response is very concerning as the information requested should be part of EPA's underlying data/analysis, and accordingly, should have been part of the publicly available administrative record so that interested stakeholders could fully understand, evaluate and reproduce EPA's results. For example, it is troubling that EPA cannot readily and immediately provide the underlying calculations and data set used to calculate biota sediment accumulation factors that are used in its Proposed Plan. The CPG requires EPA's full and complete response to all of its information requests in order to evaluate the Proposed Plan and prepare comments during the public comment period. Without waiving its right to receipt of a full and complete response from EPA, the CPG has identified the below items as priorities and requests that EPA expedite the portions of its response related to:

1. An Access or Excel file containing each normalized tissue and sediment concentration data pair (with units, basis and data qualifiers) used to generate a regression model, Biota-Sediment Accumulation Factor (BSAF) curve or Biota Accumulation Factor (BAF) curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis). The Access or Excel file should identify, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location

2. Sample IDs (including coordinates) and chemistry data for the four core samples, four grab samples and two dam catchment samples used by EPA to define upriver (above the dam) surface sediment background conditions.

3. Data files, including database query output (e.g., sample ID, analytical results, qualifiers) and ProUCL input file, for tissue samples included in current baseline Human Health Risk Assessment (HHRA) fish and crab tissue Exposure Point Calculations (EPC).

4. Technical bases (analyses, calculations, model files and results, and any other relevant materials) for EPA's sliding scale of annual averages based on receptor exposure duration (used to estimate future concentrations).

Please do not hesitate to contact me if you have any questions.

Very truly yours,

William H. Hyatt, Jr.

cc: Ms. Alice Yeh

EXHIBIT
5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 17th Floor
New York, NY 10007

OCT 10 2014

BY FOIA ONLINE

Robert Paul La Gravenis
K&L Gates, LLP
1085 Raymond Boulevard
One Newark Center, 11th Floor
Newark, New Jersey 07102-5252

Re: Freedom of Information Act (FOIA) Request EPA-R2-2014-005768

Dear Mr. La Gravenis:

This will respond to your Freedom of Information Act ("FOIA") request EPA-R2-2014-005768 seeking documents as set forth in Attachment A to your FOIA requested, modified by the subsequent withdrawal of #13 as duplicative. This completes our response.

Previously, on May 27, 2014, EPA released information responsive to #5, #6, #7 and #12 of Attachment A to your FOIA request, and directed you to information either already provided to the Cooperating Parties Group (CPG), or that was already publicly available, responsive to #3, #4, #10 and #14 of your request.

The second and final release, uploaded to FOIAonline on October 3, 2014, included information responsive to #1, #2, #6, #7, #8, #9 and #11 of Attachment A. The document entitled BSAF Tissue Sediment Data, responsive to #1 and #2, was also made available to the public on ourpassaic.org in July 2014.

EPA is withholding certain responsive information that is exempt from disclosure as set forth on the enclosed withholding log.

You may appeal this denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must

address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." See 40 C.F.R. §2.104(j) for further information regarding appeals of adverse determinations under FOIA.

Pursuant to 40 C.F.R. § 2.107, EPA will transmit a bill for the costs incurred by EPA in searching our files, reproducing documents, and preparing our response to your FOIA request, which total $3,360. You should receive the bill through FOIAonline, along with instructions for payment.

Please contact Sarah Flanagan of my staff at 212-637-3136 if you have any questions concerning this matter.

Sincerely yours,

Eric Schaaf
Regional Counsel

Enclosure

cc: Wanda Calderon
Jacqueline Ferreras-De Jesus

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS_JF00000001	Amy Legare	Sarah Flanagan	11/21/2012	Re: NRRB Question	Exemption 5: attorney-client communications; predecisional and deliberative
DASS00000032	Ray Basso	Steve Ells	12/5/2012	Re: Additional site data for next Wed.	Exemption 5: predecisional and deliberative
DASS00000051	Amy Legare	Doug Tomchuk	1/15/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000052	Amy Legare	Doug Tomchuk	1/16/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000071			1/11/2013	NRRB-CSTAG Memo -JJH comments.doc	Exemption 5: predecisional and deliberative
DASS00000072	Doug Tomchuk	Amy Legare	1/15/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000125	Steve Ells	Ray Basso; Alice Yeh	12/5/2012	Additional site data for next Wed.	Exemption 5: predecisional and deliberative
DASS00000133			1/11/2013	Passaic Lower 8 draft 2 - Overview of Proposed Action.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000137			1/24/2013	Passaic Lower 8 draft 3 - R2 edits.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000140	Amy Legare	Charles Openchowski;Ray Basso; Alice Yeh; Patricia Hick;Sarah Flanagan;Mike Iasinski	2/5/2013	PTW recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000145	Ray Basso	Steve Ells	12/5/2012	Re: Additional site data for next Wed.	Exemption 5: deliberative process/ predecisional and deliberative
DASS00000317			1/4/2013	Passaic Lower 8 draft 2.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000320			1/11/2013	Passaic Lower 8 draft 2- Region 2 comments-final.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00000366	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000367	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000511	Amy Legare	John Frisco	11/21/2012	Re: Request for other stakeholder comments	Exemption 5: attorney-client communications; predecisional and deliberative
DASSQ800000512	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000514	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000557	Alice Yeh	Amy Legare; Charles Openchowski	2/1/2013	Request for call on NRRB recommendation	Exemption 5: predecisional and deliberative
DASSQ800000558	Charles Openchowski	Alice Yeh	2/4/2013	Re: Fw: Request for call on NRRB recommendation	Exemption 5: predecisional and deliberative
DASSQ800000572			11/29/2012	2012-09-19 FFS Appendix D Risk Assessment.pdf	Exemption 5: predecisional and deliberative
DASSQ800000574			11/30/2012	Passaic_Attachments5-6.pdf	Exemption 5: predecisional and deliberative
DASSQ800000590			2/6/2013	Passaic Lower 8 draft 4-R2 edits.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001701			1/30/2014	rrb%20Passaic%20Lower%201-1.17.14.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001748	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001749	Legare, Amy	Yeh, Alice; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001750	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: NRRB memo - please respond	Exemption 5: deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00001751	Legare, Amy	Yeh, Alice; Basso, Ray	4/10/2014	NRRB memo - please respond	Exemption 5: deliberative process/predecisional and deliberative
DASS00001752	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001754			4/8/2014	2014-04-08 Lower 8 Proposed Plan draft-last 2 issues.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001760	Legare, Amy	Yeh, Alice; Basso, Ray	4/7/2014	Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001884	Yeh, Alice	openchowski, charles	2/4/2013	Re: Invitation: NRRB recommendation on PTW (Feb 5 01:00 PM EST in call 866-299-3188	Exemption 5: attorney-client; deliberative process/predecisional and deliberative
DASS00001918			4/1/2014	nrrb%20Passaic%20Lower%201-1-17-14-final.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001933			3/26/2014	NRRB-CSTAG response 031214draft11.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001934	Karlen, Delmar	Salo, Earl	3/26/2014	RE: Draft of Proposed Plan with Conforming Language to Mathy/Judith Memo.	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001979	Karlen, Delmar	Salo, Earl; Schaaf, Eric	2/7/2014	RE: Lower Passaic follow up letter	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00003023	Stalcup, Dana	Yeh, Alice; Prince, John	4/3/2014	Fw: Passaic River additional suggetsions	Exemption 5: Predecisional and deliberative.
DASS00003163	Mugdan, Walter	Woolford, James	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003202	Basso, Ray	Stalcup, Dana	4/7/2014	Email relating information on future navigation and CAD cells	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003203	Basso, Ray	Stalcup, Dana	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003204	Basso, Ray	Stalcup, Dana; Yeh, Alice; Mugdan, Walter; Woolford, James; Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003205	Basso, Ray	Stalcup, Dana	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003206	Basso, Ray	Stalcup, Dana	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003207	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003208	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003209	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003210	Basso, Ray	Woolford, James	3/28/2014	FW: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003212	Basso, Ray	Stalcup, Dana	3/24/2014	RE: How can we help Ray?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003219	Basso, Ray	Stalcup, Dana	3/14/2014	RE: Passaic River joint memo	Exemption 5: attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003220	Basso, Ray	Stalcup, Dana	3/14/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003221			3/14/2014	Passaic draft memo 3 13 14.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003222	Basso, Ray	Stalcup, Dana; Thompson, BrianK; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003223	Basso, Ray	Stalcup, Dana	3/13/2014	FW: Passaic email	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003230	Basso, Ray	Stalcup, Dana	3/10/2014	Draft Passaic Memo to Adm.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003231			3/10/2014	Draft Note from Stanislaus and Enck to Administrator-WM-2-Clean.doc.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003233	Basso, Ray	Stalcup, Dana	2/26/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003240	Basso, Ray	Stalcup, Dana	2/12/2014	RE: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003241	Basso, Ray	Naranjo, Eugenia; Ells, Steve	2/10/2014	RE: Dioxin levels in Newark Bay fish	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003246	Basso, Ray	Mugdan, Walter; Woolford, James	2/3/2014	RE: Potential Qs	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003247	Basso, Ray	Woolford, James	1/31/2014	RE: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003249	Basso, Ray	Legare, Amy	1/30/2014	RE: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003250	Basso, Ray	Legare, Amy	1/30/2014	RE: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003252	Basso, Ray	Mugdan, Walter; Woolford, James	1/28/2014	RE: Passaic - Not urgent and it may be a short response.	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003257	Basso, Ray	Ells, Steve ; Yeh, Alice ; Legare, Amy	12/30/2013	RE: Another draft of Proposed Plan (Figs/Tables 1 of 3)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003261	Basso, Ray	Legare, Amy ; Yeh, Alice	11/26/2013	RE: Passaic meeting - any agenda items?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003262	Basso, Ray	Legare, Amy ; Yeh, Alice	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003273	Stanislaus, Mathy	Woolford, James; Mugdan, Walter; Stalcup, Dana ; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna Fine, Ellyn ; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003275	Woolford, James	Stanislaus, Mathy; Mugdan, Walter; Stalcup, Dana; Cooper, DavidE; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003277	Stanislaus, Mathy	Mugdan, Walter; Stalcup, Dana; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003279	Woolford, James	Mugdan, Walter ; Stanislaus, Mathy; Stalcup, Dana; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn ; Brooks, Becky	4/8/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003281	Mugdan, Walter	Stanislaus, Mathy; Stalcup, Dana; Cooper, DavidE; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003283	Stalcup, Dana	Basso, Ray	4/8/2014	Fw: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003285	Stanislaus, Mathy	Stalcup, Dana; Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn ; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003287	Stalcup, Dana	Stanislaus, Mathy ; Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003289			4/8/2014	2014-04-08 Lower 8 Proposed Plan draft-last 2 issues-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003290	Mugdan, Walter	Stalcup, Dana; Cooper, DavidE	4/8/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003292	Stalcup, Dana	Cooper, DavidE	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003294	Stanislaus, Mathy	Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003296	Cooper, DavidE	Stanislaus, Mathy ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/7/2014	Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003297			4/7/2014	2014-04-07 Lower 8 Proposed Plan draft-end of day.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003299	Yeh, Alice	Stalcup, Dana; Woolford, James ; Richardson, RobinH; Ammon, Doug ; Fonseca, Silvina; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter ; Basso, Ray	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003300	DeLeon, Rafael	Schaaf, Eric ; Mugdan, Walter	4/7/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003312	DeLeon, Rafael	Mugdan, Walter	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003330	Starfield, Lawrence	Schaaf, Eric	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003337	Starfield, Lawrence	Schaaf, Eric	3/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003347	DeLeon, Rafael	Starfield, Lawrence ; Schaaf, Eric	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003348	DeLeon, Rafael	Patterson, Kenneth ; Leff, Karin	3/11/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003350	Starfield, Lawrence	Schaaf, Eric ; DeLeon, Rafael	2/27/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003351	DeLeon, Rafael	Patterson, Kenneth ; Thompson, BrianK	2/26/2014	Fw: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003352	DeLeon, Rafael	Starfield, Lawrence ; Schaaf, Eric	2/26/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003353	Lynch, Mary-Kay	Schaaf, Eric	2/14/2014	Re: Passaic briefing of the Administrator	Exemptioni 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003357	Lynch, Mary-Kay	Schaaf, Eric	2/13/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003363	Woolford, James	Schaaf, Eric ; Mugdan, Walter ; Basso, Ray	2/12/2014	Fw: Passaic: Response to CPG letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions; conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003365	Starfield, Lawrence	Schaaf, Eric	2/11/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003369	Salo, Earl	Karlen, Delmar ; Schaaf, Eric	2/7/2014	FW: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003372	Starfield, Lawrence	Schaaf, Eric	2/1/2014	RE: Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003376	Starfield, Lawrence	DeLeon, Rafael ;Schaaf, Eric	1/27/2014	RE: Passaic meeting on Friday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003384	DeLeon, Rafael	Starfield, Lawrence ; Patterson, Kenneth	1/25/2014	Re: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003387	DeLeon, Rafael	Lynch, Mary-Kay; Mugdan, Walter ; Woolford, James ; Schaaf, Eric	1/23/2014	RE: Passaic (Pre-Briefing before Administrator's meeting)	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003396	Starfield, Lawrence	DeLeon, Rafael ; Schaaf, Eric	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003398	Stalcup, Dana	DeLeon, Rafael ; Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00003399	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00003402	Basso, Ray	Stalcup, Dana	4/9/2014	We are done with the Prposed Plan . . .	Exemption 5: Predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003436	Woolford, James	Mugdan, Walter	3/28/2014	Fw: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003437			3/28/2014	PRAP Doug and Silvina's comments few minor edits.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003453	Woolford, James	Mugdan, Walter	3/20/2014	Fw: FYI: Follow UP - My take on meeting w/Tierra et al. 3/18 at OSRTI's Crystal City offices. Privilezed/Confidential.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003454	Woolford, James	Stanislaus, Mathy ; Enck, Judith ; Feldt, Lisa ; Breen, Barry ; Pavlou, George ; Giles, Cynthia ; Corman, Bicky ; Starfield, Lawrence ; Natarajan, Nitin ; Fine, Ellyn; Bergman, Shawna; Brooks, Becky	3/20/2014	Re: FYI. Follow UP - My take on meeting w/Tierra et al. 3/18 at OSRTI's Crystal City offices. Privileged/Confidential.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003459			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19- 4 PM-Reline.docx	Exemption 5: Attorney-client communications; Attorney Work Product
DASS00003468	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003472	Breen, Barry	Mugdan, Walter	3/18/2014	RE: three more edits from Mathy and me	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003473	Breen, Barry	Mugdan, Walter	3/18/2014	three more edits from Mathy and me	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003479	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003494	Woolford, James	Stanislaus, Mathy ; Breen, Barry ; Mugdan, Walter ; Pavlou, George ; Enck, Judith	3/5/2014	Fw: Fish trading info	Exemption 5: predecisional and deliberative.
DASS00003499	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	FW: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-Client Communications; Attorney Work-Product
DASS00003612	Enck, Judith	Stanislaus, Mathy ; Mugdan, Walter ; Pavlou, George	3/21/2014	Re: Next Steps on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative.
DASS00003614	Enck, Judith	McCarthy, Gina	3/20/2014	Re: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003615	Enck, Judith	Stanislaus, Mathy	3/19/2014	Re: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003616	Enck, Judith	Mugdan, Walter ; Stanislaus, Mathy	3/19/2014	Re: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003618	Enck, Judith	Stanislaus, Mathy	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003619	Enck, Judith	Mugdan, Walter ; Breen, Barry ; Woolford, James	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003622	Enck, Judith	Stanislaus, Mathy	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003623	Enck, Judith	Basso, Ray ; Stanislaus, Mathy	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003624	Enck, Judith	Stanislaus, Mathy	3/13/2014	Passaic river email	Exemption 5: attorney-client; deliberative process/predecisional and deliberative
DASS00003645	Enck, Judith	Woolford, James; Basso, Ray; Mugdan, Walter	3/2/2014	Re: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: deliberative process/predecisional and deliberative
DASS00003646	Enck, Judith	McCarthy, Gina ; Perciasepe, Bob; KeyesFleming, Gwendolyn; Fritz, Matthew ; Ganesan, Arvin ; Feldt, Lisa ; Reynolds, Thomas ; Vaught, Laura ; Rupp, Mark ; Fried, Hannah	2/28/2014	Region 2 weekly report	Exemption 5: deliberative process/predecisional and deliberative
DASS00003649	Enck, Judith	Feldt, Lisa	2/25/2014	FW: CAD table, including Passaic	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003650			2/25/2014	Confidential-SF sites CAD-CDFused 20140129-with Passaic added for RA.xlsx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003656	Enck, Judith	Stanislaus, Mathy	2/17/2014	Re: Followup mtg with Gina re: Passaic	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003657	Enck, Judith	Stanislaus, Mathy	2/17/2014	Re: Followup mtg with Gina re: Passaic	Exemption 5: Deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003658	Enck, Judith	Fritz, Matthew	2/14/2014	Passaic River briefing materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003660	Enck, Judith	Schaaf, Eric ; Garbow, Avi ; Giles Cynthia	2/13/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003662	Enck, Judith	McCarthy, Gina ; Perciasepe, Bob; Keyes-Fleming, Gwendolyn; Ganesan, Arvin; Reynolds, Thomas; Rupp, Mark; Fritz, Matthew; Vaught, Laura; Fried, Hannah; Feldt, Lisa	2/8/2014	R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003664	Enck, Judith	McCarthy, Gina; Feldt, Lisa; Stanislaus, Mathy; Giles, Cynthia; Garbow, Avi; Corman, Bicky	2/5/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003665			2/5/2014	bullets for HQ-4.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003667	Enck, Judith	Feldt, Lisa	2/5/2014	RE: passaic discussion	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003668	Enck, Judith	Feldt, Lisa	2/5/2014	RE: passaic discussion	Exemption 5: deliberative process/predecisional and deliberative
DASS00003670	Enck, Judith	Feldt, Lisa	2/5/2014	passaic discussion	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003672	Enck, Judith	McCarthy, Gina	2/3/2014	passaic river	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003673	Enck, Judith	McCarthy, Gina	1/31/2014	Re: Do u have time to talk on monday?	Exemption 5: Deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003685	Enck, Judith	Stanislaus, Mathy; Woolford, James; Giles, Cynthia; Ganesan, Arvin; Feldt, Lisa; Mugdan, Walter	1/16/2014	FW: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003688	Enck, Judith	Giles, Cynthia	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003696	Rupp, Mark	McCarthy, Gina	4/4/2014	Re: R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003697	McCarthy, Gina	Enck, Judith	4/4/2014	Re: R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003699	Mugdan, Walter	Stanislaus, Mathy ; Enck, Judith ; Breen, Barry	3/28/2014	Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003723	Corman, Bicky	Plevin, Lisa	2/8/2014	Re: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003744	Plevin, Lisa	Corman, Bicky	2/7/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003800	Ridenour, Steve	Stalcup, Dana ; Ammon, Doug	3/24/2014	RE: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003801	Stalcup, Dana	Ridenour, Steve ; Ammon, Doug	3/24/2014	RE: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003802	Ridenour, Steve	Ammon, Doug ; Stalcup, Dana	3/24/2014	FW: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003814	Mugdan, Walter	Woolford, James	12/27/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00003818	Woolford, James	Mugdan, Walter	12/10/2013	Re: Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications.
DASS00003823	Wells, Suzanne	Basso, Ray	11/25/2013	fish exchange	Exemption 5: First page: predecisional and deliberative. Rest is not responsive
DASS00003824			11/25/2013	Fishing Compensation & Offset Programs (1.14.2013). Pptx	Exemption 5: predecisional and deliberative.
DASS00003835	LaPadula, John	Ammon, Doug	3/14/2014	when you have a chance.....	Exemption 5: predecisional and deliberative.
DASS00003929	Feldt, Lisa	Pavlou, George	3/4/2014	RE: You got a minute to talk about a different approach on the proposed plan for the Passaic? Thanks.	Exemption 5: Predecisional and deliberative.
DASS00004112	Yeh, Alice	Ells, Steve ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2? Need Figure 4-3.	Exemption 5: deliberative process/predecisional and deliberative
DASS00004113			2/25/2014	2014-02-18 FFS Figure 4-3 for Ells.pdf	Exemption 5: deliberative process/predecisional and deliberative
DASS00004114	Ells, Steve	Yeh, Alice ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2? Need Figure 4-3.	Exemption 5: deliberative process/predecisional and deliberative
DASS00004115	Yeh, Alice	Ells, Steve ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2?	Exemption 5: deliberative process/predecisional and deliberative
DASS00004140			2/10/2014	Passaic questions and answers Feb 10 draft 3 dls final.docx	Exemption 5: deliberative process/predecisional and deliberative
DASS00004174	Ells, Steve	Basso, Ray	1/16/2014	Proposed Plan	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004180			1/15/2014	Proposed Plan text-121813 draft8-to Partners (2) SJE al.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004182			1/15/2014	NRRB-CSTAG response 010714draft8-sent to HQs al.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004191			1/7/2014	NRRB-CSTAG response 010714draft8-sent to HQs.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004192			1/7/2014	Chlorobenzene & Total DDx Alt3 Maps v2.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004193			1/7/2014	FFS Appendix G Fig 2-1 2-2.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004194			1/7/2014	FFS Tables 2-2 2-3 2-5.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004200	Woolford, James	Stanislaus, Mathy ; Breen, Barry ; DeLeon, Rafael ; Lynch, Mary-Kay ; Thompson, BrianK ; Patterson, Kenneth ; Salo, Earl ; Michaud, John ; Gardner, Monica	2/14/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00004203	Woolford, James	DeLeon, Rafael; Thompson, BrianK; Gardner, Monica; Patterson, Kenneth; Stalcup, Dana; Cooper, DavidE; Ammon, Doug; Ells, Steve; Greenberg, Mary	2/13/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004218	Feldt, Lisa	Mugdan, Walter	1/27/2014	Re: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Predecisional and deliberative.
DASS00004221	Woolford, James	Mugdan, Walter ; Basso, Ray	1/27/2014	FW: Passaic River Superfund Cleanup (For Monday - no response today required)	Exemption 5: predecisional and deliberative.
DASS00004231	Woolford, James	Mugdan, Walter	1/16/2014	FW: Meeting Request	Exemption 5: Deliberative material redacted.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004236	Woolford, James	Mugdan, Walter	1/16/2014	Re: FYI re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004237	Mugdan, Walter	Woolford, James	1/16/2014	FYI re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004239	Basso, Ray	Ells, Steve	1/14/2014	RE: Cost effectiveness	Exemption 5: Predecisional and deliberative.
DASS00004245	Feldt, Lisa	Mugdan, Walter	1/10/2014	RE: Passaic River	Exemption 5: Predecisional and deliberative.
DASS00004504	Yeh, Alice	Ammon, Doug ; Clark, Becki	11/1/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004510	Yeh, Alice	Ammon, Doug ; Clark, Becki	10/21/2013	FW: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004513	Ells, Steve	Yeh, Alice	9/18/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004514			9/18/2013	Proposed Plan HQ draft SJE 9 18.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004515	Ells, Steve	Yeh, Alice ; Ammon, Doug ; Clark, Rebecca	9/12/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004516	Ammon, Doug	Clark, Becki	9/12/2013	Fw: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004713	Thompson, BrianK	Flanagan, Sarah	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004715	Thompson, BrianK	Flanagan, Sarah	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004717	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004719	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004720	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004724	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004725	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004726	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004753	Karlen, Delmar	Hick, Patricia ; Flanagan, Sarah	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004777	Thompson, BrianK	Hick, Patricia	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004778	Hick, Patricia	Thompson, BrianK	3/18/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004779			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DAS500004780			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Redline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005200			3/28/2014	Passaic PRAP-Draft March 28-with Revisions Pertinent to March 19 Email. docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005207	Stanislaus, Mathy	Enck, Judith ; Mugdan, Walter ; Pavlou, George	3/21/2014	Next Steps on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005213	Mugdan, Walter	Pavlou, George; Plevin, Lisa; Bellow, Bonnie; Basso, Ray; Schaaf, Eric; Yeh, Alice; Karlen, Delmar; LaPadula, John; Hick, Patricia; Flanagan, Sarah; Kluesner, Dave; Woolford, Jame ; Stalcup, Dana; DeLeon, Rafael; Patterson, Kenneth; Thompson, BrianK; Lynch, Mary-Kay	3/20/2014	Administrator's Response to Passaic River Note	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005214	McCarthy, Gina	Stanislaus, Mathy ; Perciasepe, Bob; Feldt, Lisa	3/20/2014	RE: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005215	Stanislaus, Mathy	McCarthy, Gina ; Perciasepe, Bob; Feldt, Lisa	3/19/2014	Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005216	Stanislaus, Mathy	Mugdan, Walter ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005217	Mugdan, Walter	Stanislaus, Mathy ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005218			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 4 PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005219			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 4 PM-Reline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005220	Stanislaus, Mathy	Mugdan, Walter ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005221			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 1130 AM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005222	Woolford, James	Mugdan, Walter ; Breen, Barry	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005223	Mugdan, Walter	Woolford, James ; Breen, Barry	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005224			3/19/2014	Draft Note from Stanislaus and Enck to Administrator 3-19 830 AM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005225	Mugdan, Walter	Breen, Barry	3/18/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005226			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005227			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Redline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005228	Stanislaus, Mathy	Enck, Judith	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005229	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005230			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-Breen-WM Comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005231	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005232	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005233	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005234	Breen, Barry	Woolford, James ; Mugdan, Walter	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005235			3/18/2014	Passaic note.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005236	Woolford, James	Breen, Barry	3/18/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005237	Breen, Barry	Enck, Judith	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005238	Stanislaus, Mathy	Enck, Judith ; Basso, Ray	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005239	Basso, Ray	Stanislaus, Mathy ; Enck, Judith	3/14/2014	Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005242			3/14/2014	Draft%20Note%20from%20and%20Enck%20to%20Administrator-final%20version-12noon14march2014.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005243	Stanislaus, Mathy	Enck, Judith	3/13/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005246	Woolford, James	Enck, Judith ; Stanislaus, Mathy ; Breen, Barry ; Giles, Cynthia ; Starfield, Lawrence ; Feldt, Lisa ; Lynch, Mary-Kay ; Corman, Bicky	3/11/2014	Fw: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005251	Woolford, James	Enck, Judith	3/2/2014	Re: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005252	Woolford, James	Stanislaus, Mathy ; Enck, Judith ; Plevin, Lisa	3/2/2014	RE: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005253	PERCIASEPE, BOB	Enck, Judith ; McCarthy, Gina ; KeyesFleming, Gwendolyn ; Fritz, Matthew ; Ganesan, Arvin ; Feldt, Lisa ; Reynolds, Thomas ; Vaught, Laura ; Rupp, Mark ; Fried, Hannah	2/28/2014	RE: Region 2 weekly report	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005255	McCarthy, Gina	Enck, Judith	2/28/2014	Re: Region 2 weekly report	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005257	Stanislaus, Mathy	McCarthy, Gina	2/25/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005269	Woolford, James	Basso, Ray ; Enck, Judith; Pavlou, George ; Mugdan, Walter	2/12/2014	Fw: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005270	Fine, Ellyn	Feldt, Lisa ; Woolford, James ; Stalcup, Dana ; Stanislaus, Mathy ; Mugdan, Walter ; Enck, Judith ; Torres, Nelida ; Basso, Ray ; Breen, Barry; Giles, Cynthia; Garbow, Avi	2/12/2014	RE: Passaic Discussion	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005271			2/12/2014	Possible Agenda_Passaic.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005274	McCarthy, Gina	Enck, Judith	2/3/2014	RE: passaic river	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005278	Woolford, James	Stanislaus, Mathy ; Mugdan, Walter ; Enck, Judith ; Pavlou, George	1/31/2014	RE: Meeting Request	Exemption 5: Attorney-Client Communications; Attorney Work-Product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005290			1/24/2014	AX_Passaic_Briefing_Ver_1-23-14(4).pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005292	Stanislaus, Mathy	Enck, Judith ; Woolford, James ; Giles, Cynthia ; Ganesan, Arvin ; Feldt, Lisa ; Mugdan, Walter	1/17/2014	Re: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005293	Feldt, Lisa	Enck, Judith ; Stanislaus, Mathy ; Woolford, James ; Giles, Cynthia ; Ganesan, Arvin ; Mugdan, Walter	1/16/2014	Re: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005500	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005501	DeLeon, Rafael	Schaaf, Eric ; Mugdan, Walter	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications
DASS00005502	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005503	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005504	Woolford, James	DeLeon, Rafael ; Mugdan, Walter ; Schaaf, Eric	1/9/2014	Re: Passaic	Exemption 5: Attorney-client communications.
DASS00005505	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	Passaic	Exemption 5: Attorney-client communications.
DASS00005512	Stanislaus, Mathy	Mugdan, Walter ; Giles, Cynthia; Feldt, Lisa ; Kelly, Anne ; Wieder, Marla ; Capon, Virginia	12/10/2013	Re: Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005513	Mugdan, Walter	Stanislaus, Mathy ; Giles, Cynthia ; Feldt, Lisa ; Kelly, Anne Wieder, Marla ; Capon, Virginia	12/10/2013	Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005514	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	4/7/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005528	Starfield, Lawrence	Mugdan, Walter ; DeLeon, Rafael ; Patterson, Kenneth	2/6/2014	Re: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005530	Starfield, Lawrence	Patterson, Kenneth	1/25/2014	Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005539	Schaaf, Eric	Starfield, Lawrence	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005540	Starfield, Lawrence	Schaaf, Eric	3/11/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005542	Schaaf, Eric	Starfield, Lawrence ; DeLeon, Rafael	2/26/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005551	Schaaf, Eric	Starfield, Lawrence	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005565	Schaaf, Eric	Lynch, Mary-Kay	2/26/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005567	Schaaf, Eric	Lynch, Mary-Kay	2/14/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005572	Schaaf, Eric	Starfield, Lawrence	2/12/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005573	Schaaf, Eric	Starfield, Lawrence	2/11/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005574	Schaaf, Eric	Starfield, Lawrence	1/31/2014	Re: Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005577	Schaaf, Eric	Starfield, Lawrence ; DeLeon, Rafael	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00005578	Schaaf, Eric	DeLeon, Rafael ; Mugdan, Walter	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005613			12/2/2013	Draft Agenda for 12.docx	Exemption 5: deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005686	Legare, Amy	Yeh, Alice	5/6/2013	RE: Please visit rrb - Passaic recommendations memo - final draft	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00005801	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Basso, Ray	4/7/2014	FW: Update on Passaic Proposed Plan - Concerns on new language	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005802	Stalcup, Dana	Woolford, James Richardson, RobinH Ammon, Doug ; Fonseca, Silvina ; Legare, Amy Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter ; Basso, Ray ; Yeh, Alice	4/7/2014	RE: Proposed O5RTI response to Mathy	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005803			4/7/2014	2014-04-07 Lower 8 Proposed Plan draft-to address Stanislaus comments R20O5RTI.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005804	Stalcup, Dana	Woolford, James ; Richardson, RobinH ; Ammon, Doug ; Fonseca, Silvina ; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter Mugdan, Walter>; Basso, Ray ; Yeh, Alice	4/7/2014	Proposed O5RTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005805	Woolford, James	Mugdan, Walter	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005806	Mugdan, Walter	Woolford, James	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005807	Stalcup, Dana	Basso, Ray	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DAS500005808	Stalcup, Dana	Yeh, Alice ; Basso, Ray ; Mugdan, Walter ; Woolford, James ; Ammon, Doug ; Richardson, RobinH	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005809	Yeh, Alice	Basso, Ray ; Stalcup, Dana ; Mugdan, Walter Woolford, James ; Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005810			4/4/2014	2014-04-03 Lower 8 Proposed Plan draft-end of day.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005811	Stalcup, Dana	Yeh, Alice ; Mugdan, Walter ; Woolford, James Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005812	Woolford, James	Yeh, Alice ; Mugdan, Walter ; Stalcup, Dana ; Ammon, Doug	4/4/2014	Re: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005813	Woolford, James	Yeh, Alice Mugdan, Walter ; Stalcup, Dana ; Ammon, Doug	4/4/2014	Re: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005816	Yeh, Alice	Mugdan, Walter ; Stalcup, Dana ; Woolford, James Ammon, Doug	4/3/2014	Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005817			4/3/2014	2014-04-03 Lower 8 Proposed Plan draft-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005818	Mugdan, Walter	Stalcup, Dana ; Woolford, James ; Ammon, Doug	4/3/2014	RE: Passaic River additional suggetsions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005819	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	4/3/2014	Passaic River additional suggetsions	Exemption 5: Deliberative process/predecisional and deliberative.
DAS500005820			4/3/2014	Ecological PRGs-ORSTI edits Thursday.docx	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005821			4/3/2014	PTW Proposed Language-RB + WM-CLEAN.docx - OSRTI edits Thursday.docx	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005822	Stalcup, Dana	Basso, Ray	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005823	Stalcup, Dana	Basso, Ray ; Yeh, Alice	4/2/2014	FW: Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005825	Yeh, Alice	Ammon, Doug	3/31/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005826	Yeh, Alice	Ammon, Doug	3/31/2014	Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005827			3/31/2014	2014-03-28 Lower 8 Proposed Plan-all DSRTI comments-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005828			3/31/2014	R2 Response to Silvina comments on 0314draft of Proposed Plan-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005829			3/31/2014	Combined OSRTI comments3-12-14-R2 responses-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005833	Mugdan, Walter	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005834	Woolford, James	Mugdan, Walter ; Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005835	Mugdan, Walter	Woolford, James ; Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005836	Woolford, James	Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005837			3/28/2014	PRAP Doug and Silvina's comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005838	Woolford, James	Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005839	Woolford, James	Basso, Ray	3/28/2014	Re: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005840	Mugdan, Walter	Basso, Ray; Woolford, James; Stalcup, Dana; Ammon, Doug; Flanagan, Sarah; Hick, Patricia; Thompson, BrianK; Lynch, Mary-Kay; Karlen, Delmar; Simon, Paul; Salo, Earl; Michaud, John; Openchowski, Charles	3/27/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005841			3/27/2014	PRAP-Draft 27March2024 Bassoand2msfrev OECA ORC.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005849	Woolford, James	Ells, Steve	3/21/2014	Re: Lower Passaic River - March 18th FFS Meeting	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005860	Mugdan, Walter	Woolford, James; Stalcup, Dana; Ammon, Doug; DeLeon, Rafael; Patterson, Kenneth; Lammie, Benjamin; Thompson, BrianK; Lynch, Mary-Kay; Michaud, John; Salo, Earl	3/20/2014	FW: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005863	Mugdan, Walter	Pavlou, George ; Plevin, Lisa ; Schaaf, Eric ; Basso, Ray Yeh, Alice Karlen, Delmar ; Hick, Patricia la, John ; Woolford, James ; Stalcup, Dana ; DeLeon, Rafael ; Patterson, Ken ; Thompson, BrianK ; Lynch, Mary-Kay	3/19/2014	Fw: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005868	Lynch, Mary-Kay	Mugdan, Walter ; Patterson, Kenneth ; Thompson, BrianK; Stalcup, Dana ; Woolford, James; Breen, Barry; Basso, Ray ; Schaaf, Eric ; Karlen,, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	RE: Passaic -- Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005869	Patterson, Kenneth	Mugdan, Walter ; Thompson, BrianK ; Lynch, Mary-Kay ; Stalcup, Dana ; Woolford, James Breen, Barry ; Basso, Ray ; Schaaf, Eric Karlen, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	Re: Passaic -- Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005870	Mugdan, Walter	Patterson, Kenneth ; Thompson, BrianK ; Lynch, Mary-Kay Stalcup, Dana ; Woolford, James ; Breen, Barry ; Basso, Ray ; Schaaf, Eric ;Karlen, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	Passaic – Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005871	Enck, Judith	Mugdan, Walter ; Woolford, James ; Breen, Barry	3/19/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005873	Mugdan, Walter	Woolford, James	3/19/2014	RE: Passaic - FROM OSRE	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005874	Woolford, James	Mugdan, Walter; Basso, Ray; Schaaf, Eric; Flanagan, Sarah; Stalcup, Dana; Ammon, Doug	3/19/2014	FW: Passaic - FROM OSRE	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005884	Woolford, James	Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005885	Mugdan, Walter	Woolford, James	3/18/2014	FW: Passaic river email	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005892	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005893	Stalcup, Dana	Basso, Ray	3/14/2014	FW: Passaic River joint memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005896	Stanislaus, Mathy	Stalcup, Dana ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005897	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005898	Schaaf, Eric	Starfield, Lawrence	3/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005899	Stanislaus, Mathy	Stalcup, Dana ; Breen, Barry ; Natarajan, Nitin	3/13/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006100	Thompson, BrianK	Flanagan, Sarah	2/27/2014	WRDA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006109	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Karlen, Delmar	2/15/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006110	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006111			2/14/2014	[legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006112			2/14/2014	[legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006114	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg.	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006115	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006116	Thompson, BrianK	Hick, Patricia Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006117	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006118	Thompson, BrianK	Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006119	Thompson, BrianK	Flanagan, Sarah	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006120	Thompson, BrianK	Flanagan, Sarah	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006121	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia ; Karlen, Delmar	2/12/2014	FW: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006123	Thompson, BrianK	Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	2/12/2014	FW: Letter to R2 RA from Co-Chairs of the Passaic River CAG	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006125	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006126	Thompson, BrianK	Flanagan, Sarah Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006127	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006128	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006129	Karlen, Delmar	Patterson, Kenneth	2/11/2014	RE: Passaic River CPG Letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006130	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006131	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006137	Thompson, BrianK	Flanagan, Sarah	1/30/2014	RE: Final Passaic River Briefing Package for Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006140	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	1/27/2014	RE: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006141	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	1/27/2014	FW: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006142	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	1/27/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006143	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	1/26/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006144	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	1/26/2014	FW: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006147	Thompson, BrianK	Flanagan, Sarah	1/24/2014	RE: Passaic River Briefing Materials	Exemption 5: Attorney-client communications.
DASS00006150	Thompson, BrianK	Flanagan, Sarah	1/22/2014	RE: Letter to Seebode on nav channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006154	Salo, Earl	Karlen, Delmar	1/16/2014	RE: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006155	Thompson, BrianK	Flanagan, Sarah	1/16/2014	RE: Diamond LPRSA - Issues from OECA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006156	Karlen, Delmar	Salo, Earl	1/16/2014	Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006161	Ells, Steve	Thompson, BrianK ; Hick, Patricia ; Flanagan, Sarah ; Ammon, Doug	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006162	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah ; Ammon, Doug ; Ells, Steve	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006163	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Ammon, Doug Ellis, Steve	1/14/2014	Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006164	DeLeon, Rafael	Karlen, Delmar ; Schaaf, Eric ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006165	Karlen, Delmar	DeLeon, Rafael ; Schaaf, Eric ; Hick, Patricia; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006166	Schaaf, Eric	DeLeon, Rafael Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006167	DeLeon, Rafael	Schaaf, Eric ; Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006168	Mugdan, Walter	Woolford, James	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006171	Schaaf, Eric	Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	FW: Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006174	Schaaf, Eric	DeLeon, Rafael	1/8/2014	FW: 2-page fact sheet for administrator briefing	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006175			1/8/2014	AX briefing-FFS 12032013.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006187	Thompson, BrianK	Flanagan, Sarah	1/7/2014	RE: Draft Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006192	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	12/11/2013	FW: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006193	Thompson, BrianK	Flanagan, Sarah ;; Hick, Patricia	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006194	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	12/11/2013	FW: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006196	Thompson, BrianK	Flanagan, Sarah	12/5/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006198	Thompson, BrianK	Flanagan, Sarah	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006199	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006365	Yeh, Alice	Legare, Amy	5/3/2013	RE: Please visit rrb - Passaic recommendations memo - final draft	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006390	openchowski, charles	Yeh, Alice	2/4/2013	Re: Invitation: NRRB recommendation on PTW (Feb 5 01:00 PM EST in call 866-299-3188	Exenption 5: Attorney-Client Communications; ; predecisional and deliberative.
DASS00006394	Yeh, Alice	Legare, Amy	1/24/2013	Re: Please visit rrb - Passaic recommendations draft 3 - comments due 1/24	Exemption 5: Attorney-Client Communications; predecisional and deliberative.
DASS00006600	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006601	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006604	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006606	Fishburn, Meredith	Flanagan, Sarah ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006607	Fishburn, Meredith	Flanagan, Sarah ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006617	Legare, Amy	Flanagan, Sarah	11/19/2013	[Email relating to preservation od documents]	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006624	Yeh, Alice	Ammon, Doug ; Clark, Rebecca ; Ells, Steve	9/12/2013	Draft Proposed Plan for your review	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006633	Flanagan, Sarah	Thompson, BrianK	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006635	Flanagan, Sarah	Thompson, BrianK	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006637	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006640	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006641	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006642	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006645	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006646	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006647	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006650	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006651	Flanagan, Sarah	Hick, Patricia ; Thompson, BrianK	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006653	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006654	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006655	Flanagan, Sarah	Thompson, BrianK Hick, Patricia ; Karlen, Delmar	2/12/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006656	Flanagan, Sarah	Thompson, BrianK	2/12/2014	FW: Newark Bay Habitat Analysis	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006658	Flanagan, Sarah	Thompson, BrianK Hick, Patricia	2/12/2014	[email discussing legal research relating to proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006659	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006660	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006661	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006662	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006663	Flanagan, Sarah	Thompson, BrianK	2/5/2014	FW: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006667			1/29/2014	AX Passaic_Briefing_Final(6).pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006668	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	1/27/2014	RE: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006669	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	1/27/2014	RE: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006672	Flanagan, Sarah	Thompson, BrianK	1/24/2014	FW: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006674	Flanagan, Sarah	Thompson, BrianK	1/22/2014	FW: Letter to Seebode on nav channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006676	Flanagan, Sarah	Thompson, BrianK	1/22/2014	RE: Passaic	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006678	Flanagan, Sarah	Thompson, BrianK	1/17/2014	LPRSA - NRRB Comments	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006680	Flanagan, Sarah	Thompson, BrianK	1/17/2014	FW: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006681	Flanagan, Sarah	Thompson, BrianK	1/16/2014	Diamond LPRSA - Issues from OECA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006683	Flanagan, Sarah	Hick, Patricia ; Thompson, BrianK ; Ammon, Doug ; Ells, Steve	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006690	Flanagan, Sarah	Thompson, BrianK	1/7/2014	RE: Draft Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006691	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-one more!)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006693	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-Tables 2 of 2)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006695	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-Tables 1 of 2)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006697	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006806			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-29 4PM-Reline	Exemption 5: Attorney-Client Communications; Attorney Work Product reflecting metnal impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006813	Hick, Patricia	Thompson, BrianK	3/18/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006823	Schaaf, Eric	Starfield, Lawrence	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006827	Thompson, BrianK	Hick, Patricia	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006828	Hick, Patricia	Thompson, BrianK	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006829	Schaaf, Eric	Lynch, Mary-Kay ; Michaud, John ; Salo, Earl	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006830	Hick, Patricia	Michaud, John	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006831	Thompson, BrianK	Hick, Patricia	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006832	Hick, Patricia	Thompson, BrianK	3/13/2014	FW: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006833			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-ARD revision and others-13March2014pm.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006835	Schaaf, Eric	Gardner, Monica ; Patterson, Kenneth ; Karlen, Delmar ; Flanagan, Sarah; Hick, Patricia ; DeLeon, Rafael	3/12/2014	Fw: Commissioner Martin letter to Gina McCarthy re: Passaic	Exemption 5: Attorney-client communications; attorney work-Product reflecting mental impressions, concclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007120	Legare, Amy	openchowski, charles ; Basso, Ray ; Yeh, Alice ; Hick, Patricia ; Flanagan, Sarah ; Jasinski, Michael	2/5/2013	PTW recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007300	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/13/2014	Re: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007301	Thompson, BrianK	Basso, Ray ; Stalcup, Dana ; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
OASS00007302			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-final version 2pm 13 march 2014 OSRE comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007303	Stalcup, Oana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/13/2014	Passaic River joint memo	Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007304	Stalcup, Dana	Thompson, BrianK ; Basso, Ray ; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007305			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-final version 2pm 13 march 2014.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007306	Thompson, BrianK	Stalcup, Oana ; Basso, Ray ; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007307	Ammon, Doug	Basso, Ray ; Yeh, Alice	3/12/2014	Proposed Plan Comments	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007308			3/12/2014	Combined OSRTI comments3-12-14.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007313	Mugdan, Walter	DeLeon, Rafael	3/11/2014	FW: Draft Passaic Memo to Adm.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007316	Woolford, James	Hick, Patricia ; Mugdan, Walter	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007317	Hick, Patricia	Mugdan, Walter ; Woolford, James	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007318	Mugdan, Walter	Woolford, James	3/11/2014	FW: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007321	Mugdan, Walter	Woolford, James	3/10/2014	Fw: NOAA and DOI/USFWS Comments on In-Water Disposal Alternative Evaluation for Lower Passaic River	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007323	Mugdan, Walter	Woolford, James	3/10/2014	Re: Passaic River	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00007327	Mugdan, Walter	Woolford, James	3/2/2014	Re: Priviedged: Alternative path on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007329	Woolford, James	Pavlou, George ; Mugdan, Walter ; Basso, Ray	3/2/2014	FW: Priviedged: Alternative path on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007330	Woolford, James	Stalcup, Dana ; Cooper, DavidE ; Ammon, Doug ; Scozzafava, MichaelE ; Ells, Steve ; Greenberg, Marc ; Wilbur, Jennifer ; Williams, Thea ; Williams, Faith ; Wells, Suzanne ; Basso, Ray	3/2/2014	FW: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007331	Woolford, James	Mugdan, Walter ; Basso, Ray ; Pavlou, George	2/28/2014	Fw: Port Authority	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007332	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	RE: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007333	Mugdan, Walter	Stalcup, Dana ; Basso, Ray	2/21/2014	RE: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007334	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	FW: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007335	Spyropoulos, Stella	Mugdan, Walter ; Basso, Ray ; DeLeon, Rafael Thompson, BrianK ; Ergener, Deniz ; Patterson, Kenneth ; Lynch, Mary-Kay ; Michaud, John ; Openchowski, Charles ; Woolford, James ; Ammon, Doug ; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Gustavson, Karl ; Greenberg, Marc ; Cooper, DavidE ; Richardson, RobinH	2/20/2014	Cross-office Check-in on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007337	Woolford, James	Mugdan, Walter ; Basso, Ray	2/14/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007339	Mugdan, Walter	Woolford, James	2/13/2014	FW: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007341	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007342	Pavlou, George	Stalcup, Dana ; Woolford, James ; Thompson, BrianK	2/13/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007346	Thompson, BrianK	Stalcup, Dana ; Woolford, James ; Pavlou, George	2/12/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007347			2/12/2014	OSRE analysis of CPG Ltr 2-6-14 v2.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007348	Stalcup, Dana	Woolford, James ; Pavlou, George ; Thompson, BrianK	2/12/2014	PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007349	Stalcup, Dana	Woolford, James ; Pavlou, George	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007350	Woolford, James	Stalcup, Dana ; Pavlou, George	2/12/2014	Re: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007351	Pavlou, George	Stalcup, Dana ; Woolford, James	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00007352	Stalcup, Dana	Pavlou, George ; Woolford, James	2/12/2014	Re: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007353	Pavlou, George	Woolford, James	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007356	Woolford, James	Pavlou, George	2/12/2014	Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007360	Stalcup, Dana	Basso, Ray	2/12/2014	FW: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007370	Stalcup, Dana	Feldt, Lisa ; Mugdan, Walter; LaPadula, John ; Basso, Ray ; Stanislaus, Mathy ; Breen, Barry	2/7/2014	Confidential - Revised Passaic Qs	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007371			2/7/2014	Passaic questions Feb 7 v-2.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007373	Woolford, James	Basso, Ray ; Mugdan, Walter	2/3/2014	Re: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007374	Mugdan, Walter	Woolford, James ; Basso, Ray	2/2/2014	Re: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007375	Woolford, James	Mugdan, Walter Basso, Ray	2/2/2014	Fw: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007376	Woolford, James	Stanislaus, Mathy; Breen, Barry; Feldt, Lisa; Corman, Bicky; Lynch, Mary-Kay; DeLeon, Rafae ; Stalcup, Dana; Patterson, Kenneth; Thompson, BrianK	1/31/2014	Fw: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007377			1/31/2014	CPG-Bio-Model-Burkhard-Comments_Final.docx	Exemption 5: Deliberative process/predecisional and deliberative
DASS00007379	Woolford, James	Basso, Ray	1/31/2014	Re: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007381	Legare, Amy	Basso, Ray ; Yeh, Alice	1/30/2014	FW: Passaic River memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007382			1/30/2014	rrb Passaic Lower 1.17.14.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007383	Legare, Amy	Yeh, Alice ; Basso, Ray	1/30/2014	FW: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007385	Woolford, James B382	Basso, Ray ; Mugdan, Walter	1/28/2014	Re: Passaic - Not urgent and it may be a short response.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007386	Woolford, James	Mugdan, Walter	1/28/2014	RE: Passaic - Not urgent and it may be a short response.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007387	Mugdan, Walter	Woolford, James ; Ammon, Doug	1/27/2014	RE: Mathys wants	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007393	Karlen, Delmar	Salo, Earl ; Openchowski, Charles ; Michaud, John	1/27/2014	Passaic - a couple of points raised during our telephone conversation.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007394	Mugdan, Walter	Feldt, Lisa	1/27/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007397	Woolford, James	Mugdan, Walter ; Basso, Ray ; Yeh, Alice ; Schaaf, Eric	1/24/2014	Fw: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007398	Mugdan, Walter	Woolford, James	1/24/2014	RE: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007603	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007604	Flanagan, Sarah	Thompson, BrianK	12/6/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007605	Flanagan, Sarah	Thompson, BrianK	12/5/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007606	Flanagan, Sarah	Thompson, BrianK	12/5/2013	Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007607	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007608	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007609	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007610	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007611	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007612	Flanagan, Sarah	Fishburn, Meredith ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007613	Flanagan, Sarah	Fishburn, Meredith ; Thompson, BrianK	11/26/2013	Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007956	Woolford, James	Mugdan, Walter ; Basso, Ray	1/17/2014	Fw: Comments on the Passaic Lower 8 Miles (Diamond Alkali Site)	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007957	Ells, Steve	Mugdan, Walter	1/16/2014	FW: Passaic - Walter's comments	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007958	Karlen, Delmar	Salo, Earl	1/16/2014	Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007959	Mugdan, Walter	Woolford, James	1/15/2014	Today's Passaic meeting	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007960	Ells, Steve	Legare, Amy ; Yeh, Alice	1/15/2014	RE: Draft NRRB response memo	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007965	Woolford, James	Mugdan, Walter	1/14/2014	Re: More on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007971	Walter Mugdan	Woolford, James	1/3/2014	Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007975	Mugdan, Walter	Fine, Ellyn ; Woolford, James	12/30/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007976	Fine, Ellyn	Woolford, James ; Mugdan, Walter	12/30/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007977	Woolford, James	Mugdan, Walter	12/27/2013	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007978	Mugdan, Walter	Woolford, James	12/27/2013	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007982			12/16/2013	Woolford briefing 120513.pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007983			12/16/2013	Sediment Texture Maps Rev 2013-07-15.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007984			12/16/2013	FF5 Chapter 4 Model Trajectory Plots 12_04_2013 1995-2059.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007987	Legare, Amy	Basso, Ray ; Yeh, Alice	11/26/2013	FW: Passaic meeting - any agenda items?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007988	Legare, Amy	Yeh, Alice ; Basso, Ray	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007989	Yeh, Alice	Basso, Ray ; Legare, Amy	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005763

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00008084			3/24/2014	PRAP-DRAFT%20March%2024%20%-%20Basso%20and%20WM_%20sf%20rev.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025007	Salo, Earl	Karlen, Delmar	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025008	Openchowski, Charles	Salo, Earl ; Karlen, Delmar	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025029	Schaaf, Eric	Starfield, Lawrence	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025037	Gardner, Monica	Woolford, James	3/12/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025038	Starfield, Lawrence	Schaaf, Eric	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025039	Schaaf, Eric	Starfield, Lawrence	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025042	Lynch, Mary-Kay	Karlen, Delmar	2/21/2014	Re: Passaic = State Letter	Exemption 5: Attorney work product reflecting mental impressions; conclusions, opinions and/or legal theories.
DASS00025044	Lynch, Mary-Kay	Karlen, Delmar	2/18/2014	RE: passaic river remedy	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025045	Lynch, Mary-Kay	Karlen, Delmar	2/18/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025046			2/18/2014	[case attached to email]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025047			2/18/2014	[case attached to email]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025072	Salo, Earl	Karlen, Delmar	2/12/2014	FW: Letter to R2 RA from Co-Chairs of the Passaic River CAG	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025076	Patterson, Kenneth	Lynch, Mary-Kay	2/11/2014	Passaic: Response to CPG letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025078	Patterson, Kenneth	Karlen, Delmar ; Schaaf, Eric	2/10/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025085	Salo, Earl	Schaaf, Eric ; Karlen, Delmar	2/7/2014	FW: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025087			2/7/2014	Lower Passaic River FFS.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025089	Salo, Earl	Mugdan, Walter	2/6/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025090	Lynch, Mary-Kay	Schaaf, Eric ; Karlen, Delmar	1/31/2014	FW: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025091	Michaud, John	Karlen, Delmar ; Salo, Earl ; Openchowski, Charles	1/29/2014	RE: Passaic Briefing Paper for the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025094	Salo, Earl	Karlen, Delmar	1/27/2014	FW: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025100	Mugdan, Walter	Woolford, James	1/23/2014	Passaic	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00025102	Lynch, Mary-Kay	Karlen, Delmar	1/21/2014	Re: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025104	Karlen, Delmar	Salo, Earl	1/21/2014	RE: Passaic River -- follow-up on your navigation channel question	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025109	Salo, Earl	Karlen, Delmar	1/17/2014	FW: Passaic River -- follow-up on your navigation channel question	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025111	Thompson, BrianK	Karlen, Delmar	1/16/2014	RE: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025112	Thompson, Brian	Thompson, BrianK	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025114	Thompson, BrianK	Karlen, Delmar	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025131	Patterson, Kenneth	Khoury, Lynn ; Raicaldo, Doreen ; Bailey, Ethel	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025132	Patterson, Kenneth	DeLeon, Rafael ; Bailey, Ethel >; Gardner, Monica	12/10/2013	Re: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025133	Patterson, Kenneth	DeLeon, Rafael ; Bailey, Ethel ; Gardner, Monica	12/9/2013	Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025134	Karlen, Delmar	Salo, Earl ; Openchowski, Charles ; Michaud, John; Lynch, Mary-Kay	3/26/2014	CORRECTION re Passaic materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00025138	Karlen, Delmar	Breen, Barry	2/21/2014	FW: Passaic FFS and Proposed Plan - Ownership of the Bottom of Newark Bay	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025145	Karlen, Delmar	Lynch, Mary-Kay	2/18/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025147	Karlen, Delmar	Salo, Earl	2/7/2014	RE: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
OASS00025150	Karlen, Delmar	Michaud, John	1/29/2014	FW: Final Passaic River Briefing Package for Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025154	Karlen, Delmar	Salo, Earl	1/21/2014	FW: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025156	Karlen, Delmar	Thompson, BrianK	1/16/2014	FW: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025157	Karlen, Delmar	Thompson, BrianK	1/16/2014	FW: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025160	Karlen, Delmar	Thompson, BrianK ; Lammie, Benjamin	1/14/2014	FW: Conversation with OGC re: Passaic Proposed Plan	Exemption 5: Attorney-client communications.
DASS00025161	Karlen, Delmar	Enck, Judith ; Schaal, Eric	1/14/2014	RE: Conversation with OGC re: Passaic Proposed Plan	Exemption 5: Attorney-client communications.
DASS00025162	Karlen, Delmar	Thompson, BrianK	1/14/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025163	Karlen, Delmar	Thompson, BrianK	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025165	Karlen, Delmar	DeLeon, Rafael ; Bailey, Ethel; Gardner, Monica	12/9/2013	RE: Regional Briefing on Passaic River Correction regarding dates	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASSQ800000007	Yeh, Alice	Legare, Amy	4/10/2014	FW: Edit to NRRB ecological risk recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000010	Yeh, Alice	Legare, Amy	4/10/2014	FW: Edit to NRRB ecological risk recommendation	attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000019	Legare, Amy	Yeh, Alice ; Basso, Ray	4/7/2014	Edit to NRRB ecological risk recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000020	Legare, Amy	Yeh, Alice	4/2/2014	RE: Draft NRRB response	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASSQ800000052	Ells, Steve	Legare, Amy ; Yeh, Alice	1/15/2014	RE: Draft NRRB response memo	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000068			12/20/2013	Proposed Plan text-120213 draft7-R2-response to HQs comments.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000073			12/20/2013	FFS Tables and Figures - LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000075			12/20/2013	RI Tables and Figures - LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000077			12/20/2013	Proposed Plan text-121813 draft8-to Partners.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000078			12/20/2013	FFS Appendix A DER6 Figures-LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000092			10/24/2013	Proposed Plan text-091213 draft6-to HQs al.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000096			10/21/2013	Proposed Plan text-091213 draft6-to HQs.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000114	Yeh, Alice	Ells, Steve	3/6/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASSQ800000117	Yeh, Alice	Ellis, Steve	3/6/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000118			3/6/2013	max_daily_avg_and_peak_flows.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000122	Yeh, Alice	Ellis, Steve	3/5/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000124			3/5/2013	Mid Point Teleconference Response Matrix.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000125			3/5/2013	Tseng-Oconnor22Mar10TechMemo.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000179	Legare, Amy	Yeh, Alice	3/12/2013	RE: NRRB recommendations for Passaic?	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000180			3/12/2013	Passaic Lower 8 draft 6.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
FOIA_05768_00009001			6/4/01	crabpaper.kkp.doc	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009003			1/6/11	Final draft Crab MS 1-6-11.doc	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009012				NJBlueCrabReport_063003.pdf.pdf	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009013	Olsen, Marian	Vaughn, Stephanie	2/3/12	Re: FW: Revisions to Attachment A	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
FOIA_05768_00009 014	Vaughn, Stephanie	Yeh, Alice	8/10/10	Summary of 8/10/10 agency-only risk meeting	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 015				2012-01-25 Fish-Crab Ingestion Tech Memo.docx	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 016	Yeh, Alice	Olsen, Marian	2/11/13	Fw: Passaic River-DEP issues and request for meeting	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009 017	Carpenter, Kristin	Vaughn, Stephanie	1/17/12	Re: Burger raw data & calculations - for discussion	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 018	Vaughn, Stephanie	Carpenter, Kristin	1/26/12	Re: Draft - revised fish & crab ingestion tech memo	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative.
FOIA_05768_00009 019	Vaughn, Stephanie	MacGregor, Janine	1/26/12	Re: Update on Passaic Dispute Resolution	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 020	Vaughn, Stephanie	MacGregor, Janine	1/26/12	Update on Passaic Dispute Resolution	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 021	Cullen, Linda	Olsen, Marian	1/30/09	Re: Passaic River Risk Assessment	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 022	Cullen, Linda	Olsen, Marian	1/30/09	Re: Passaic River Risk Assessment	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 023			3/11/04	Passaic River Human Helath Risk Assessment: Questions Related to the Sampling, Analysis, and Ingestion of Crab and Fish	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 024			1/29/09	Passaic River Human Health Risk Assessment: Questions Related to the Sampling, Analysis, and Ingestion of Crab and Fish	Exemption 5: Deliberative process/predecisional and deliberative.

EXHIBIT
6

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T +1 973 848 4000 F +1 973 848 4001 klgates.com

November 7, 2014

William H. Hyatt, Jr.
973.848.4045
F: 973.848.4001
william.hyatt@klgates.com

Via Electronic (hq.foia@epa.gov) and Regular Mail

National Freedom of Information Officer
U.S. Environmental Protection Agency
FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Lower Passaic River Study Area
Freedom of Information Act Appeal: EPA-R2-2014-005768

Dear Sir/Madam:

Our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). I am writing to appeal a Freedom of Information Act Request ("FOIA Request") submitted to the United States Environmental Protection Agency ("EPA") Region 2 on April 21, 2014, in relation to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). A copy of the FOIA Request is enclosed.

By letter dated May 22, 2014, Region 2 advised that it would take until the end of July 2014 to respond to the FOIA Request. On May 27, 2014, EPA produced an interim release of documents. By letter dated June 17, 2014, the CPG expressed concern to EPA that the information provided to date related to the FOIA Request, as well as three other FOIA requests, was of limited value and the information requested by the CPG should have been part of the publicly available administrative record so that interested stakeholders could fully understand and evaluate EPA's results in the Proposed Plan. By email dated July 24, 2014, EPA revised the estimated completion date to the end of August 2014. By email dated August 28, 2014, EPA revised the estimated completion date to the end of September 2014. EPA's email further indicates that information responsive to all of the questions in the FOIA Request has been released, except 8, 9, and 11 (number 13 was withdrawn as duplicative). The CPG disagreed with this conclusion by letter dated September 19, 2014. By email dated September 26, 2014, EPA revised the estimated completion date to October 3, 2014. By email dated October 3, 2014, EPA notified the CPG that additional documents were available in response to the FOIA Request.

K&L GATES

Region 2 subsequently provided the CPG with a letter from Eric Schaaf, Regional Counsel, advising that the FOIA Request was completed, except for certain documents that EPA claims are exempt from FOIA as set forth in an enclosed withholding log. The letter was stamped with the date October 10, 2014, but was not transmitted to the CPG until October 29, 2014 via email. Copies of the October 10, 2014 letter and October 29, 2014 email transmittal are enclosed. Thus, the letter, which was accompanied by an invoice dated October 27, 2014, appears, for some unknown reason, to have been backdated to October 10, 2014. The backdating of the letter becomes significant because, as the letter states, "[y]our appeal must be made in writing, and it must be submitted no later than 30 days from the date of this letter."

The CPG cannot be expected to conduct any meaningful review of the adequacy of EPA's response to our FOIA Request and evaluate the withholding log by November 9, 2014, when we only just received EPA's letter on October 29, 2014. However, the CPG currently does not believe that EPA has adequately and fully responded to the FOIA Request. Therefore, we are submitting this appeal in preservation of our rights. We will supplement this appeal by 30 days from receipt of EPA's letter, or by November 28, 2014.

Very truly yours,

William H. Hyatt, Jr.

Enclosures
cc: Sarah P. Flanagan, Esq., EPA Region 2, Assistant Regional Counsel

Request Details

Tracking Number : *EPA-R2-2014-005768*

Submitted Evaluation Assignment Processing

Request Information

Closed

Full Name : Robert Paul La Gravenis

Date Submitted : 04/21/2014

Estimated Date of Completion : May 19, 2014

Organization : K&L Gates LLP

Final Disposition : Undetermined

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly

appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Attached Supporting Files

Attached File	Type	Size (MB)
04_21_14_FOIA_Request_to_USEPA_Region_2.docx	Microsoft Word	0.02

Released Records

No records have been released.

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2

290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

ATTACHMENT A

Documents Requested from EPA Region 2 on 4/21/14

1. An Access or Excel file containing each normalized tissue and sediment concentration data pair (with units, basis and data qualifiers) used to generate a regression model, Biota-Sediment Accumulation Factor (BSAF) curve or Biota Accumulation Factor (BAF) curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis).

- The Access or Excel file should identify, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location.

2. A flat file dataset in Access or CSV including at least the following fields for each sample that was used to generate the normalized tissue and sediment concentration data pairs that were used to generate a regression model, BSAF curve or BAF curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis):

- Source
- Study
- Location
- Coordinates
- River mile (if appropriate)
- Species and tissue type (for each tissue sample)
- Sample depth (for each sediment sample)
- Sample ID
- Sample type (e.g., field duplicate)
- Analyte name, including all contaminants, lipid, TOC and iron
- Numeric concentration for each analyte, including numeric concentrations for each sum component (e.g., for Polycyclic Aromatic Hydrocarbon (PAH) mixtures) and calculated totals
- Data qualifiers
- Units
- Basis (e.g., dry weight)

3. Data files, including database query output (e.g., sample ID, analytical results, qualifiers) and ProUCL input file, for tissue samples included in current baseline Human Health Risk Assessment (HHRA) fish and crab tissue Exposure Point Calculations (EPC)

4. Technical bases (analyses, calculations, model files and results, and any other relevant materials) for EPA's sliding scale of annual averages based on receptor exposure duration (used to estimate future concentrations)

5. Technical back-up/documentation for EPA's analysis of 2000 US Census data for Essex and Hudson counties (used to estimate residence time)

6. Technical back-up/documentation for EPA's re-analysis of Joanna Burger's 1999 survey of Newark Bay anglers (used to estimate fish and crab consumption rates)

7. Any correspondence between Region 2 and NJDEP on NJDEP angler surveys that included sites on the LPR, and any data and analysis from those surveys

8. Any correspondence between the Region and the National Remedy Review Board (NRRB) since the group's comments were submitted in Nov. 2012 and issuance of the NRRB/Contaminated Sediments Technical Advisory Group (CSTAG)final comments on April 11, 2014

9. Any correspondence between the Region 2 and HQ on draft versions of the Proposed Remedial Action Plan(PRAP) and Focused Feasibility Study (FFS) documents

10. Technical bases (analyses, calculations, modeling files and results, mapping, and any other relevant materials) used to develop the capping area footprints for Alternative 4

11. Technical backup/documentation for all unit or rollup cost items > $5,000 that cite to "Internal Database" in FFS Appendix H

12. The Louis Berger Group, Inc., 2007. "Staging and Processing Areas, Treatment Technologies, and Transportation Logistics Review." Lower Passaic River Contract. Prepared for the NJDEP. April 2007.

13. Data and technical basis for 1) modeled background tissue concentrations, and 2) modeled future tissue concentrations, including the technical basis of EPA's sediment-tissue regression models for HHRA species evaluated in the FFS.

14. The data set used to develop EPCs used in the Ecological Risk assessment and shown in Table 7-6 of the FFS RI. This would include EPCs for sediment, the tissue concentrations for the 'generic fish', biota tissue for mummichog, and crab EPCs.

La Gravenis, Robert Paul

From:	keating.robert@epa.gov
Sent:	Wednesday, October 29, 2014 12:38 PM
To:	La Gravenis, Robert Paul
Subject:	Final Disposition, Request EPA-R2-2014-005768
Attachments:	EPA-R2-2014-005768 response final.pdf; EPA-R2-2014-005768 Invoice 20141027.pdf

nullRecords were released to the public as a result of this request. You may retrieve these records immediately using the following link: View Records.Over the next 2 hours, these records are also being added to FOIAonline's search pages, further enabling you to retrieve these documents associated with your FOIA request at any time.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 17th Floor
New York, NY 10007

OCT 10 2014

BY FOIA ONLINE

Robert Paul La Gravenis
K&L Gates, LLP
1085 Raymond Boulevard
One Newark Center, 11th Floor
Newark, New Jersey 07102-5252

Re: Freedom of Information Act (FOIA) Request EPA-R2-2014-005768

Dear Mr. La Gravenis:

This will respond to your Freedom of Information Act ("FOIA") request EPA-R2-2014-005768 seeking documents as set forth in Attachment A to your FOIA requested, modified by the subsequent withdrawal of #13 as duplicative. This completes our response.

Previously, on May 27, 2014, EPA released information responsive to #5, #6, #7 and #12 of Attachment A to your FOIA request, and directed you to information either already provided to the Cooperating Parties Group (CPG), or that was already publicly available, responsive to #3, #4, #10 and #14 of your request.

The second and final release, uploaded to FOIAonline on October 3, 2014, included information responsive to #1, #2, #6, #7, #8, #9 and #11 of Attachment A. The document entitled BSAF Tissue Sediment Data, responsive to #1 and #2, was also made available to the public on ourpassaic.org in July 2014.

EPA is withholding certain responsive information that is exempt from disclosure as set forth on the enclosed withholding log.

You may appeal this denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must

address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." See 40 C.F.R. §2.104(j) for further information regarding appeals of adverse determinations under FOIA.

Pursuant to 40 C.F.R. § 2.107, EPA will transmit a bill for the costs incurred by EPA in searching our files, reproducing documents, and preparing our response to your FOIA request, which total $3,360. You should receive the bill through FOIAonline, along with instructions for payment.

Please contact Sarah Flanagan of my staff at 212-637-3136 if you have any questions concerning this matter.

Sincerely yours,

Eric Schaaf
Regional Counsel

Enclosure

cc: Wanda Calderon
Jacqueline Ferreras-De Jesus

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS_JF00000001	Amy Legare	Sarah Flanagan	11/21/2012	Re: NRRB Question	Exemption 5: attorney-client communications; predecisional and deliberative
DASS00000032	Ray Basso	Steve Ells	12/5/2012	Re: Additional site data for next Wed.	Exemption 5: predecisional and deliberative
DASS00000051	Amy Legare	Doug Tomchuk	1/15/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000052	Amy Legare	Doug Tomchuk	1/16/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000071			1/11/2013	NRRB-CSTAG Memo -JJH comments.doc	Exemption 5: predecisional and deliberative
DASS00000072	Doug Tomchuk	Amy Legare	1/15/2013	Re: Please visit rrb - Passaic recommendations memo draft 2 - comments due 1/11/13	Exemption 5: predecisional and deliberative
DASS00000125	Steve Ells	Ray Basso; Alice Yeh	12/5/2012	Additional site data for next Wed.	Exemption 5: predecisional and deliberative
DASS00000133			1/11/2013	Passaic Lower 8 draft 2 - Overview of Proposed Action.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000137			1/24/2013	Passaic Lower 8 draft 3 - R2 edits.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000140	Amy Legare	Charles Openchowski;Ray Basso; Alice Yeh; Patricia Hick;Sarah Flanagan;Mike Jasinski	2/5/2013	PTW recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000145	Ray Basso	Steve Ells	12/5/2012	Re: Additional site data for next Wed.	Exemption 5: deliberative process/ predecisional and deliberative
DASS00000317			1/4/2013	Passaic Lower 8 draft 2.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000320			1/11/2013	Passaic Lower 8 draft 2- Region 2 comments-final.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00000366	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00000367	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000511	Amy Legare	John Frisco	11/21/2012	Re: Request for other stakeholder comments	Exemption 5: attorney-client communications; predecisional and deliberative
DASSQ800000512	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000514	Sarah Flanagan	Amy Legare	11/21/2012	NRRB Question	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000557	Alice Yeh	Amy Legare; Charles Openchowski	2/1/2013	Request for call on NRRB recommendation	Exemption 5: predecisional and deliberative
DASSQ800000558	Charles Openchowski	Alice Yeh	2/4/2013	Re: Fw: Request for call on NRRB recommendation	Exemption 5: predecisional and deliberative
DASSQ800000572			11/29/2012	2012-09-19 FFS Appendix D Risk Assessment.pdf	Exemption 5: predecisional and deliberative
DASSQ800000574			11/30/2012	Passaic_Attachments5-6.pdf	Exemption 5: predecisional and deliberative
DASSQ800000590			2/6/2013	Passaic Lower 8 draft 4-R2 edits.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001701			1/30/2014	rrb%20Passaic%20Lower%201-1.17.14.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001748	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001749	Legare, Amy	Yeh, Alice; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001750	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: NRRB memo - please respond	Exemption 5: deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00001751	Legare, Amy	Yeh, Alice; Basso, Ray	4/10/2014	NRRB memo - please respond	Exemption 5: deliberative process/predecisional and deliberative
DASS00001752	Yeh, Alice	Legare, Amy; Basso, Ray	4/10/2014	RE: Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001754			4/8/2014	2014-04-08 Lower 8 Proposed Plan draft-last 2 issues.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001760	Legare, Amy	Yeh, Alice; Basso, Ray	4/7/2014	Edit to NRRB ecological risk recommendation	Exemption 5: deliberative process/predecisional and deliberative
DASS00001884	Yeh, Alice	openchowski, charles	2/4/2013	Re: Invitation: NRRB recommendation on PTW (Feb 5 01:00 PM EST in call 866-299-3188	Exemption 5: attorney-client; deliberative process/predecisional and deliberative
DASS00001918			4/1/2014	nrrb%20Passaic%20Lower%201-1-17-14-final.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001933			3/26/2014	NRRB-CSTAG response 031214draft11.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001934	Karlen, Delmar	Salo, Earl	3/26/2014	RE: Draft of Proposed Plan with Conforming Language to Mathy/Judith Memo.	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00001979	Karlen, Delmar	Salo, Earl; Schaaf, Eric	2/7/2014	RE: Lower Passaic follow up letter	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00003023	Stalcup, Dana	Yeh, Alice; Prince, John	4/3/2014	Fw: Passaic River additional suggetsions	Exemption 5: Predecisional and deliberative.
DASS00003163	Mugdan, Walter	Woolford, James	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003202	Basso, Ray	Stalcup, Dana	4/7/2014	Email relating information on future navigation and CAD cells	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003203	Basso, Ray	Stalcup, Dana	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003204	Basso, Ray	Stalcup, Dana; Yeh, Alice; Mugdan, Walter; Woolford, James; Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003205	Basso, Ray	Stalcup, Dana	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003206	Basso, Ray	Stalcup, Dana	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003207	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003208	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003209	Basso, Ray	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003210	Basso, Ray	Woolford, James	3/28/2014	FW: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003212	Basso, Ray	Stalcup, Dana	3/24/2014	RE: How can we help Ray?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003219	Basso, Ray	Stalcup, Dana	3/14/2014	RE: Passaic River joint memo	Exemption 5: attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003220	Basso, Ray	Stalcup, Dana	3/14/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003221			3/14/2014	Passaic draft memo 3 13 14.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003222	Basso, Ray	Stalcup, Dana; Thompson, BrianK; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003223	Basso, Ray	Stalcup, Dana	3/13/2014	FW: Passaic email	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003230	Basso, Ray	Stalcup, Dana	3/10/2014	Draft Passaic Memo to Adm.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003231			3/10/2014	Draft Note from Stanislaus and Enck to Administrator-WM-2-Clean.doc.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003233	Basso, Ray	Stalcup, Dana	2/26/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003240	Basso, Ray	Stalcup, Dana	2/12/2014	RE: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003241	Basso, Ray	Naranjo, Eugenia; Ells, Steve	2/10/2014	RE: Dioxin levels in Newark Bay fish	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003246	Basso, Ray	Mugdan, Walter; Woolford, James	2/3/2014	RE: Potential Qs	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003247	Basso, Ray	Woolford, James	1/31/2014	RE: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003249	Basso, Ray	Legare, Amy	1/30/2014	RE: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003250	Basso, Ray	Legare, Amy	1/30/2014	RE: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003252	Basso, Ray	Mugdan, Walter; Woolford, James	1/28/2014	RE: Passaic - Not urgent and it may be a short response.	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003257	Basso, Ray	Ells, Steve ; Yeh, Alice ; Legare, Amy	12/30/2013	RE: Another draft of Proposed Plan (Figs/Tables 1 of 3)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003261	Basso, Ray	Legare, Amy ; Yeh, Alice	11/26/2013	RE: Passaic meeting - any agenda items?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003262	Basso, Ray	Legare, Amy ; Yeh, Alice	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003273	Stanislaus, Mathy	Woolford, James; Mugdan, Walter; Stalcup, Dana ; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna Fine, Ellyn ; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003275	Woolford, James	Stanislaus, Mathy; Mugdan, Walter; Stalcup, Dana; Cooper, DavidE; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003277	Stanislaus, Mathy	Mugdan, Walter; Stalcup, Dana; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn; Brooks, Becky	4/9/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003279	Woolford, James	Mugdan, Walter ; Stanislaus, Mathy; Stalcup, Dana; Cooper, DavidE ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn ; Brooks, Becky	4/8/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003281	Mugdan, Walter	Stanislaus, Mathy; Stalcup, Dana; Cooper, DavidE; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003283	Stalcup, Dana	Basso, Ray	4/8/2014	Fw: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003285	Stanislaus, Mathy	Stalcup, Dana; Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna; Fine, Ellyn ; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003287	Stalcup, Dana	Stanislaus, Mathy ; Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003289			4/8/2014	2014-04-08 Lower 8 Proposed Plan draft-last 2 issues-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003290	Mugdan, Walter	Stalcup, Dana; Cooper, DavidE	4/8/2014	Re: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003292	Stalcup, Dana	Cooper, DavidE	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003294	Stanislaus, Mathy	Cooper, DavidE ; Breen, Barry ; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003296	Cooper, DavidE	Stanislaus, Mathy ; Breen, Barry; Natarajan, Nitin; Bergman, Shawna ; Fine, Ellyn ; Brooks, Becky	4/7/2014	Latest on Passaic draft proposed plan.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003297			4/7/2014	2014-04-07 Lower 8 Proposed Plan draft-end of day.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003299	Yeh, Alice	Stalcup, Dana; Woolford, James ; Richardson, RobinH; Ammon, Doug ; Fonseca, Silvina; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter ; Basso, Ray	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003300	DeLeon, Rafael	Schaaf, Eric ; Mugdan, Walter	4/7/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003312	DeLeon, Rafael	Mugdan, Walter	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003330	Starfield, Lawrence	Schaaf, Eric	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003337	Starfield, Lawrence	Schaaf, Eric	3/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003347	DeLeon, Rafael	Starfield, Lawrence ; Schaaf, Eric	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003348	DeLeon, Rafael	Patterson, Kenneth ; Leff, Karin	3/11/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003350	Starfield, Lawrence	Schaaf, Eric ; DeLeon, Rafael	2/27/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003351	DeLeon, Rafael	Patterson, Kenneth ; Thompson, BrianK	2/26/2014	Fw: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003352	DeLeon, Rafael	Starfield, Lawrence ; Schaaf, Eric	2/26/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003353	Lynch, Mary-Kay	Schaaf, Eric	2/14/2014	Re: Passaic briefing of the Administrator	Exemptioni 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003357	Lynch, Mary-Kay	Schaaf, Eric	2/13/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003363	Woolford, James	Schaaf, Eric ; Mugdan, Walter ; Basso, Ray	2/12/2014	Fw: Passaic: Response to CPG letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003365	Starfield, Lawrence	Schaaf, Eric	2/11/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003369	Salo, Earl	Karlen, Delmar ; Schaaf, Eric	2/7/2014	FW: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003372	Starfield, Lawrence	Schaaf, Eric	2/1/2014	RE: Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003376	Starfield, Lawrence	DeLeon, Rafael ;Schaaf, Eric	1/27/2014	RE: Passaic meeting on Friday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00003384	DeLeon, Rafael	Starfield, Lawrence ; Patterson, Kenneth	1/25/2014	Re: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003387	DeLeon, Rafael	Lynch, Mary-Kay; Mugdan, Walter ; Woolford, James ; Schaaf, Eric	1/23/2014	RE: Passaic (Pre-Briefing before Administrator's meeting)	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00003396	Starfield, Lawrence	DeLeon, Rafael ; Schaaf, Eric	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003398	Stalcup, Dana	DeLeon, Rafael ; Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00003399	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00003402	Basso, Ray	Stalcup, Dana	4/9/2014	We are done with the Prposed Plan . . .	Exemption 5: Predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003436	Woolford, James	Mugdan, Walter	3/28/2014	Fw: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003437			3/28/2014	PRAP Doug and Silvina's comments few minor edits.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003453	Woolford, James	Mugdan, Walter	3/20/2014	Fw: FYI. Follow UP - My take on meeting w/Tierra et al. 3/18 at OSRTI's Crystal City offices. Privileged/Confidential.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003454	Woolford, James	Stanislaus, Mathy ; Enck, Judith ; Feldt, Lisa ; Breen, Barry ; Pavlou, George ; Giles, Cynthia ; Corman, Bicky ; Starfield, Lawrence ; Natarajan, Nitin ; Fine, Ellyn; Bergman, Shawna; Brooks, Becky	3/20/2014	Re: FYI. Follow UP - My take on meeting w/Tierra et al. 3/18 at OSRTI's Crystal City offices. Privileged/Confidential.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003459			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19- 4 PM-Reline.docx	Exemption 5: Attorney-client communications; Attorney Work Product
DASS00003468	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003472	Breen, Barry	Mugdan, Walter	3/18/2014	RE: three more edits from Mathy and me	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003473	Breen, Barry	Mugdan, Walter	3/18/2014	three more edits from Mathy and me	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003479	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003494	Woolford, James	Stanislaus, Mathy ; Breen, Barry ; Mugdan, Walter ; Pavlou, George ; Enck, Judith	3/5/2014	Fw: Fish trading info	Exemption 5: predecisional and deliberative.
DASS00003499	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	FW: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-Client Communications; Attorney Work-Product
DASS00003612	Enck, Judith	Stanislaus, Mathy ; Mugdan, Walter ; Pavlou, George	3/21/2014	Re: Next Steps on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003614	Enck, Judith	McCarthy, Gina	3/20/2014	Re: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003615	Enck, Judith	Stanislaus, Mathy	3/19/2014	Re: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003616	Enck, Judith	Mugdan, Walter ; Stanislaus, Mathy	3/19/2014	Re: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003618	Enck, Judith	Stanislaus, Mathy	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003619	Enck, Judith	Mugdan, Walter ; Breen, Barry ; Woolford, James	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003622	Enck, Judith	Stanislaus, Mathy	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003623	Enck, Judith	Basso, Ray ; Stanislaus, Mathy	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003624	Enck, Judith	Stanislaus, Mathy	3/13/2014	Passaic river email	Exemption 5: attorney-client; deliberative process/predecisional and deliberative
DASS00003645	Enck, Judith	Woolford, James; Basso, Ray; Mugdan, Walter	3/2/2014	Re: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: deliberative process/predecisional and deliberative
DASS00003646	Enck, Judith	McCarthy, Gina ; Perciasepe, Bob; KeyesFleming, Gwendolyn; Fritz, Matthew ; Ganesan, Arvin ; Feldt, Lisa ; Reynolds, Thomas ; Vaught, Laura ; Rupp, Mark ; Fried, Hannah	2/28/2014	Region 2 weekly report	Exemption 5: deliberative process/predecisional and deliberative
DASS00003649	Enck, Judith	Feldt, Lisa	2/25/2014	FW: CAD table, including Passaic	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative
DASS00003650			2/25/2014	Confidential-SF sites CAD-CDFused 20140129-with Passaic added for RA.xlsx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003656	Enck, Judith	Stanislaus, Mathy	2/17/2014	Re: Followup mtg with Gina re: Passaic	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003657	Enck, Judith	Stanislaus, Mathy	2/17/2014	Re: Followup mtg with Gina re: Passaic	Exemption 5: Deliberative process/predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003658	Enck, Judith	Fritz, Matthew	2/14/2014	Passaic River briefing materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003660	Enck, Judith	Schaaf, Eric ; Garbow, Avi ; Giles Cynthia	2/13/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003662	Enck, Judith	McCarthy, Gina ; Perciasepe, Bob; Keyes-Fleming, Gwendolyn; Ganesan, Arvin; Reynolds, Thomas; Rupp, Mark; Fritz, Matthew; Vaught, Laura; Fried, Hannah; Feldt, Lisa	2/8/2014	R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003664	Enck, Judith	McCarthy, Gina; Feldt, Lisa; Stanislaus, Mathy; Giles, Cynthia; Garbow, Avi; Corman, Bicky	2/5/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003665			2/5/2014	bullets for HQ-4.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00003667	Enck, Judith	Feldt, Lisa	2/5/2014	RE: passaic discussion	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003668	Enck, Judith	Feldt, Lisa	2/5/2014	RE: passaic discussion	Exemption 5: deliberative process/predecisional and deliberative
DASS00003670	Enck, Judith	Feldt, Lisa	2/5/2014	passaic discussion	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003672	Enck, Judith	McCarthy, Gina	2/3/2014	passaic river	Exemption 5: Deliberative process/predecisional and deliberative
DASS00003673	Enck, Judith	McCarthy, Gina	1/31/2014	Re: Do u have time to talk on monday?	Exemption 5: Deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003685	Enck, Judith	Stanislaus, Mathy; Woolford, James; Giles, Cynthia; Ganesan, Arvin; Feldt, Lisa; Mugdan, Walter	1/16/2014	FW: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003688	Enck, Judith	Giles, Cynthia	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003696	Rupp, Mark	McCarthy, Gina	4/4/2014	Re: R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003697	McCarthy, Gina	Enck, Judith	4/4/2014	Re: R2 weekly update	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00003699	Mugdan, Walter	Stanislaus, Mathy ; Enck, Judith ; Breen, Barry	3/28/2014	Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003723	Corman, Bicky	Plevin, Lisa	2/8/2014	Re: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003744	Plevin, Lisa	Corman, Bicky	2/7/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003800	Ridenour, Steve	Stalcup, Dana ; Ammon, Doug	3/24/2014	RE: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003801	Stalcup, Dana	Ridenour, Steve ; Ammon, Doug	3/24/2014	RE: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00003802	Ridenour, Steve	Ammon, Doug ; Stalcup, Dana	3/24/2014	FW: Senior Staff Notes and Week of March 24th Items	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00003814	Mugdan, Walter	Woolford, James	12/27/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00003818	Woolford, James	Mugdan, Walter	12/10/2013	Re: Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications.
DASS00003823	Wells, Suzanne	Basso, Ray	11/25/2013	fish exchange	Exemption 5: First page: predecisional and deliberative. Rest is not responsive
DASS00003824			11/25/2013	Fishing Compensation & Offset Programs (1.14.2013). Pptx	Exemption 5: predecisional and deliberative.
DASS00003835	LaPadula, John	Ammon, Doug	3/14/2014	when you have a chance.....	Exemption 5: predecisional and deliberative.
DASS00003929	Feldt, Lisa	Pavlou, George	3/4/2014	RE: You got a minute to talk about a different approach on the proposed plan for the Passaic? Thanks.	Exemption 5: Predecisional and deliberative.
DASS00004112	Yeh, Alice	Ells, Steve ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2? Need Figure 4-3.	Exemption 5: deliberative process/predecisional and deliberative
DASS00004113			2/25/2014	2014-02-18 FFS Figure 4-3 for Ells.pdf	Exemption 5: deliberative process/predecisional and deliberative
DASS00004114	Ells, Steve	Yeh, Alice ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2? Need Figure 4-3.	Exemption 5: deliberative process/predecisional and deliberative
DASS00004115	Yeh, Alice	Ells, Steve ; Basso, Ray	2/25/2014	RE: Any changes to table 2-2?	Exemption 5: deliberative process/predecisional and deliberative
DASS00004140			2/10/2014	Passaic questions and answers Feb 10 draft 3 dls final.docx	Exemption 5: deliberative process/predecisional and deliberative
DASS00004174	Ells, Steve	Basso, Ray	1/16/2014	Proposed Plan	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004180			1/15/2014	Proposed Plan text-121813 draft8-to Partners (2) SJE al.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004182			1/15/2014	NRRB-CSTAG response 010714draft8-sent to HQs a l.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004191			1/7/2014	NRRB-CSTAG response 010714draft8-sent to HQs.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004192			1/7/2014	Chlorobenzene & Total DDx Alt3 Maps v2.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004193			1/7/2014	FFS Appendix G Fig 2-1 2-2.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004194			1/7/2014	FFS Tables 2-2 2-3 2-5.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00004200	Woolford, James	Stanislaus, Mathy ; Breen, Barry ; DeLeon, Rafael ; Lynch, Mary-Kay ; Thompson, BrianK ; Patterson, Kenneth ; Salo, Earl ; Michaud, John ; Gardner, Monica	2/14/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00004203	Woolford, James	DeLeon, Rafael; Thompson, BrianK; Gardner, Monica; Patterson, Kenneth; Stalcup, Dana; Cooper, DavidE; Ammon, Doug; Ells, Steve; Greenberg, Mary	2/13/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004218	Feldt, Lisa	Mugdan, Walter	1/27/2014	Re: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Predecisional and deliberative.
DASS00004221	Woolford, James	Mugdan, Walter ; Basso, Ray	1/27/2014	FW: Passaic River Superfund Cleanup (For Monday - no response today required)	Exemption 5: predecisional and deliberative.
DASS00004231	Woolford, James	Mugdan, Walter	1/16/2014	FW: Meeting Request	Exemption 5: Deliberative material redacted.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004236	Woolford, James	Mugdan, Walter	1/16/2014	Re: FYI re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004237	Mugdan, Walter	Woolford, James	1/16/2014	FYI re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004239	Basso, Ray	Ells, Steve	1/14/2014	RE: Cost effectiveness	Exemption 5: Predecisional and deliberative.
DASS00004245	Feldt, Lisa	Mugdan, Walter	1/10/2014	RE: Passaic River	Exemption 5: Predecisional and deliberative.
DASS00004504	Yeh, Alice	Ammon, Doug ; Clark, Becki	11/1/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004510	Yeh, Alice	Ammon, Doug ; Clark, Becki	10/21/2013	FW: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004513	Ells, Steve	Yeh, Alice	9/18/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004514			9/18/2013	Proposed Plan HQ draft SJE 9 18.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004515	Ells, Steve	Yeh, Alice ; Ammon, Doug ; Clark, Rebecca	9/12/2013	RE: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004516	Ammon, Doug	Clark, Becki	9/12/2013	Fw: Draft Proposed Plan for your review	Exemption 5: Predecisional and deliberative.
DASS00004713	Thompson, BrianK	Flanagan, Sarah	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004715	Thompson, BrianK	Flanagan, Sarah	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004717	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00004719	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004720	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004724	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004725	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004726	Thompson, BrianK	Flanagan, Sarah	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004753	Karlen, Delmar	Hick, Patricia ; Flanagan, Sarah	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004777	Thompson, BrianK	Hick, Patricia	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004778	Hick, Patricia	Thompson, BrianK	3/18/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00004779			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DA5500004780			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Redline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005200			3/28/2014	Passaic PRAP-Draft March 28-with Revisions Pertinent to March 19 Email. docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DA5500005207	Stanislaus, Mathy	Enck, Judith ; Mugdan, Walter ; Pavlou, George	3/21/2014	Next Steps on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005213	Mugdan, Walter	Pavlou, George; Plevin, Lisa; Bellow, Bonnie; Basso, Ray; Schaaf, Eric; Yeh, Alice; Karlen, Delmar; LaPadula, John; Hick, Patricia; Flanagan, Sarah; Kluesner, Dave; Woolford, Jame ; Stalcup, Dana; DeLeon, Rafael; Patterson, Kenneth; Thompson, BrianK; Lynch, Mary-Kay	3/20/2014	Administrator's Response to Passaic River Note	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005214	McCarthy, Gina	Stanislaus, Mathy ; Perciasepe, Bob; Feldt, Lisa	3/20/2014	RE: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005215	Stanislaus, Mathy	McCarthy, Gina ; Perciasepe, Bob; Feldt, Lisa	3/19/2014	Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005216	Stanislaus, Mathy	Mugdan, Walter ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005217	Mugdan, Walter	Stanislaus, Mathy ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005218			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 4 PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005219			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 4 PM-Reline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005220	Stanislaus, Mathy	Mugdan, Walter ; Enck, Judith	3/19/2014	RE: Passaic -- Final Version of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005221			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-19 1130 AM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005222	Woolford, James	Mugdan, Walter ; Breen, Barry	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005223	Mugdan, Walter	Woolford, James ; Breen, Barry	3/19/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005224			3/19/2014	Draft Note from Stanislaus and Enck to Administrator 3-19 830 AM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005225	Mugdan, Walter	Breen, Barry	3/18/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005226			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Clean.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005227			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-3-18 7PM-Redline.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005228	Stanislaus, Mathy	Enck, Judith	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005229	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005230			3/18/2014	Draft Note from Stanislaus and Enck to Administrator-Breen-WM Comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005231	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005232	Woolford, James	Breen, Barry ; Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005233	Mugdan, Walter	Breen, Barry ; Woolford, James	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005234	Breen, Barry	Woolford, James ; Mugdan, Walter	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005235			3/18/2014	Passaic note.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005236	Woolford, James	Breen, Barry	3/18/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005237	Breen, Barry	Enck, Judith	3/18/2014	RE: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005238	Stanislaus, Mathy	Enck, Judith ; Basso, Ray	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005239	Basso, Ray	Stanislaus, Mathy ; Enck, Judith	3/14/2014	Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005242			3/14/2014	Draft%20Note%20from%20and%20Enck%20to%20Administrator-final%20version-12noon14march2014.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005243	Stanislaus, Mathy	Enck, Judith	3/13/2014	Re: Passaic river email	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005246	Woolford, James	Enck, Judith ; Stanislaus, Mathy ; Breen, Barry ; Giles, Cynthia ; Starfield, Lawrence ; Feldt, Lisa ; Lynch, Mary-Kay ; Corman, Bicky	3/11/2014	Fw: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005251	Woolford, James	Enck, Judith	3/2/2014	Re: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005252	Woolford, James	Stanislaus, Mathy ; Enck, Judith ; Plevin, Lisa	3/2/2014	RE: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005253	PERCIASEPE, BOB	Enck, Judith ; McCarthy, Gina ; KeyesFleming, Gwendolyn ; Fritz, Matthew ; Ganesan, Arvin ; Feldt, Lisa ; Reynolds, Thomas ; Vaught, Laura ; Rupp, Mark ; Fried, [illegible]	2/28/2014	RE: Region 2 weekly report	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005255	McCarthy, Gina	Enck, Judith	2/28/2014	Re: Region 2 weekly report	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005257	Stanislaus, Mathy	McCarthy, Gina	2/25/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005269	Woolford, James	Basso, Ray ; Enck, Judith; Pavlou, George ; Mugdan, Walter	2/12/2014	Fw: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005270	Fine, Ellyn	Feldt, Lisa ; Woolford, James ; Stalcup, Dana ; Stanislaus, Mathy ; Mugdan, Walter ; Enck, Judith ; Torres, Nelida ; Basso, Ray ; Breen, Barry; Giles, Cynthia; Garbow, Avi	2/12/2014	RE: Passaic Discussion	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005271			2/12/2014	Possible Agenda_Passaic.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005274	McCarthy, Gina	Enck, Judith	2/3/2014	RE: passaic river	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005278	Woolford, James	Stanislaus, Mathy ; Mugdan, Walter ; Enck, Judith ; Pavlou, George	1/31/2014	RE: Meeting Request	Exemption 5: Attorney-Client Communications; Attorney Work-Product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005290			1/24/2014	AX_Passaic_Briefing_Ver_1-23-14(4).pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005292	Stanislaus, Mathy	Enck, Judith ; Woolford, James ; Giles, Cynthia ; Ganesan, Arvin ; Feldt, Lisa ; Mugdan, Walter	1/17/2014	Re: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005293	Feldt, Lisa	Enck, Judith ; Stanislaus, Mathy ; Woolford, James ; Giles, Cynthia ; Ganesan, Arvin ; Mugdan, Walter	1/16/2014	Re: Meeting request with Mathy Stanislaus	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005500	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005501	DeLeon, Rafael	Schaaf, Eric ; Mugdan, Walter	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications
DASS00005502	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005503	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005504	Woolford, James	DeLeon, Rafael ; Mugdan, Walter ; Schaaf, Eric	1/9/2014	Re: Passaic	Exemption 5: Attorney-client communications.
DASS00005505	DeLeon, Rafael	Mugdan, Walter ; Schaaf, Eric	1/9/2014	Passaic	Exemption 5: Attorney-client communications.
DASS00005512	Stanislaus, Mathy	Mugdan, Walter ; Giles, Cynthia; Feldt, Lisa ; Kelly, Anne ; Wieder, Marla ; Capon, Virginia	12/10/2013	Re: Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005513	Mugdan, Walter	Stanislaus, Mathy ; Giles, Cynthia ; Feldt, Lisa ; Kelly, Anne Wieder, Marla ; Capon, Virginia	12/10/2013	Cancellation of General Motors Central Foundry (Massena, NY) Superfund Site - Conference Call Originally Scheduled for Dec. 10 at 4 PM	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005514	Mugdan, Walter	DeLeon, Rafael ; Schaaf, Eric	4/7/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005528	Starfield, Lawrence	Mugdan, Walter ; DeLeon, Rafael ; Patterson, Kenneth	2/6/2014	Re: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005530	Starfield, Lawrence	Patterson, Kenneth	1/25/2014	Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005539	Schaaf, Eric	Starfield, Lawrence	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005540	Starfield, Lawrence	Schaaf, Eric	3/11/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005542	Schaaf, Eric	Starfield, Lawrence ; DeLeon, Rafael	2/26/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005551	Schaaf, Eric	Starfield, Lawrence	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00005565	Schaaf, Eric	Lynch, Mary-Kay	2/26/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005567	Schaaf, Eric	Lynch, Mary-Kay	2/14/2014	Re: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005572	Schaaf, Eric	Starfield, Lawrence	2/12/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005573	Schaaf, Eric	Starfield, Lawrence	2/11/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005574	Schaaf, Eric	Starfield, Lawrence	1/31/2014	Re: Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005577	Schaaf, Eric	Starfield, Lawrence ; DeLeon, Rafael	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00005578	Schaaf, Eric	DeLeon, Rafael ; Mugdan, Walter	1/9/2014	RE: Passaic	Exemption 5: Attorney-client communications.
DASS00005613			12/2/2013	Draft Agenda for 12.docx	Exemption 5: deliberative process/predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DAS500005686	Legare, Amy	Yeh, Alice	5/6/2013	RE: Please visit rrb - Passaic recommendations memo - final draft	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00005801	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Basso, Ray	4/7/2014	FW: Update on Passaic Proposed Plan - Concerns on new language	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005802	Stalcup, Dana	Woolford, James Richardson, RobinH Ammon, Doug ; Fonseca, Silvina ; Legare, Amy Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter ; Basso, Ray ; Yeh, Alice	4/7/2014	RE: Proposed O5RTI response to Mathy	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005803			4/7/2014	2014-04-07 Lower 8 Proposed Plan draft-to address Stanislaus comments R20OSRTI.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005804	Stalcup, Dana	Woolford, James ; Richardson, RobinH ; Ammon, Doug ; Fonseca, Silvina ; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Mugdan, Walter Mugdan, Walter>; Basso, Ray ; Yeh, Alice	4/7/2014	Proposed O5RTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005805	Woolford, James	Mugdan, Walter	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005806	Mugdan, Walter	Woolford, James	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005807	Stalcup, Dana	Basso, Ray	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DAS500005808	Stalcup, Dana	Yeh, Alice ; Basso, Ray ; Mugdan, Walter ; Woolford, James ; Ammon, Doug ; Richardson, RobinH	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005809	Yeh, Alice	Basso, Ray ; Stalcup, Dana ; Mugdan, Walter Woolford, James ; Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005810			4/4/2014	2014-04-03 Lower 8 Proposed Plan draft-end of day.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005811	Stalcup, Dana	Yeh, Alice ; Mugdan, Walter ; Woolford, James Ammon, Doug	4/4/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005812	Woolford, James	Yeh, Alice ; Mugdan, Walter ; Stalcup, Dana ; Ammon, Doug	4/4/2014	Re: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005813	Woolford, James	Yeh, Alice Mugdan, Walter ; Stalcup, Dana ; Ammon, Doug	4/4/2014	Re: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005816	Yeh, Alice	Mugdan, Walter ; Stalcup, Dana ; Woolford, James Ammon, Doug	4/3/2014	Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005817			4/3/2014	2014-04-03 Lower 8 Proposed Plan draft-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005818	Mugdan, Walter	Stalcup, Dana ; Woolford, James ; Ammon, Doug	4/3/2014	RE: Passaic River additional suggetsions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500005819	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	4/3/2014	Passaic River additional suggetsions	Exemption 5: Deliberative process/predecisional and deliberative.
DAS500005820			4/3/2014	Ecological PRGs-ORSTI edits Thursday.docx	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005821			4/3/2014	PTW Proposed Language-RB + WM-CLEAN.docx - OSRTI edits Thursday.docx	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00005822	Stalcup, Dana	Basso, Ray	4/2/2014	RE: Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005823	Stalcup, Dana	Basso, Ray ; Yeh, Alice	4/2/2014	FW: Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005825	Yeh, Alice	Ammon, Doug	3/31/2014	RE: Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005826	Yeh, Alice	Ammon, Doug	3/31/2014	Another draft of Passaic Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005827			3/31/2014	2014-03-28 Lower 8 Proposed Plan-all DSRTI comments-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005828			3/31/2014	R2 Response to Silvina comments on 0314draft of Proposed Plan-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005829			3/31/2014	Combined OSRTI comments3-12-14-R2 responses-rev.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005833	Mugdan, Walter	Woolford, James	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005834	Woolford, James	Mugdan, Walter ; Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005835	Mugdan, Walter	Woolford, James ; Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005836	Woolford, James	Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005837			3/28/2014	PRAP Doug and Silvina's comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005838	Woolford, James	Basso, Ray	3/28/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005839	Woolford, James	Basso, Ray	3/28/2014	Re: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005840	Mugdan, Walter	Basso, Ray; Woolford, James; Stalcup, Dana; Ammon, Doug; Flanagan, Sarah; Hick, Patricia; Thompson, BrianK; Lynch, Mary-Kay; Karlen, Delmar; Simon, Paul; Salo, Earl; Michaud, John; Openchowski, Charles	3/27/2014	RE: Discussion of Passaic Proposed Plan language related to Mathy's email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005841			3/27/2014	PRAP-Draft 27March2024 Bassoand2msfrev OECA ORC.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005849	Woolford, James	Ells, Steve	3/21/2014	Re: Lower Passaic River - March 18th FFS Meeting	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005860	Mugdan, Walter	Woolford, James; Stalcup, Dana; Ammon, Doug; DeLeon, Rafael; Patterson, Kenneth; Lammie, Benjamin; Thompson, BrianK; Lynch, Mary-Kay; Michaud, John; Salo, Earl	3/20/2014	FW: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005863	Mugdan, Walter	Pavlou, George ; Plevin, Lisa ; Schaaf, Eric ; Basso, Ray Yeh, Alice Karlen, Delmar ; Hick, Patricia la, John ; Woolford, James ; Stalcup, Dana ; DeLeon, Rafael ; Patterson, Ken ; Thompson, BrianK ; Lynch, Mary-Kay	3/19/2014	Fw: Passaic next steps	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005868	Lynch, Mary-Kay	Mugdan, Walter ; Patterson, Kenneth ; Thompson, BrianK; Stalcup, Dana ; Woolford, James; Breen, Barry; Basso, Ray ; Schaaf, Eric ; Karlen,, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	RE: Passaic -- Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005869	Patterson, Kenneth	Mugdan, Walter ; Thompson, BrianK ; Lynch, Mary-Kay ; Stalcup, Dana ; Woolford, James Breen, Barry ; Basso, Ray ; Schaaf, Eric Karlen, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	Re: Passaic -- Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005870	Mugdan, Walter	Patterson, Kenneth ; Thompson, BrianK ; Lynch, Mary-Kay Stalcup, Dana ; Woolford, James ; Breen, Barry ; Basso, Ray ; Schaaf, Eric ;Karlen, Delmar ; Flanagan, Sarah ; Hick, Patricia	3/19/2014	Passaic – Revised Final Section of Note to Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005871	Enck, Judith	Mugdan, Walter ; Woolford, James ; Breen, Barry	3/19/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005873	Mugdan, Walter	Woolford, James	3/19/2014	RE: Passaic - FROM OSRE	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005874	Woolford, James	Mugdan, Walter; Basso, Ray; Schaaf, Eric; Flanagan, Sarah; Stalcup, Dana; Ammon, Doug	3/19/2014	FW: Passaic - FROM OSRE	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005884	Woolford, James	Mugdan, Walter	3/18/2014	Re: Passaic river email	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005885	Mugdan, Walter	Woolford, James	3/18/2014	FW: Passaic river email	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005892	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005893	Stalcup, Dana	Basso, Ray	3/14/2014	FW: Passaic River joint memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00005896	Stanislaus, Mathy	Stalcup, Dana ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005897	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/14/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005898	Schaaf, Eric	Starfield, Lawrence	3/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00005899	Stanislaus, Mathy	Stalcup, Dana ; Breen, Barry ; Natarajan, Nitin	3/13/2014	RE: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006100	Thompson, BrianK	Flanagan, Sarah	2/27/2014	WRDA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006109	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Karlen, Delmar	2/15/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006110	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006111			2/14/2014	[legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006112			2/14/2014	[legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006114	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006115	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006116	Thompson, BrianK	Hick, Patricia Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006117	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006118	Thompson, BrianK	Flanagan, Sarah	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006119	Thompson, BrianK	Flanagan, Sarah	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006120	Thompson, BrianK	Flanagan, Sarah	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006121	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia ; Karlen, Delmar	2/12/2014	FW: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006123	Thompson, BrianK	Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	2/12/2014	FW: Letter to R2 RA from Co-Chairs of the Passaic River CAG	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006125	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006126	Thompson, BrianK	Flanagan, Sarah Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006127	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006128	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006129	Karlen, Delmar	Patterson, Kenneth	2/11/2014	RE: Passaic River CPG Letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006130	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006131	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	2/11/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006137	Thompson, BrianK	Flanagan, Sarah	1/30/2014	RE: Final Passaic River Briefing Package for Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006140	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	1/27/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006141	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	1/27/2014	FW: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006142	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	1/27/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006143	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah	1/26/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006144	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	1/26/2014	FW: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006147	Thompson, BrianK	Flanagan, Sarah	1/24/2014	RE: Passaic River Briefing Materials	Exemption 5: Attorney-client communications.
DASS00006150	Thompson, BrianK	Flanagan, Sarah	1/22/2014	RE: Letter to Seebode on nav channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006154	Salo, Earl	Karlen, Delmar	1/16/2014	RE: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006155	Thompson, BrianK	Flanagan, Sarah	1/16/2014	RE: Diamond LPRSA - Issues from OECA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006156	Karlen, Delmar	Salo, Earl	1/16/2014	Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006161	Ells, Steve	Thompson, BrianK ; Hick, Patricia ; Flanagan, Sarah ; Ammon, Doug	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006162	Hick, Patricia	Thompson, BrianK ; Flanagan, Sarah ; Ammon, Doug ; Ells, Steve	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006163	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah ; Ammon, Doug Ells, Steve	1/14/2014	Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006164	DeLeon, Rafael	Karlen, Delmar ; Schaaf, Eric ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006165	Karlen, Delmar	DeLeon, Rafael ; Schaaf, Eric ; Hick, Patricia; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006166	Schaaf, Eric	DeLeon, Rafael Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006167	DeLeon, Rafael	Schaaf, Eric ; Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006168	Mugdan, Walter	Woolford, James	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006171	Schaaf, Eric	Karlen, Delmar ; Hick, Patricia ; Flanagan, Sarah	1/13/2014	FW: Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006174	Schaaf, Eric	DeLeon, Rafael	1/8/2014	FW: 2-page fact sheet for administrator briefing	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006175			1/8/2014	AX briefing-FFS 12032013.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006187	Thompson, BrianK	Flanagan, Sarah	1/7/2014	RE: Draft Proposed Plan	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006192	Thompson, BrianK	Hick, Patricia ; Flanagan, Sarah	12/11/2013	FW: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006193	Thompson, BrianK	Flanagan, Sarah ;; Hick, Patricia	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006194	Thompson, BrianK	Flanagan, Sarah ; Hick, Patricia	12/11/2013	FW: Regional Briefing on Passaic River	Exemption 5: Confidential attorney-client communications relating to legal matter for which client has sought advice.
DASS00006196	Thompson, BrianK	Flanagan, Sarah	12/5/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006198	Thompson, BrianK	Flanagan, Sarah	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006199	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006365	Yeh, Alice	Legare, Amy	5/3/2013	RE: Please visit rrb - Passaic recommendations memo - final draft	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006390	openchowski, charles	Yeh, Alice	2/4/2013	Re: Invitation: NRRB recommendation on PTW (Feb 5 01:00 PM EST in call 866-299-3188	Exenption 5: Attorney-Client Communications; ; predecisional and deliberative.
DASS00006394	Yeh, Alice	Legare, Amy	1/24/2013	Re: Please visit rrb - Passaic recommendations draft 3 - comments due 1/24	Exemption 5: Attorney-Client Communications; predecisional and deliberative.
DASS00006600	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006601	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006604	Fishburn, Meredith	Flanagan, Sarah ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006606	Fishburn, Meredith	Flanagan, Sarah ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006607	Fishburn, Meredith	Flanagan, Sarah ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006617	Legare, Amy	Flanagan, Sarah	11/19/2013	[Email relating to preservation od documents]	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006624	Yeh, Alice	Ammon, Doug ; Clark, Rebecca ; Ells, Steve	9/12/2013	Draft Proposed Plan for your review	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006633	Flanagan, Sarah	Thompson, BrianK	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006635	Flanagan, Sarah	Thompson, BrianK	4/8/2014	RE: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006637	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Latest on Passaic draft proposed plan.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006640	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006641	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006642	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Proposed OSRTI response to Mathy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006645	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006646	Flanagan, Sarah	Thompson, BrianK	4/7/2014	RE: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006647	Flanagan, Sarah	Thompson, BrianK	4/7/2014	FW: Update on Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006650	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006651	Flanagan, Sarah	Hick, Patricia ; Thompson, BrianK	2/14/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006653	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006654	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006655	Flanagan, Sarah	Thompson, BrianK Hick, Patricia ; Karlen, Delmar	2/12/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006656	Flanagan, Sarah	Thompson, BrianK	2/12/2014	FW: Newark Bay Habitat Analysis	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006658	Flanagan, Sarah	Thompson, BrianK Hick, Patricia	2/12/2014	[email discussing legal research relating to proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006659	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/12/2014	[email discussing legal research relating to the proposed plan]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006660	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006661	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006662	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	2/11/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006663	Flanagan, Sarah	Thompson, BrianK	2/5/2014	FW: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006667			1/29/2014	AX Passaic_Briefing_Final(6).pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006668	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	1/27/2014	RE: Passaic River -- CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006669	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	1/27/2014	RE: Passaic River – CAD cell questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006672	Flanagan, Sarah	Thompson, BrianK	1/24/2014	FW: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006674	Flanagan, Sarah	Thompson, BrianK	1/22/2014	FW: Letter to Seebode on nav channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006676	Flanagan, Sarah	Thompson, BrianK	1/22/2014	RE: Passaic	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006678	Flanagan, Sarah	Thompson, BrianK	1/17/2014	LPRSA - NRRB Comments	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00006680	Flanagan, Sarah	Thompson, BrianK	1/17/2014	FW: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006681	Flanagan, Sarah	Thompson, BrianK	1/16/2014	Diamond LPRSA - Issues from OECA	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006683	Flanagan, Sarah	Hick, Patricia ; Thompson, BrianK ; Ammon, Doug ; Ells, Steve	1/14/2014	RE: Discussion on Passaic CAD vs Offsite	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006690	Flanagan, Sarah	Thompson, BrianK	1/7/2014	RE: Draft Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006691	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-one more!)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006693	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-Tables 2 of 2)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006695	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan (Figs-Tables 1 of 2)	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006697	Flanagan, Sarah	Thompson, BrianK	1/7/2014	FW: Draft Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006806			3/19/2014	Draft Note from Stanislaus and Enck to Administrator-3-29 4PM-Reline	Exemption 5: Attorney-Client Communications; Attorney Work Product reflecting metnal impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00006813	Hick, Patricia	Thompson, BrianK	3/18/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006823	Schaaf, Eric	Starfield, Lawrence	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006827	Thompson, BrianK	Hick, Patricia	3/14/2014	RE: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006828	Hick, Patricia	Thompson, BrianK	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00006829	Schaaf, Eric	Lynch, Mary-Kay ; Michaud, John ; Salo, Earl	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006830	Hick, Patricia	Michaud, John	3/14/2014	FW: Joint Memo to Administrator McCarthy - Re: Lower Passaic River Proposed Plan	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006831	Thompson, BrianK	Hick, Patricia	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006832	Hick, Patricia	Thompson, BrianK	3/13/2014	FW: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006833			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-ARD revision and others-13March2014pm.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00006835	Schaaf, Eric	Gardner, Monica ; Patterson, Kenneth ; Karlen, Delmar ; Flanagan, Sarah; Hick, Patricia ; DeLeon, Rafael	3/12/2014	Fw: Commissioner Martin letter to Gina McCarthy re: Passaic	Exemption 5: Attorney-client communications; attorney work-Product reflecting mental impressions, concclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007120	Legare, Amy	openchowski, charles ; Basso, Ray ; Yeh, Alice ; Hick, Patricia ; Flanagan, Sarah ; Jasinski, Michael	2/5/2013	PTW recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007300	Stalcup, Dana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/13/2014	Re: Passaic River joint memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007301	Thompson, BrianK	Basso, Ray ; Stalcup, Dana ; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
OASS00007302			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-final version 2pm 13 march 2014 OSRE comments.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007303	Stalcup, Oana	Stanislaus, Mathy ; Breen, Barry ; Natarajan, Nitin	3/13/2014	Passaic River joint memo	Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007304	Stalcup, Dana	Thompson, BriankK ; Basso, Ray ; Ammon, Doug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007305			3/13/2014	Draft Note from Stanislaus and Enck to Administrator-final version 2pm 13 march 2014.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007306	Thompson, BriankK	Stalcup, Oana ; Basso, Ray ; Ammon, Ooug	3/13/2014	RE: latest draft of Passaic Memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007307	Ammon, Ooug	Basso, Ray ; Yeh, Alice	3/12/2014	Proposed Plan Comments	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007308			3/12/2014	Combined OSRTI comments3-12-14.docx	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007313	Mugdan, Walter	DeLeon, Rafael	3/11/2014	FW: Draft Passaic Memo to Adm.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007316	Woolford, James	Hick, Patricia ; Mugdan, Walter	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00007317	Hick, Patricia	Mugdan, Walter ; Woolford, James	3/11/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005763

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007318	Mugdan, Walter	Woolford, James	3/11/2014	FW: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007321	Mugdan, Walter	Woolford, James	3/10/2014	Fw: NOAA and DOI/USFWS Comments on In-Water Disposal Alternative Evaluation for Lower Passaic River	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007323	Mugdan, Walter	Woolford, James	3/10/2014	Re: Passaic River	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00007327	Mugdan, Walter	Woolford, James	3/2/2014	Re: Priviedged: Alternative path on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007329	Woolford, James	Pavlou, George ; Mugdan, Walter ; Basso, Ray	3/2/2014	FW: Priviedged: Alternative path on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007330	Woolford, James	Stalcup, Dana ; Cooper, DavidE ; Ammon, Doug ; Scozzafava, MichaelE ; Ells, Steve ; Greenberg, Marc ; Wilbur, Jennifer ; Williams, Thea ; Williams, Faith ; Wells, Suzanne ; Basso,	3/2/2014	FW: Meeting with Ana Bautista and Debbie Mans, Passaic CAG	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007331	Woolford, James	Mugdan, Walter ; Basso, Ray ; Pavlou, George	2/28/2014	Fw: Port Authority	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007332	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	RE: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007333	Mugdan, Walter	Stalcup, Dana ; Basso, Ray	2/21/2014	RE: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007334	Stalcup, Dana	Mugdan, Walter ; Basso, Ray	2/21/2014	FW: Privileged: FW: Summary of Today's Passaic Call, and Talking Points for Tomorrow	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007335	Spyropoulos, Stella	Mugdan, Walter ; Basso, Ray ; DeLeon, Rafael Thompson, BrianK ; Ergener, Deniz ; Patterson, Kenneth ; Lynch, Mary-Kay ; Michaud, John ; Openchowski, Charles ; Woolford, James ; Ammon, Doug ; Legare, Amy ; Scozzafava, MichaelE ; Ells, Steve ; Gustavson, Karl ; Greenberg, Marc ; Cooper, DavidE ; Richardson, RobinH	2/20/2014	Cross-office Check-in on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007337	Woolford, James	Mugdan, Walter ; Basso, Ray	2/14/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007339	Mugdan, Walter	Woolford, James	2/13/2014	FW: Passaic briefing of the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007341	Flanagan, Sarah	Thompson, BrianK	2/13/2014	RE: Passaic Timeline	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007342	Pavlou, George	Stalcup, Dana ; Woolford, James ; Thompson, BrianK	2/13/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007346	Thompson, BrianK	Stalcup, Dana ; Woolford, James ; Pavlou, George	2/12/2014	RE: PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007347			2/12/2014	OSRE analysis of CPG Ltr 2-6-14 v2.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007348	Stalcup, Dana	Woolford, James ; Pavlou, George ; Thompson, BrianK	2/12/2014	PRIVILEGED - Summary of Passaic discussion this afternoon	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007349	Stalcup, Dana	Woolford, James ; Pavlou, George	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007350	Woolford, James	Stalcup, Dana ; Pavlou, George	2/12/2014	Re: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007351	Pavlou, George	Stalcup, Dana ; Woolford, James	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; deliberative process/predecisional and deliberative
DASS00007352	Stalcup, Dana	Pavlou, George ; Woolford, James	2/12/2014	Re: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007353	Pavlou, George	Woolford, James	2/12/2014	RE: Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007356	Woolford, James	Pavlou, George	2/12/2014	Given Walter is on A/L as is Ray - shld we coordinate w/you on next steps in the short term?	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007360	Stalcup, Dana	Basso, Ray	2/12/2014	FW: proposed agenda for today's discussion on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007370	Stalcup, Dana	Feldt, Lisa ; Mugdan, Walter; LaPadula, John ; Basso, Ray ; Stanislaus, Mathy ; Breen, Barry	2/7/2014	Confidential - Revised Passaic Qs	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007371			2/7/2014	Passaic questions Feb 7 v-2.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007373	Woolford, James	Basso, Ray ; Mugdan, Walter	2/3/2014	Re: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007374	Mugdan, Walter	Woolford, James ; Basso, Ray	2/2/2014	Re: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007375	Woolford, James	Mugdan, Walter Basso, Ray	2/2/2014	Fw: Potential Qs	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007376	Woolford, James	Stanislaus, Mathy; Breen, Barry; Feldt, Lisa; Corman, Bicky; Lynch, Mary-Kay; DeLeon, Rafae ; Stalcup, Dana; Patterson, Kenneth; Thompson, BrianK	1/31/2014	Fw: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007377			1/31/2014	CPG-Bio-Model-Burkhard-Comments_Final.docx	Exemption 5: Deliberative process/predecisional and deliberative
DASS00007379	Woolford, James	Basso, Ray	1/31/2014	Re: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007381	Legare, Amy	Basso, Ray ; Yeh, Alice	1/30/2014	FW: Passaic River memo	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007382			1/30/2014	rrb Passaic Lower 1.17.14.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007383	Legare, Amy	Yeh, Alice ; Basso, Ray	1/30/2014	FW: Passaic River memo	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007385	Woolford, James B382	Basso, Ray ; Mugdan, Walter	1/28/2014	Re: Passaic - Not urgent and it may be a short response.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007386	Woolford, James	Mugdan, Walter	1/28/2014	RE: Passaic - Not urgent and it may be a short response.	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00007387	Mugdan, Walter	Woolford, James ; Ammon, Doug	1/27/2014	RE: Mathys wants	Exemption 5: Deliberative process/predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007393	Karlen, Delmar	Salo, Earl ; Openchowski, Charles ; Michaud, John	1/27/2014	Passaic - a couple of points raised during our telephone conversation.	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007394	Mugdan, Walter	Feldt, Lisa	1/27/2014	FW: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007397	Woolford, James	Mugdan, Walter ; Basso, Ray ; Yeh, Alice ; Schaaf, Eric	1/24/2014	Fw: Privileged--Passaic River content [Brief-out on CPG bioaccumulation modeling code]	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007398	Mugdan, Walter	Woolford, James	1/24/2014	RE: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007603	Flanagan, Sarah	Thompson, BrianK ; Hick, Patricia	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007604	Flanagan, Sarah	Thompson, BrianK	12/6/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007605	Flanagan, Sarah	Thompson, BrianK	12/5/2013	RE: Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007606	Flanagan, Sarah	Thompson, BrianK	12/5/2013	Diamond Alkali Passaic River Briefing	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007607	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/5/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007608	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007609	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/4/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007610	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007611	Flanagan, Sarah	Fishburn, Meredith ; Hick, Patricia	12/3/2013	RE: Passaic Briefing on Thursday	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007612	Flanagan, Sarah	Fishburn, Meredith ; Thompson, BrianK	11/27/2013	RE: Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DAS500007613	Flanagan, Sarah	Fishburn, Meredith ; Thompson, BrianK	11/26/2013	Diamond Alkali - Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00007956	Woolford, James	Mugdan, Walter ; Basso, Ray	1/17/2014	Fw: Comments on the Passaic Lower 8 Miles (Diamond Alkali Site)	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007957	Ells, Steve	Mugdan, Walter	1/16/2014	FW: Passaic - Walter's comments	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007958	Karlen, Delmar	Salo, Earl	1/16/2014	Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DAS500007959	Mugdan, Walter	Woolford, James	1/15/2014	Today's Passaic meeting	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007960	Ells, Steve	Legare, Amy ; Yeh, Alice	1/15/2014	RE: Draft NRRB response memo	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007965	Woolford, James	Mugdan, Walter	1/14/2014	Re: More on Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007971	Walter Mugdan	Woolford, James	1/3/2014	Passaic	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00007975	Mugdan, Walter	Fine, Ellyn ; Woolford, James	12/30/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007976	Fine, Ellyn	Woolford, James ; Mugdan, Walter	12/30/2013	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007977	Woolford, James	Mugdan, Walter	12/27/2013	Re: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007978	Mugdan, Walter	Woolford, James	12/27/2013	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007982			12/16/2013	Woolford briefing 120513.pptx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007983			12/16/2013	Sediment Texture Maps Rev 2013-07-15.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007984			12/16/2013	FF5 Chapter 4 Model Trajectory Plots 12_04_2013 1995-2059.pdf	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007987	Legare, Amy	Basso, Ray ; Yeh, Alice	11/26/2013	FW: Passaic meeting - any agenda items?	Exemption 5: Deliberative process/predecisional and deliberative.
DASS00007988	Legare, Amy	Yeh, Alice ; Basso, Ray	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00007989	Yeh, Alice	Basso, Ray ; Legare, Amy	11/26/2013	RE: Got your VM - FW: Passaic - status of agenda	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00008084			3/24/2014	PRAP-DRAFT%20March%2024%20%-%20Basso%20and%20WM_%20sf%20rev.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025007	Salo, Earl	Karlen, Delmar	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025008	Openchowski, Charles	Salo, Earl ; Karlen, Delmar	3/25/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025029	Schaaf, Eric	Starfield, Lawrence	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025037	Gardner, Monica	Woolford, James	3/12/2014	FW: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025038	Starfield, Lawrence	Schaaf, Eric	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025039	Schaaf, Eric	Starfield, Lawrence	3/12/2014	RE: Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASS00025042	Lynch, Mary-Kay	Karlen, Delmar	2/21/2014	Re: Passaic = State Letter	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025044	Lynch, Mary-Kay	Karlen, Delmar	2/18/2014	RE: passaic river remedy	Exemption 5: Attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025045	Lynch, Mary-Kay	Karlen, Delmar	2/18/2014	passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025046			2/18/2014	[case attached to email]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025047			2/18/2014	[case attached to email]	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025072	Salo, Earl	Karlen, Delmar	2/12/2014	FW: Letter to R2 RA from Co-Chairs of the Passaic River CAG	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025076	Patterson, Kenneth	Lynch, Mary-Kay	2/11/2014	Passaic: Response to CPG letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025078	Patterson, Kenneth	Karlen, Delmar ; Schaaf, Eric	2/10/2014	Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025085	Salo, Earl	Schaaf, Eric ; Karlen, Delmar	2/7/2014	FW: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025087			2/7/2014	Lower Passaic River FFS.docx	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025089	Salo, Earl	Mugdan, Walter	2/6/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025090	Lynch, Mary-Kay	Schaaf, Eric ; Karlen, Delmar	1/31/2014	FW: Meeting Request	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025091	Michaud, John	Karlen, Delmar ; Salo, Earl ; Openchowski, Charles	1/29/2014	RE: Passaic Briefing Paper for the Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025094	Salo, Earl	Karlen, Delmar	1/27/2014	FW: Passaic River Briefing Materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025100	Mugdan, Walter	Woolford, James	1/23/2014	Passaic	Exemption 5: Attorney-client communications; predecisional and deliberative.
DASS00025102	Lynch, Mary-Kay	Karlen, Delmar	1/21/2014	Re: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025104	Karlen, Delmar	Salo, Earl	1/21/2014	RE: Passaic River – follow-up on your navigation channel question	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025109	Salo, Earl	Karlen, Delmar	1/17/2014	FW: Passaic River – follow-up on your navigation channel question	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025111	Thompson, BrianK	Karlen, Delmar	1/16/2014	RE: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025112	Thompson, Brian	Thompson, BrianK	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025114	Thompson, BrianK	Karlen, Delmar	1/13/2014	RE: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025131	Patterson, Kenneth	Khoury, Lynn ; Raicaldo, Doreen ; Bailey, Ethel	12/11/2013	RE: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025132	Patterson, Kenneth	DeLeon, Rafael ; Bailey, Ethel >; Gardner, Monica	12/10/2013	Re: Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025133	Patterson, Kenneth	DeLeon, Rafael ; Bailey, Ethel ; Gardner, Monica	12/9/2013	Regional Briefing on Passaic River	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025134	Karlen, Delmar	Salo, Earl ; Openchowski, Charles ; Michaud, John; Lynch, Mary-Kay	3/26/2014	CORRECTION re Passaic materials	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
OASS00025138	Karlen, Delmar	Breen, Barry	2/21/2014	FW: Passaic FFS and Proposed Plan - Ownership of the Bottom of Newark Bay	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025145	Karlen, Delmar	Lynch, Mary-Kay	2/18/2014	RE: passaic river remedy	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASS00025147	Karlen, Delmar	Salo, Earl	2/7/2014	RE: Lower Passaic follow up letter	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
OASS00025150	Karlen, Delmar	Michaud, John	1/29/2014	FW: Final Passaic River Briefing Package for Administrator	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025154	Karlen, Delmar	Salo, Earl	1/21/2014	FW: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025156	Karlen, Delmar	Thompson, BrianK	1/16/2014	FW: Response to Mary Kay's Other Question re the navigation channel	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASS00025157	Karlen, Delmar	Thompson, BrianK	1/16/2014	FW: Response to one of Mary Kay Lynch's Questions	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025160	Karlen, Delmar	Thompson, BrianK ; Lammie, Benjamin	1/14/2014	FW: Conversation with OGC re: Passaic Proposed Plan	Exemption 5: Attorney-client communications.
DASS00025161	Karlen, Delmar	Enck, Judith ; Schaaf, Eric	1/14/2014	RE: Conversation with OGC re: Passaic Proposed Plan	Exemption 5: Attorney-client communications.
DASS00025162	Karlen, Delmar	Thompson, BrianK	1/14/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025163	Karlen, Delmar	Thompson, BrianK	1/13/2014	FW: Passaic	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASS00025165	Karlen, Delmar	DeLeon, Rafael ; Bailey, Ethel; Gardner, Monica	12/9/2013	RE: Regional Briefing on Passaic River Correction regarding dates	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
DASSQ800000007	Yeh, Alice	Legare, Amy	4/10/2014	FW: Edit to NRRB ecological risk recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASSQ800000010	Yeh, Alice	Legare, Amy	4/10/2014	FW: Edit to NRRB ecological risk recommendation	attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000019	Legare, Amy	Yeh, Alice ; Basso, Ray	4/7/2014	Edit to NRRB ecological risk recommendation	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.
DASSQ800000020	Legare, Amy	Yeh, Alice	4/2/2014	RE: Draft NRRB response	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative.

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASSQ800000052	Ells, Steve	Legare, Amy ; Yeh, Alice	1/15/2014	RE: Draft NRRB response memo	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000068			12/20/2013	Proposed Plan text-120213 draft7-R2-response to HQs comments.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000073			12/20/2013	FFS Tables and Figures - LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000075			12/20/2013	RI Tables and Figures - LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000077			12/20/2013	Proposed Plan text-121813 draft8-to Partners.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000078			12/20/2013	FFS Appendix A DER6 Figures-LPR Proposed Plan.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000092			10/24/2013	Proposed Plan text-091213 draft6-to HQs al.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000096			10/21/2013	Proposed Plan text-091213 draft6-to HQs.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000114	Yeh, Alice	Ells, Steve	3/6/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld

FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
DASSQ800000117	Yeh, Alice	Ellis, Steve	3/6/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000118			3/6/2013	max_daily_avg_and_peak_flows.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000122	Yeh, Alice	Ellis, Steve	3/5/2013	FW: Modeling Peer Review Mid-Point Teleconference - Response to Issues	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000124			3/5/2013	Mid Point Teleconference Response Matrix.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
DASSQ800000125			3/5/2013	Tseng-Oconnor22Mar10TechMemo.pdf	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000179	Legare, Amy	Yeh, Alice	3/12/2013	RE: NRRB recommendations for Passaic?	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
OASSQ800000180			3/12/2013	Passaic Lower 8 draft 6.docx	Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative
FOIA_05768_00009001			6/4/01	crabpaper.kkp.doc	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009003			1/6/11	Final draft Crab MS 1-6-11.doc	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009012				NJBlueCrabReport_063003.pdf.pdf	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009013	Olsen, Marian	Vaughn, Stephanie	2/3/12	Re: FW: Revisions to Attachment A	Exemption 5: Attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative

Documents Withheld
FOIA No. EPA-R2-2014-005768

Doc ID Beg	Email From	Email To	Sent Date	Subject/File name	Exemption Explanation
FOIA_05768_00009 014	Vaughn, Stephanie	Yeh, Alice	8/10/10	Summary of 8/10/10 agency-only risk meeting	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 015				2012-01-25 Fish-Crab Ingestion Tech Memo.docx	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 016	Yeh, Alice	Olsen, Marian	2/11/13	Fw: Passaic River-DEP issues and request for meeting	Exemption 5: deliberative process/predecisional and deliberative.
FOIA_05768_00009 017	Carpenter, Kristin	Vaughn, Stephanie	1/17/12	Re: Burger raw data & calculations - for discussion	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 018	Vaughn, Stephanie	Carpenter, Kristin	1/26/12	Re: Draft - revised fish & crab ingestion tech memo	Exemption 5: Attorney-client communications; deliberative process/predecisional and deliberative.
FOIA_05768_00009 019	Vaughn, Stephanie	MacGregor, Janine	1/26/12	Re: Update on Passaic Dispute Resolution	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 020	Vaughn, Stephanie	MacGregor, Janine	1/26/12	Update on Passaic Dispute Resolution	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 021	Cullen, Linda	Olsen, Marian	1/30/09	Re: Passaic River Risk Assessment	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 022	Cullen, Linda	Olsen, Marian	1/30/09	Re: Passaic River Risk Assessment	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 023			3/11/04	Passaic River Human Helath Risk Assessment: Questions Related to the Sampling, Analysis, and Ingestion of Crab and Fish	Exemption 5: Deliberative process/predecisional and deliberative.
FOIA_05768_00009 024			1/29/09	Passaic River Human Health Risk Assessment: Questions Related to the Sampling, Analysis, and Ingestion of Crab and Fish	Exemption 5: Deliberative process/predecisional and deliberative.

EXHIBIT
7

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T +1 973 848 4000 F +1 973 848 4001 klgates.com

November 26, 2014

William H. Hyatt, Jr.
973.848.4045
F: 973.848.4001
william.hyatt@klgates.com

Via Electronic (hq.foia@epa.gov) and Regular Mail

National Freedom of Information Officer
U.S. Environmental Protection Agency
FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Lower Passaic River Study Area
Freedom of Information Act Appeals: EPA-R2-2014-005768 and EPA-R2-2014-007546

Dear Sir/Madam:

Our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). In follow-up to my letter dated November 7, 2014, I am writing to supplement an appeal of Freedom of Information Act Request ("FOIA Request") EPA-R2-2014-005768 submitted to the United States Environmental Protection Agency ("EPA") Region 2 on April 21, 2014, in relation to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). A copy of the FOIA Request is enclosed.

The CPG also submitted FOIA Request EPA-R2-2014-007546 to EPA on June 17, 2014 in relation to EPA's Proposed Plan, which requested:

> [A]ny and all documents, including but not limited to emails, memos, reports and correspondence, that form the technical basis for the New Jersey Department of Environmental Protection's ("NJDEP") Fish Advisory Levels, including but not limited to exposure assumptions, toxicity values, and target risk levels used by the NJDEP to derive the Fish Advisory Levels.

A copy of this FOIA Request is also enclosed. EPA sent a letter to the CPG dated November 13, 2014, which provides that all responsive information to this request had been released. The CPG does not believe that EPA has adequately and fully responded to this request, and, therefore, also appeals the same.

FOIA Appeal: EPA-R2-2014-005768

The CPG's FOIA Request EPA-R2-2014-005768 was comprised of 14 sub-points, of which the CPG appeals the following:

K&L GATES

- Numbers 1 and 2. EPA has failed to provide an Access or Excel file that identifies, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location. EPA has also not provided a flat file dataset in Access or CSV, including requested fields for each sample, that was used to generate the normalized tissue and sediment concentration data pairs that were in turn used to generate a regression model, BSAF curve, or BAF curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis).

    - The bioaccumulation calculations used by the Region are a critical component of the prediction of future recovery and risk estimates for consumption of fish and crabs by the public; the incomplete information provided in the Region's April 2014 FFS and Proposed Plan make it impossible for any interested stakeholder to verify the correctness of the calculations provided in these documents. For example, in the absence of the requested information, it is not possible for the CPG or the public to evaluate spatial and temporal co-location of paired samples, comparability of data (e.g., consistency of tissue type and basis across samples), data relevance (e.g., sediment sample depth), ecological context (i.e., exposure conditions) and influence of non-detects. It is thus not possible to evaluate the quality and relevance of EPA's statistical models that is called for in the recommendations of EPA's Office of Research and Development Ecological Risk Assessment Center (ERASC), produced at the request of the EPA Ecological Risk Assessment Forum (EPA/600/R-06/047).

    - Moreover, it is essential that interested parties are able to independently verify the Region's bioaccumulation calculations since the Region deviated from its own 2006 Modeling Work Plan for bioaccumulation modeling in the LPRSA.

    - Appendix E of the CPG's August 20, 2014 comments on the Proposed Plan provides detail as to how the CPG or any other interested party were unable to adequately review and provide timely comments on the Region's bioaccumulation calculations.

- Number 7. EPA did not provide any correspondence between EPA and NJDEP discussing NJDEP's angler surveys that included sites on the LPRSA, or any data or analysis from those surveys. Draft undated articles/documents by agency staff were provided, including a draft document entitled Consumption Patterns and Risk Assessment of Crab Consumers from the Newark Bay Complex, which summarizes results of Newark Bay Complex angler surveys from 1995, 2002, and 2005. However, raw data files were not provided and it is not known whether sites on the LPRSA were included in these surveys.

K&L GATES

- Number 8 and 9. While limited and largely non-substantive correspondence has been provided, EPA withheld responsive information to these request numbers as outlined in a 60-page withholding log. The withholding log includes the following categories: email from; email to; sent date; subject/file name; and exemption explanation. Each of the documents was withheld on the basis of Exemption 5 of FOIA. However, the CPG believes that the type of information requested would not be generally protected in civil discovery. *See Burka v. U.S. Dep't of Health and Human Services*, 87 F.3d 508 (D.C. Cir. 1996). Further, there was correspondence that was produced that appears to be of a similar nature as correspondence that was withheld based on the limited information identified in the withholding log (e.g., e-mails between A. Yeh and A. Legare dated 2/22/13, 2/25/13 and 3/11/13 regarding NRRB recommendations for Passaic? -- Produced; e-mail from A. Legare to A. Yeh dated 3/12/13 regarding NRRB recommendations for Passaic? - Withheld on the basis of Exemption 5: attorney-client communications; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; predecisional and deliberative). In addition, there was correspondence labeled as exempt under attorney-client communications, but that was not sent among attorneys. Thus, the CPG does not believe that EPA has met its burden to justify its decision to withhold the documents.

- Number 10. EPA has not provided materials responsive to Request Number 10 for technical bases (analyses, calculations, modeling files and results, mapping, and any other relevant materials) used to develop the capping area footprints for Alternative 4. EPA referred the CPG to files provided in Appendix B of the FFS, but such materials are not responsive to this request.

- Number 14. In response to the CPG's request for data set used to develop EPCs used in the Ecological Risk assessment and shown in Table 7-6 of the FFS RI, EPA indicated information was in datasets in the appendices to the FFS. However, the CPG has not been able to recreate the UCLs and cannot independently verify the sample counts and basic statistics for the UCLs. Further, EPA has not documented over what area it used the data.

<u>FOIA Appeal: EPA-R2-2014-007546</u>

EPA also has not adequately and fully responded to FOIA Request EPA-R2-2014-007546. EPA provided a 2001 NJDEP memo entitled, "Options for Development of Risk-based Fish Consumption Advisories for PCBs", an email from Gary Buchanan to Marian Olsen dated 2/1/2006 that discusses use of the risk range in setting advisory levels, and a 2013 NJDEP routine tissue monitoring report. While a range of PCB tissue concentrations triggering fish advisories are presented in the 2001 memo, the NJDEP's "trigger levels" that were listed in the EPA's FFS PRG tables ("Do not eat" values of 0.0077 ng/g, 240 ng/g, and 540 ng/g for TCDD-TEQ, PCBs, and mercury, respectively) are not presented in these

K&L GATES

documents. Thus, documentation providing the technical basis of the trigger levels, including toxicity values and exposure assumptions, has not been provided.

As the CPG has advised Region 2, most, if not all, of the outstanding requested documents should have been considered by EPA as part of its supporting analysis in preparation of the Proposed Plan and FFS. Therefore, this information should have been part of the administrative record. However, because it was not part of the administrative record, the CPG and other members of the public were not able to adequately comment on all aspects of the Proposed Plan and FFS by the August 20, 2014 deadline. Further, since such information has still not been provided, the CPG and the public remain unable to fully understand the basis for the Proposed Plan.

Very truly yours,

William H. Hyatt, Jr.

Enclosures

cc: Sarah P. Flanagan, Esq., EPA Region 2, Assistant Regional Counsel
(via regular mail)

La Gravenis, Robert Paul

From: calderon.wanda@epa.gov
Sent: Monday, April 21, 2014 3:43 PM
To: La Gravenis, Robert Paul
Subject: FOIA Request EPA-R2-2014-005768 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: EPA-R2-2014-005768
- Requester Name: Robert Paul La Gravenis
- Date Submitted: Mon Apr 21 15:42:57 EDT 2014
- Request Status: Submitted
- Description: United States Environmental Protection Agency
  Region 2
  Freedom of Information Officer
  U.S. EPA Region 2
  290 Broadway, 26th Floor
  New York, NY 10007-1866

  Re: Diamond Alkali Superfund Site

  To Whom It May Concern:

  I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

  Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

  I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

  Sincerely,

  Robert Paul La Gravenis

  Senior Paralegal
  K&L Gates LLP
  One Newark Center, 11th Floor
  Newark, NJ 07102

robertpaul.lagravenis@klgates.com

Request Details

Tracking Number : *EPA-R2-2014-005768*

Submitted Evaluation Assignment Processing

Request Information

Full Name : Robert Paul La Gravenis

Closed

Date Submitted : 04/21/2014

Estimated Date of Completion : May 19, 2014

Organization : K&L Gates LLP

Final Disposition : Undetermined

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly

appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Attached Supporting Files

Attached File	Type	Size (MB)
04_21_14_FOIA_Request_to_USEPA_Region_2.docx	Microsoft Word	0.02

Released Records

No records have been released.

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2

290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to EPA's recently Proposed Plan for the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

ATTACHMENT A

Documents Requested from EPA Region 2 on 4/21/14

1. An Access or Excel file containing each normalized tissue and sediment concentration data pair (with units, basis and data qualifiers) used to generate a regression model, Biota-Sediment Accumulation Factor (BSAF) curve or Biota Accumulation Factor (BAF) curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis).

- The Access or Excel file should identify, for each biota tissue sample location, all tissue and sediment sample IDs used to generate the normalized tissue and sediment concentration data pair for that location.

2. A flat file dataset in Access or CSV including at least the following fields for each sample that was used to generate the normalized tissue and sediment concentration data pairs that were used to generate a regression model, BSAF curve or BAF curve presented in Final FFS Appendix A, Data Evaluation Report 6 (Biota Analysis):

- Source
- Study
- Location
- Coordinates
- River mile (if appropriate)
- Species and tissue type (for each tissue sample)
- Sample depth (for each sediment sample)
- Sample ID
- Sample type (e.g., field duplicate)
- Analyte name, including all contaminants, lipid, TOC and iron
- Numeric concentration for each analyte, including numeric concentrations for each sum component (e.g., for Polycyclic Aromatic Hydrocarbon (PAH) mixtures) and calculated totals
- Data qualifiers
- Units
- Basis (e.g., dry weight)

3. Data files, including database query output (e.g., sample ID, analytical results, qualifiers) and ProUCL input file, for tissue samples included in current baseline Human Health Risk Assessment (HHRA) fish and crab tissue Exposure Point Calculations (EPC)

4. Technical bases (analyses, calculations, model files and results, and any other relevant materials) for EPA's sliding scale of annual averages based on receptor exposure duration (used to estimate future concentrations)

5. Technical back-up/documentation for EPA's analysis of 2000 US Census data for Essex and Hudson counties (used to estimate residence time)

6. Technical back-up/documentation for EPA's re-analysis of Joanna Burger's 1999 survey of Newark Bay anglers (used to estimate fish and crab consumption rates)

7. Any correspondence between Region 2 and NJDEP on NJDEP angler surveys that included sites on the LPR, and any data and analysis from those surveys

8. Any correspondence between the Region and the National Remedy Review Board (NRRB) since the group's comments were submitted in Nov. 2012 and issuance of the NRRB/Contaminated Sediments Technical Advisory Group (CSTAG)final comments on April 11, 2014

9. Any correspondence between the Region 2 and HQ on draft versions of the Proposed Remedial Action Plan(PRAP) and Focused Feasibility Study (FFS) documents

10. Technical bases (analyses, calculations, modeling files and results, mapping, and any other relevant materials) used to develop the capping area footprints for Alternative 4

11. Technical backup/documentation for all unit or rollup cost items > $5,000 that cite to "Internal Database" in FFS Appendix H

12. The Louis Berger Group, Inc., 2007. "Staging and Processing Areas, Treatment Technologies, and Transportation Logistics Review." Lower Passaic River Contract. Prepared for the NJDEP. April 2007.

13. Data and technical basis for 1) modeled background tissue concentrations, and 2) modeled future tissue concentrations, including the technical basis of EPA's sediment-tissue regression models for HHRA species evaluated in the FFS.

14. The data set used to develop EPCs used in the Ecological Risk assessment and shown in Table 7-6 of the FFS RI. This would include EPCs for sediment, the tissue concentrations for the 'generic fish', biota tissue for mummichog, and crab EPCs.

La Gravenis, Robert Paul

From: calderon.wanda@epa.gov
Sent: Tuesday, June 17, 2014 12:42 PM
To: La Gravenis, Robert Paul
Subject: FOIA Request EPA-R2-2014-007546 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: EPA-R2-2014-007546
- Requester Name: Robert Paul La Gravenis
- Date Submitted: 06/17/2014
- Request Status: Submitted
- Description: I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

  Specifically, EPA's Proposed Plan for the lower 8 miles of the Site provides as follows: "The NJDEP use of do not eat values of 0.0077 ng/g, 240 ng/g, and 540 ng/g to set fish consumption advisories for 2,3,7,8-tetrachlorodibenzo-p-dioxin - toxic equivalency ("TCDD-TEQ"), polychlorinated biphenyls ("PCBs") and mercury, respectively. Use of PRGs that exceed these NJDEP advisory triggers would not be protective of allow additional consumption of fish/crabs" (hereinafter referred to as "Fish Advisory Levels"). The cited language regarding Fish Advisory Levels is found in the footnotes for Table 2-10 in the FFS report, as well as the footnotes for Tables 1-8 and 1-10 of Appendix E.

  In particular, I request any and all documents, including but not limited to emails, memos, reports and correspondence, that form the technical basis for the New Jersey Department of Environmental Protection's ("NJDEP") Fish Advisory Levels, including but not limited to exposure assumptions, toxicity values, and target risk levels used by the NJDEP to derive the Fish Advisory Levels.
  I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Request Confirmation

Request Information

Tracking Number : *EPA-R2-2014-007546*

Requester Name : Robert Paul La Gravenis

Date Submitted : 06/17/2014

Request Status : Submitted

Description :

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, EPA's Proposed Plan for the lower 8 miles of the Site provides as follows: "The NJDEP use of do not eat values of 0.0077 ng/g, 240 ng/g, and 540 ng/g to set fish consumption advisories for 2,3,7,8-tetrachlorodibenzo-p-dioxin - toxic equivalency ("TCDD -TEQ"), polychlorinated biphenyls ("PCBs") and mercury, respectively. Use of PRGs that exceed these NJDEP advisory triggers would not be protective of allow additional consumption of fish/crabs" (hereinafter referred to as "Fish Advisory Levels"). The cited language regarding Fish Advisory Levels is found in the footnotes for Table 2-10 in the FFS report, as well as the footnotes for Tables 1-8 and 1-10 of Appendix E.

In particular, I request any and all documents, including but not limited to emails, memos, reports and correspondence, that form the technical basis for the New Jersey Department of Environmental Protection's ("NJDEP") Fish Advisory Levels, including but not limited to exposure assumptions, toxicity values, and target risk levels used by the NJDEP to derive the Fish Advisory Levels.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary

copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

EXHIBIT
8

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

November 12, 2014

RECEIVED
NOV 18 2014

William Hyatt
K & L Gates LLP
1085 Raymond Blvd.
Newark, NJ 07102-5252

Re: Freedom of Information Act Request R2-2014-005768 (APP-2015-001368)

Dear Mr. Hyatt:

This letter is being sent to acknowledge receipt of your FOIA appeal received in the Office of General Counsel on November 10, 2014.

Sincerely,

Barbara Bruce

Barbara Bruce
FOIA Specialist
General Law Office

EXHIBIT
9

Request Details

Tracking Number : *EPA-R2-2014-006018*

Submitted Evaluation Assignment Processing

- The selected set of records is too large to download at once. Please uncheck one or more selections.

Closed

Request Information

Full Name : Robert Paul La Gravenis

Organization : K&L Gates LLP

Date Submitted : 04/28/2014

Estimated Date of Completion : September 30, 2014

Final Disposition : Undetermined

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
Re: Lower Passaic River Study Area Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area ("LPRSA") and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies of any and all emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study

("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will assume financial responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Released Records

To ensure successful downloading, multiple record download is limited to a collection of records that is 20 MB or less. Please limit your selection to 20 MB before attempting to download. Large records can be downloaded individually.

Filter by Title : SUBMIT CLEAR

Results 50

38 records found, displaying all records. 1

Download	Title	Type	Size (MB)	Release Date	Released With

38 records found, displaying all records. 1

EXHIBIT
10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 17th Floor
New York, NY 10007

JAN - 5 2015

BY EMAIL AND FOIA ONLINE

Robert Paul La Gravenis
K&L Gates, LLP
1085 Raymond Boulevard
One Newark Center, 11th Floor
Newark, New Jersey 07102-5252

Re: Freedom of Information Act (FOIA) Request EPA-R2-2014-006018

Dear Mr. La Gravenis:

This will respond to your Freedom of Information Act ("FOIA") request EPA-R2-2014-006018 seeking emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM.

EPA previously released information responsive to this request on May 27, 2014 through FOIAonline. Additional responsive information was released through FOIAonline between October 20, 2014 and December 9, 2014. This completes our response.

In addition to the information released, EPA is withholding certain responsive information that is exempt from disclosure as set forth on the enclosed withholding log. Where it was possible to segregate nonexempt information from the privileged portions of a responsive document, we have done so. However, segregation was not possible as to a number of the documents. *See, e.g., Horowitz v. Peace Corps,* 428 F.3d 271, 277 (D.C. Cir. 2005)(protecting document where decision maker's thought processes are woven into document to such an extent that any attempt at segregating information would reveal agency deliberations). Where EPA is asserting the deliberative process privilege (embodied within FOIA exemption 5, 5 U.S.C. § 552(b)(5)) as to documents on the log, that is because the documents are internal communications that are both predecisional and deliberative in nature, and release would have a chilling effect on EPA's ability to conduct frank internal discussions as part of a decision-making process, as well as

contribute to public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

You may appeal this denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." See 40 C.F.R. §2.104(j) for further information regarding appeals of adverse determinations under FOIA.

Pursuant to 40 C.F.R. § 2.107, EPA will transmit a bill for the costs incurred by EPA in searching our files, reproducing documents, and preparing our response to your FOIA request. You should receive the bill through FOIAonline, along with instructions for payment.

Please contact Sarah Flanagan of my staff at 212-637-3136 if you have any questions concerning this matter.

Sincerely yours,

Eric Schaaf
Regional Counsel

Enclosure

cc: Wanda Calderon
Jacqueline Ferreras-De Jesus

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 5: Deliberative Process					
Three emails and documents transmitted in 2007 between EPA-R2 and EPA-HQ	Yeh, Alice; Ells, Steve; Basso, Ray	Ells, Steve; Yeh, Alice; Woolford, James; Southerland, Elizabeth	11&12/2007	Technical Advisory Committee members; Data Sources and High Resolution Cores	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
86 emails and documents transmitted in 2008 between EPA-R2 and EPA-HQ, including CSTAG members	Greenberg, Marc; Winfield, Richard; Keckler, Kymberlee; Zeller, Craig; Ells, Steve; Tomchuk, Doug; Hiltner, Allison; Bergen, Barbara; Burkhard, Lawrence; Yeh, Alice; Basso, Ray; Naranjo, Eugenia	Yeh, Alice; Tomchuk, Doug; OSWER OSRTI CSTAG@EPA; Hiltner, Allison; Greenberg, Marc; Hayter, Earl; Ells, Steve; Bergen, Barbara; Burkhard, Lawrence; Keckler, Kymberlee; Smith, Craig; Zeller, Craig; Rathke, David; Schauffler, Frederick; Meyer, John; Sturgeon, Randy; Linebaugh, Stephanie; Gustavson, Karl; Southerland, Elizabeth; Naranjo, Eugenia; Cyterski, Mike; Woolford, James	1,2,3,4,5,7,8, &9/2008	EMBM Comments; CSTAG memo edits; Passaic modeling; resuspension evaluation; Conceptual Site Model Peer Review members	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Five emails and documents transmitted in 2009 between EPA-R2 and EPA-HQ, including CSTAG members	Yeh, Alice; Ells, Steve; Woolford, James	OSWER OSRTI CSTAG; Woolford, James; Southerland, Elizabeth; Dawson, Helen	1&11/2009	CSTAG Review of Passaic River; CSTAG data needs	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Eight emails transmitted in 2011 between EPA-R2 and EPA-HQ, including CSTAG members	Ells, Steve; Sturgeon, Randy; Basso, Ray	Basso, Ray; Ells, Steve; Sturgeon, Randy	1&2/2011	CSTAG call on Passaic River	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Two communications transmitted in 2012 between EPA-R2 and EPA-HQ, including CSTAG members	Ells, Steve	Ells, Steve; Hayter, Earl; OSWER OSRTI CSTAG	June, 2012	Draft material for Passaic CSTAG update	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Five emails and documents transmitted in 2013 between EPA-R2 and EPA-HQ, including CSTAG members	Greenberg, Marc	Yeh, Alice; Vaughn, Stephanie	1/4/2013	Groundwater transport to river; CSM	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Eight emails transmitted in 2014 between EPA-R2 and EPA-HQ, including CSTAG members	Ells, Steve; Basso, Ray; Greenberg, Marc	Basso, Ray; Ells, Steve	1&2/2014	Questions relating to Passaic River	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Four emails or documents created in 2006 within EPA-R2	Butler, Elizabeth; Basso, Ray; Yeh Alice	Basso, Ray; Pavlou, George	8&10/2006	Passaic River; Savannah presentation	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
84 emails and documents created in 2007 within EPA-R2	Yeh, Alice; Naranjo, Eugenia; Basso, Ray; Butler, Elizabeth; Wilson, EricJ	Butler, Elizabeth; Yeh, Alice; Naranjo, Eugenia; Winfield, Richard; legal staff; Basso, Ray; Pitruzzello, Vince; Pavlou, George; McCabe, Bill; Harewood, Charles; Giacoione, Kristin	3,5,6,7,8,9,10, 11 &12/2007	Weekly Notes; Notes from meetings; CARP; Draft Figures; Comments on FFS Appendices; Draft EMBM; Sediment transport; Additional Sampling; Axys extracts	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
107 emails and documents created in 2008 within EPA-R2	Yeh, Alice; Butler, Elizabeth; Naranjo, Eugenia; Winfield, Richard; Hemmett, Roland; Pavlou, George	Butler, Elizabeth; Basso, Ray; Yeh, Alice; Winfield, Richard; Naranjo, Eugenia; Bellow, Bonnie; Pavlou, George; Frisco, John; LaPadula, John	1,2,3,4,5,6,7,8& 9/2008	Weekly Notes; Peer Review questions, candidates; Early Action Fact Sheet; CARP; CSTAG Review; NRRB	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
31 emails and documents created in 2009 within EPA-R2	Butler, Elizabeth; Yeh, Alice; Naranjo, Eugenia; Vaughn, Stephanie; Basso, Ray	Yeh, Alice; Vaughn, Stephanie; Milles, Helga; Berman, Lenore, Basso, Ray; McEnery, Courtney; Pavlou, George; Stern, Eric	1,3,4,6,710,11& 12/2009	Sampling in Passaic/ Newark Bay; PDT meetings; CSM Summit; Review of STM, CARP runs, and revised CSM; Draft figures	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
63 emails and documents created in 2010 within EPA-R2	Butler, Elizabeth; Naranjo, Eugenia; Vaughn, Stephanie; Yeh, Alice; Kluesner, David	Yeh, Alice; Naranjo, Eugenia; Basso, Ray; Kluesner, David	1,2, 3,4,6,7,8,9, 10, 11&12/2010	Contractors; FFS CSM; Conference Abstracts; Integration of CPG data into CSM; Draft figures; Quality Review Checklist	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
19 emails and documents created in 2011 within EPA-R2	Yeh, Alice; Naranjo, Eugenia; Basso, Ray	Naranjo, Eugenia; Yeh, Alice; Basso, Ray; Vaughn, Stephanie; Pavlou, George	1, 2,3,8,9,10&12/ 2011	Draft FFS document and Appendices; Draft CSM; EMB and Numerical Model; CSTAG	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
26 emails and documents created in 2012 within EPA-R2	Yeh, Alice; Naranjo, Eugenia; Mugdan, Walter; Basso, Ray	Naranjo, Eugenia; Yeh, Alice; Basso, Ray; Mugdan, Walter	1,2,3,4,5,6,7,8,9 ,10,11,&12 /2012	CSM/EMBM; Data Evaluation Report; NRRB; Notes of biweekly meetings	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
29 emails and documents created in 2013 within EPA-R2	Yeh, Alice; Vaughn, Stephanie; Woolford, James; Ells, Steve	Vaughn, Stephanie; Olsen, Marian; Nace, Charles; Hick, Patricia; Greenberg, Marc, Ells, Steve	1,2,34,5,6,7,8, 9,10,11&12/20 13	draft data evaluation report; Coordination with HQ; Notes of biweekly meetings	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
Four emails transmitted in 2014 within EPA-R2	Naranjo, Eugenia; Vaughn, Stephanie; Basso, Ray	Vaughn, Stephanie; Yeh, Alice; Naranjo, Eugenia	1/21/2014	CPG CSM; Comments on FFS	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
18 emails and documents transmitted in 2006 between within EPA-R2 and its contractors	McDonald, Shane; Accardi-Dey, AmyMarie; Buckrucker, Elizabeth; Butler, Elizabeth	Naranjo, Eugenia; Thompson, Scott; Warner, Len; Goldstein, Kenneth J.; Fidler, Bruce; Logigian, John; Bossi, Liam	6&8/2006	Draft tables; discussion of data used in evaluating groundwater; Battelle sediment conference	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
236 emails and documents created in 2007 between within EPA-R2 and its contractors	Basso, Ray; Yeh, Alice; Buckrucker, Elizabeth; Bossi, Liam; Thompson, Scott; Hayter, Earl; Dortch, Mark S.; Garland, Edward; McDonald, Shane; Warner, Len; Fidler, Bruce; Accardi-Dey, AmyMarie	Thompson, Scott; Bossi, Liam; Naranjo, Eugenia; Garvey, Ed; Basso, Ray; Butler, Elizabeth; Hayter, Earl; Buckrucker, Elizabeth; Fidler, Bruce; Schroeder, Paul; Johnson, Billy; Dortch, Mark S; Gailani, Joe Z; Warner, Len; Garland, Edward; McGrath, Dennis G.; Yeh, Alice; Fitzpatrick, James; McDonald, Shane; Greenberg, Marc; Atmadja, Juliana; Hansen, Clarissa; Gallaher, Tom; Gunster, Don; Accardi-Dey, AmyMarie	1,2,3,5,6,7, 8,9,10& 11/2007	Data Sources and High Resolution Cores; Sediment Transport Modeling; Additional Sampling; Review of EMBM; SETAC Abstracts; Review of and comments on Draft FFS and Appendices; DQOs; Draft QAPPs; CSM technical support; Sedflume; Pore Water Analyses; Groundwater discharge; Draft NRRB presentation; Future Sediment Concentration; Draft FFS Fact Sheets; NNRB draft outline	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
214 emails and documents created in 2008 between EPA-R2 and its contractors	Garvey, Edward; DiToro, Dominic; Buckrucker, Elizabeth; Fidler, Bruce; Bopp, Richard; Naranjo, Eugenia; Hayter, Earl; Fitzpatrick, James; Thompson, Scott; Yeh, Alice; Winfield, Richard; Paquin, Paul; Zeiner, Carolyn, Rodgers, Pamela; Brownawell, Bruce; Garvey, Edward; Atmadja, Juliana	Naranjo, Eugenia; Garland, Edward; Fidler, Bruce; Brownawell, Bruce; Bopp, Richard; Butcher, Jon; DiToro, Dominic; Lick, Willy; Christensen, Eric; Garland, Edward; McDonald, Shane; Yeh, Alice; Basso, Ray; Hayter, Earl; Fitzpatrick, James; Gallagher, Tom; Buckrucker, Elizabeth; Thompson, Scott; Gallani, Joe Z; Garvey, Edward; Paquin, Paul; Winfield, Richard; Zeiner, Carolyn; Barrows, Elisabeth; Richardson, Norman, Maxemchuk, Amanda; Grzesik, Dustin; Atmadja, Juliana; Farley, Kevin	1,2,3,5,6,7,9& 10/2008	Comments on CSM, EMBM; CSM Peer Review; Bathymetric comparisons; CSM figures; Comments on EMBM; Evaluation of Modeling Frameworks; CSTAG briefing; TAC Members; CSM Summit; Sediment Transport Modeling; Cluster Analysis; Review of CSTAG comments; Data usability Study	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
70 emails and documents transmitted in 2009 between EPA-R2 and its contractors	Yeh, Alice; Basso, Ray; Buckrucker, Elizabeth; Warner, Len; Fidler, Bruce; Naranjo, Eugenia; Hayter, Earl; Zeiner, Carolyn	Garvey, Ed; Warner, Len; Vaughn, Stephanie; Basso, Ray; Butler, Elizabeth; Thompson, Scott; Buckrucker, Elizabeth; Jones, Craig; Yeh, Alice; Goldstein, Kenneth J.; Hayter, Earl; Garland, Edward; Fitzpatrick, James; Garvey, Edward; Naranjo, Eugenia; Fidler, Bruce; Gbondo-Tugbawa, Solomon; Farley, Kevin; Gallagher, Tom; McGrath, Dennis G.	1,2,3,4,6,7,8,10, 11, 12/2009	SETAC; Passaic/Newark Bay Sampling; Sediment Stability; Schedule for FFS; Sediment Trasnsport Modeling; Review of Draft CSM; CSTAG submittal; Bathymetric Analysis; CSM Summit	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
172 emails and documents transmitted in 2010 between EPA-R2 and its contractors communicating information that is predecisional and deliberative.	Accardi-Dey, AmyMarie; Buckrucker, Elizabeth; Hayter, Earl; Gbondo-Tugbawa, Solomon; Jones, Craig; Yeh, Alice; Thompson, Scott; Garvey, Edward; Garland, Edward; Zeiner, Carolyn; Fidler, Bruce; Kern, John	Yeh, Alice; Vaughn, Stephanie; Naranjo, Eugenia; Pratt, Thad; Smith, Jarrell; Yeh, Alice; Buckrucker, Elizabeth; Gailani, Joe Z; Zeiner, Carolyn; Fidler, Bruce; Gbondo-Tugbawa, Solomon; Jones, Craig; Garland, Edward; Garvey, Edward; Sanford, Larry; Butler, William C; Thompson, Scott; Fidler, Bruce; Kern, John; Flood, Roger; Gallagher, Tom; Fitzpatrick, James; Barrows, Elizabeth; Richardson, Norman; Rodgers, Pamela; Budney, Sharon; Hayter, Earl; Loor, Thalia	2,3,4,5,6,7,8,9,10, 11&12/2010	Discussing communications with Partner Agencies; Communications with and Information for ERDC; Bathymetric Survey Review; Elements of CSM; Battelle Conference Abstracts; CSM-STSU reconciliation; CAD cell evaluation; Updating EMBM; Integration of CPG data into CSM; Communications with OSI; FFS Schedule	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
54 emails and documents transmitted in 2011 between EPA-R2 and its contractors	Gbondo-Tugbawa, Solomon; Garland, Edward; Thompson, Scott; Buckrucker, Elizabeth; Naranjo, Eugenia; Fitzpatrick, James; AccardiDey, AmyMarie; Fidler, Bruce	Yeh, Alice; Naranjo, Eugenia; Paquin, Paul; Garvey, Edward; Buckrucker, Elizabeth; Fitzpatrick, James; Garland, Edward; Richardson, Norman; Rodgers, Pam; Gbondo-Tugbawa, Solomon; Fidler, Bruce; Thompson, Scott; Gbondo-Tugbawa, Solomon; Hayter, Earl	1,3,4,5,7,10& 12 /2011	CSM Trajectories and Model Forecasts; Draft figures and tables; Review of FFS Data Evaluation Report; Review of FFS RI Report Chapters; Integration of CPG data into CSM; Draft CSM Summit Action Items	Exemption 5:communicating information that reflects the deliberative process and is predecisional and deliberative.
55 emails and documents transmitted in 2012 between EPA-R2 and its contractors	Warner, Len; Gbondo-Tugbawa, Solomon; Fidler, Bruce; Buckrucker, Elizabeth; Thompson, Scott; Garvey, Edward; Atmadja, Juliana	Buckrucker, Elizabeth ; Naranjo, Eugenia; Yeh, Alice; Thompson, Scott; Rodgers, Pamela; Richardson, Norman; Barrows, Elizabeth; Atmadja, Juliana; Garvey, Edward; Loor, Thalia	2,3,4,5,7,8,9, 10, 11&12/2012	High Resolution cores; Draft figures and tables; CSM Peer Review Report; Comments on Data Evaluation Reports and other Appendices; EMBM Trajectories; Quality Review Checklist; Draft FFS RI	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
61 emails and documents transmitted in 2013 between EPA-R2 and its contractors	Vaughn, Stephaniel Atmadja, Juliana; Thompson, Scott; Yeh, Alice; Richardson, Norman; Franklin, Elizabeth; Bailey, Sharon L; Fidler, Bruce; McGrath, Dennis	Budney, Sharon; Kirchner, Scott; Yeh, Alice; Garvey, Edward; Atmadja, Juliana; Thompson, Scott; Richardson, Norman; Franklin, Elizabeth; Fidler, Bruce	1,2,4,5,6,7,8,9,1 1&12/2013	Draft FFS, Appendices, and figures; Comments on Data Evaluation Reports; Sediment PRGs and Model Outputs; BSAF Regression; Colocation of COPCs and COPECs; Peer review of CSM; CSM & EMBM tasks; Quality Review Checkist	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.
19 emails and documents transmitted in 2014 between EPA-R2 and its contractors	Wang, Xiulan; Yeh, Alice; Fidler, Bruce; Atmadja, Juliana; Richardson, Norman	Naranjo, Eugenia; Richardson, Norman A; Warner, Len; Fidler, Bruce; Thompson, Scott; Yeh, Alice; Atmadja, Juliana; Bilimoria, Maheyar	1&2/2014	Peer review of EMBM, Comments on Appendices, including Data Evaluation Reports; Quality Review Checklist; Notes of biweekly meetings.	Exemption 5: communicating information that reflects the deliberative process and is predecisional and deliberative.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 5: Deliberative Process; Exemption 7(a): Interference with enforcement proceedings					
15 Internal emails or notes between EPA technical staff	Naranjo, Eugenia; Greenberg, Marc; Nace, Charles	Nace, Charles, Burkhard, Lawrence; Yeh, ALice	June, 2008; July, 2012; April 2013	Newark Bay Ecological Risk Assessment; NJDEP Comments on Data Evaluation Reports; Comments on CSM	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.
50 communications between EPA and Partner Agencies	MacGregor, Janine; Yeh, Alice; Basso, Ray; Kubiak, Tim; Mehran, Reyhan; Doyle, David; Hayton, Anne; Baron, Lisa; Weppler, Peter	Yeh, Alice; MacGregor, Janine; Slezak, William; Baron, Lisa; Mehran, Reyhan; Kubiak, Tim; Green, Elkins; Cozzi, Tom; Hayton, Anne; Nace, Charles; Olsen, Marian; Durrell, Gregory; EPA attorneys	7,10,11/2006; 6&9/2008; Nov. 2009; Aug. 2010; 7&10/2011; 4,5,7,8,9& 11/2012; 9,10,11& 12/2013; January, 2014	RI/FFS and Appendices, including Data Evaluation Report 6; CSM Summit Action Items; Scheduling of meetings; references for mercury in fish tissue; Sediments Conference; Draft Figures	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.
27 communications between EPA and its contractors	Barrows, Elisabeth; Buckrucker, Elizabeth; Hayter, Earl; Garvey, Edward; Zeiner, Carolyn; Fidler, Bruce; Thompson, Scott; Atmadja, Juliana; Yeh, Alice	Thompson, Scott; Garvey, Edward; Yeh, Alice; Buckrucker, Elizabeth; Fitzpatrick,James; Garland, Ed; Richardson, Norman A; Rodgers, Pamela J; Gbondo-Tugbawa, Solomon; Naranjo, Eugenia; Fidler, Bruce; Loor, Thalia	Sept. 2007; June, 2008; Dec. 2009; 5,7&10/2011; 4,5,6,7,8&10/ 2012; 10,11&12/ 2013; Jan. 2014	FFS RI chapters and Appendices review; CSM Scope; CSM Summit Tasks; NRRB Packager Review; Scheduling; NJDEP comments on Data Evaluation Reports; Draft Peer Review report; Quality Review Checklist	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
34 emails or documents communicating among EPA, the Partner Agencies, and EPA contractors.	Yeh, Alice; Fidler, Bruce	Hayton, Anne; Kern, John; Yeh, Alice; Hayter, Earl; Garland, Ed; Buckrucker, Elizabeth; MacGregor, Janine; Fitzpatrick, James; Farley, Kevin; Naranjo, Eugenia; Basso, Ray; Thompson, Scott; Gbondo-Tugbawa, Solomon; Gallagher, Tom; Cozzi, Tom; Basso, Ray; Vaughn, Stephanie; Ellis, Steve; Greenberg, Marc; Hayter, Earl; Garvey, Edward; Fidler, Bruce; Pecchioli, Joel	July, 2006; 3&6/2007; May, 2008; 7,10&11/2009; January, 2011; 7&8/2012; September, 2013; 2014	CSM Summit; CARP CSO data; Sediments Conference; CSM questions	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.
Exemption 5: Deliberative Process, Attorney Work-Product and Attorney-Client Communications & 7 a): Interference with Enforcement					
Eight emails or documents internal to EPA	Yeh, Alice; Flanagan, Sarah	Olsen, Marian; Flanagan, Sarah; Hick, Patricia; Yeh, Alice	7/2008, 5/2012	Discussing communications with Partner Agencies	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Seven emails and documents transmitted between EPA and Partner Agencies, including attorneys	Yeh, Alice; Dickinson, John	Hick, Patricia; Flanagan, Sarah; MacGregor, Janine; Baron, Lisa, Mehran, Reyhan; Kubiak, Tim; Basso, Ray; Cozzi, Tom	7/2007, 1/2012 & 4/2012	Comments on Draft FFS and Appendices	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.
Six emails or documents transmitted among EPA, including attorneys, Partner Agencies and contractors	Yeh, Alice	Hick, Patricia; Flanagan, Sarah; MacGregor,Janine; Garvey, Ed; Tugbawa, Solomon; Atmadja, Juliana; Loor, Thalia; Thompson, Scott; Cozzi, Tom; Blumberg, Alan; Garland, Ed; Farley, Kevin; Fitzpatrick, Jim; Hayter, Earl; Greenberg, Marc; Fidler, Bruce; Kern, John; Budney, Sharon; Ells, Steve; Buckrucker, Elizabeth; Hayton, Anne; Butler, Elizabeth; Ells, Steve; Goldstein, Kenneth; Gallagher, Tom	11/2009; 5&8/2012; 9/2013	Draft Comments; CSM Summit Action Items; Sediment Transport; Data Evaluation Reports; Appendix C, Mass Balance Modeling Analysis	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Two documents transmitted between EPA and contractors incorporating attorney work product and advice	Yeh, Alice	Atmadja, Juliana; Thompson, Scott; Gbondo-Tugbawa, Solomon; Garvey, Edward	5/7/2012	NJDEP comments on EMBM	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories; Exemption 7(a): documents compiled for enforcement purposes, disclosure of which would interfere with enforcement proceedings.
Exemption 5: Deliberative Process and Attorney-Client Communication					
42 EPA internal emails or documents transmitted between technical and legal staff	Flanagan, Sarah; Hick, Patricia; Yeh, Alice; Naranjo, Eugenia; Butler, Elizabeth; Reddy, Kedari; Basso, Ray	Vaughn, Stephanie; Yeh, Alice; Hick, Patricia; Naranjo, Eugenia; Butler, Elizabeth; Basso, Ray; Flanagan, Sarah; Olsen, Marian; Nace, Chuck; Reddy, Kedari	12/2006; 10/2007; 2,5,9&10/2008 10&11/2009; 4,5,&7/2012; 11&12/2013; 1/2014	LPRSA RI/FS Interim CSM & Modeling Submissions; FFS and Appendices; CSM Summit; Peer Review and Reviewers; Passaic Fact Sheets; Conflict of Interests; NRRB site information package; RI/FS AOC	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
14 transmittals in emails or documents within EPA incorporating attorney advice	Basso, Ray; Naranjo, Eugenia; Yeh, Alice; Ells, Steve	Naranjo, Eugenia; Basso, Ray; Greenberg, Marc; OSWER OSRTI CSTAG; Vaughn, Stephanie; Yeh, Alice	5/2008; 10/2009; 2/2011; 7,8&11/2012; 1/2013	Peer Review charge; CSM Summit; Peer Review; NRRB topics; Comments on CSM	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice.
Three emails or documents between EPA and the federal Partner Agencies incorporating attorney advice	Yeh, Alice	Mehran, Reyhan; Kubiak, Tim; Baron, Lisa; Nace, Charles; Olsen, Marian	3,7/2012	FFS DER #6, Draft Appendix C	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice.
Four emails or documents betweeen EPA and contractors incorporating attorney advice	Buckrucker, Elizabeth	Butler, Elizabeth	October, 2007	FW: SETAC Abstracts for EPA Approval - 2 Additional Abstracts - submittal still possible today	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice.
Five documents among EPA and the federak Partner Agencies and contractors incorporating attorney advice			November, 2009	CSM Summit Action Items, Summary Info, Detailed Agenda; Summary of Observations; Sediment Characterization	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice.

Documents Withheld

FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 5: Deliberative Process; Attorney-Client Communications; Attorney Work-Product					
95 emails and documents between EPA attorneys and technical personnel	Flanagan, Sarah; Hick, Patricia; Yeh, Alice; Naranjo, Eugenia; Butler, Elizabeth	Yeh, Alice; Hick, Patricia; Flanagan, Sarah; Olsen, Marian; Nace, Charles; Basso, Ray; Wagner, Amelia; Mellott, Deborah	10/2006; 5,6,7,9, 10& 11/2007, 5,7,8/2008; 11/2009; 1&11/2010; 3,5,7,8,& 9/2012; 1,10,11& 12 /2013; 1/2014	Review of FFS and its Appendices; NRRB comments and responses; Peer Review and reviewers; SETAC presentations; CSM Summit; Legal-Technical call; Conflict of Interest; EMBM	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.
22 emails or documents between EPA attorneys	Flanagan, Sarah; Hick, Patricia	Hick, Patricia; Flanagan, Sarah	10/2006; 6/2007; 2,8/2008; 11/2009; 10/2012; 12/2013; 1/2014	Draft Appendices for Review; Sediment Transport; Conflict of Interest; Risk calculations; Peer Review Panel; CSM	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Eight emails between EPA technical personnel incorporating attorney work product and advice	Yeh, Alice; Basso, Ray; Naranjo, Eugenia	Olsen, Marian; Yeh, Alice; Basso, Ray; Naranjo, Eugenia	5/2007; 1,2/2013	Peer Review process; CARP data	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories
21 emails or documents between EPA technical personnel and contractors incorporating attorney work product	Alice Yeh; Buckrucker, Elizabeth; Butler, Elizabeth; Fidler, Bruce; Gbondo-Tugbawa, Solomon; Hayter, Earl	Buckrucker, Elizabeth; Naranjo, Eugenia; Patricia Hick; Fidler, Bruce; Yeh, Alice; Thompson, Scott; Garvey, Edward; Fitzpatrick, James; Garland, Edward; Richardson, Norman; Rodgers, Pam	5/2006; 5,6,11/2007; 5/2008; 7,11/2009; 10/2011; 1/2014	Sediment Transport; CSM-EMB; SETAC Abstracts; Coordination with NJDEP; Conflict of Interest; FFS Appendices and comments	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal
Three emails between EPA legal personnel and federal Partner Agencies incorporating attorney work product	Kubiak, Tim; Flanagan, Sarah	Flanagan, Sarah; Kubiak, Tim	7/1/2007	Re: Diamond Alkali -LPRSA - PRP Search	Exemption 5: communicating information that reflects deliberative process and is predecisional and deliberative; confidential attorney-client communications relating to legal matter for which client has sought advice; attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories.

Documents Withheld
FOIA R2-2014-006018

Quantity/type of document	Email from/Generated by	Email To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 5: Attorney Work-Product and Attorney Client Communications					
Two communications between attorneys	Hick, Patricia; Flanagan, Sarah	Flanagan, Sarah; DOJ attorney	June, 2007; August, 2008	Re: Fw: comments on the CSM peer review document	Exemption 5: Attorney-client communications; Attorney work-product reflecting mental impressions, conclusions, opinions and/or legal theories.
Exemption 5: Attorney Work-Product					
Thirty six sets of attorney notes relating to meetings or teleconferences			7&10/2006; 7&9/2007; 4,6,7,&9/2008; 2,4,6,7&11/2009; 1&10/2010; 4&12/2011; 5&12/2012	Meetings and calls including discussions of EMBM and/or CSM.	Exemption 5: attorney work product reflecting mental impressions, conclusions, opinions and/or legal theories
Exemption 5: Attorney Client					
Seven documents internal to EPA			1/30/2014	Draft Data Evaluation Reports	Exemption 5: confidential attorney-client communications relating to legal matter for which client has sought advice.

EXHIBIT
11

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T +1 973 848 4000 F +1 973 848 4001 klgates.com

William H. Hyatt, Jr.
973.848.4045
F: 973.848.4001
william.hyatt@klgates.com

February 4, 2015

Via Electronic (hq.foia@epa.gov) and Regular Mail

National Freedom of Information Officer
U.S. Environmental Protection Agency
FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Lower Passaic River Study Area
Freedom of Information Act Appeal: EPA-R2-2014-06018

Dear Sir/Madam:

Our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). I am writing to appeal Freedom of Information Act Request ("FOIA Request") EPA-R2-2014-06018 submitted to the United States Environmental Protection Agency ("EPA") Region 2 on April 28, 2014, in relation to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). A copy of the FOIA Request is enclosed.

The FOIA Request requested the following:

> [A]ny and all emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM.

EPA provided interim releases of information related to this FOIA Request on or around May 27, 2014 and November 25, 2014. EPA sent a letter to the CPG dated January 5, 2015, which provides that all responsive information to this request has been released. Although EPA provided the June 2008 peer review of the CSM and EMBM responsive to part (2) of the FOIA Request, the CPG does not believe that EPA has adequately and fully responded to part (1) of the request, and, therefore, submits this appeal with regard to this part.

Specifically, EPA has failed to provide the 2008 CSM and EMBM developed as part of the FFS and Proposed Plan, or to provide comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan. Such information is critical for the CPG and the public to understand the basis for the Proposed Plan and the development of EPA's CSM from the time of EPA's initial release of the draft FFS in 2007 through its release of the revised FFS and Proposed Plan in April 2014. It is also critical for the CPG to review and understand EPA's position with respect to these

K&L GATES

matters as the CPG works to complete the remedial investigation/feasibility study ("RI/FS") of the full 17-mile LPRSA pursuant to the May 2007 Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study – CERCLA Docket No. 02-2007-2009. Instead, EPA provided limited and largely non-substantive correspondence, including materials that were submitted by the CPG to EPA.

Further, EPA withheld responsive information to this FOIA Request as outlined in a 15-page withholding log. The withholding log includes the following categories: quantity/type of document; email from/generated by; email to/recipient of; sent month-year; subject of documents; and exemption status. Each of the documents was withheld on the basis of Exemption 5 of FOIA. However, the CPG believes that the type of information requested would not be generally protected in civil discovery. *See Burka v. U.S. Dep't of Health and Human Services*, 87 F.3d 508 (D.C. Cir. 1996). Based on the limited information provided in the withholding log, it appears that many of the documents withheld are directly responsive to the FOIA Request. For example, there are 63 emails and documents created in 2010 related to, among other things, the "FFS CSM" and "Integration of CPG data into CSM." There are also 19 emails and documents created in 2011 related to, among other things, the "Draft CSM" and "EMB and Numerical Model." Further, it is difficult to ascertain the quantity and type of documents withheld as they are grouped into broad categories with limited descriptions. For example, there are 86 emails and documents transmitted in 2008 related to, among other things, the EMBM comments; CSTAG memo edits, Passaic modeling, resuspension evaluation, and CSM peer review members. Other categories are grouped in as high as over 200 emails and documents. In addition, there was correspondence labeled as exempt under attorney-client communications, but that was not sent among attorneys. Thus, the CPG does not believe that EPA has met its burden to justify its decision to withhold the documents.

As the CPG has advised Region 2, most, if not all, of the outstanding requested documents should have been considered by EPA as part of its supporting analysis in preparation of the Proposed Plan and FFS. Therefore, this information should have been part of the administrative record. However, because it was not part of the administrative record, the CPG and other members of the public were not able to adequately comment on all aspects of the Proposed Plan and FFS by the August 20, 2014 deadline. Further, since such information has still not been provided, the CPG and the public remain unable to fully understand the basis for the Proposed Plan.

Very truly yours,

William H. Hyatt, Jr.

Enclosures

cc: Sarah P. Flanagan, Esq., EPA Region 2, Assistant Regional Counsel (via electronic mail)

Request Details

Tracking Number : *EPA-R2-2014-006018*

	Submitted	Evaluation	Assignment	Processing
Request Information				
Full Name : Robert Paul La Gravenis	Closed	04/28/2014	Date Submitted :	
Organization : K&L Gates LLP		01/07/2015	Closed Date :	
		Partial grant/partial denial	Final Disposition :	

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
Re: Lower Passaic River Study Area Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area ("LPRSA") and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies of any and all emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA;

and (2) EPA's June 2008 peer review of the CSM and EMBM.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will assume financial responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Released Records

To ensure successful downloading, multiple record download is limited to a collection of records that is 20 MB or less. Please limit your selection to 20 MB before attempting to download. Large records can be downloaded individually.

Filter by Title : SUBMIT CLEAR

Results 50

694 records found, displaying 1 to 50. 1 2 3 4 5

Download	Title	Type	Size (MB)	Release Date	Released With

694 records found, displaying 1 to 50. 1 2 3 4 5

La Gravenis, Robert Paul

From: calderon.wanda@epa.gov
Sent: Monday, April 28, 2014 3:55 PM
To: La Gravenis, Robert Paul
Subject: FOIA Request EPA-R2-2014-006018 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: EPA-R2-2014-006018
- Requester Name: Robert Paul La Gravenis
- Date Submitted: Mon Apr 28 15:54:25 EDT 2014
- Request Status: Submitted
- Description: United States Environmental Protection Agency
  Region 2
  Freedom of Information Officer
  U.S. EPA Region 2
  290 Broadway, 26th Floor
  New York, NY 10007-1866
  Re: Lower Passaic River Study Area Superfund Site

  To Whom It May Concern:

  I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area ("LPRSA") and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

  Specifically, I request copies of any and all emails, correspondence, and other documents relating to: (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revisions or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM.

  I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will assume financial responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

  Sincerely,

  Robert Paul La Gravenis

  Senior Paralegal
  K&L Gates LLP
  One Newark Center, 11th Floor

Newark, NJ 07102
robertpaul.lagravenis@klgates.com

EXHIBIT
12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

February 6, 2015

Mr. Robert Paul La Gravenis
K & L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102

Re: Freedom of Information Act Request EPA-R2-2014-006018 (HQ-APP-2015-003894)

Dear Mr. La Gravenis:

This letter is being sent to acknowledge receipt of your FOIA appeal received in the Office of General Counsel on February 6, 2015.

Sincerely,

Shirley Blair

Shirley Blair
General Law Office

EXHIBIT
13

Request Confirmation

Request Information

Tracking Number : *EPA-R2-2014-006476*
Requester Name : Robert Paul La Gravenis
Date Submitted : 05/14/2014
Request Status : Submitted
Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
Re: Lower Passaic River Study Area Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Preview Request

Agency Selection

Agency : U.S Environmental Protection Agency
Sub-Agency : Region 2

Contact Information

Prefix :
First Name : Robert Paul
Middle Initial :
Last Name : La Gravenis
Organization : K&L Gates LLP
Email Address : robertpaul.lagravenis@klgates.com
Phone Number : 973-848-4029
Fax Number : 973-848-4001

Mailing Address Location : United States/U.S. Territories
Address Line 1 : 1085 Raymond Boulevard
Address Line 2 : One Newark Center, 11th Floor
City : Newark
State/Province : New Jersey
Zip Code/Postal Code : 07102-5252

Processing Fees

Will Pay Up To : $ 500.00

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Lower Passaic River Study Area Superfund Site

To Whom It May Concern:

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in Attachment A annexed hereto, which relate to the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Request a Fee Waiver

Make Request ? No

Request Expedited Handling

Make Request ? No

Attach Supporting Files

Attached File	Type	Size (MB)
NW-#458982-v1-Appendix_A_to_May_14__2014_FOIA_Request.DOCX	Microsoft Word	0.01

☑ Agree to Privacy Act Statement. I have read the Privacy Act Statement and agree to the terms set forth.

☐ Affirmation. Pursuant to 28 USC § 1746, I declare and affirm that under penalty of perjury under the laws of the United States of America that all of the foregoing information, statements, and signatures submitted in connection with this request and in any supporting

documents are true and correct to the best of my knowledge.

Appendix A to May 14, 2014 FOIA Request

1. An accounting of funds spent and/or committed to be spent in developing the April 11, 2014 Proposed Plan (PP) for the Lower 8 Miles of the Lower Passaic River Study Area (LPRSA) and the reports and appendices thereto, including but not limited to the Remedial Investigation (RI) and Focused Feasibility Study (FFS).

2. Any authorization for expenditure of funds for the PP and the reports and appendices thereto.

3. All comments to the National Remedy Review Board (NRRB) from the partner agencies (NOAA, FWS, State of NJ) sent to EPA for transmittal to the NRRB and any EPA responses to such comments.

4. Any and all communications regarding the LPRSA between: 1. Any U.S. EPA personnel and any member of the Community Advisory Group or any other person purporting to be a representative of the community; and 2. Any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck. This information would include but not be limited to all letters, email (both official accounts and personal accounts used for official business), and any notes, records, reports, summaries or memoranda taken during or prepared after communications with members of the public relating to the LPRSA.

5. The following items related to the public hearing on the PP, held by EPA in Newark, NJ on May 7, 2014 (Hearing): 1. video and/or other recordings taken during the Hearing; 2. a transcript of the Hearing; 3. Sign-in sheets for participants at the Hearing; 4. Communications between Region 2 and members of the public regarding preparations for the Hearing (to the extent not covered by request 4); and 5. Any petitions available for signature during the Hearing.

6. Any documents relating to the designation of any portion of the Diamond Alkali Superfund Site as an operable unit.

EXHIBIT
14

Request Details

Tracking Number : *EPA-R2-2014-006476*

Submitted Evaluation Assignment Processing

Request Information

Closed

Full Name : Robert Paul La Gravenis

Organization : K&L Gates LLP

Date Submitted : 05/14/2014

Estimated Date of Completion : September 30, 2014

Final Disposition : Undetermined

Description :

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Diamond Alkali Superfund Site

To Whom It May Concern:

I am submitting this document request modification to my recent FOIA tracking no.: EPA-R2-2014-006476 to include an additional request (no.: 7) to my Appendix A submitted on May 14, 2014, (submitted hereto as Amended Appendix A) pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, I request copies the documents listed in my Amended Appendix A annexed hereto, which relate to the Site.

I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

Sincerely,

Robert Paul La Gravenis

Senior Paralegal
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102
robertpaul.lagravenis@klgates.com

Attached Supporting Files

Attached File	Type	Size (MB)
NW-#458982-v1-Appendix_A_to_May_14__2014_FOIA_Request.DOCX	Microsoft Word	0.01
Amended-Appendix_A_to_May_14__2014_FOIA_Request.docx	Microsoft Word	0.01
Amended-Appendix_A_to_May_14__2014_FOIA_Request.docx	Microsoft Word	0.01

Released Records

To ensure successful downloading, multiple record download is limited to a collection of records that is 20 MB or less. Please limit your selection to 20 MB before attempting to download. Large records can be downloaded individually.

Filter by Title : SUBMIT CLEAR

Results 10

79 records found, displaying all records. 1

Download	Title	Type	Size (MB)	Release Date	Released With

79 records found, displaying all records. 1

Amended Appendix A to May 14, 2014 FOIA Request

1. An accounting of funds spent and/or committed to be spent in developing the April 11, 2014 Proposed Plan (PP) for the Lower 8 Miles of the Lower Passaic River Study Area (LPRSA) and the reports and appendices thereto, including but not limited to the Remedial Investigation (RI) and Focused Feasibility Study (FFS).

2. Any authorization for expenditure of funds for the PP and the reports and appendices thereto.

3. All comments to the National Remedy Review Board (NRRB) from the partner agencies (NOAA, FWS, State of NJ) sent to EPA for transmittal to the NRRB and any EPA responses to such comments.

4. Any and all communications regarding the LPRSA between: 1. Any U.S. EPA personnel and any member of the Community Advisory Group or any other person purporting to be a representative of the community; and 2. Any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck. This information would include but not be limited to all letters, email (both official accounts and personal accounts used for official business), and any notes, records, reports, summaries or memoranda taken during or prepared after communications with members of the public relating to the LPRSA.

5. The following items related to the public hearing on the PP, held by EPA in Newark, NJ on May 7, 2014 (Hearing): 1. video and/or other recordings taken during the Hearing; 2. a transcript of the Hearing; 3. Sign-in sheets for participants at the Hearing; 4. Communications between Region 2 and members of the public regarding preparations for the Hearing (to the extent not covered by request 4); and 5. Any petitions available for signature during the Hearing.

6. Any documents relating to the designation of any portion of the Diamond Alkali Superfund Site as an operable unit.

7. The sample identification numbers and chemistry for the four core samples, four grab samples and two dam catchment samples that EPA uses to define upriver (above the Dundee Dam) surface sediment background conditions.

EXHIBIT
15

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T +1 973 848 4000 F +1 973 848 4001 klgates.com

William H. Hyatt, Jr.
D 973.848.4045
F 973.848.4001
william.hyatt@klgates.com

November 4, 2014

Via Regular Mail

Sarah P. Flanagan, Esq.
Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA Region 2
290 Broadway
New York, NY 10007

Re: Lower Passaic River Study Area

Dear Sarah:

I am writing in follow-up to my September 19, 2014 letter regarding four Freedom of Information Act ("FOIA") requests submitted by the Cooperating Parties Group ("CPG") with respect to EPA's April 2014 Proposed Plan and supporting Focused Feasibility Study ("FFS"): EPA-R2-2014-005768 - 4/21/14 ("First Request"); EPA-R2-2014-006018 - 4/28/14 ("Second Request"); EPA-R2-2014-006476 - 5/14/14 (amended 5/15/14) ("Third Request"); and EPA-R2-2014-007546 - 6/17/14 ("Fourth Request").

The purpose of this letter is to review the status of each of the FOIA requests and information that remains outstanding as of today's date. The following items are only meant to be examples and do not include an exhaustive list of the inadequacies in EPA's responses:

- First Request - By email dated October 3, 2014, EPA notified the CPG that additional documents were available in response to this request. By email dated October 29, 2014, EPA provided a letter dated October 10, 2013, which states that EPA has now fully responded to this request, except for certain documents that EPA claims are exempt from FOIA. The CPG is in the process of reviewing these additional materials, which contain over 400 documents, but currently does not believe that EPA has adequately and fully responded to this request. Therefore, the CPG will be filing an appeal in accordance with the October 10, 2014 letter.

- Second Request - By email dated October 20, 2014, EPA notified the CPG of an interim release of documents, which included a Mass Balance Modeling Analysis dated 2014 and other correspondence. This request related to: (1) EPA's 2008 CSM and EMBM; and (2) the June 2008 peer review of the CSM and EMBM. While EPA has provided the 2008 CSM Peer Review, the CPG has not yet received the 2008 CSM. EPA has also indicated that the completion date for this request has been extended to the end of November. Please confirm that this document will be provided by the extended due date.

K&L|GATES

- Third Request - In addition to the issues outlined in my September 19 letter, the CPG has not received any substantive email communications between Judith Enck and members of the community (on either personal or official email accounts), with the exception of scheduling related issues for a CAG meetings. Please confirm that no such emails exist. Also, please confirm the estimated completion date for this request.

- Fourth Request - By email dated July 14, 2014, EPA notified the CPG that EPA had fully responded to the request. However, the documents provided do not provide the requested information on the basis of NJDEP's trigger levels for dioxin or mercury. This aspect of the FOIA request has not been addressed. Please confirm whether or not such information is available.

CPG reiterates its belief that most, if not all, of these documents should have been considered by EPA as part of its supporting analysis in preparation of the Proposed Plan and FFS. Therefore, this information should have been part of the administrative record. Therefore, the CPG reserves all rights and defenses with respect to payment of any FOIA-related costs. Additionally, because the information should have been part of the administrative record -- but was not -- the CPG, and other members of the public, were not able to adequately comment on all aspects of the Proposed Plan and FFS.

Very truly yours,

William H. Hyatt, Jr.

EXHIBIT
16

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

RECEIVED
NOV 19 2014

November 13, 2014

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

Re: Diamond Alkali – Lower Passaic River Study Area/CPG FOIA Requests

Dear Bill:

This will respond to your letter dated November 4, 2014 referring to four Freedom of Information Act ("FOIA") requests that the Cooperating Parties Group ("CPG") submitted to EPA in the April-June 2014 time frame. Your letter expresses the CPG's dissatisfaction with EPA's responses to those requests.

EPA has been working diligently to respond to the CPG's FOIA requests, along with other FOIA requests we have received related to the Lower Passaic River Study Area ("LPRSA"). A number of these, including some submitted by the CPG, have required us to review many thousands of documents. This has led to extended review periods for some requests. Moreover, EPA is responding through FOIAonline, the web-based application that EPA is now obliged to use. While FOIAonline can be a convenient mechanism for making information available, technical difficulties associated with use of this application have sometimes delayed releases of information.

Your letter notes the discrepancy between the date of the final letter issued with respect to CPG FOIA request EPA-R2-2014-005768, which constituted a partial denial, and the date that you received the letter. The discrepancy was the result of difficulties associated with the use of FOIAonline, which delayed the final release of information and the denial letter. We did not "backdate" the letter, as you state in your appeal (received November 12, 2014 in Region 2), but it is the case that the letter was not re-dated to account for the delay associated with the final release. The approach outlined in the CPG's FOIA appeal – i.e, submitting the appeal on November 7, 2014 with the intention of supplementing it by November 28, 2014, should the CPG determine that it does wish to pursue this course of action – is reasonable.

Regarding CPG FOIA request EPA-R2-2014-006018, your letter asks if EPA will be able to complete our response by the end of November, 2014. That is our intention. For your information, this request, which asks for "any and all emails, correspondence and other

documents relating to (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revision or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM," required Region 2 to review close to 10,000 potentially responsive documents.

Regarding CPG FOIA request EPA-R2-2014-006476, your letter indicates that the CPG is dissatisfied with the information that EPA has released to date comprising communications between "any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck" regarding the LPRSA. You ask that EPA confirm that no "substantive email communications between Judith Enck and members of the community" exist. Region 2 has provided information responsive to this FOIA request, and we continue to review and provide responsive information. Opining whether the communications we release are substantive or not seems to go beyond the scope of our FOIA review. The CPG also asks for the date by which Region 2 will complete its response to this request. We anticipate that we will be able to complete our response by December 31, 2014. We are planning to release additional documents in the interim. For your information, this FOIA request resulted in a collection of over 10,000 documents, and at least 7,000 remain to be reviewed.

Finally, regarding CPG request EPA-R2-2014-007546, your letter states that EPA did not provide certain specific information that the CPG requested "on the basis for NJDEP's trigger levels for dioxin or mercury." Region 2 completed its response to this FOIA request, as set forth in its letter dated July 1, 2014, which the CPG reportedly received July 14, 2014. All responsive information identified in our search was released.

I hope this information is helpful.

Sincerely,

Sarah P. Flanagan

Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
A Yeh, ERRD
P. Hick, ORC

EXHIBIT
17

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 17th Floor
New York, NY 10007

MAR 20 2015

BY US MAIL & FOIA ONLINE

Mr. Robert Paul La Gravenis
K&L Gates LLP
One Newark Center, 11th Floor
Newark, NJ 07102

Re: Freedom of Information Act (FOIA) Request EPA-R2-2014-006476

Dear Mr. La Gravenis:

This will respond to your Freedom of Information Act ("FOIA") request EPA-R2-2014-006476 seeking information as set forth in Attachment A to your FOIA request. EPA released information responsive to your FOIA request through FOIAonline on June 17, 2014. The balance of the responsive information is enclosed herein on a DVD, and will be uploaded to FOIAonline in the coming days. This completes EPA's response.

EPA is withholding one responsive document: a submission to the National Remedy Review Board by the federal natural resource trustees, National Oceanic and Atmospheric Administration, and Fish and Wildlife Service of the Department of the Interior. That document is exempt from disclosure under FOIA Exemption 5, 5 U.S.C. § 552(b)(5), because it is predecisional and deliberative. Where it was possible to segregate nonexempt information from the privileged portions of a responsive document, we have done so. However, segregation was not possible as to this document. *See, e.g., Horowitz v. Peace Corps,* 428 F.3d 271, 277 (D.C. Cir. 2005)(protecting document where decision maker's thought processes are woven into document to such an extent that any attempt at segregating information would reveal agency deliberations). The document is a communication from EPA's partner federal agencies, the release of which would have a chilling effect on EPA's ability to conduct frank internal discussions as part of a decision-making process, as well as contribute to public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

You may appeal this denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460

(U.S. Postal Service Only), E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." See 40 C.F.R. §2.104(j) for further information regarding appeals of adverse determinations under FOIA.

Pursuant to 40 C.F.R. § 2.107, EPA will transmit a bill for the costs incurred by EPA in searching our files, reproducing documents, and preparing our response to your FOIA request, which total $2,100. You should receive the bill through FOIAonline, along with instructions for payment.

Please contact Sarah Flanagan of my staff at 212-637-3136 if you have any questions concerning this matter.

Sincerely yours,

Eric Schaaf
Regional Counsel

Enclosure

cc: Wanda Calderon
Jacqueline Ferreras-De Jesus

EXHIBIT
18

K&L GATES

K&L GATES LLP
ONE NEWARK CENTER
TENTH FLOOR
NEWARK, NJ 07102
T +1 973 848 4000 F +1 973 848 4001 klgates.com

April 17, 2015

William H. Hyatt, Jr.
973.848.4045
F: 973.848.4001
william.hyatt@klgates.com

Via Electronic (hq.foia@epa.gov) and Hand Delivery

National Freedom of Information Officer
U.S. Environmental Protection Agency
FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Lower Passaic River Study Area
Freedom of Information Act Appeal: EPA-R2-2014-006476

Dear Sir/Madam:

Our firm represents the Cooperating Parties Group ("CPG") with respect to the Lower Passaic River Study Area ("LPRSA"). I am writing to appeal Freedom of Information Act Request ("FOIA Request") EPA-R2-2014-006476 submitted to the United States Environmental Protection Agency ("EPA") Region 2 on May 14, 2014, in relation to EPA's Proposed Plan for the lower eight miles of the LPRSA ("Proposed Plan"). A copy of the FOIA Request is enclosed.

The FOIA Request requested the following:

1. An accounting of funds spent and/or committed to be spent in developing the April 11, 2014 Proposed Plan (PP) for the Lower 8 Miles of the Lower Passaic River Study Area (LPRSA) and the reports and appendices thereto, including but not limited to the Remedial Investigation (RI) and Focused Feasibility Study (FFS).

2. Any authorization for expenditure of funds for the PP and the reports and appendices thereto.

3. All comments to the National Remedy Review Board (NRRB) from the partner agencies (NOAA, FWS, State of NJ) sent to EPA for transmittal to the NRRB and any EPA responses to such comments.

4. Any and all communications regarding the LPRSA between: (1) Any U.S. EPA personnel and any member of the Community Advisory Group or any other person purporting to be a representative of the community; and (2) Any member of the

public and Judith Enck, including any alter egos or aliases of Administrator Enck. This information would include but not be limited to all letters, email (both official accounts and personal accounts used for official business), and any notes, records, reports, summaries or memoranda taken during or prepared after communications with members of the public relating to the LPRSA.

5. The following items related to the public hearing on the PP, held by EPA in Newark, NJ on May 7, 2014 (Hearing): (1) video and/or other recordings taken during the Hearing; (2) a transcript of the Hearing; (3) Sign-in sheets for participants at the Hearing; (4) Communications between Region 2 and members of the public regarding preparations for the Hearing (to the extent not covered by request (4)); and (5) Any petitions available for signature during the Hearing.

6. Any documents relating to the designation of any portion of the Diamond Alkali Superfund Site as an operable unit.

7. The sample identification numbers and chemistry for the four core samples, four grab samples and two dam catchment samples that EPA uses to define upriver (above the Dundee Dam) surface sediment background conditions.

EPA provided interim releases of information related to this FOIA Request on or around June 17, 2014. EPA sent a letter to the CPG dated March 20, 2015, which provides that all responsive information to this request has been released. Although the CPG understands that EPA has provided documents that respond to parts (3), (5), and (7) of the Request, the CPG does not believe that EPA has adequately and fully responded to parts (1), (2), (4), and (6) of the Request, and, therefore, submits this appeal with regard to these parts.

Specifically, EPA has failed to provide an accounting of funds spent or committed to be spent in developing the Proposed Plan and the reports and appendices thereto, including but not limited to the Remedial Investigation and Focused Feasibility Study. EPA has also failed to provide documents authorizing the expenditure of funds for the Proposed Plan. No documents were provided that explain EPA's decision to designate of any portion of the Diamond Alkali Superfund Site as an operable unit. The CPG first learned of EPA's designation of the lower eight miles of the LPRSA as an operable unit from EPA's Proposed Plan and has not received any meaningful explanation as to the basis for this designation.

Although EPA did produce Judith Enck's general emails to the Passaic River Community Advisory Group, EPA did not produce Administrator Enck's personal communications with members of the public. An enclosed Minority Staff Report of the Senate Environment Committee states that watchdog groups have uncovered Administrator

K&L GATES

Enck using her personal email to communicate with environmentalists in violation of EPA policy and that the EPA's Office of the Investigator General (OIG) has confirmed that Administrator Enck is the subject of an OIG inquiry.[1] In light of this information, the CPG requests that EPA either produce Administrator Enck's personal communications with members of the public, whether sent from an official account or a personal account used for official business, or confirm that no such correspondence exists.

The information requested in parts (1), (2), (4), and (6) of the Request is critical for the CPG and the public to understand the basis for the Proposed Plan and the development of EPA's Conceptual Site Model from the time of EPA's initial release of the draft FFS in 2007 through its release of the revised FFS and Proposed Plan in April 2014. It is also critical for the CPG to review and understand EPA's position with respect to these matters as the CPG works to complete the remedial investigation/feasibility study ("RI/FS") of the full 17-mile LPRSA pursuant to the May 2007 Administrative Agreement and Order on Consent for Remedial Investigation/Feasibility Study – CERCLA Docket No. 02-2007-2009.

Very truly yours,

William H. Hyatt, Jr.

Enclosures
cc: Sarah P. Flanagan, Esq., EPA Region 2, Assistant Regional Counsel (via electronic mail)

[1] Two media accounts related to these issues are also enclosed.

United States Senate
Committee on Environment and Public Works
Minority Staff Report

The Chain of Environmental Command:

How a Club of Billionaires and Their Foundations Control the Environmental Movement and Obama's EPA

July 30, 2014

Contact: Luke Bolar — Luke_Bolar@epw.senate.gov (202) 224-6176
Cheyenne Steel — Cheyenne_Steel@epw.senate.gov (202) 224-6176
U.S. Senate Committee on Environment and Public Works (Minority)

EXECUTIVE SUMMARY

In his 2010 State of the Union Address, President Obama famously chided the Supreme Court for its recent campaign finance decision by proclaiming, "With all due deference to the separation of powers, the Supreme Court reversed a century of law to open the floodgates for special interests – including foreign corporations – to spend without limit in our elections."[1] In another speech he further lamented, "There aren't a lot of functioning democracies around the world that work this way where you can basically have millionaires and billionaires bankrolling whoever they want, however they want, in some cases undisclosed. What it means is ordinary Americans are shut out of the process."[2]

These statements are remarkable for their blatant hypocrisy and obfuscation of the fact that the President and his cadre of wealthy liberal allies and donors embrace the very tactics he publically scorned. In reality, an elite group of left wing millionaires and billionaires, which this report refers to as the "Billionaire's Club," who directs and controls the far-left environmental movement, which in turn controls major policy decisions and lobbies on behalf of the U.S. Environmental Protection Agency (EPA). Even more unsettling, a dominant organization in this movement is Sea Change Foundation, a private California foundation, which relies on funding from a foreign company with undisclosed donors. In turn, Sea Change funnels tens of millions of dollars to other large but discreet foundations and prominent environmental activists who strive to control both policy and politics.

This report examines in detail the mechanisms and methods of a far-left environmental machine that has been erected around a small group of powerful and active millionaires and billionaires who exert tremendous sway over a colossal effort. Although startling in its findings, the report covers only a small fraction of the amount of money that is being secreted and moved around. It would be virtually impossible to examine this system completely given the enormity of this carefully coordinated effort and the lack of transparency surrounding it.

The failure to openly acknowledge this force and the silence of the media with whom they coordinate further emphasize the fact that until today, the Billionaire's Club operated in relative obscurity hidden under the guise of "philanthropy." The scheme to keep their efforts hidden and far removed from the political stage is deliberate, meticulous, and intended to mislead the public. While it is uncertain why they operate in the shadows and what they are hiding, what is clear is that these individuals and foundations go to tremendous lengths to avoid public association with the far-left environmental movement they so generously fund.

The report attempts to decipher the patterns of "charitable giving." Often the wealthiest foundations donate large sums to intermediaries – sometimes a pass through and sometimes a fiscal sponsor. The intermediary then funnels the money to other 501(c)(3) and 501(c)(4) organizations that the original foundation might also directly support. The report offers theories

---

[1] Bill Mears, *Chief justice chides State of the Union as 'political pep rally'*, CNN, March 11, 2010, 7:33 A.M., http://www.cnn.com/2010/POLITICS/03/10/obama.supremecourt (last visited July 27, 2014).
[2] Ben Wolfgang, *Obama weighs in for campaign finance limits*, THE WASHINGTON TIMES, Oct. 8, 2013, http://www.washingtontimes.com/blog/inside-politics/2013/oct/8/obama-weighs-campaign-finance-limits (last visited July 27, 2014).

that could explain this bizarre behavior, but at its core, the Billionaire's Club is not, and seemingly does not, want to be transparent about the groups they fund and how much they are supporting them.

In advancing their cause, these wealthy liberals fully exploit the benefits of a generous tax code meant to promote genuine philanthropy and charitable acts, amazingly with little apparent Internal Revenue Service scrutiny. Instead of furthering a noble purpose, their tax deductible contributions secretly flow to a select group of left wing activists who are complicit and eager to participate in the fee-for-service arrangement to promote shared political goals. Moreover, the financial arrangement provides significant insulation to these wealthy elite from the incidental damage they do to the U.S. economy and average Americans.

Through these arrangements, the Billionaire's Club gains access to a close knit network of likeminded funders, environmental activists, and government bureaucrats who specialize in manufacturing phony "grassroots" movements and in promoting bogus propaganda disguised as science and news to spread an anti-fossil energy message to the unknowing public. Not only is the system incredibly sophisticated, but the Club's attorneys and accountants have mastered the loopholes and gray areas in the tax code, which enable them to obtain a full tax benefit, even when the recipient of the grant is not recognized as a public charity, and even if the money indirectly and impermissibly funds political activities.

In order to understand how the Billionaire's Club colludes with the far-left environmental activists and government officials, the report articulates the fundamental framework that governs these relationships. Essentially, the far-left environmental machine is comprised of hundreds of nonprofit organizations. Each entity is set up according to its designated purpose and is either a private foundation or a public charity, depending on where the cog fits in this well-designed wheel.

The facilitators – both organizations and individuals who bring together the private foundations and the activists – are a key component of the movement's success. The report identifies three organizations that serve prominent roles as facilitators: the Environmental Grantmakers Association, the Democracy Alliance, and the Divest/Invest movement. There is also a narrow set of individuals whose careers are part of the fabric of the far-left environmental movement and who serve as coordinators and intermediaries between the Billionaire's Club and the activist groups.

The ultimate recipients of donations from the Billionaire's Club work in tandem with wealthy donors to maximize the value of their tax deductible donations and leverage their combined resources to influence elections and policy outcomes. Often, they lobby on behalf of the EPA and advance policy positions important to the agency, which is statutorily prohibited from lobbying on its own behalf. But most importantly, they serve as the face of the environmental movement and present themselves as non-partisan benevolent charities to a public not aware of the secretive backroom deals and transfers.

The Billionaire's Club achieves many of its successes through the "capture" of key employees at EPA. These "successes" are often at the expense of farmers, miners, roughnecks,

small businesses, and families. This report proves that the Obama EPA has been deliberately staffed at the highest levels with far-left environmental activists who have worked hand-in-glove with their former colleagues. The green-revolving door at EPA has become a valuable asset for the far-left and their wealthy donors. In addition to providing insider access to important policy decisions, it appears activists now at EPA also funnel government money through grants to their former employers and colleagues. The report tracks the amount of government aid doled out to activist groups and details a troubling disregard for ethics by certain high powered officials.

The report further describes what the Billionaire's Club is purchasing with their fortunes. It reveals that activists are skilled at creating and pushing out propaganda disguised as science and news. For example, both the Park Foundation and the Schmidt Family Foundation have financed questionable scientists to produce anti-fracking research, which the *Huffington Post, Mother Jones, and Climate Desk* – all grant recipients themselves – eagerly report on.

The Billionaire's Club has also perfected the craft of assembling and funding fake grassroots movements to assist in ballot measures and other state initiatives. The efforts in New York and Colorado to ban fracking are prime examples. The report explains how these faux grassroots efforts are actually funded by foundations outside the states they seek to influence. All these groups are similarly utilizing their platform to attack jobs, economic development, and infrastructure projects across the country.

The Energy Foundation is a quintessential example of a pass through frequently employed by the Billionaire's Club. Energy Foundation receives money from several key foundations and redirects it to activists. In doing so, they are providing two services: distance between the donor and the activist, and enhancing the clout of the donors as their individual influence is maximized by pooling resources. One of the major funders of the Energy Foundation is Sea Change, which has gone to great lengths to hide the source of its money. This is especially concerning in light of recent revelations that environmental activists do not appear to be morally conflicted over where their money comes from – so long as it supports their goals.

The Billionaire's Club is also adept at converting charitable donations into political outcomes by taking advantage of loopholes in the tax code. Numerous examples raise questions as to whether the charitable donations are indirectly supporting political activity. For example, in many cases they fund a 501(c)(3), like the Energy Foundation or the League of Conservation Voters, which then transfers large sums to an affiliated 501(c)(4), which can engage in political activity. The affiliated groups often share office space, staff, and even board members. In the case of the 501(c)(4) Green Tech Action Fund, which received donations from the Energy Foundation, and in turn, donated funds to 501(c)(4) far-left environmental activist organizations.

The evidence provided in this report highlights the lengths the far-left environmental movement goes to hide sources of funding and to disguise their actions – bought and paid for by millionaires and billionaires – as charitable acts in service of their fellow man. This report outlines a sampling of the individuals, foundations, and practices that are active in our political system today, shedding light on just a fraction of the activities of the far-left environmental machine that undermines American free enterprise and resource security.

FINDINGS:

- The "Billionaire's Club," an exclusive group of wealthy individuals, directs the far-left environmental movement. The members of this elite liberal club funnel their fortunes through private foundations to execute their personal political agenda, which is centered around restricting the use of fossil fuels in the United States. (Pg. 6)

- The Billionaire's Club has established a dozen prominent private foundations with huge sums of money at their disposal to spend on environmental causes. (Pg. 9)

- Members of the Billionaire's Club also donate directly to 501(c)(3) public charities. Generally, the public charity is considered the preferred status under the tax code, based on the greater tax benefits and protections on donor disclosures. (Pg. 10)

- Public charities attempt to provide the maximum amount of control to their donors through fiscal sponsorships, which are a legally suspect innovation unique to the left, whereby the charity actually sells its nonprofit status to a group for a fee. (Pg. 12)

- Nearly all of the public charities discussed in this report have an affiliated 501(c)(4) that engages in activities designed to influence elections and have no restrictions on their lobbying efforts. The funding of a 501(c)(4) by a 501(c)(3) affiliates is provocative in light of the legal restrictions on public charities from participating in political campaigning, either directly or indirectly, while permitting a 501(c)(4) to significantly engage in campaign activities. (Pg. 14)

- Members of the Billionaire's Club put a premium on access to the complex environmental infrastructure that has evolved to leverage substantial assets towards achieving defined policy outcomes. (Pg. 16)

- Environmental Grantmakers Association (EGA) is a place where wealthy donors meet and coordinate the distribution of grants to advance the environmental movement. EGA encourages the use of prescriptive grantmaking. It is a secretive organization, refusing to disclose their membership list to Congress. (Pg. 16)

- Democracy Alliance (DA), a facilitator for wealthy donors seeking to advance a broader far-left agenda, does not disclose the details of any transaction it facilitates, and its members and donor-recipients cannot speak publically about the organization. (Pg. 18)

- Environmental activist groups are well aligned with the greater far-left agenda. One of DA's acclaimed successes in the last year includes President Obama's executive actions on climate change. (Pg. 20)

- Many far-left environmental foundations and groups have pledged to divest in fossil fuels and invest in renewable projects as well as "philanthropy." (Pg. 22)

- There is a narrow set of individuals whose careers are part of the fabric of the far-left environmental movement. These individuals exercise outsized influence regarding the distribution of funds. (Pg. 23)

- Public charity activist groups propagate the false notion that they are independent, citizen-funded groups working altruistically. In reality, they work in tandem with wealthy donors to maximize the value of the donors' tax deductible donations and leverage their combined resources to influence elections and policy outcomes, with a focus on the U.S. Environmental Protection Agency (EPA). (Pg. 25)

- Far-left environmental activists, while benefiting from nonprofit status, essentially sell a product to wealthy foundations who are seeking to drive policy and political outcomes. (Pg. 38)

- The Obama Administration has installed an audacious green-revolving door among senior officials at EPA, which has become a valuable asset for the environmental movement and its wealthy donors. (Pg. 28)

- In one example, senior EPA officials planned to use Michelle DePass's position on the Board of Directors of EGA, her eminent employment at EPA, and her relationship with former EPA Administrator Lisa Jackson, to enhance her influence with EGA. (Pg. 29)

- Former far-left environmentalists working at EPA funnel government money through grants to their former employers and colleagues, often contributing to the bottom line of environmental activist groups. (Pg. 34)

- Under President Obama, EPA has given more than $27 million in taxpayer-funded grants to major environmental groups. Notably, the Natural Resources Defense Council and Environmental Defense Fund – two key activists groups with significant ties to senior EPA officials – have collected more than $1 million in funding each. (Pg. 34)

- EPA Region 2 Administrator Judith Enck appears to be inappropriately and personally involved in the allocation of EPA grants to favored groups. Enck is also the subject of an inquiry led by the EPA Office of Inspector General. (Pg. 35)

- EPA also gives grants to lesser-known extreme groups. For example, the Louisiana Bucket Brigade received hundreds of thousands of grants under former Administrator Lisa Jackson despite challenges by state regulators over the use of such grants. (Pg. 33)

- Some of the most valued services activists provide the Billionaire's Club includes promulgation of propaganda, which creates an artificial echo chamber; appearance of a faux grassroots movement; access to nimble and transient groups under fiscal sponsorship arrangements; distance/anonymity between donations made by well-known donors and activities of risky activist groups; and above all – the ability to leverage tens of millions of dollars in questionable foreign funding. (Pg. 38)

- Foundations finance research to justify desired predetermined policy outcome. The research is then reported on by a news outlet, oftentimes one that is also supported by the same foundation, in an effort to increase visibility. In one example, a story reporting on a Park Foundation-supported anti-fracking study was reproduced by a Park-funded news organization through a Park-funded media collaboration where it was then further disseminated on Twitter by the maker of Park-backed anti-fracking movies. (Pg. 41)

- Another service provided to the Billionaire's Club is the manufacturing of an artificial grassroots movement where it is not the citizen's interest that drives the movement; rather, it is part of a well-funded national strategy. (Pg. 43)

- In New York and Colorado, a pseudo grassroots effort to attack hydraulic fracturing has germinated from massive amounts of funding by the NY-based Park Foundation, as well as CA-based Schmidt Family Foundation and Tides Foundation. (Pg. 44)

- The same California and New York-based foundations behind the New York anti-fracking efforts have shifted to Colorado through two coalitions – Local Control Colorado and Frack Free Colorado. (Pg. 45)

- Bold Nebraska is another example of faux grassroots where a purportedly local organization is, in fact, an arm of the Billionaire's Club. It is nothing more than a shield for wealthy and distant non-Nebraskan interests who seek to advance a political agenda without drawing attention to the fact that they, too, are outsiders with little connection to the state. (Pg. 50)

- The Energy Foundation is a pass through public charity utilized by the most powerful EGA members to create the appearance of a more diversified base of support, to shield them from accountability, and to leverage limited resources by hiring dedicated energy/environment staff to handle strategic giving. (Pg. 51)

- The Energy Foundation is the largest recipient of grants from the foreign-funded Sea Change Foundation; yet, it appears the Energy Foundation attempts to hide donations from Sea Change, as it is not listed as one of Energy Foundation's partners. (Pg. 53)

- The circumstances surrounding the flow of money from 501(c)(3) and 501(c)(4) groups, and the likelihood of lax oversight, raises questions as to whether 501(c)(3) nonprofit foundations and charities are indirectly funding political activities. (Pg. 56)

- 501(c)(4) Green Tech Action Fund receives millions of dollars from green 501(c)(3) organizations, then distributes the funds to other 501(c)(4) groups that donate to political campaigns. (Pg. 57)

- Many of the large environmental organizations form both 501(c)(3) and 501(c)(4) nonprofits that are publically advertised as separate and independent entities. In reality, they are closely associated groups that transfer money from the Billionaire's Club to nonprofits, and eventually into political campaigns. (Pg. 58)

- Between 2010 and 2012, Tides Foundation gave over $10 million to Tides Center, and Tides Center gave over $39 million to Tides Foundation. It is unclear what purpose the transfer of funds between these two organizations serves, other than obscuring the money trail. (Pg. 60)

- Tides Center is a fiscal sponsor to over 200 groups, which are subject to Tides Center's oversight and direction in important aspects that include forming a governing board, managing payroll, and monitoring risk. (Pg. 60).

- The New York-based Sustainable Markets Foundation is also a significant fiscal sponsor and receives vast sums from the Billionaire's Club. It only exists on paper and has zero public presence – no website, no Facebook page, no Twitter account, nothing. (Pg. 64)

- The Billionaire's Club knowingly collaborates with questionable offshore funders to maximize support for the far-left environmental movement. (Pg. 65)

- The little information available on Sea Change is limited to a review of its IRS Form-990 for 2010 and 2011 as its 2012 form is not public, and a sparsely worded website – listing solely the logo and a three-sentence mission statement. (Pg. 65)

- Klein Ltd., an overseas company contributing tens of millions to organizations dedicated to abolishing the use of affordable fossil fuels through a U.S. private foundation is highly problematic. This is only compounded by the fact that it is deliberately and completely lacking in transparency – having no website and withholding its funders. (Pg. 68)

Contents

INTRODUCTION 1

I. Legal Framework of Far-Left Environmental Movement 3

a. 501(c)(3) Private Foundations and Public Charities 3

b. The 501(c)(4) 8

II. The Billionaire's Club: Leveraging their Investment 11

a. The Ties that Bind: Key Relationships Between Facilitators, Donors, and Activists 11

b. The Facilitators: Key Environmental Activists 18

c. The Face of the Environmental Movement: Public Charity Activists 21

III. The Bureaucrats: How the Obama EPA is Deeply Intertwined with the Billionaire's Club and their Far-left Environmental Activists 23

a. EPA's Green Revolving Door 23

b. The Obama EPA Helps to Fund the Far-Left Environmental Groups 29

c. Questionable Behavior by Regional Administrator Judith Enck 31

IV. Billionaire's Club in Action: Case Studies of Services Rendered 33

a. Activists Groups Provide Billionaire's Club with Propaganda 33

b. Activist Groups Provide Billionaire's Club with Artificial Grassroots Movements 38

c. Converting Charitable Donations into Political Outcomes 49

d. Fiscal Sponsorships Provide the Billionaire's Club with Access to Nimble and Transient Groups and also Provide Distance from their Hired Hands 54

e. The Billionaire's Club Collaborating with Shady Foreign Funders 60

CONCLUSION 67

APPENDIX A: TOP FOUNDATIONS FOR ENVIRONMENTAL GIVING 68

APPENDIX B: ENVIRONMENTAL GROUPS 73

INTRODUCTION

The "Billionaire's Club," an exclusive group of wealthy individuals, directs the far-left environmental movement. The members of this elite liberal club funnel their fortunes through private foundations to execute their personal political agenda, which is centered around restricting the use of fossil fuels primarily in the United States.

This report demonstrates that, far from pursuing philanthropic goals, the money from this elite group is funneled to like-minded activists in a defined fee-for-service arrangement. Fiscal sponsorships, a legally suspect vehicle for charitable funding, allows new and transient groups the ability to receive foundation funding while quickly mobilizing in local communities to provide rapid response services where their ability to affect public change is greatest.

The Billionaire's Club has formed exclusive networks and alliances – in and out of the federal government – to maximize the effectiveness of its "investment." One such outfit is the Environmental Grantmakers Association – command central of the environmental movement. It is also very secretive, refusing to disclose their membership list to Congress. The wealthy liberal elite have also formed public charities, including the Energy Foundation, the ClimateWorks Foundation, the Sustainable Markets Foundation, and the Tides Center, to coordinate and leverage their expenditures. Moreover, efforts like the recently exposed Democracy Alliance and the Divest/Invest Movement have pooled hundreds of millions of dollars in collective resources to funnel funds towards chosen activists.

The Natural Resources Defense Council, Sierra Club, Environmental Defense Fund, League of Conservation Voters, Center for Biological Diversity, National Wildlife Federation, World Wildlife Fund, and other environmental activist organizations serve as the face of the movement and provide cover for where the secretive foundations direct their resources.

Klein Ltd., a foreign corporation, has risen to prominence in the far-left environmental community – doling out tens of millions to favored charities via Sea Change Foundation. In fact, none of this foreign corporation's funding is disclosed in any way. This is clearly a deceitful way to hide the source of millions of dollars that are active in our system, attempting to effect political change.

Finally, the success of this movement is hinged on direct access to policy makers who are loyal to the cause and work to implement the far-left environmental agenda when they occupy government positions. Relationships with policy makers provide the opportunity for the Billionaire's Club and activists to change public policy and obtain government grants. The Committee demonstrates how the Environmental Protection Agency (EPA) under President Obama's watch has installed an audacious green-revolving door, which has become a valuable asset for the environmental movement and the Billionaire's Club.

The common goal of this network appears to be the explosion of stringent restrictions on energy access and a reformation of the capitalist system. This goal was clearly articulated by Billionaire Club member, Nat Simons, President and Founder of Sea Change Foundation:

> [T]o get it done, quickly, is going to take a Herculean effort from all sides. Because it's not really a question of whether we move to a low carbon economy. I think it's clear we're moving there… the question is how quickly. The role of philanthropy is really to facilitate that process.

While this report sheds significant light on the who and the how, the truly outrageous nature of these complex arrangements are only understood by exploring the why. This report articulates several possible reasons for the convoluted and secretive structure of the far-left environmental movement; yet, at the end of the day, we are still asking – why? Why are members of the Billionaire's Club going to such extreme lengths to hide their generous support of supposed charitable causes?

I. Legal Framework of Far-Left Environmental Movement

The far-left environmental movement is comprised of hundreds of nonprofit organizations. Each entity is strategically set up according to its designated purpose in the funding chain. This section lays out the most prevalent forms used by a group of wealthy individuals choreographing the far-left environmental movement, namely the 501(c)(3) and 501(c)(4) nonprofits, as well as fiscal sponsorship arrangements available for groups who have not obtained nonprofit status from the Internal Revenue Service (IRS).

a. 501(c)(3) Private Foundations and Public Charities

Members of the Billionaire's Club who want a seat at the environmental policy table have the option to fund a 501(c)(3) private foundation or public charity. Importantly, by funding a 501(c)(3), they obtain the added benefit of making contributions on a tax deductible basis. In 2010, tax deductions for charitable contributions to 501(c)(3) organizations resulted in an estimated $40 billion loss to federal revenue.[3] While the rules for disclosing donations received by private foundations and public charities differ, both organizations are required to file an annual IRS 990-form to maintain its 501(c)(3) tax-exempt status. Moreover, both a public charity and a private foundation must disclose contributions to other entities if the amount exceeds $5,000.[4]

In exchange for the generous tax benefits donors receive, limits exist on 501(c)(3) activities. For instance, they must not directly or indirectly participate in political campaigns.[5] The IRS clearly articulates the restriction on political activities, advising that "501(c)(3) organizations are absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office."[6] Breaching this provision may result in denial or revocation of tax-exempt status and the imposition of certain excise taxes.[7] Further, 501(c)(3)s are limited in their ability to lobby,[8] as they cannot devote more than an "insubstantial" (i.e. between 5 and 10%) portion of their resources to lobbying activities.[9]

---

[3] Jane G. Gravelle and Molly F. Sherlock, Tax Issues Relating to Charitable Contributions and Organizations, CONG. RESEARCH SERVICES, Jan. 29, 2013, page 1, http://ybcf.pgdc.com/pgdc/crs-reports-tax-issues-relating-charitable-contributions-and-organizations (last visited July 27, 2014).

[4] *Id.*

[5] *The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations*, INTERNAL REVENUE SERVICE, http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501(c)(3)-Tax-Exempt-Organizations (last visited July 24, 2014).

[6] IRS, The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations, http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501(c)(3)-Tax-Exempt-Organizations (last visited July 29, 2014).

[7] *Id.*

[8] IRS, *Tax Information for Charities & Other Non-Profits* http://www.irs.gov/Charities-&-Non-Profits/Lobbying Organizations may, however, involve themselves in issues of public policy without the activity being considered as lobbying. For example, organizations may conduct educational meetings, prepare and distribute educational materials, or otherwise consider public policy issues in an educational manner without jeopardizing their tax-exempt status.

[9] Hurwit & Associates, *Lobbying & 501(c)(4) Primer*, http://www.hurwitassociates.com/p_1_lobby_primer.pdf (last visited July 27, 2014).

i. Private Foundations

Typically, the most wealthy far-left individuals have elected to fund their own 501(c)(3) private foundation.[10] In fact, each member of the Billionaire's Club has a private foundation that is extremely politically motivated and holds considerable sway over the environmental community. By creating a private foundation, they can make a substantial contribution to their foundation and enjoy a sizable tax break of up to 30% of their adjusted gross income (AGI), while the foundation itself does not pay a tax on this income.[11] Private foundations must disclose all donors on its IRS Form 990-PF, and so starting a private foundation allows the donor to associate his or her family name with the foundation's work.[12]

As depicted in the chart below, there are roughly a dozen prominent private foundations created by the Billionaire's Club that have huge sums of money at their disposal to spend on environmental causes. Among this list, the Committee focused on several extremely active private foundations, including the Rockefeller Brothers Fund,[13] the William and Flora Hewlett Foundation,[14] the David and Lucile Packard Foundation,[15] the Schmidt Family Foundation,[16] the Sea Change Foundation,[17] the Park Foundation,[18] and the Marisla Foundation.[19]

---

[10] *Comparing Public Charities and Private Foundations,* FOUNDATION SOURCE, 2012, http://www.foundationsource.com/ks/ComparingPublicCharitiesandPrivateFoundations.pdf (last visited July 27, 2014).

[11] *What is a 501(c)(3)?,* FOUNDATION GROUP, http://501c3.org/what-is-a-501c3 (last visited July 24, 2014).

[12] *Public Disclosure and Availability of Exempt Organizations Returns and Applications: Requirements for Private Foundations,* INTERNAL REVENUE SERVICE, http://www.irs.gov/Charities-&-Non-Profits/Public-Disclosure-and-Availability-of-Exempt-Organizations-Returns-and-Applications:-Requirements-for-Private-Foundations (last updated Mar. 28, 2014).

[13] *History,* THE ROCKEFELLER BROTHERS FUND, http://www.rbf.org/content/history (last visited July 28, 2014). (The fund was created by the sons of John D. Rockefeller, Jr. -John D. III, Nelson, Winthrop, Laurence, and David.)

[14] *William and Flora Hewlett and the Hewlett Foundation,* THE WILLIAM AND FLORA HEWLETT FOUNDATION, http://www.hewlett.org/about-us/hewlett-family-history (last visited July 28, 2014). (The foundation was created by William Hewlett, co-founder of Hewlett-Packard, along with his wife and eldest son, from the Hewlett's "vast personal wealth.").

[15] *Our history,* THE DAVID AND LUCILE PACKARD FOUND., HTTP://WWW.PACKARD.ORG/ABOUT-THE-FOUNDATION/OUR-HISTORY (last visited July 28, 2014). (The foundation was created by David Packard, co-founder of Hewlett Packard, along with his wife.).

[16] *About,* THE SCHMIDT FAMILY FOUND., http://tsffoundation.org/about/ (last visited July 24, 2014). (The foundation was created by Eric Schmidt, a software engineer, who previously served as CEO of Google, where he is the current executive chairman.).

[17] SEA CHANGE, http://www.seachange.org (last visited July 28, 2014). (The foundation is funded by Nat Simons, son of Renaissance Technologies founder James Simons.)

[18] PARK FOUND. http://www.parkfoundation.org/ (last visited July 28, 2014).

[19] Laurie Bennett, *Getty Oil Heir Quietly Supports Democrats,* FORBES (July 30, 2012, 9:54 AM), http://www.forbes.com/sites/lauriebennett/2012/07/30/getty-oil-heir-quietly-supports-democrats.

Billionaire's Club Private Foundations

Foundation	Total Assets - 2012
David and Lucile Packard Foundation	$6,299,952,716
Gordon and Betty Moore Foundation	$5,697,258,026
Heinz Family Foundation	$117,095,904
Marisla Foundation	$51,482,397
Park Foundation	$366,405,008
Rockefeller Brothers Foundation	$800,956,943
Schmidt Family Foundation	$46,542,559
Sea Change Foundation	$124,350,435*
Walton Family Foundation	$1,999,066,369
William and Flora Hewlett Foundation	$7,735,371,139

* Assets from most recent IRS Form-990-PF available (2011)

As a private foundation director/trustee, the donor can manage and invest the funds and select the eventual charitable recipient over a period of years.[20] Private foundations also give the donor the greatest amount of discretion over how funds are distributed and used. The private foundations discussed in this report generally do not donate in an altruistic or philanthropic manner. Instead, they employ a "prescriptive grantmaking" technique wherein they seek beneficiaries whose actions and work fit the agenda of the foundation and its donors.[21] Prescriptive grantmaking foundations impose a very tightly defined strategic plan for proposals that match the defined formula.[22] Examples of prescriptive grantmaking by some of the Billionaire's Club private foundations include a $50,000 grant from the Park Foundation to the New York Public Interest Research Group (PIRG) for "continuation of its widespread public education campaign on the issue of gas drilling in New York;"[23] a $200,000 grant from the William and Flora Hewlett Foundation to the Union of Concerned Scientists "for coal retirement and removing market barriers to renewable energy projects;"[24] as well as a $79,690 grant from the Gordon and Betty Moore Foundation to The Nature Conservancy "to support efforts to protect the wild salmon ecosystems of Alaska's Bristol Bay region."[25]

ii. Public Charities

The Billionaire's Club also donates directly to 501(c)(3) public charities. Generally, the public charity is considered the preferred status under the tax code, based on the greater tax benefits and protections on donor disclosures. A donor's tax deductible limit for a charitable

[20] Kurt Peterson, Melissa Martin & Karen Goldberg, *Wealth of Knowledge - Spring 2012 - A Primer on Private Foundations*, EISNER AMPER ACCOUNTANTS & ADVISORS (Apr. 16, 2012), http://www.eisneramper.com/Wealth_of_Knowledge/private-foundation-0412.aspx (last visited July 27, 2014).
[21] Joel J. Orosz, Programming Director, W.K. Kellogg Foundation, Speech at the Council of Michigan Foundations' 23rd Annual Conference, THE MONTANA COMMUNITY FOUNDATION 2, https://community.mtcf.org/NetCommunity/Document.Doc?id=23 (last visited July 24, 2014).
[22] *Id.*
[23] Park Found., IRS form 990, 2012.
[24] William and Flora Hewlett Found., IRS Form 990, 2012.
[25] Gordon and Betty Moore Found., IRS Form 990, 2012.

donation to a public charity is much higher than a private foundation, up to 50% of their AGI.[26] In order to qualify as a public charity, one-third of donations must come from relatively small donors, from other public charities, or from the government.[27] For individual donors, only $5,000 of an individual donation can count towards the one-third public funding requirement.[28] However, if the public charity receives a grant from the government, 100% of those funds count towards the one-third public funding requirement.[29]

"Anonymity is very important to most of the people we work with."
– Drummond Pike of Tides Foundation

Unlike a private foundation, public charities are not required to disclose donors, creating an opportunity for the wealthy to make anonymous contributions to pay for 'charitable activities.'[30] Indeed, anonymity makes donating to a public charity highly attractive to donors wishing to remain unknown. According to Drummond Pike, founder of the Tides Foundation and its related nonprofit groups, "Anonymity is very important to most of the people we work with."[31]

A public charity may be characterized as a foundation or an otherwise nonprofit organization. Some of the most active public charities in the far-left environmental sphere are characterized as foundations. These include the Tides Foundation, Energy Foundation, ClimateWorks Foundation and the Sustainable Markets Foundation. Other public charities represent themselves as activists, such as the Natural Resources Defense Council (NRDC), Sierra Club, Environmental Defense Fund (EDF), League of Conservation Voters (LCV), Greenpeace, Center for Biological Diversity (CBD), National Wildlife Federation (NWF), and the World Wildlife Fund (WWF), which act as the public face of the environmental movement.

Top Public Charity Foundations

Organization	Total Assets - 2012
ClimateWorks Foundation	$219,543,071
Energy Foundation	$32,212,733
Pew Charitable Trusts	$735,245,419
Sustainable Markets Foundation	$2,056,007*
Tides Foundation	$141,039,613

*Assets from most recent IRS Form-990 available (2011)

[26] Greg McRay, *Public Charity vs. Private Foundation,* FOUNDATION GROUP (May 26, 2009), http://501c3.org/blog/public-charity-vs-private-foundation.
[27] *What is a 501(c)(3)?, supra* note 11.
[28] 26 C.R.F. § 1.509(a)-3 (2012).
[29] *Section 501(c)(3) Organizations,* INTERNAL REVENUE SERVICE, http://www.irs.gov/publications/p557/ch03.html (last visited July 24, 2014).
[30] *Exempt Organizations Annual Reporting Requirements–Public Disclosure and Availability of Exempt Organizations Returns and Applications,* INTERNAL REVENUE SERVICE 4, http://www.irs.gov/pub/irs-tege/eo_disclosure_faqs.pdf (last visited July 11, 2013).
[31] Steve Baldwin, *Who Funds the Radical Left in America?,* WESTERN JOURNALISM, http://www.westernjournalism.com/exclusive-investigative-reports/who-funds-the-radical-left-in-america (last visited July 24, 2014).

Top Public Charity Activist Organizations

Organization	Total Assets - 2012
American Lung Association	$31,049,040
BlueGreen Alliance Foundation	$3,179,681
Center for American Progress	$50,042,142
Center for Biological Diversity	$12,282,335
Earthjustice	$58,945,673
Environmental Defense Fund	$208,751,208
Environmental Integrity Project	$1,744,942
Greenpeace Fund	$15,313,140
League of Conservation Voters Education Fund	$7,545,946
National Audubon Society	$450,334,791
National Wildlife Federation	$66,456,891
Natural Resources Defense Council	$268,165,564
Nature Conservancy	$6,168,924,112
Sierra Club Foundation	$98,974,748
Union of Concerned Scientists	$8,195,448
World Wildlife Fund	$450,932,452

Public charities also attempt to provide the maximum amount of control to their donors through the creation of fiscal sponsorships. A novel innovation unique to the left is the proliferation of a fiscal sponsor relationship, whereby the charity actually sells its nonprofit status to a group for a fee. Through this arrangement, the fiscal sponsor serves as the official recipient of charitable donations for an organization unrecognized by the IRS.[32] A fiscal sponsorship arrangement is usually not overly obvious, and is typically only revealed when a potential donor inquires about receiving a tax break for its donation.[33] The sponsorship fees range from 5% to 14% of total revenue.[34] In addition to the generous tax benefit, sponsors often provide payroll, employee benefits, office space, publicity, fundraising assistance, and training services to the sponsored organization.[35] This allows donors to make tax deductible contributions to support a narrowly defined project, with the full tax benefit enjoyed by a public charity, and no donor disclosure.

The fiscal sponsor relationship is built on very shaky legal grounds. The only precedential guidance issued by the IRS came from a revenue ruling issued over 45 years ago – well before this practice began in earnest.[36] Moreover, to the extent the IRS recognizes the validity of such a relationship, it should be in the context of "specific short term project[s] – such as providing assistance following a local disaster, or construction of a new playground or dog

[32] *What is a Donor-Advised Fund (DAF)?*, NATIONAL PHILANTHROPIC TRUST, http://www.nptrust.org/what-is-a-donor-advised-fund (last visited July 24, 2014).
[33] Trust for Conservation Innovation, Fiscal Sponsorship; The State of a Growing Service, http://www.tides.org/fileadmin/user/pdf/WP_TCIFSGrowingService.pdf (last visited July 24, 2014).
[34] *Id.*
[35] *Id.*
[36] Jonathan Spack, *How Fiscal Sponsorship Nurtures Nonprofits*, COMMUNITIES & BANKING, 2005, http://s3.amazonaws.com/conservationtools/s3_files/1219/fiscalsponsor_spack.pdf?AWSAccessKeyId=1NXAG53SXSSG82H0V902&Expires=1406583588&Signature=Rs74RmrMt35ItHZ7PESzqXcZrqk%3D (last visited July 29, 2014).

park."[37] However, in the realm of the far-left environmental movement, fiscal sponsorship arrangements are far from temporary and usually around for several years or more. One fiscal sponsorship arrangement has existed for over 23 years, and the sponsored entity has indicated no plans to properly establish its own nonprofit status.[38]

This report focuses on fiscal sponsors including the Tides Foundation, the Sustainable Markets Foundation and Virginia Organizing. A prominent example of a fiscal sponsor relationship is illustrated by the Sustainable Markets Foundation (SMF) sponsorship of 350.org. Started by environmental activist Bill McKibben in 2008,[39] 350.org is based in Washington, DC[40] and Brooklyn, New York.[41] In a 2010 interview, McKibben referred to the state of 350.org during the preceding year as a "scruffy little outfit" with "almost no money."[42] Yet, 1sky.org, 350.org's precursor, reported expenses of over $2.6 million between October 1, 2008, and September 30, 2009, and net assets of over $2.1 million.[43] By 2012, 350.org disclosed expenses of over $2.8 million and net assets of over $3 million.[44] Between 2011 and 2014, 350.org separately collected hundreds of thousands of dollars from the Park Foundation,[45] Rockefeller Brothers Foundation,[46] Tides Foundation,[47] Marisla Foundation,[48] ClimateWorks Foundation[49] and Rockefeller Family Foundation[50] – through grants to SMF. Accordingly, this is hardly the type of temporary fundraising relationship envisioned by the IRS when it drafted the revenue ruling.

Understanding the scope and limits of a 501(c)(3) private foundation and public charity is essential to understanding how the Billionaire's Club and far-left environmental organizations operate, interact, and how their actions may impermissibly exceed the scope of their charitable designation.

b. The 501 (c)(4)

If a member of the Billionaire's Club wishes to sponsor political activities and engage in a more aggressive lobbying campaign, he or she can anonymously fund a 501(c)(4) organization.[51] Importantly, when donations made to a 501(c)(4) are not disclosed and used for

---

[37] *Id.*
[38] *Id.*
[39] *What We Do,* 350.ORG, http://350.org/about/what-we-do (last visited July 24, 2014).
[40] 350.org, IRS Form 990, 2012.
[41] *Contact,* 350.ORG, http://350.org/about/contact (last visited July 24, 2014).
[42] Vivian Krause, *Rockefellers behind 'scruffy little outfit',* FINANCIAL POST (Feb. 14, 2013, 7:16 PM), http://opinion.financialpost.com/2013/02/14/rockefellers-behind-scruffy-little-outfit/?__federated=1.
[43] 350.org, IRS Form 990, 2008.
[44] 350.org IRS Form 990, 2012.
[45] Park Found., IRS Form 990, 2010-2013.
[46] Rockefeller Bros. Found., IRS Form 990, 2010-2013.
[47] Tides Found., IRS Form 990, 2010-2013.
[48] Marisla Found., IRS Form 990, 2010-2013.
[49] ClimateWorks Found., IRS Form 990, 2010.
[50] Rockefeller Family Found., IRS Form 990, 2010-2013.
[51] *Exempt Organizations Annual Reporting Requirements – Public Disclosure and Availability of Exempt Organizations Returns and Applications,* INTERNAL REVENUE SERVICE, July 11, 2013, http://www.irs.gov/pub/irs-tege/eo_disclosure_faqs.pdf.

political purposes, it is referred to as "dark money."[52] Similar to a 501(c)(3), a 501(c)(4) is not organized for profit.[53] Donations to a 501(c)(4) are not tax deductible; however, 501(c)(4) revenue is exempt from federal income tax, as well as state franchise taxes and other expenses.[54]

Under the tax code, a 501(c)(4) is designated as a "social welfare" organization, which means it must operate exclusively to "further the common good and general welfare of the people of the community (such as by bringing about civic betterment and social improvements)."[55] A 501(c)(4) may engage in lobbying as its primary purpose without jeopardizing its exempt status.[56] Non-social welfare activities, such as political activity, are permissible, though limited.[57] The IRS permits a 501(c)(4) to dedicate up to 50% of its funds towards political activities and still maintain its beneficial tax status.[58] Political activities are those activities conducted to influence an election, selection, nomination, or appointment of any individual to public office.

Nearly all of the public charities discussed in this report have an affiliated 501(c)(4) that engages in activities designed to influence elections and have no restrictions on their lobbying efforts. The funding of a 501(c)(4) by a 501(c)(3) affiliate is provocative in light of the restrictions the law places on public charities from participating in any political campaigning, either directly or indirectly, while permitting a 501(c)(4) to significantly engage in campaign activities.[59] The law requires that to the extent a 501(c)(3) funds a 501(c)(4), the donated funds must be earmarked for charitable activities.[60] The 501(c)(3) assumes financial oversight responsibilities to ensure the donation is only spent on activities the 501(c)(3) can undertake.[61]

While the law requires a clear separation between the activities of the 501(c)(3) and 501(c)(4),[62] evidence suggests that in numerous instances, a 501(c)(3) and an affiliated 501(c)(4) share the same space, staff and board members.[63] According to attorneys in the nonprofit field,

---

[52] About.com, *What is Dark Money*, http://uspolitics.about.com/od/Money-In-Politics/a/What-Is-Dark-Money.htm (last visited July 28, 2014).
[53] IRS, Social Welfare Organizations, http://www.irs.gov/Charities-&-Non-Profits/Other-Non-Profits/Social-Welfare-Organizations (last visited July 28, 2014).
[54] *Lobbying & 501(c)(4) Primer*, HURWIT & ASSOCIATES, http://www.hurwitassociates.com/p_1_lobby_primer.pdf (last visited July 24, 2014).
[55] *Social Welfare Organizations*, INTERNAL REVENUE SERVICE, http://www.irs.gov/Charities-&-Non-Profits/Other-Non-Profits/Social-Welfare-Organizations (last updated Mar. 6, 2014).
[56] B. Holly Schadler, *The Connection: Strategies for Creating and Operating 501(c)(3)s, 501(c)(4)s and Political Organizations* (3rd ed. 2012), BOLDER ADVOCACY 35, http://www.bolderadvocacy.org/wp-content/uploads/2012/01/The_Connection.pdf (last visited July 24, 2014).
[57] Erika K. Lunder, *501(c)(4)s and Campaign Activity: How Much Is Too Much?*, CONGRESSIONAL RESEARCH SERVICE, Sept. 17, 2012, http://www.crs.gov/LegalSidebar/details.aspx?ID=168&Source=search (last visited July 27, 2014).
[58] John F. Reilly & Barbara A. Braig Allen, *Political Campaign and Lobbying Activities of IRC 501(c)(4), (c)(5), and (c)(6) Organizations*, INTERNAL REVENUE SERVICE, http://www.irs.gov/pub/irs-tege/eotopicl03.pdf (last visited July 24, 2014).
[59] Internal Revenue Code, 26 USC 501(c)(3) - "absolutely prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office"
[60] Schadler, *supra* note 56, at 41.
[61] Schadler, *supra* note 56, at 41.
[62] Schadler, *supra* note 56, at 36.
[63] *Lobbying & 501(c)(4) Primer*, *supra* note 54.

"[a]s a practical matter, many smaller and medium sized organizations utilizing this combined structure try to limit the use of the 501(c)(4) in terms of revenues, staff time, and expenses. This allows organizations to take greatest advantage of favorable 501(c)(3) charitable contribution deductions, sales tax exemptions, and postal rates."[64] Because all money is fungible, it appears that some money funneled through a 501(c)(3), benefiting from favorable tax treatment, could indirectly support political activities carried on by a 501(c)(4).

While the critical 2010 *Citizens United* ruling by the U.S. Supreme Court struck down restrictions on nonprofits' spending of general treasury funds for independent public communications that "expressly advocate" for a federal candidate and "electioneering communications,"[65] the Court's decision did not affect the IRS limits on 501(c)(4) political activities.[66]

Comparison of Nonprofit Tax-Exempt Organizations		
501c3		**501c4**
Donations tax deductible		Donations generally not tax deductible; revenue exempt from federal income taxes
No more than 10% of resources for lobbying activities		No lobbying limits
Prohibited from engaging, directly or indirectly, in political activities except for nonpartisan voter education		Permitted to conduct partisan political activities as long as it's not the group's primary purpose
Can donate to 501c3 and 501c4 groups with limits (only for c3 activities)		Can donate to 501c3 and 501c4 groups
Must disclose donations exceeding $5,000 on Form 990		Must disclose donations exceeding $5,000 on Form 990
Public Charities	**Private Foundations**	
Not required to publically disclose donors on annual IRS Form 990	Must publically disclose donors on annual IRS Form 990	Not required to publically disclose donors on annual IRS Form 990
1/3 of donations must come from public (only $5,000 of donation counts towards 1/3 requirement); 100% of government grants count towards that requirement	Predominantly funded by one family or by a small group of people; no public funding requirement	
Donor tax break up to 50% of adjusted gross income	Donor tax break up to 30% of adjusted gross income	

[64] *Id.*
[65] [A] *Id.*
[B] Citizens United v. Fed. Election Comm'n, 558 U.S. 310 (2010).
[66] Schadler, *supra* note 56.

II. The Billionaire's Club: Leveraging their Investment

When a member of the Billionaire's Club donates to a 501(c)(3), that transaction must be disclosed on the IRS Form-990. Accordingly, the Committee conducted a meticulous review of these public filings to follow the money. That money trail starts with a select group of the most active environmental foundations, flows through intermediary public charities referred to as pass-throughs and fiscal sponsors, and ends up within the coffers of activist groups who enact the proscribed agenda. A close knit network deeply entrenched in the far-left environmental movement facilitate the whole process. This section reveals this network and explains the role grant receiving activists play.

a. The Ties that Bind: Key Relationships Between Facilitators, Donors, and Activists

Members of the Billionaire's Club put a premium on access to the complex environmental infrastructure that has evolved to leverage substantial assets towards achieving defined policy outcomes. The Billionaire's Club needs this infrastructure to execute a centralized political strategy, and obtain a return on their investment. As a result, several models have developed to respond to this specific demand. One of the central planners of environmental strategy is the Environmental Grantmakers Association (EGA), but they are not the only force out there. The Democracy Alliance executes a complimentary but larger-scaled effort to funnel foundation funds into far-left political outcomes, which encompasses the same desired environmental policies as EGA. Finally, the Divest/Invest movement employs moral sentiments to pressure like-minded foundations to divest from fossil fuels, and invest in charity or renewable projects. Each of these groups has directed foundation dollars towards a specific and coordinated political agenda, which is then executed by environmental activists and so-called grassroots organizers.

i. Environmental Grantmakers Association: Where the Liberal Elite Meet and Mingle

According to its website, EGA has nearly 200 members and "works with members and partners to promote effective environmental philanthropy by sharing knowledge, fostering debate, cultivating leadership, facilitating collaboration, and catalyzing action."[67] In 2011, EGA member organizations collectively donated approximately $1.13 billion, or 40% of all foundation giving, to environmental causes.[68] EGA is a very secretive organization, withholding its membership list from the public. In fact, in response to a request from the Committee, EGA even refused to disclose their membership list to Congress.[69]

---

[67] ENVIRONMENTAL GRANTMAKERS ASSOCIATION, http://www.ega.org (last visited July 24, 2014) *and About*, ENVIRONMENTAL GRANTMAKERS ASSOCIATION, http://www.ega.org/about (last visited July 24, 2014).

[68] Franny C. Canfield & Maud Henderson, *Tracking the Field: Analyzing Trends in Environmental Grantmaking*, ENVIRONMENTAL GRANTMAKERS ASSOCIATION, http://ega.org/sites/default/files/pubs/summaries/EGA_TTF_v4_ExecSummary_Final.pdf (last visited July 24, 2014).

[69] Letter from Rachel Leon, Exec. Dir., Envt'l Grantmakers Assoc., to Rep. Staff, S. Comm. on Env't & Public Works (July 22, 2014).

"While we want to be helpful and be prompt in our reply to you and your committee, our organization does not post its members list on our website or share its member list externally."
-Rachel Leon, Executive Director of EGA to EPW Committee Staff

According to Ron Arnold, a prolific author who has written extensively on how the far-left environmental funders operate, distribute money, and influence policy, he argues that the EGA is "command central of the environmental movement."[70] By deciding which organizations get money, the grantmakers "driv[e] their own agenda with selective grants."[71] A transcript of an early EGA strategy meeting contains a conversation about how funders can reorganize the environmental movement. Donald Ross, who at the time represented the Rockefeller Brothers Fund, argued that funders should craft a "task force approach" to allocate resources.

> Funders can play a role in using money to drive, to create, ad hoc efforts, in many cases that will have a litigation component coming from one group, a lobbying component coming from another group, a grass roots component organizing component from yet a third group with a structure that enables them to function well.[72]

For institutions adopting prescriptive grantmaking "the motto is, don't show up without an invitation."[73] The Rockefeller Brothers Fund (RBF) is a good example of prescriptive grantmaking used to drive an identified agenda. RBF warn prospective applicants that: "While the Fund remains open to unsolicited requests, applicants should be aware that the likelihood of an unsolicited request becoming a grant is low."[74]

The RBF is by no means the only foundation who refuses to consider uninvited applicants. The Schmidt Family Foundation also warns prospective grant applicants that, "all of the Foundation's grantmaking is now done on a strictly invitational basis and we will not review proposals received either in the mail or to our email inbox. We proactively seek new partnerships based on our program area strategies."[75] Similarly the William and Flora Hewlett Foundation bluntly states:

> Almost all grants are awarded to organizations identified by the Foundation. The Foundation does accept unsolicited Letters of Inquiry from organizations looking for funding in limited areas. Only on very rare occasions are grants awarded in response to these unsolicited funding inquiries.[76]

---

[70] Ron Arnold, UNDUE INFLUENCE: WEALTHY FOUNDATIONS, GRANT-DRIVEN ENVIRONMENTAL GROUPS, AND ZEALOUS BUREAUCRATS THAT CONTROL YOUR FUTURE (1991), p. 71.
[71] *Id.* at 72.
[72] *Id.* at 74.
[73] *Id.* at 71.
[74] ROCKEFELLERS BROS. FUND, Before You Apply, http://www.rbf.org/content/before-you-apply (last visited July 28, 2014).
[75] *Grantees,* 11TH HOUR PROJECT, http://www.11thhourproject.org/grantees (last visited July 24, 2014).
[76] *Grantseekers,* THE WILLIAM AND FLORA HEWLETT FOUNDATION, http://www.hewlett.org/grants/grantseekers (last visited July 24, 2014).

The prescriptive grants awarded by EGA members specify how recipients must use the funds. This allows the Billionaire's Club to engage in a defined transaction so they know in advance what services to expect for their money. As such, environmental groups that heavily rely on foundation funds to comprise a substantial portion of their budgets begin to look much more like private contractors buying and selling a service rather than benevolent nonprofits seeking to carry out charitable acts.

Top 10 EGA Donors to Environmental Causes in 2011

Foundation	Total Dollars Awarded	No. of Grants
Gordon and Betty Moore Foundation	$134,438,760	251
David and Lucile Packard Foundation	$121,016,258	207
Walton Family Foundation, Inc.	$76,218,045	105
William and Flora Hewlett Foundation	$53,439,469	115
Rockefeller Foundation	$43,809,793	117
Sea Change Foundation	$43,149,911	42
Richard King Mellon Foundation	$29,080,000	41
Robertson Foundation	$28,507,000	16
John D. and Catherine T. MacArthur Foundation	$24,204,500	60
Ford Foundation	$23,922,840	108
Total:	$577,786,576	1,034

ii. Democracy Alliance: Advancing the Progressive Agenda by Promoting the Far-Left Environmental Agenda

The EGA is unquestionably the funding epicenter of the environmental movement; however, other groups have emerged to augment their efforts. The Democracy Alliance (DA) adopted many of the lessons learned by EGA and works to create an all-encompassing far-left infrastructure to support affiliated and approved groups. According to DA, it connects wealthy donors, other similarly minded donors, "high impact organizations," and political leaders.[77] In fact, DA boasts that it is the "largest convener of progressive individuals and institutional donors" and serves as a "center of gravity" for the far-left funding world.[78]

Members of DA pay $30,000 in dues and pledge to contribute at least $200,000 to groups DA supports.[79] In exchange, DA gives clients "professional recommendations" on progressive philanthropy, as well as "invitations to exclusive events and conference calls, regular communications, such as updates on important issues and the work of recommended organizations and quarterly newsletters and access to [a] members-only community website and comprehensive Partner Directory."[80]

---

[77] *Community. Strategy. Investment. Impact.*, DEMOCRACY ALLIANCE, http://www.democracyalliance.org (last visited July 24, 2014).
[78] Memo from Stephanie Mueller to DA Board of Directors RE: DA Spring Conference Messaging Q and A, April 22, 2014
[79] Lachlan Markay, *EXCLUSIVE: Democracy Alliance Network Revealed*, THE WASHINGTON FREE BEACON, May 19, 2014, http://freebeacon.com/politics/exclusive-democracy-alliance-network-revealed/
[80] *Membership*, DEMOCRACY ALLIANCE, http://www.democracyalliance.org/membership (last visited July 24, 2014).

In a spring 2014 publication, DA claims to make investment recommendations to wealthy donors to advance and protect the interests of "lower and middle-income Americans" in the political system.[81] Yet, in doing so, this group caters to millionaires and billionaires, while ironically suggesting the "flood of special interest money in our political system continues unabated" without acknowledging the hypocrisy in its efforts to funnel money to activists groups attacking affordable energy, and undermining the very people they claim to protect.[82]

Democracy Alliance does not disclose the details of any transaction it facilitates, and its members and donor-recipients cannot speak publically about the organization.

Further, DA flouts transparency and public participation as the group emphasizes secrecy in all its operations. It does not disclose the details of any transaction it facilitates, and its members and donor-recipients cannot speak publically about the organization.[83] While DA does not disclose transactions it facilitates, it is likely not a coincidence that two groups highlighted in its 2014 publication - the Center for American Progress (CAP) and Media Matters - received vast sums of money from the same foundations supporting the far-left environmental movement. CAP is an organization dedicated to increasing government control. It was co-founded by John Podesta, the current senior climate advisor to President Obama and former President Bill Clinton's Chief of Staff, along with Herbert Sandler, who recently contributed $1 million to Tom Steyer's NextGen Climate Action Committee.[84] Notably, Sandler is the Founding Chairman of far-left media outlet ProPublica, and currently serves on its Board of Directors with Steyer's wife, Kat Taylor.[85]

Between 2010 and 2013, Sea Change Foundation, Wallace Global Fund, Energy Foundation, Rockefeller Family Fund, Rockefeller Brothers Fund, Tides Foundation, and the Marisla Foundation donated over $7 million to CAP.[86] Notably, in 2009, a Bermuda-based group, The Atlantic Philanthropies, gave CAP a $500,000 grant, "To support a joint project with Media Matters Action Network."[87] Media Matters is a clearly liberal media group that advertises itself as "dedicated to comprehensively monitoring, analyzing, and correcting

"Many of our donors choose not to participate publicly, and we respect that. The DA exists to provide a comfortable environment for our partners to collectively make a real impact."
-Democracy Alliance Board of Directors

[81] DEMOCRACY ALLIANCE, SPRING 2014 DEMOCRACY ALLIANCE INVESTMENT RECOMMENDATIONS (2014), available at https://www.documentcloud.org/documents/1202744-da-portfolio2012-2014-042714.html#document/p1 (last accessed July 25, 2014).
[82] *Id.*
[83] Lachlan Markay, *Read the Confidential Document Left Behind at the Democracy Alliance Meeting,* THE WASHINGTON FREE BEACON, (May 5, 2014, 1:00 PM), http://freebeacon.com/politics/jonathan-soros-left-a-confidential-document-at-his-donor-conference (last visited July 25, 2014).
[84] Greg Giroux, *Steyer Cuts $2 Million for Climate, Mercer Aids Tea Party,* BLOOMBERG, July 21, 2014, http://www.bloomberg.com/news/2014-07-21/steyer-cuts-2-million-for-climate-mercer-aids-tea-party.html.
[85] http://www.propublica.org/about/leadership/
[86] SeaChange Found., Wallace Global Fund, Energy Found., Rockefeller Family Fund, Rockefeller Bros. Fund, Tides Found., Marisla Found., IRS Form 990, 2010-2013.
[87] Atlantic Philanthropies, IRS Form 990, 2009.

One of DA's "progressive victories" included "a series of executive actions to combat the threat of climate change...made possible by a well-aligned network of organizations – collaborating with the greater progressive infrastructure – that drives change by ...communicating policies to key constituencies."
-Spring 2014 Democracy Alliance Investment Recommendations

conservative misinformation in the U.S. media."[88] Members of the Billionaire's Club, including Wallace Global Fund, Rockefeller Brothers Fund, Park Foundation, Tides Foundation and Marisla Foundations, have donated over $1.8 million to Media Matters between 2010 and 2013.[89] David Brock founded Media Matters in 2004 and currently serves as the group's president as well as president of the far-left media outlet, The American Independent Institute.[90] Brock also sits on the board of Priorities USA, another group DA steers money towards.[91]

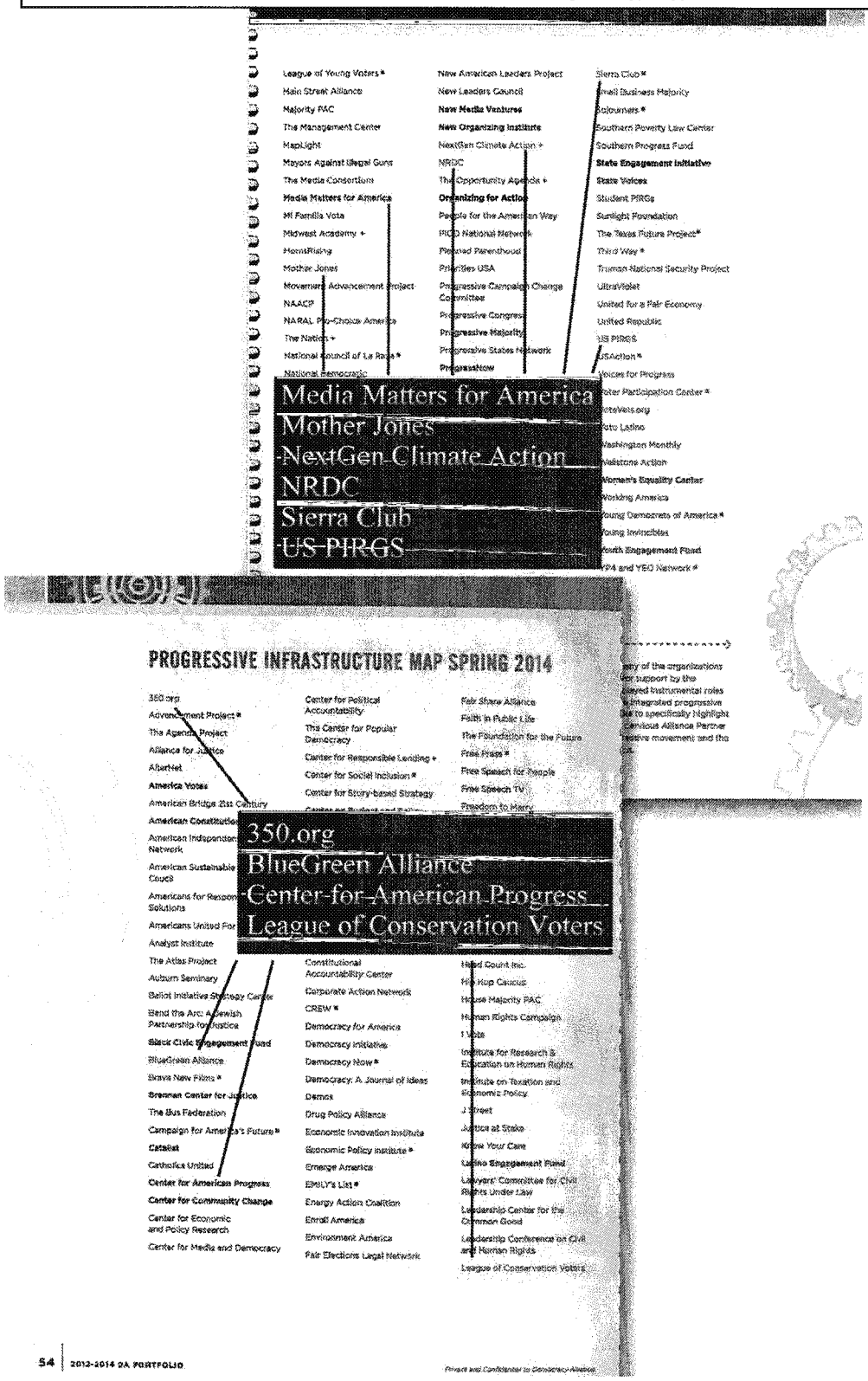
In addition to groups such as CAP and Media Matters, DA created a progressive infrastructure map including several environmental groups discussed in this report.[92] Many of the groups recommended to the 'investors' and "vetted by Investment Services Staff"[93] lead the environmental movement and are already heavily funded by EGA members. For instance, DA seeks to steer money towards 350.org, BlueGreen Alliance, the League of Conservation Voters (LCV), Natural Resources Defense Council (NRDC), Sierra Club, and U.S. Public Interest Research Groups (PIRGS).

These environmental groups are well aligned with the greater far-left agenda. Indeed, one of DA's "progressive victories" included "a series of executive actions to combat the threat of climate change...made possible by a well-aligned network of organizations – collaborating with the greater progressive infrastructure – that drives change by ...communicating policies to key constituencies."[94]

---

[88] *About Us,* MEDIA MATTERS FOR AMERICA, http://mediamatters.org/about (last visited July 24, 2014).
[89] Wallace Global Fund, Rockefeller Bros. Fund, Park Found., Tides Found., Marisla Found., IRS Form 990, 2010-2013.
[90] Nick Massella, Media Matters for America Founder David Brock Relaunches American Independent Institute, MEDIABISTRO, June 20, 2014, http://www.mediabistro.com/fishbowldc/media-matters-for-america-founder-david-brock-relaunches-american-independent-institute_b128302.
[91] Amy Chozick, *Once an Enemy of Bill, Now a Friend of Hillary*, NEW YORK TIMES, Mar. 25, 2014, http://www.nytimes.com/2014/03/26/us/politics/once-intent-on-bringing-down-a-clinton-now-raising-up-another.html?_r=0.
[92] DEMOCRACY ALLIANCE, SPRING 2014 DEMOCRACY ALLIANCE INVESTMENT RECOMMENDATIONS (2014), at 54, available at https://www.documentcloud.org/documents/1202744-da-portfolio2012-2014-042714.html#document/p1 (last visited July 25, 2014).
[93] *Id.* at 53.
[94] *Id.* at 5.

Reprint of Democracy Alliance Progressive Infrastructre Map Spring 2014 with Key Environmental Groups Highlighted



iii. Divest/Invest: The Moral Crusaders

The divesting in fossil fuels and investing in philanthropy (Divest/Invest) movement follows a slightly different model, but involves many of the same players. Essentially, Divest/Invest defines the fossil fuel industry as a moral pariah.[95] This group attempts to evoke the moral stance associated with the anti-Apartheid movement in South Africa in the 1980's and depicts the effort to divest in fossil fuel as a moral imperative.[96] In doing so, this group opposes a tool that would help to secure the goal of economic opportunity for Africans that Mandela fought for.[97]

Originally, Bill McKibben, the founder and President of 350.org started the movement through the 2013 "Do the Math" tour.[98] According to an article in *Rolling Stone* magazine, McKibben further argued that foundations should divest from fossil fuels because the industry's business plan to market its existing reserves contradicts the far-left efforts on climate change.[99] Moreover, he urged that these funds go towards "climate solutions" and so-called renewable projects.[100] The goal of these efforts has been clearly articulated by Nat Simons, President of Sea Change Foundation:

> To get it done, quickly, is going to take a Herculean effort from all sides. Because it's not really a question of whether we move to a low carbon economy. I think it's clear we're moving there...the question is how quickly. The role of philanthropy is really to facilitate that process... It's not going to be ramming something down the throats of certain people. We know that that's not going to work. We've seen that, we've watched that movie before. We know it's not going to happen. We can't take this momentum and let it stall. So philanthropists, foundations, they have a huge responsibility.[101]

Following McKibben's efforts, in January 2014, Dr. Ellen Dorsey, Executive Director of the Wallace Global Fund, launched the initiative, Divest-Invest Philanthropy.[102] She previously worked with the Heinz endowments and sat on the board of Amnesty International.[103] The Wallace Family Fund has given to many environmental groups highlighted in this report, including 350.org, Sustainable Markets Foundation, Center for American Progress, Center for Biological Diversity, Union of Concerned Scientists, the Tides Center, Sierra Club, Virginia

---

[95] *Why Divest?*, DIVEST-INVEST, http://divestinvest.org/why-divest (last visited July 25, 2014).
[96] *Id.*
[97] Ron Arnold, *Electricity for Africa initiative could help make 'High-Energy Planet' vision a reality,* WASHINGTON EXAMINER, July 22, 2014, 5:00 PM, http://m.washingtonexaminer.com/electricity-for-africa-initiative-could-help-make-high-energy-planet-vision-a-reality/article/2551141 (last visited July 28, 2014).
[98] 350.org. Do the Math, http://math.350.org/ (last visited July 28, 2014).
[99] Bill McKibben, *The Case for Fossil Fuel Divestment,* ROLLING STONE, Feb. 22, 2013, http://www.rollingstone.com/politics/news/the-case-for-fossil-fuel-divestment-20130222 (last visited July 25, 2014).
[100] *Id.*
[101] Nat Simons, Remarks at National Clean Energy Project Roundtable, C-SPAN, Feb. 23, 2009, http://www.c-span.org/video/?284239-1/national-clean-energy-project.
[102] Ellen Dorsey and Richard Mott, Philanthropy Rises to the Fossil Fuel Divest-Invest Challenge, HUFFINGTON POST, Jan. 30, 2014, http://www.huffingtonpost.com/ellen-dorsey/philanthropy-rises-to-the_b_4690774.html.
[103] *About Us: Who We Are, Board of Directors, Dr. Ellen Dorsey,* U.S. HUMAN RIGHTS NETWORK, http://www.ushrnetwork.org/about-us/who-we-are/board/dr-ellen-dorsey (last visited July 25, 2014).

Organizing, Greenpeace, Media Matters, Earth Justice, and the Environmental Integrity Project.[104] Currently, seventeen foundations with a combined asset base of $1.8 billion,[105] including the Wallace Global Fund, Park Foundation, the Schmidt Family Foundation, and the Sierra Club Foundation have joined the Divest-Invest Philanthropy effort.[106]

b. The Facilitators: Key Environmental Activists

Just as the Environmental Grantmakers Association, Democracy Alliance, and others have forged close relationships in order to attract attention of investors, so too have individuals. The Committee has discovered a narrow set of individuals whose careers are part of the fabric of the far-left environmental movement. These individuals exercise outsized influence regarding the distribution of funds. Some of these individuals include: Donald Ross, Hal Harvey, Mark Burget, Charlotte Pera, Larry Kramer, William Reilly, and Jay Halfon. Each individual has long employment histories at private foundations, public charities and activist groups at the forefront of the far-left environmental movement. Today, they serve as coordinators and intermediaries between the private foundations and the activist groups.

Donald Ross began his career as an attorney working for Ralph Nader,[107] and is currently the principal/founding partner of M+R Strategic Services, whose clients include some of the lead environmental groups and foundations including: Environmental Defense Fund, Earthjustice, Hewlett Foundation, League of Conservation Voters, Marisla Foundation, NRDC, The Nature Conservancy, National Wildlife Federation, Rockefeller Brothers Foundation, Rockefeller Family Fund, UCS, WWF, and the Wallace Global Fund.[108] He served on the Board of the LCV Education Fund in 2012[109] and as the chairman of the Board for Greenpeace from 2002 to 2010.[110] He previously served as the director of the Rockefeller Family Fund,[111] as well as founder and Executive Director of the NY-PIRG.[112]

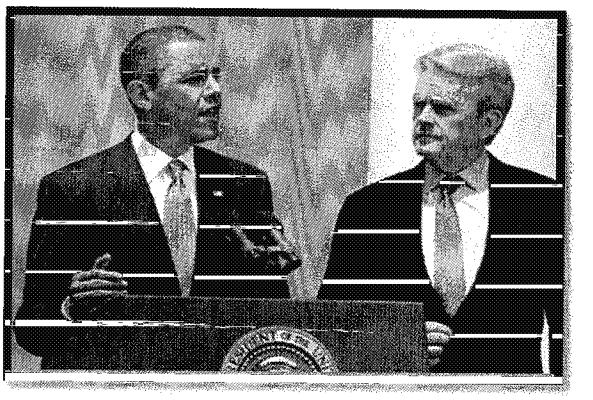
Hal Harvey connects the Hewlett Foundation, the Energy Foundation and the ClimateWorks Foundation. He currently serves as CEO of Energy Innovation, an energy and environmental policy firm, and most recently assisted in the public release of the highly criticized[113] Risky Business Project, co-Chaired by Henry Paulson, Michael Bloomberg, and

---

[104] Wallace Global Fund, IRS Form 990, 2010-2012.
[105] Justin Doom, *Foundations with $1.8 Billion Vow Fossil-Fuel Divestment,* BLOOMBERG (Jan. 30, 2014, 2:53 PM), http://www.bloomberg.com/news/2014-01-30/foundations-with-1-8-billion-vow-fossil-fuel-divestment.html.
[106] *Philanthropy,* DIVEST-INVEST, http://divestinvest.org/philanthropy (last visited July 24, 2014).
[107] *Donald K. Ross*, SOURCEWATCH, http://www.sourcewatch.org/index.php?title=Donald_K._Ross (last visited July 25, 2014).
[108] SourceWatch, M&R Strategic Services, http://www.sourcewatch.org/index.php?title=M%2BR_Strategic_Services, (last visited July 24, 2014).
[109] *League of Conservation Voters Education Fund*, GUIDESTAR, http://www.guidestar.org/ViewPdf.aspx?PdfSource=0&ein=52-1379661 (last visited July 25, 2014).
[110] Will Evans, *Profile: League of Conservation Voters,* NPR, Sept. 9, 2008, http://www.npr.org/templates/story/story.php?storyId=94411562 (last visited July 25, 2014).
[111] *Donald K. Ross*, SOURCEWATCH, http://www.sourcewatch.org/index.php?title=Donald_K._Ross (last visited July 25, 2014).
[112] *Id.*
[113] Risky Business Project, Understanding Climate Risk with Hal Harvey, http://riskybusiness.org/report/overview/understanding-risk (last visited July 28, 2014).

Tom Steyer.[114] Paulson is a former Secretary of the Treasury and current Chairman of the Paulson Institute,[115] which advocates for environmental protection in the United States and China.[116] Michael Bloomberg is founder of Bloomberg LP and served three terms as Mayor of New York City.[117] The main sponsors of the project were Bloomberg Philanthropies, the Office of Hank Paulson, the Rockefeller Family Fund and the TomKat Charitable Trust.[118] Harvey's relationship with Paulson dates back at least to May 2012, when Harvey served as a Senior Fellow at the Paulson Institute, though it likely goes back much further as Wendy Paulson, Hank Paulson's wife, is active in the environmental sphere as she served on the board of The Nature Conservancy (TNC).[119]

Before his collaborative project with Paulson, Bloomberg and Steyer, Harvey was founder and CEO of ClimateWorks Foundation from 2008 to 2011, and served as the founder and President of the Energy Foundation from 1991 to 2002. From January 2002 through January 2008, he was the Environment Program Director of the Hewlett Foundation.[120] Harvey's successor at ClimateWorks was Mark Burget, the former Chief Conservation Programs Officer at TNC.[121] Burget has since returned to TNC as the Executive Vice President and North American Regional Director, and also currently serves on the Board of Directors at the Energy Foundation.[122] Burget was replaced by Charlotte Pera, who was formerly the Senior Vice President and Director of US Programs at the Energy Foundation.[123] Larry Kramer is also connected to this network as the current president of the William and Flora Hewlett Foundation, as well as serving on the board of ClimateWorks Foundation.[124]



President Obama and William Reilly[125]

[114] RISKY BUSINESS, A CLIMATE RISK ASSESSMENT FOR THE UNITED STATES (June 2014), http://riskybusiness.org/uploads/files/RiskyBusiness_Report_WEB_7_22_14.pdf (last visited July 25, 2014).
[115] *Wendy Paulson,* ASPEN IDEAS FESTIVAL, http://www.aspenideas.org/speaker/wendy-paulson (last visited July 25, 2014).
[116] *About Us,* THE PAULSON INSTITUTE, http://www.paulsoninstitute.org/about-us (last visited July 25, 2014).
[117] *Co-Chairs,* RISKY BUSINESS, http://riskybusiness.org/about/cochairs (last visited July 25, 2014).
[118] RISKY BUSINESS, A CLIMATE RISK ASSESSMENT FOR THE UNITED STATES (June 2014), http://riskybusiness.org/uploads/files/RiskyBusiness_Report_WEB_7_22_14.pdf (last visited July 25, 2014).
[119] *LCV Political Engagement Fund,* CAMPAIGN MONEY, http://www.campaignmoney.com/political/527/league-of-conservation-voters-political-engagement-fund.asp?spg=9 (last visited July 25, 2014).
[120] Institute for New Economic Thinking, Hal Harvey, http://ineteconomics.org/people/hal-harvey (last visited July 28, 2014).
[121] *Conservation: Mark Burget Leaves TNC for Climate Works,* THE GREEN SKEPTIC (July 29, 2008), http://www.thegreenskeptic.com/2008/07/conservation-mark-burget-leaves-tnc-for.html (last visited July 25, 2014).
[122] *Board Members: Mark Burget,* ENERGY FOUNDATION, http://www.ef.org/board/mark-burget (last visited July 25, 2014).
[123] *Our Staff,* CLIMATEWORKS FOUNDATION, http://www.climateworks.org/about/staff (last visited July 25, 2014).
[124] *Our Board,* CLIMATEWORKS FOUNDATION , http://www.climateworks.org/about/board/ (last visited July 28, 2014).

William Reilly is another person with close connections to these individuals and organizations. Before his appointment to serve as EPA Administrator in 1989, Reilly was the President of the World Wildlife Fund (WWF). He returned to WWF in 1993 after his tenure at EPA, and is currently Chairman Emeritus of the Board of WWF. He is also Chairman Emeritus of the Board of ClimateWorks Foundation, director of the David and Lucille Packard Foundation, and is on the Advisory Board of the Nicholas Institute for Environment Policy Solutions at Duke University.[126]

Jay Halfon is another pivotal player that has emerged in the environmental movement through his connections in New York. Halfon is currently on the Board of Directors for the Park Foundation, Earthworks, Sustainable Markets Foundation (SMF), and 350.org.[127] Interestingly, Halfon does not even list his affiliation to SMF on his 350.org biography; yet Park Foundation heavily funds SMF and SMF is a "fiscal sponsor" of 350.org.[128] Notably, the President of 350.org, Bill McKibben, is a close friend of Tom Steyer. In 2012, McKibben and Steyer hiked through the Adirondack Mountains, where the two men bonded and McKibben encouraged Steyer to become active in environmental causes, including opposition to the Keystone XL pipeline.[129]

Jay Halfon (left) & Donald Ross (right)[130]

Previously, Halfon served as Executive Director of Donald Ross's NY-PIRG. PIRGs play a central role in the environmental movement as a meeting ground for trial attorneys and radical activists to coordinate a faux grassroots campaign. SMF has close ties to PIRGs and provides significant funding to PIRG chapters.[131] Including Halfon, three of the four officers of the SMF previously worked for PIRG: the President of SMF, Elizabeth Hitchcock, served as Communications Director for US PIRGs, and Secretary and Treasurer of SMF, Geoff Boehm, was Program Director and Senior Attorney for NY-PIRG.

---

[125] Barack Obama and William Reilly, *Zimbio,* http://www.zimbio.com/photos/Barack+Obama/William+Reilly/President+Obama+Delivers+Address+Rose+Garden/6Xe11GdQ7rb (last visited July 28, 2014).

[126] *Leadership: William K. Reilly,* WORLD WILDLIFE FUND, http://www.worldwildlife.org/leaders/william-k-reilly (last visited July 25, 2014).

[127] SourceWatch, Jay R. Halfon, http://www.sourcewatch.org/index.php/Jay_R._Halfon (last viewed July 25, 2014).

[128] Park Found. IRS Form 990s, 2010-2012.

[129] Carol Leonnig, Tom Hamburger and Rosalind Helderman, *Tom Steyer's Slow, and ongoing, conversion from fossil-fuels investor to climate activist,* THE WASHINGTON POST (June 9, 2014), http://www.washingtonpost.com/politics/tom-steyers-slow-and-ongoing-conversion-from-fossil-fuels-investor-to-climate-activist/2014/06/08/6478da2e-ea68-11e3-b98c-72cef4a00499_story.html (last visited July 25, 2014).

[130] *NYPIRG Straphandlers Campaign: 25 Years of Transit Advocacy,* http://www.straphangers.org/25th/photos/ (last visited July 29, 2014).

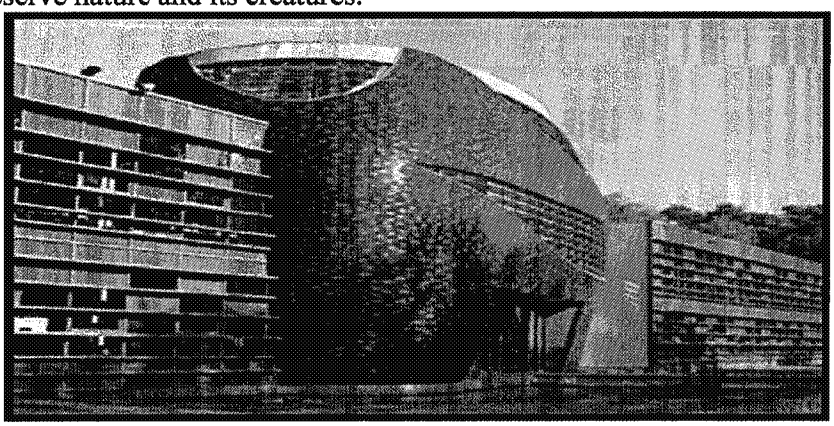
[131] SMF disbursed NY PIRG $180,000 in 2010 & $75,000 in 2011, and VT Public Interest Research & Education Fund (VT PIRG) $50,000 in 2011; Sustainable Markets Found. IRS Form 990, 2010 & 2011.

c. The Face of the Environmental Movement: Public Charity Activists

The ultimate recipients of donations from the Billionaire's Club include far-left environmental public charities. While a willing and knowledgeable partner to the Billionaire's Club, these entities propagate the false notion that they are independent, citizen-funded groups working altruistically. In reality, they work in tandem with wealthy donors to maximize the value of the donors' tax deductible donations and leverage their combined resources to influence elections and policy outcomes, with a focus on the EPA.

Environmental activists work in tandem with wealthy donors to maximize the value of the donors' tax deductible donations and leverage their combined resources to influence elections and policy outcomes.

Primarily, the public charity serves as the face of the environmental movement. For example, the National Resourced Defense Council (NRDC) brags that: "We work with those who would help us move to a sustainable future and we sue those who poison our people or lands."[132] The Union of Concerned (UCS) claims it "stands out among nonprofit organizations as the reliable source for independent scientific analysis."[133] The iconic panda logo has made the World Wildlife Fund (WWF) instantly recognizable to many people around the world, and boasts the noble goal of working to preserve nature and its creatures.[134]



World Wildlife Fund Headquarters – Ziest, Netherlands[135]

The notion that far-left environmental charities fight for the interest of the common man is encapsulated in a video promoted by 350.org. This video, which articulates their fight against capitalism, argues that the "extractive economy," harms both the environment and the common

[132] *How We Protected Your Health and Environment in 2012,* NATURAL RESOURCES DEFENSE COUNCIL, http://www.nrdc.org/about/victories.asp (last visited July 25, 2014).
[133] *About Us: Independent Science,* UNION OF CONCERNED SCIENTISTS, http://www.ucsusa.org/about (last visited July 25, 2014).
[134] *About Us,* WORLD WILDLIFE FUND, http://www.worldwildlife.org/about (last visited July 25, 2014).
[135] *Go 100% Renewable Energy,* WWF Headquarters, http://www.go100percent.org/cms/index.php?id=70&tx_ttnews%5Btt_news%5D=58 (last visited July 29, 2014).

> **"The new economy has to step away, and then push back at those old pillars, because it has to be a new economy that is about sustainable resources, that puts people before profit, that puts planet before profit."**
> *-350.org-supported video*

man: "The new economy has to step away, and then push back at those old pillars, because it has to be a new economy that is about sustainable resources, that puts people before profit, that puts planet before profit."[136]

Far from their propaganda, these activist groups merely provide a service to wealthy "investors," who pay a sizable sum for specialized services. The chart below provides additional detail about the amount of funding these groups have received from the Billionaire's Club.

Billionaire's Club Funding to Key Environmental Activists (2010-2013)[137]

Organization	Grants Received
American Lung Association	$4,816,481
BlueGreen Alliance	$5,280,000
Center for American Progress	$8,390,861
Earthjustice	$3,533,683
Environmental Defense Fund	$53,695,816
Environmental Integrity Project	$2,098,000
Greenpeace	$1,980,000
League of Conservation Voters Education Fund	$13,175,000
National Audubon Society	$11,192,475
National Wildlife Federation	$14,490,613
Natural Resources Defense Council	$25,512,125
Nature Conservancy	$58,633,374
Sierra Club Foundation	$17,263,612
Union of Concerned Scientists	$8,195,448
World Wildlife Fund	$26,614,320

[136] Video: How We Live: A Journey Towards a Just Transition (EDGE Funders Alliance, 2014), available at http://350.org/a-new-economic-paradigm-is-not-only-possible-but-plausible (last visited July 25, 2014).
[137] Based on available 2010-2013 IRS Form 990's from the following foundations: ClimateWorks, David and Lucile Packard Foundation, Energy Foundation, Gordon and Betty Moore Foundation, Marisla Foundation, Park Foundation, Rockefeller Brothers Foundation, Rockefeller Family Fund, Schmidt Family Foundation, Sea Change Foundation, Tides Center, Tides Foundation, Wallace Global Fund, Walton Family Foundation, and William and Flora Hewlett Foundation.

III. The Bureaucrats: How the Obama EPA is Deeply Intertwined with the Billionaire's Club and their Far-left Environmental Activists

Federal agencies, which wield significant amounts of delegated power, should be staffed with neutral experts dedicated to serving the public interest. However, recent reports of alleged collusion between environmentalists and Environmental Protection Agency (EPA) senior officials have made apparent the Obama Administration's failure to abide by this most basic principle of executive branch governance. In fact, the Committee has uncovered evidence that proves President Obama and his EPA are pivotal partners in the far-left environmental movement. The Agency's leadership under President Obama is closely connected with the Billionaire's Club and their network of activists. These connections provide the Billionaire's Club with the opportunity to exploit the relationships, and in turn shape public policy and the disposition of government grants. This section reveals that as part of the far-left scheme, the Obama Administration has installed an audacious green-revolving door at EPA, which has become a valuable asset for the environmental movement and its wealthy donors.

a. EPA's Green Revolving Door

The Committee has obtained emails that amply demonstrate how the environmental movement is deeply plugged into the Obama EPA via operatives who rotate through the Administration. In one shocking example, the Committee learned of an arrangement between the Rockefeller Family Fund (RFF) and EPA where RFF agreed to pay the salary of Shalini Vajjhala, then an employee at the nonprofit organization Resources for the Future, to work at the White House Council on Environmental Quality (CEQ).[138] According to internal EPA documents, this arrangement benefited EPA as Vajjhala would have the opportunity to, "stake our claim there"[139] – where "our" is the EPA Office of International and Tribal Affairs and "there" refers to the White House.

This arrangement was enthusiastically endorsed by both former EPA Administrator Lisa Jackson, stating "I think it's a fine idea and can only help EPA in the long run,"[140] and Jackson's Chief of Staff Diane Thompson, affirming "My thoughts exactly. <u>The more inside connections the better</u>" (*emphasis added*).[141] After Vajjhala cycled through the White House and EPA, she returned to the Rockefeller Family Fund and is now founder and CEO of E.invest Initiative, whose portfolio is supported by the Rockefeller funding.[142] Interestingly, Vajjhala is also a contributor to the *Huffington Post*, which is heavily funded by the Park Foundation.[143]

In another outrageous email exchange, former Assistant Administrator for the Office of International and Tribal Affairs, Michelle DePass, and "Richard Windsor," former Administrator Jackson's alias, strategize over how best to leverage a public appearance before the Environmental Grantmakers Association (EGA). Reproduced in full, the email exchange states:

---

[138] Email from Shalini Vajjhala to Michelle DePass (June 19, 2009; 07:27 AM EST)(On file with Committee)
[139] Email from Michelle DePass to Richard Windsor (June 19, 2009)(On file with Committee).
[140] *Id.*
[141] *Id.*
[142] *Shalini Vajjhala*, LINKEDIN, https://www.linkedin.com/in/shalinivajjhala (last accessed July 25, 2014).
[143] *Shalini Vajjhala*, HUFFINGTON POST, http://www.huffingtonpost.com/shalini-vajjhala (last accessed July 25, 2014).

01268-EPA-1999

LisaP Jackson/DC/USEPA/US
Sent by: Richard Windsor

02/17/2009 02:26 PM

To Michelle DePass
cc
bcc
Subject Re: FW: Lisa Jackson Event around the EGA conference- Quick Q

I think it's fine.

Michelle DePass Quick Question.. You are confirmed f... 02/17/2009 10:56:07 AM

From: Michelle DePass <(b) (6) Personal Privacy
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/17/2009 10:56 AM
Subject: FW: Lisa Jackson Event around the EGA conference- Quick Q

Quick Question..

You are confirmed for the Environment America Foundation Reception next Tuesday at 4:30pm. Any issue with me being on the invite, as I am getting ready to be nominated and all? They asked below.

More background-The reception is held in conjunction with the Environmental Grantmakers Association annual Federal Policy Briefing. I am on the Board of Directors of the Environmental Grantmakers Association (at least until I have to resign at confirmation). So, either way, I will be there.

I don't have to get involved that way and can easily say "no".....but on the other hand, it could be strategic to solidify the connection with the Foundations in that arena, so when I am strategizing with them in the future, they know that it is coming straight from the top at EPA.

Thoughts?
Michelle

In this exchange, top level EPA leadership planned how to use DePass's position on the Board of Directors of EGA, her imminent employment at EPA, and her relationship with Administrator Jackson, to enhance her leverage with EGA. Jackson supported the plan, despite the ease with which DePass could have withdrawn from sponsoring the event to eliminate the conflict of interest. Notably, other sponsors of the event included Jessica Bailey and Michael Northop from the Rockefeller Brothers Fund, as well as Eric Heitz and Charlotte Pera from the Energy Foundation.[144] The Committee uncovered another instance where DePass was taking advantage of her EPA appointment to benefit her environmental colleagues. Specifically, in May 2009 – after her nomination to EPA was announced – DePass emailed Jackson asking her to "do a drive-by" at a Grist event.[145] At the time, DePass was a Grist board member[146] and noted "It is my last Grist function as a board member....but this will be fun... I invited the CEQ posse

[144] Email from Rob Sargent to Michelle DePass (January 26, 2009; 01:53PM EST)(on file with Committee)
[145] Email from Michelle DePass to Richard Windsor (May 27, 2009; 05:05 PM EST) (on file with Committee).
[146] Kate Sheppard, Grist Board Member Appointed to Obama Administration, GRIST, Mar. 19, 2009, http://grist.org/article/2009-03-grist-board-member-appointed-to/ .

too."[147] These email exchanges confirm the close relationships between the foundations, environmental activist groups and the Obama Administration.

A review of senior Obama EPA officials also demonstrates that the Agency values and seeks out individuals with ties to large environmental groups for key leadership positions. The groups cultivating the most EPA staff mirror the groups garnering the lion's share of donations from the Billionaire's Club. These groups include the Natural Resources Defense Council (NRDC), Sierra Club, Environmental Defense Fund (EDF), Public Interest Research Groups (PIRGs), Union of Concerned Scientists (UCS) and Center for American Progress (CAP).

Indeed, the NRDC staff absorbed by the Obama Administration and Capitol Hill Democrats in 2009 was referred to as the "NRDC mafia" because they occupied so many key positions throughout the democratically controlled government.[148] While at EPA, these officials were able to advance their activist agenda, this time with full support of the government.

Former activists have held or are currently holding senior positions throughout the Agency – in its Washington D.C. headquarters and in its ten regional offices across the country. The revolving door includes activists from private foundations as well as public charities. These officials include:

- Bob Perciasepe – Deputy Administrator of the EPA. He was the former Chief Operating Officer of the National Audubon Society. He recently announced his impending departure from the Agency to become President of the Center for Climate and Energy Solutions, formerly the Pew Center for Climate Solutions.[149] Watchdog groups uncovered evidence that Perciasepe used his personal email to communicate with environmentalists in violation of EPA policy.[150]

- Nancy Stoner – Acting Administrator/Deputy Administrator for the Office of Water. She served as the Co-Director and Senior Attorney for the NRDC's Water Program from 1999 until 2010. In her capacity at the Office of Water at EPA, she was accused of sharing livestock operators' personal information with environmental groups, including NRDC.[151]

- Judith Enck – Region 2 Administrator. She was previously Senior Environmental Associate at NY-PIRG, Executive Director of the Environmental Advocates of New York, and President of Hudson River Sloop Clearwater. Enck has been accused of several inappropriate and unethical actions, which this report discusses in detail.

---

[147] *Id.*

[148] Darren Samuelsohn, *'NRDC Mafia' finding homes on Hill, in EPA,* NEW YORK TIMES, March 6, 2009, http://www.nytimes.com/gwire/2009/03/06/06greenwire-nrdc-mafia-finding-homes-on-hill-in-epa-10024.html (last accessed July 25, 2014).

[149] Josh Hicks, *EPA loses bridge builder with Bob Perciasepe's departure as No. 2,* THE WASHINGTON POST, July 18, 2014, http://www.washingtonpost.com/blogs/federal-eye/wp/2014/07/18/epa-loses-bridge-builder-with-bob-perciasepes-departure-as-no-2 (last visited July 25, 2014).

[150] Ben Geman, *Top EPA official used personal email address*, THE HILL, Feb. 19, 2013, http://thehill.com/policy/energy-environment/283821-top-epa-official-used-personal-email-address.

[151] Victoria G. Myers, *EPA Makes a Mess,* PROGRESSIVE FARMER, August 2013, http://dtnpf-digital.com/article/EPA_Makes_A_Mess/1566949/185130/article.html (last visited July 25, 2014).

Watchdog groups also uncovered Enck using her personal email to communicate with environmentalists in violation of EPA policy.[152]

- Jared Blumenfeld – Region 9 Administrator. He was formerly employed by the Sierra Club Legal Defense Fund as well as the NRDC.[153] He was recently caught lying to the EPA's Office of Inspector General about using his personal email account for work purposes, in violation of EPA policy.[154]

- Joseph Goffman – Associate Assistant Administrator and Senior Counsel for the Office of Air and Radiation. He is the chief architect of EPA's proposed Existing Source Performance Standards for existing power plants,[155] which has been criticized as relying too heavily on a draft produced by the NRDC.[156] Goffman previously held a senior policy position at Environmental Defense (formerly of EDF).[157] He also served on the Board of Directors for the Environmental Resources Trust, a nonprofit organization he and two colleagues founded with the help of EDF.

- Francesca Grifo – Scientific Integrity Official. She previously served as senior scientist and director of the UCS, where she was heavily criticized for her lack of scientific integrity.[158] In her current role, she has failed to provide competent responses to the Committee related to instances of scientific misconduct at the EPA.[159]

- Matthew Tejada – Director of the Office of Environmental Justice. He previously worked for TX-PIRG[160] and led Air Alliance Houston, an activist organization focusing specifically on environmental justice issues,[161] for over five years.[162] Air Alliance of

[152] Michael Bastasch, *Emails: Another top EPA official used private email account to aid environmentalists*, THE DAILY CALLER, Feb. 24, 2014, http://dailycaller.com/2014/02/24/emails-another-top-epa-official-used-private-email-account-to-aid-environmentalists/.
[153] *Meeting of the Minds Speaker: Jared Blumenfeld*, MEETING OF THE MINDS, http://cityminded.org/speaker/jared-blumenfeld (last visited July 25, 2014).
[154] *See* Letter from Hon. David Vitter, Ranking Member, S. Comm. on Env't & Public Works, to Hon. Arthur Elkins, Inspector Gen., U.S. Envt'l Prot. Agency (Feb. 20, 2014).
[155] Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 Fed. Reg. 34829 (proposed June 18, 2014) (to be codified at 40 C.F.R. 60).
[156] Coral Davenport, *Taking Oil Industry Cue, Environmentalists Drew Emissions Blueprint*, NEW YORK TIMES, July 6, 2014, http://www.nytimes.com/2014/07/07/us/how-environmentalists-drew-blueprint-for-obama-emissions-rule.html (last visited July 25, 2014).
[157] Coral Davenport, *E.P.A. Staff Struggling to Create Pollution Rule*, NEW YORK TIMES, Feb. 4, 2014, http://www.nytimes.com/2014/02/05/us/epa-staff-struggling-to-create-rule-limiting-carbon-emissions.html?_r=0 (last visited July 25, 2014).
[158] Henry I. Miller, *EPA's New Overseer Of 'Scientific Integrity': The Blind Leading The Blind*, FORBES, Dec. 4, 2013, http://www.forbes.com/sites/henrymiller/2013/12/04/epas-new-overseer-of-scientific-integrity-the-blind-leading-the-blind/
[159] Letter from Hon. David Vitter, Ranking Member, S. Comm. on Env't & Public Works, to Dr. Francesca Grifo, Science Integrity Official., U.S. Envt'l Prot. Agency (Mar. 17, 2014); Letter from Dr. Robert Kavlock, Interim Science Advisor, U.S. Envt'l Prot. Agency, to Hon. David Vitter, Ranking Member, S. Comm. on Env't & Public Works (July. 22, 2014).
[160] Global Community Monitor, New Director for Office of Environmental Justice, Matt Tejada, Jan. 11, 2013, http://www.gcmonitor.org/new-director-for-office-of-environmental-justice-matt-tejada/.
[161] *About Air Alliance Houston*, AIR ALLIANCE HOUSTON, http://airalliancehouston.org/about_air_alliance_houston/ (last accessed July 25, 2014).

Houston publically partners with EDF, NRDC, Sierra Club, and Public Citizen, among other far-left environmental organizations.[163] He was brought to the attention of former EPA Region 6 Administrator Al Armendariz in March 2010 by Elena Craft, of EDF.[164] Ironically, at the time he was appointed to the EPA, he was actually suing EPA, along with other environmental activists on the basis of environmental justice concerns.[165]

Many former Obama EPA officials also worked with the far-left environmental movement and the Billionaire's Club. Today, many of them work for their former employer or elsewhere in the environmental movement.

- Bob Sussman served as Senior Policy Counsel at EPA under Administrator Jackson. He was a Senior Fellow at the Center for American Progress (CAP) before he was tapped to co-chair the EPA Transition Team in 2008.[166] The Committee has obtained documents which demonstrates he vetted potential EPA employees based on whether they, "had the support of environmental justice leaders," and their connections to environmental groups, like the NRDC.[167] Watchdog groups also uncovered Sussman using his personal email to communicate with environmentalists in violation of EPA policy.

- Michelle DePass was the former Assistant Administrator for the Office of International and Tribal Affairs. Prior to her appointment at EPA, she worked for the Ford Foundation as an Environment and Community Development Program Officer and served on the Board of the EGA. For a period of time between her confirmation by the U.S. Senate and official start date at EPA, she continued her role at the Ford Foundation, effectively operating as an employee of both EPA and the private organization simultaneously.[168] DePass resigned her position shortly after being held accountable by the Committee.[169]

- Dr. Al Armendariz was the Region 6 Administrator from 2009 to 2012. Prior to his appointment to EPA, he worked for the Environmental Integrity Project (EIP) and was a consultant serving as an expert witness for the Sierra Club.[170] Soon after assuming his position at EPA he sought out and hired two environmental advocates he had previously

---

[162] Tejada worked as the Executive Director of Air Alliance Houston for five years and five months. *See* Matthew Tejada's Profile, LINKEDIN, http://www.linkedin.com/pub/matthew-tejada/3/959/1b4 (last accessed July 24, 2014).
[163] *Our Partners, AIR ALLIANCE OF HOUSTON,* http://airalliancehouston.org/content/our-partners (last visited July 25, 2014).
[164] Email from Elena Craft to Al Armendariz (Mar. 1, 2010; 12:03 PM EST) (on file with Committee).
[165] Ron Arnold, *Meet the little nobody from Texas with big power at EPA*, WASHINGTON EXAMINER, June 13, 2013, http://washingtonexaminer.com/ron-arnold-meet-the-little-nobody-from-texas-with-big-power-at-epa/article/2531854
[166] Georgetown University Law Center, Profile of Robert M. Sussman, https://www.law.georgetown.edu/faculty/sussman-robert-m.cfm (last visited July 28, 2014)
[167] Email from Macon Cowles to Bob Sussman (Feb. 13, 2009; 01:25 pm EST)(on file with Committee).
[168] Letter from Hon. David Vitter, Ranking Member, S. Comm. on Env't & Public Works, and Hon. Darrell Issa, Chair of the H. Comm. On Oversight & Gov't Reform, to Michelle DePass, U.S. Envt'l Prot. Agency (May. 15, 2013) (on file with Committee).
[169] Letter from Hon. Arvin Ganisan, Assoc. Admin., U.S. Envt'l Prot. Agency, to Hon. David Vitter, Ranking Member, S. Comm. on Env't & Public Works (June 5, 2013).
[170] Juliet Eilperin and Lisa Rein, *EPA official who compared enforcement to crucifixion resigns*, WASHINGTON POST, Apr. 30, 2012, http://www.washingtonpost.com/national/health-science/epa-official-who-compared-enforcement-to-crucifixion-resigns/2012/04/30/gIQAucsisT_story.html.

worked with at EIP – Chrissy Mann and Layla Mansuri.[171] Mann was an attorney at EIP who later served as Armendariz's special assistant at EPA; and Mansuri served as EPA's Region 6 Associate Administrator previously worked for Public Citizen, EDF, and EIP. Both Mann and Mansuri had actively litigated against the Houston, Texas, petroleum coke fueled power plant, Las Brisas Energy Center (LBEC), while Armendariz prepared testimony against LBEC. While at EPA, they collectively worked on denying LBEC's permit.[172] The Committee released a recording in 2012 revealing Armendariz stating how he would "crucify" an energy company to set an example for the rest of the oil and gas industry.[173] He was scheduled to testify before Congress about his controversial statement, but he skipped the Congressional hearing in favor of an interview with the Sierra Club.[174] Soon thereafter, he resigned from EPA and is now Senior Campaign Representative for Sierra Club's Beyond Coal Campaign.

- James Martin was the former Region 8 Administrator for EPA. Earlier in his career he was a senior attorney at EDF. He resigned his position at EPA after it became public he was using his personal email account to communicate with environmentalists, including Vicki Patton of EDF, about official agency business in violation of official EPA policy.[175]

- Michael Goo was the former Associate Administrator of EPA. He was the legislative director for NRDC before he worked for then-Congressman Ed Markey (D-MA). While at EPA, he frequently met environmental groups at a coffee shop near EPA headquarters.[176] Among the individuals he met with were John Coequyt, head of Sierra Club's "Beyond Coal"[177] campaign and Lena Moffitt, who worked for Sierra's "Beyond Oil"[178] campaign. Based on a series of emails between the parties, it appears they were discussing strategies to defeat the Keystone XL pipeline and the permitting of coal fired power plants.[179]

---

[171] Letter from Hon. David Vitter, *et.al.*, Ranking Member, S. Comm. on Env't & Public Works, to Hon. Gina McCarthy, Assist. Admin., U.S. Envt'l Prot. Agency (Mar. 12, 2013).
[172] *Id.*
[173] Dina Capiello, Al Armendariz, *EPA Official, Resigns Over 'Crucify' Comment, HUFFINGTON POST*, Apr. 30, 2012, http://www.huffingtonpost.com/2012/04/30/al-armendariz-epa-official-resigns_n_1464919.html
[174] Amy Harder, *EPA Official Felled by 'Crucify' Comment Skips House Hearing, Visits Sierra Club*, NATIONAL JOURNAL, June 7, 2012, http://www.nationaljournal.com/energy/epa-official-felled-by-crucify-comment-skips-house-hearing-visits-sierra-club-20120607 (last visited July 25, 2014).
[175] Judson Berger, *EPA official scrutinized over emails to resign*, FOX NEWS, Feb. 19, 2013, http://www.foxnews.com/politics/2013/02/19/epa-official-scrutinized-over-emails-to-resign (last visited July 25, 2014).
[176] John Roberts, *'Secret dealing'? Emails show cozy relationship between EPA, environmental groups,* Fox News, Jan. 22, 2014, http://www.foxnews.com/politics/2014/01/22/emails-show-cozy-relationship-between-epa-environmental-groups-on-keystone-coal (last visited July 28, 2014).
[177] Emails from EPA, environmental officials, FOX NEWS, http://www.foxnews.com/politics/interactive/2014/01/22/emails-from-epa-environmental-officials/ (last visited July 24, 2014).
[178] Lena Moffitt's profile, LINKEDIN, https://www.linkedin.com/pub/lena-moffitt/61/418/b55 (last visited July 24, 2014).
[179] Roberts, *supra* note 177.

- Robert Brenner was the former Deputy Assistant Administrator to Gina McCarthy in the Office of Air and Radiation. Soon after the EPA Office of Inspector General (EPA OIG) targeted Brenner for accepting illegal gifts he promptly retired from the Agency.[180] He was also a central figure in the embarrassing saga of John Beale, the fake CIA Agent employed by the EPA.[181] Brenner left EPA to join Duke University's Nicholas Institute for Environmental Policy Solutions.[182] He is also on the Board of Directors for the Center for Clean Air Policy, along with another former EPA official, David Hawkins, who is currently at NRDC.[183]

b. The Obama EPA Helps to Fund the Far-Left Environmental Groups

In addition to providing insider access to important policy decisions, it appears activists now at EPA also funnel government money through grants to their former employers and colleagues. The Committee's research demonstrates that oftentimes EPA contributes to the bottom line of green groups through grants. Accordingly, a grant from EPA or another government agency is particularly valuable to a 501(c)(3) as nonprofits are required to obtain one-third of its funding from the public to maintain its tax-exempt status. A grant from EPA contributes to that goal, without limitation.[184]

Over the last ten years EPA has awarded nearly $3 billion in grants to nonprofit organizations.[185] Based on a Committee review of the EPA grants database, the Obama EPA has given more than $27 million in taxpayer funded grants to major environmental groups. Notably, NRDC and EDF - two key activists groups with significant ties to senior EPA officials – have collected more than $1 million in funding each.

EPA's Top Five Environmental Nonprofit Grantees

Grantee	Number of Grants	2009-2014 Awards
ALA*	36	$13,970,196
EDF	2	$1,099,839
NRDC	2	$1,877,907
NWF*	2	$64,734
Nature Conservancy*	24	$10,700,796
TOTAL	66	$27,713,472

An (*) denotes inclusion of grants to state or regional chapters.

The American Lung Association (ALA) receives the most Obama-EPA grants among environmental groups the Committee reviewed, totaling nearly $14 million since 2009. Over the

[180] *Secret Agent Man? Oversight of EPA's IG Investigation of John Beale: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 113th Cong. (Oct. 1, 2013).
[181] *Id.*
[182] Duke Nicholas Institute, *Former High-Ranking EPA Official to Join Duke*, Oct. 27, 2011, http://nicholasinstitute.duke.edu/news/former-high-ranking-epa-official-to-join-duke#.U9fx_fldUVw (last visited July 28, 2014).
[183] Center for Clean Air Policy, profile of Rob Brenner, http://ccap.org/people/rob-brenner-retired/ (last visited July 28, 2014).
[184] 26 C.R.F. §1.509 (2012).
[185] EPA Grants Award Database, All Awards to Nonprofits, http://yosemite.epa.gov/oarm/igms_egf.nsf/Reports/Non-Profit+Grants?OpenView (last visited July 28, 2014).

last ten years, ALA has racked in $20,405,655 in EPA grants.[186] Yet, ALA has been a main litigant against EPA, frequently suing the Agency only to reach a cozy settlement agreement while taxpayers foot the bill for ALA's legal fees.[187] Moreover, since federal agencies are forbidden from lobbying, one scholar suggests that ALA acts as a surrogate to lobby for the EPA in exchange for generous grants, stating:

> To survive, if not thrive, the ALA needed a source of revenue. The solution: selling its reputation as an organization only interested in promoting and protecting 'the public interest' to government agencies and commercial firms. By lobbying and engaging in political advocacy under the halo of 'charity,' the ALA sought to revive its fortunes.[188]

Mainstream environmental groups are not the only ones to benefit from EPA grants. The Obama EPA gives grants to regional and less-well-known extreme groups, especially those operating within the environmental network described in this report. For example, the Louisiana Bucket Brigade (LABB) is an environmental activist group not only connected to the environmental network, but also has close ties to the EPA. Formerly a project of the Tides Foundation, LABB received over $400,000 in funding from the Marisla Foundation between 2011 and 2012.[189] Further, LABB received significant funding from EPA under former Administrator Lisa Jackson. Jackson grew up in a New Orleans, Louisiana neighborhood and has close ties to the state.[190]

Most of LABB's efforts focus on attacking oil and petrochemical refineries through "citizen science" efforts primarily funded by the EPA. The Louisiana Department of Environmental Quality brought a series of concerns to EPA headquarters and Region 6, detailing how LABB's activities are not based on "sound science and legally defensible facts."[191] Even so, EPA continued to award LABB grants. From 2010 to 2012, EPA awarded LABB $194,500 in grants.[192] For fiscal year 2011, EPA's $100,000 grant on June 11, 2012, constituted more than 80% of LABB's government funding and almost half of the group's one-third public funding requirement.[193]

---

[186] Karen Kerrigan, *Fact of the Day: EPA and Lung Association: Time for Transparency*, The Center for Regulatory Solutions (June 5, 2014).

[187] COMMITTEE ON THE ENVIRONMENT AND PUBLIC WORKS MINORITY STAFF, EPA'S PLAYBOOK UNVEILED: A STORY OF FRAUD, DECEIT, AND SECRET SCIENCE (March 19, 2014), available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=b90f742e-b797-4a82-a0a3-e6848467832a (last accessed July 25, 2014).

[188] James T. Bennett, *Pandering for Profit: The Transformation of Health Charities to Lobbyists*, GEO. MASON DEPT. OF ECON., Paper No. 11-54, p. 20.

[189] Ron Arnold, *Meet the little nobody from Texas with big power at EPA*, THE WASHINGTON EXAMINER, June 13, 2013, http://washingtonexaminer.com/ron-arnold-meet-the-little-nobody-from-texas-with-big-power-at-epa/article/2531854.

[190] *Administrator Lisa Jackson Biography*, ENV'T PROT. AGENCY, http://blog.epa.gov/administrator/bio (last visited July 24, 2014).

[191] Letter from Peggy M. Hatch, Secretary, Louisiana Department of Environmental Quality, to Lisa Jackson, Administrator, US Environmental Protection Agency (Oct. 26, 2012).

[192] *Grant Awards Database*, U.S. ENV'T PROT. AGENCY, http://yosemite.epa.gov/oarm/igms_egf.nsf/Reports/Non-Profit+Grants?OpenView.

[193] Louisiana Bucket Brigade, IRS Form 990, 2011.

c. Questionable Behavior by Regional Administrator Judith Enck

Region 2 Administrator Judith Enck appears to be inappropriately and personally involved in the allocation of EPA grants. Such involvement runs afoul of the Standards of Ethical Conduct, which require all EPA employees to act impartially and not give preferential treatment to any private organization.[194] The Committee received reports of two separate instances where Enck gave EPA grantees special treatment.

JUDITH ENCK'S INVOLVEMENT WITH EL PUENTE

- March 2012: Enck meets with El Puente and Rockefeller Family Fund (RFF)
- 2012: Tides gives El Puente $7,000 grant
- 2012: RFF gives El Puente $45,000 grant
- August 2012: EPA awards $25,000 grant to El Puente
- Sept. 2012: Enck meets with El Puente and RFF
- Jan. 2013: Letter from EPA notifying El Puente of failure to comply with disclosure requirements and possibility EPA may "terminate assistance"
- March 2013: El Puente cites conversation with Enck and requests an extension to comply with disclosure requirements
- Aug. 2013: Second letter from EPA to El Puente regarding its failure to follow disclosure requirements
- Nov. 2013: EPA finally terminates grant

In one case, Administrator Enck required a subordinate to search for grants that could benefit an activist group, El Puente.[195] Allegedly, El Puente violated the terms of an EPA award, but Enck intervened on the group's behalf, delaying termination of the grant by ten months.[196] Both the RFF and Tides Foundation provided grants to El Puente over the same period of time Enck advocated for EPA grants to the group.[197] The Committee also has proof Enck attended meetings between El Puente and representatives from the RFF.

Moreover, the Committee received evidence that Enck used her position to improperly funnel federal grants to environmental groups, with whom she has a personal connection. Between August 2010 and September 2012, the Hudson River Sloop Clearwater, Inc. received a series of grants from Region 2. Before Enck joined EPA, she was the president of Hudson River Sloop Clearwater. Since Enck assumed her position as Region 2 Administrator in 2009, the organization has received four EPA grants totaling $159,342.[198] These grants are listed in the chart below.

---

[194] *Code of Conduct for Directors and Staff of the Envt'l Prot. Agency*, U.S. ENVT'L PROT. AGENCY, http://webcache.googleusercontent.com/search?q=cache:XYXayXsK_uIJ:https://www.epa.ie/pubs/reports/other/corporate/EPA_code_of_business_conduct.doc+&cd=5&hl=en&ct=clnk&gl=us (last visited July 25, 2014).

[195] Email from Anhthu Hoang to Paula Zevin, Apr. 27, 2012: 2:41 P.M. (on file with the Committee)

[196] Letter from Roch Baamonde, Chief Grants and Audit Management Branch, to Frances Lucerna, Nov. 26, 2013 (on file with the Committee)

[197] [A] Rockefeller Family Fund, IRS Form 990, 2012
[B] Tides Found., IRS Form 990, 2012.

[198] EPA Grants Award Database, "Hudson River Sloop Clearwater," http://yosemite.epa.gov/oarm/igms_egf.nsf/allgrantsnarrow?SearchView&Query=(+hudson+river+sloop+)&SearchOrder=1&SearchMax=250&SearchWV=false&SearchFuzzy=false (last visited July 28, 2014).

EPA Grants to Enck's Former Employer under her EPA Tenure

Purpose:	Awarded:	Amount:
Environmental Justice	08/31/2010	$25,000
Superfund	12/14/2010	$50,000
Water	08/03/2012	$59,855
Environmental Justice	09/17/2012	$24,487

This highly questionable behavior demonstrates how an EPA official with inappropriate ties to far-left groups and their foundations can use her position to benefit the environmental movement at the expense of taxpayers. In fact, the EPA OIG has confirmed that Enck is the subject of an OIG inquiry.[199] Moreover, in its May 13, 2014, Summary of Closed Employee Integrity Cases, the EPA OIG revealed two other cases regarding ethical concerns with senior EPA officials.[200] One case involved a Presidential appointee violating their ethics pledge on 13 occasions by communicating and/or meeting with two prohibited organizations regarding their EPA work.[201] Another case involved a political appointee who on two occasions violated the rules of ethics for federal employees by accepting a gift of travel and a flight in a private jet from a registered lobbyist.[202]

[199] Email from Staff, Office of Inspector Gen., U.S. Envt'l Prot. Agency, to Rep. Staff, S. Comm. on Env't & Public Works (June 09, 2014; 04:24 PM EST).
[200] http://www.epa.gov/oig/reports/2014/OI-Summary_of_Closed_Employee_Integrity_Cases_3-31-14.pdf
[201] *Id.*
[202] *Id.*

IV. Billionaire's Club in Action: Case Studies of Services Rendered

Far-left environmental activists, while benefiting from nonprofit status, essentially sell a product to wealthy foundations who are seeking to drive policy and political outcomes. That transaction is driven by a close knit network of activists and funders who strategically channel their money into supported organizations. The Committee has found that some of the most valued services these activists provide the Billionaire's Club includes promulgation of propaganda which creates an artificial echo chamber; appearance of a faux grassroots movement; access to nimble and transient groups under fiscal sponsorship arrangements; distance/anonymity between donations made by well-known donors and activities of risky activist groups; and above all – the ability to leverage tens of millions of dollars in shady foreign funding.

a. Activists Groups Provide Billionaire's Club with Propaganda

This section documents how the Billionaire's Club both finances the creation of "science" and other studies, then pays nonprofits specialized in media relations to report on the "discovery." Foundations often finance research that bolsters their desired policy outcome. Subsequently, another outlet they also fund will "report" on the new study and other affiliated "news outlets" will also report on it, in an effort to increase visibility. One could easily be fooled into believing that the study was independent and disinterested, covered by unbiased media outlets. However, this perception is far from the truth.

In addition to peddling studies that bolster a policy position, the foundation-backed "news outlets" use their position to rebut any criticism of the integrity of the report. Through this process, foundations can both inject an environmental issue into the news stream, and frame the way the public perceives it.

i. *The Park Foundation: Buying and Spreading Anti-Fracking Science*

One of the best examples of this foundation-manifested echo chamber arises from the Ithaca, New York-based Park Foundation. It reported assets of over $366 million in 2012,[203] and is run by Adelaide Park Gomer, who inherited her fortune from her late father, Roy Park.[204] She is a fierce and vocal critic of fracking, especially in the Marcellus Shale region in New York and Pennsylvania.[205] Her hostility to fracking likely arises from Park's location in the Marcellus Shale region. Her environmental views are radical, as evidenced in a very strongly worded poem, *Ballad of a Dying Planet*, in which she laments the "rape and pillage" of the earth by mankind.[206] In March 2010, the Park Foundation gave $100,000 to Cornell University (also located in Ithaca) for "A Comprehensive Economic Impact Analysis of Natural Gas Extraction in the Marcellus Shale."[207] In June 2010, Park gave Cornell another $35,000 for "a study

[203] Park Found., IRS Form 990, 2012.
[204] Bill Chaisson, *Legacy Lives On: Park, Triad foundations continue the work of Roy Park Sr.*, ITHACA.COM, Aug. 15, 2012, http://www.ithaca.com/news/article_2aab243e-e662-11e1-84d1-0019bb2963f4.html (last visited July 25, 2014).
[205] Mike Soraghan, *Hydraulic Fracturing: Quiet foundation funds the 'anti-fracking' fight*, E&E PUBLISHING, LLC, Mar. 12, 2012, http://www.eenews.net/stories/1059961204 (last visited July 25, 2014).
[206] Adelaide Park Gomer, *Ballad for a Dying Planet*, EGA JOURNAL at 23, http://ega.org/sites/default/files/pub/reports/EGA_Journal_25th_lorez_full.pdf (last visited July 25, 2014).
[207] Park Found., IRS Form 990, 2010.

estimating the greenhouse gas consequences of Marcellus Shale gas."[208] According to some contemporaneous accounts, ecologist Robert Howarth admitted to meeting with Park representatives and agreeing with them to create a report finding that fracking was environmentally harmful.[209]

Consequently, Cornell published Howarth's study in spring 2011, which found that fracking the Marcellus Shale produces more greenhouse gas emissions than coal mining.[210] The study was almost immediately discredited by other scientists, and even by environmentalists and Howarth's colleagues at Cornell, based on flaws in the research and data.[211] Despite such criticism, Park continues to fund Cornell's anti-fracking research and has given an additional $193,229 since 2010.[212] Park's steady influence over Howarth is evident from its 2013 grant of $60,000 for an anti-shale gas "evaluation" to the "Howarth and Marino Lab Group."[213]

A story reporting on a Park-supported anti-fracking study was reproduced by a Park-funded news organization through a Park-funded media collaboration, where it was then further disseminated by the maker of Park-backed anti-fracking movies.

Since the spring 2011 study, Cornell's Park-funded anti-fracking efforts have received extensive attention from Park-linked far-left environmental media sources. Park funded news outlets such as *Earth Island Journal* (who received $31,500 from Park between 2010 and 2012[214]) and *Yes!* magazine (who received $50,000 from Park between 2010 and 2012[215]) supported and defended Howarth and his Cornell study.[216] In fact in January 2012, long after the controversy erupted, an article in *Yes!* attacking fracking in the Marcellus Shale admiringly referred to Howarth as "co-author of last year's landmark Cornell University study, which established the staggering greenhouse-gas footprint of fracking."[217] This is but one discreet example of the manufactured echo chamber.

Another example of Park's paid-for propaganda involves an online news-sharing site called the *Climate Desk*. It describes itself as a "journalistic collaboration dedicated to exploring

---

[208] *Id.*
[209] Jon Entine, *Killing drilling with farcical 'science'*, NEW YORK POST, Jan. 24, 2012, http://nypost.com/2012/01/24/killing-drilling-with-farcical-science (last visited July 25, 2014).
[210] Stacey Shackford, *Natural gas from fracking could be 'dirtier' than* coal, Cornell professors find, CORNELL CHRONICLE, Apr. 11, 2011, http://www.news.cornell.edu/stories/2011/04/fracking-leaks-may-make-gas-dirtier-coal (last visited July 25, 2014).
[211] Jon Entine, *New York Times Reversal: Cornell University Research Undermines Hysteria Contention that Shale Gas is "Dirty"*, FORBES, Mar. 2, 2012, http://www.forbes.com/sites/jonentine/2012/03/02/new-york-times-reversal-cornell-university-research-undermines-hysteria-contention-that-shale-gas-is-dirty (last visited July 25, 2014).
[212] [A] Park Found., IRS Form 990, 2010-2012
[B] *Grants Awarded,* PARK FOUND., http://www.parkfoundation.org/search.php (last visited July 25, 2014).
[213] *Grants Awarded – 2013,* PARK FOUND., http://www.parkfoundation.org/search.php (last visited July 25, 2014).
[214] Park Foundation, IRS Form 990, 2010-2012.
[215] Park Foundation, IRS Form 990, 2010-2012
[216] Sharon Kelly, *Oil and Gas Drilling Linked to Smog*, EARTH ISLAND JOURNAL, Mar. 8, 2012, http://www.earthisland.org/journal/index.php/elist/eListRead/oil_and_gas_drilling_linked_to_smog/ (last visited July 25, 2014).
[217] Ellen Cantarow, *New York's Little Revolution*, YES!, Jan. 25, 2012, http://www.yesmagazine.org/planet/new-yorks-little-revolution (last visited July 25, 2014).

the impact . . . of climate change."[218] In reality, it aids the exchange and spread of climate-related news stories between generally left-leaning news partners that include *Grist*, *Mother Jones*, the *Huffington Post*, *Slate*, *The Guardian* and *The Atlantic*.[219] The *Climate Desk* acknowledges Park is one of its "major funders"[220] and Park's IRS Form-990s and its 2013 online grants database reflect that Park gave $300,000 to the *Climate Desk* between 2010 and 2013.[221]

A review of the online article databases of *Climate Desk* partners, *The Huffington Post*,[222] *Mother Jones*,[223] *The Atlantic*,[224] and *The Guardian*,[225] show that since 2011 they have all favorably cited Howarth and his work on the effects of fracking.[226] Accordingly, through the *Climate Desk*, Park enabled a coalition of environmentally friendly news groups to share and spread stories involving researchers and work paid for by Park. However, Park's influence in this situation reaches deeper than simply backing the *Climate Desk*. Between 2010 and 2013, Park gave *Grist* $95,000 and *Mother Jones* (through its parent organization, The Foundation for National Progress) $170,000.[227] Following the fallout from Cornell's Howarth-led fracking report, *Grist* published an article standing by the report even while admitting it had been discredited.[228] *Mother Jones* published a complimentary story on it soon after the report was published, including a noncritical interview with Howarth.[229] *Mother Jones* continued promoting the study even after it was discredited.[230]

Another clear example of Park's purchased propaganda involves Duke University's Nicholas School of the Environment. The Institute, which used to employ disgraced bureaucrat Robert Brenner, received $50,000 from Park in 2011 for, "the completion of a study of the impact of gas drilling and hydraulic fracturing on water quality . . ."[231] In October 2013, the Nicholas School published a report finding that fracking byproducts contaminate drinking water

---

[218] *Climate Desk: About*, CLIMATE DESK, http://climatedesk.org/about-climate-desk/ (last visited July 22, 2014).
[219] *Id.*
[220] *Id.*
[221] [A] Parks Found., IRS Form 990, 2010-2012 990s;
[B] *Grants Awarded*, PARK FOUND., http://www.parkfoundation.org/search.php (last visited July 25, 2014).
[222] The Huffington Post Search of "Robert Howarth fracking," http://www.huffingtonpost.com/search.php/?q=robert+howarth+fracking (last visited July 22, 2014).
[223] Mother Jones search of "Howarth," http://www.motherjones.com/search/apachesolr_search/howarth (last visited July 22, 2014).
[224] The Atlantic search of "Howarth," http://www.theatlantic.com/search/?q=howarth (last visited July 22, 2014).
[225] Bobby Magill, *Thousands of fracking wells in Pennsylvania 'may be leaking methane'*, THE GUARDIAN, June 20, 2014, http://www.theguardian.com/environment/2014/jun/20/fracking-wells-pennsylvania-leaking-methane
[226] See also *Inside Climate News*, http://insideclimatenews.org/about/our-funders, which is a Park-funded media organization that also promoted the Cornell study. Similar to *Climate News Desk*, it is in partnership with other news media outlets, including Bloomberg, the Associated Press, and The Weather Channel; http://insideclimatenews.org/about/media-partners.
[227] The Park Foundation, 2013 Grants Database; http://www.parkfoundation.org/search.php?coding=group&group=2013&title=2013%20Grants#category_31
[228] Christopher Mims, *Maybe fracked natural gas isn't dirtier than coal, after all*, GRIST, May 23, 2011, http://grist.org/list/2011-05-23-maybe-fracked-natural-gas-isnt-dirtier-than-coal-after-all/.
[229] Kate Sheppard, *Natural Gas: Worse Than Coal?*, MOTHER JONES, Apr. 12, 2011, http://www.motherjones.com/blue-marble/2011/04/natural-gas-worse-coal.
[230] Kate Sheppard, *About That Clean Energy Future*, MOTHER JONES, Jan. 27, 2012, http://www.motherjones.com/blue-marble/2012/01/about-clean-energy-future.
[231] Park Foundation, IRS Form 990, 2011.

in the Marcellus Shale region.[232] The study was criticized as being at odds with other studies on the subject.[233] Although acknowledging receiving thousands of dollars from Park, the study's lead researcher denied any Park-related bias.[234] He claimed that Park's money was merely used for "field work" and not for the specific purpose of producing a study on shale gas, as Park represented to the Internal Revenue Service (IRS).[235]

Following the report's release, *Climate Desk* partners *The Guardian*[236] and *Huffington Post*[237] immediately published favorable stories on the study. *The Guardian*'s story was reproduced by *Mother Jones* "as part of the *Climate Desk* collaboration."[238] Filmmaker and well known anti-fracking activist Josh Fox posted the *Mother Jones*' link on his Twitter page, where it was spread by Fox's Twitter followers.[239] Fox has received hundreds of thousands of dollars from Park to finance his anti-fracking series of documentaries called *Gasland*.[240] Thus, a story reporting on a Park-supported anti-fracking study was reproduced by a Park-funded news organization through a Park-funded media collaboration, where it was then further disseminated on Twitter by the maker of Park-backed anti-fracking movies.

ii. The Schmidt Family Foundation: Peddling Anti-Fracking Science

The Schmidt Family Foundation, through its 11th Hour Project, is another example of a big foundation funding an echo chamber that promotes its propaganda. Schmidt is based in California, has reported assets of $312,189,881, and gives mostly to organizations focusing on climate change, fracking and other environmental causes.[241] Schmidt's grant philosophy offers a strong example of prescriptive grantmaking previously discussed in this report. Its website advises: "Please note, all of the Foundation's grantmaking is now done on a strictly invitational basis and we will not review proposals received either in the mail or to our email inbox. We proactively seek new partnerships based on our program area strategies."[242]

---

[232] Felicity Carus, *Dangerous levels of radioactivity found at fracking waste site in Pennsylvania*, THE GUARDIAN, Oct. 2, 2013, http://www.theguardian.com/environment/2013/oct/02/dangerous-radioactivity-fracking-waste-pennsylvania

[233] Wendy Koch, *Fracking linked to radioactive river water in Pa.*, USA TODAY, Oct. 2, 2013, http://www.usatoday.com/story/news/nation/2013/10/02/fracking-radioactive-water-pennsylvania/2904829/

[234] *Id.*

[235] *Id.*

[236] Carus, *supra* note 233.

[237] Bobby Magill, *Fracking Study: Gas Production In Pennsylvania May Be Polluting Creek With Radioactive Waste*, HUFFINGTON POST, Oct. 2, 2013, http://www.huffingtonpost.com/2013/10/02/fracking-study-pennsylvania_n_4030748.html

[238] *Id.*, *supra*, note 233.

[239] Josh Fox Twitter feed, Oct. 6, 2013, 12:37 P.M., https://twitter.com/gaslandmovie/status/386938386344194049 (last visited July 22, 2014).

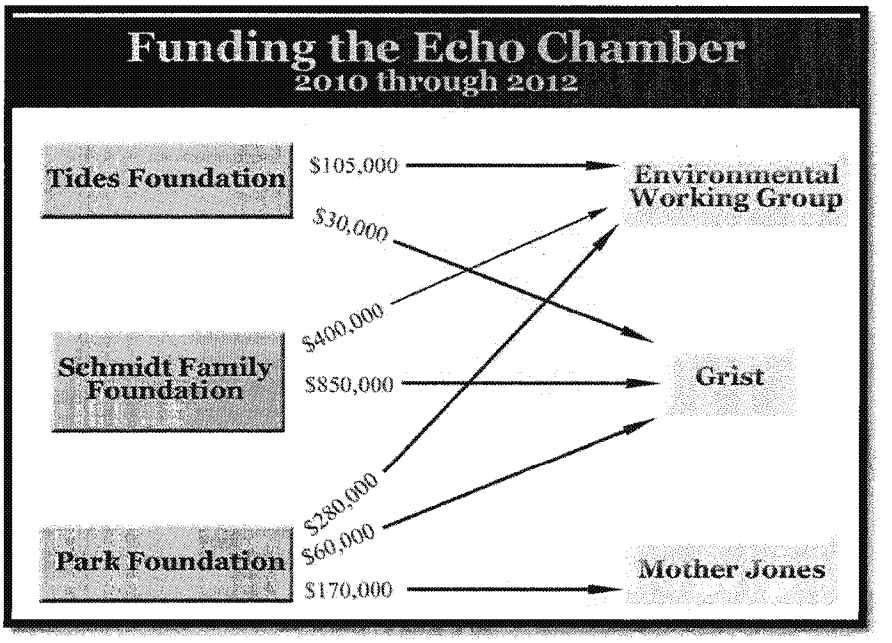
[240] [A] Park Foundation, 2013 Grants Database, http://www.parkfoundation.org/search.php?coding=group&group=2013&title=2013%20Grants#category_31 (last visited July 22, 2014);

[B] Jon Campbell, *Park Foundation funds anti-fracking groups*, DEMOCRAT & CHRONICLE, Apr. 15, 2012, http://roc.democratandchronicle.com/article/20120415/NEWS01/304150016/Park-Foundation-funds-anti-fracking-groups.

[241] 2012 is the most recent I.R.S. Form 990 that is currently available for the Schmidt Family Foundation.

[242] http://www.11thhourproject.org/grantees.

In 2011, Schmidt made a grant of $50,000 to the Environmental Working Group (EWG), a Washington, D.C. based environmental research organization,[243] "[t]o support the creation of case study on hydro-fracking in CA."[244] EWG's directors include Drummond Pike of Tides (Tides Foundation also funds EWG[245]) and Laura Turner Seydel of the Turner Foundation.[246] In February 2012, EWG released a report on fracking entitled "California Regulator: See No Fracking, Speak no Fracking."[247] The study's Acknowledgments recognized that funding, "was made possible thanks to the generosity of the 11th Hour Foundation, The Park Foundation, the Civil Society Institute and EWG's community of online supporters"[248] The below graphic depicts the funding stream.



The report was mostly reported on by outlets backed by Park and Schmidt. In fact, *Mother Jones* covered it favorably in a February 29, 2012 story[249] possibly as a direct result of Schmidt's $225,000.00 donation to *Mother Jones* in 2012 "To support food & environmental reporting, public affairs outreach."[250] Schmidt has also donated $850,000 to *Grist* between 2010 and 2012.[251] Its 2012 donation of $300,000 to *Grist* was "To provide general operating support,

[243] Environmental Working Group; About Us, http://www.ewg.org/about-us/offices (last visited July 22, 2014).
[244] Schmidt Family Foundation Form, IRS Form 990, 2011.
[245] Tides Foundation, IRS Form 990, 2011-2013.
[246] Environmental Working Group; About Us; Board Members, http://www.ewg.org/about-us/board-members (last visited July 22, 2014).
[247] Renee Sharp and Bill Allayaud, CALIFORNIA REGULATORS: SEE NO FRACKING, SPEAK NO FRACKING (Feb. 2012).
http://static.ewg.org/reports/2012/fracking/ca_fracking/ca_regulators_see_no_fracking.pdf
[248] *Id.* at p. 3.
[249] Kiera Butler, *California Government Has No Idea Fracking Is Happening*, MOTHER JONES (Feb. 29, 2012), http://www.motherjones.com/blue-marble/2012/02/california-fracking.
[250] Schmidt Family Foundation, IRS Form 990, 2012.
[251] Schmidt Family Foundation, IRS Form 990, 2011 & 2012.

environmental news & commentary on the web."[252] *Grist* also reported on the EWG study.[253] Accordingly, Schmidt, along with Park, are two examples of foundations using their grant powers to create news on their environmental interests and then spread the news to the public in a manner that supports their views.

b. Activist Groups Provide Billionaire's Club with Artificial Grassroots Movements

The Committee's review has uncovered evidence that another service provided to the Billionaire's Club is the manufacturing of an artificial grassroots movement. "Grassroots" is a commonly used and exploited term by far-left organizations. Webster's Dictionary defines grassroots as "the ordinary people in a society or organization: the people who do not have a lot of money and power."[254] General characteristics of a grassroots movement include natural, spontaneous and volunteer-based action that originates locally with citizens who unite around a common issue or cause within their community.[255] Environmental groups have misleadingly used the grassroots label to gain credibility among the populace and to hide, among other things, their substantial funding, well-organized structures and powerful influence. In the case studies discussed herein, the movement sprung from the efforts of the Billionaire's Club, and not from local concern as is the grassroots' spirit.

Critically, it is not the citizens' interests that drive the movement; rather it is part of a well-funded national strategy. In these instances, groups represent themselves as local efforts, but the real direction comes from agenda-driven far-left elites hundreds of miles away on the East and West coasts. This section describes ways of achieving the illusion of a grassroots movement, including through a mechanism called a "fiscal sponsor" and by using a secondary foundation to further spread money to activists groups.

The environmental grassroots movement, sprung from the efforts of the Billionaire's Club, rather than local concerns, in the grassroots spirit.

i. Fiscal Sponsorships Facilitate Artificial Grassroots Movements to Attack Fracking

In New York and Colorado a pseudo-grassroots effort to attack hydraulic fracturing has germinated from massive amounts of funding by three foundations: Schmidt Family Foundation, Tides Foundation and Park Foundation. Since each of these foundations is believed to be part of the exclusive and nontransparent Environmental Grantmakers Association (EGA), it is no surprise they coordinated funding schemes to achieve a desired outcome. Moreover, in typical

[252] Schmidt Family Foundation, IRS Form 990, 2012.
[253] Heather Smith, *One California oil town keeps fracking in check — by banning all drilling*, GRIST (Mar. 26, 2014), http://grist.org/climate-energy/carson-city-frack-ban (last visited July 24, 2014).
[254] Webster's Dictionary, "grassroots", http://www.merriam-webster.com/dictionary/grassroots (last visited July 25, 2014).
[255] Farm Aid, *What is grass roots organizing?*, http://www.farmaid.org/site/apps/nlnet/content2.aspx?c=qlI5IhNVJsE&b=2723877&ct=3852191, (last visited July 28, 2014).

secretive billionaire donor fashion, the foundations' funding was funneled through fiscal sponsors. Funding through these intermediary organizations, such as the Sustainable Markets Foundation (SMF) and Food & Water Watch, create distance between the wealthy foundations and alleged community-based outfits.

The Committee uncovered two parallel funding schemes with the shared goal of replicating environmentalists' anti-fracking efforts from New York to hot-bed Colorado. In New York, environmentalists have experienced successes on the anti-fracking front as a temporary ban on the practice is currently in place,[256] and just last month the New York Court of Appeals upheld two local fracking bans;[257] concurrently, the above three private foundations have doled out millions to promote these efforts.

One scheme, led by the New York-based Park Foundation and California-based Schmidt Family Foundation, provides numerous grants to the New York-based SMF, which serves as the fiscal sponsor for multiple New York groups engaged in this effort, including Water Defense, Frack Action and Artists Against Fracking. During 2011, SMF gave $147,750 to Water Defense.[258] The following year, SMF funneled a $150,000 grant "to support Water Defense" from Schmidt.[259] Notably, Water Defense was founded in 2010 by actor Mark Ruffalo, who has an estimated net worth of $20 million and was listed on Time Magazines' 2011 "People Who Mattered" for his anti-fracking efforts.[260] In 2011, SMF gave Frack Action $324,198, with $150,000 stemming from Schmidt grants to SMF.[261] Ironically, one of the Schmidt grants specified that $100,000 go "to support Frack Action's grassroots campaign fighting for a ban on horizontal hydraulic fracturing"[262] (*emphasis added*).

However, the mere funding from the California-based Schmidt demonstrates Frack Action's campaign is anything but grassroots. In 2012, SMF received $185,000 for Frack Action through grants from Park[263] and Schmidt.[264] While the amount of money funneled to Yoko Ono's Artists Against Fracking cannot be identified, as SMF's 2012 IRS Form-990 is unavailable, Artists Against Fracking's now-removed website directs donations to SMF.[265]

Simultaneously, Park and Schmidt formed a parallel effort, along with the CA-based Tides Foundation, to funnel money to anti-fracking efforts in Colorado through Food & Water Watch. Food & Water Watch was founded in 2005 as an outgrowth of another Ralph Nader-

---

[256] Sean Cockerham, *New York ruling on fracking bans might send tremors across U.S.*, MCCLATCHYDC, June 30, 2014, http://www.mcclatchydc.com/2014/06/30/231963/new-york-ruling-on-fracking-bans.html.
[257] *Id.*
[258] Sustainable Markets Found., IRS Form 990, 2011.
[259] Sustainable Markets Found., IRS Form 990, 2012.
[260] Bryan Walsh, People Who Mattered: *Mark Ruffalo, Anthony Ingraffea, Robert Howarth*, TIME (Dec. 14, 2011)
[261] Sustainable Markets Foundation IRS Form 990, 2011; The Schmidt Family Foundation IRS Form 990, 2011.
[262] The Schmidt Family Foundation IRS Form 990, 2011.
[263] Park Foundation IRS Form 990, 2012.
[264] The Schmidt Family Foundation IRS Form 990, 2012.
[265] Tom Shepstone , *Artists Against Fracking ... and Lobbying Disclosure?*, ENERGY IN DEPTH, (Apr. 3, 2013) http://energyindepth.org/marcellus/artists-against-fracking-and-lobbying-disclosure/ ; During the research for this report, Artists Against Fracking's website was taken down.

formed nonprofit, Public Citizen.[266] Food & Water Watch's Executive Director, Wenonah Hauter, served as Director of Public Citizen's Energy and Environment Program from 1997 to 2005, and was a senior organizer for the Union of Concerned Scientists.[267] Notably, the DC-based Food & Water Watch is an organization heavily funded by billionaire-backed foundations in California and New York, yet extremely active in environmentalist's anti-fracking initiative in New York and Colorado. Moreover, Food & Water Watch boasts about the "wave of local resolutions, laws and proposals to ban or limit fracking"[268] in New Jersey, Colorado, Michigan, Ohio, Pennsylvania and North Carolina. Specifically in New York, SMF gave Food & Water Watch $14,250 in 2011,[269] and Schmidt contributed $65,000 in 2012, "to support education and outreach on fracking in New York."[270] Park donated $590,000 from 2010 to 2013 to Food & Water Watch to advocate for anti-fracking rallies in New York.[271] Park's $355,000 grant to Food & Water Watch was specifically for New Yorkers Against Fracking[272] – another group not recognized by the IRS, but whose website has a link to the donations page of Food & Water Watch.

The same billionaire foundations behind the New York anti-fracking efforts have also moved into Colorado through two coalitions - Local Control Colorado and Frack Free Colorado, which are directly affiliated with the NY-based groups already discussed. Local Control Colorado claims to be, "a coalition of community, consumer and public interest groups from across Colorado"[273] (*emphasis added*) promoting an anti-fracking ballot measure. However, they list DC-based Food & Water Watch, which is funded by CA-based Schmidt and Tides, and NY-based Park, as part of the coalition.[274] Food & Water Watch is also listed as a partner to another member of the Local Control Colorado coalition, Frack Free Colorado (FFC).[275] Self-described as a "collaborative, grassroots movement that works to raise awareness about the dangers of fracking,"[276] FFC's website states the group is "a people's movement that consists of concerned citizens, companies … and organizations."[277] (*emphasis added*). However, at least two of the organizations listed as a member of FFC[278] – Artists Against Fracking and Food &

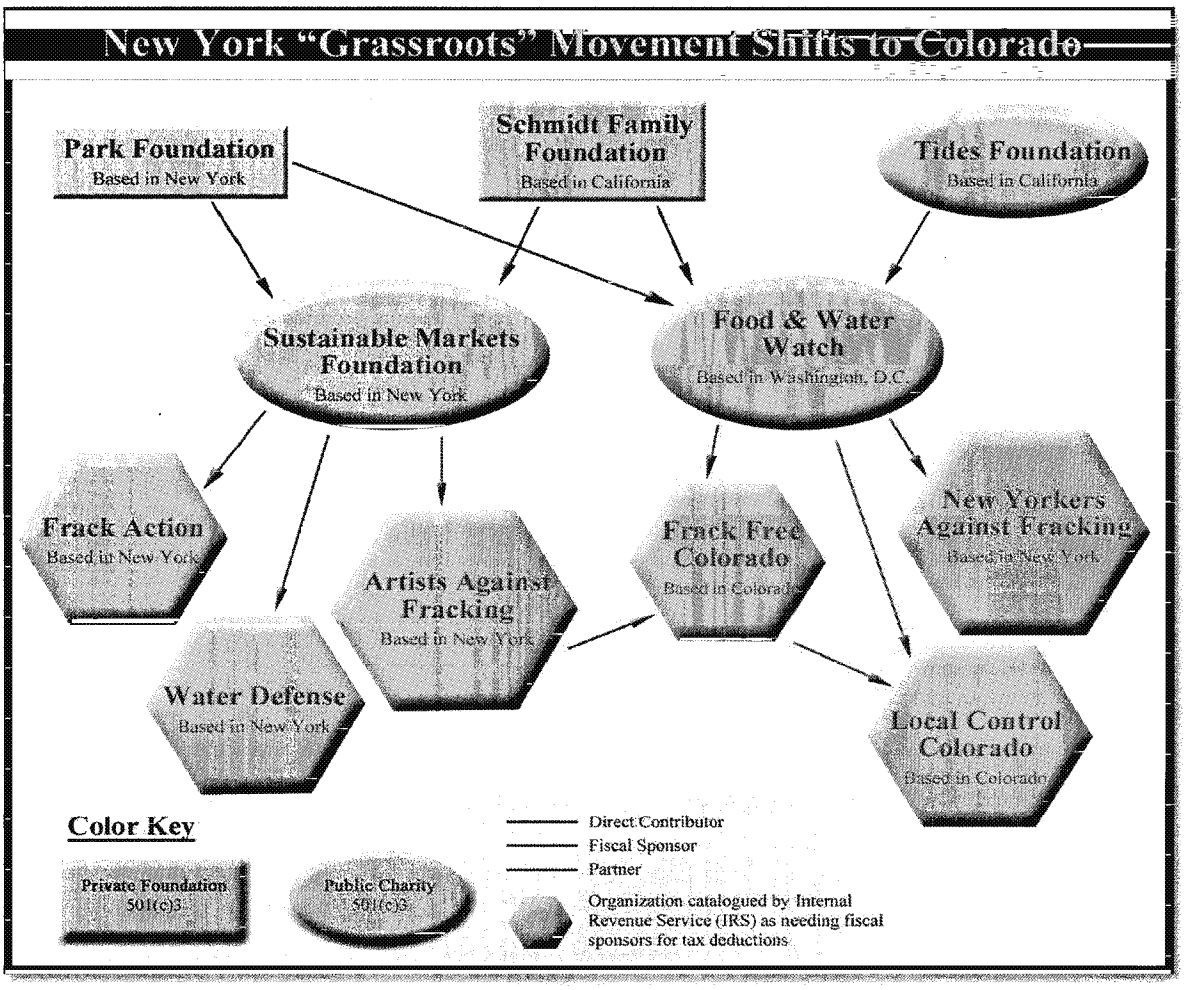
---

[266] Food & Water Watch, *About Food & Water Watch*, http://www.foodandwaterwatch.org/about/ (last visited July 28, 2014).
[267] *Meet the Food & Water Watch Staff*, FOOD & WATER WATCH, http://www.foodandwaterwatch.org/about/who-we-are/ (last visited July 25, 2014).
[268] Steven Mufson, *How two small New York towns have shaken up the national fight over fracking*, THE WASHINGTON POST, July 2, 2014.
[269] Sustainable Markets Foundation, IRS Form 990, 2011.
[270] Schmidt Family Foundation, IRS Form 990, 2012.
[271] Park Foundation, IRS Form 990, 2010-2012; Park Foundation 2013 Grants Database, http://www.parkfoundation.org/search.php?coding=group&group=2013&title=2013%20Grants#category_29 (last visited July 25, 2014).
[272] [A] Park Foundation, IRS Form 990, 2012
[B] *Grants Awarded*, PARK FOUND., 2013, http://www.parkfoundation.org/search.php?coding=group&group=2013&title=2013%20Grants#category_29 (last visited July 25, 2014).
[273] Local Control Colorado, Press Release February 24, 2014, http://localcontrolcolorado.org/press-release-february-24-2014/ (last visited July 25, 2014).
[274] *Id.*
[275] Frack Free Colorado, Who We Are, http://www.frackfreecolorado.com/about.html (last visited July 25, 2014).
[276] *Id.*
[277] *Id.*
[278] *Id.*

Water Watch – are based in New York and Washington, DC. Interestingly, FFC has reportedly tried to hide its partnership with another NY-based organization, Water Defense.[279]

In addition to the funding and partnership ties, these schemes have one key employee in common who binds these cross-country efforts: Russell Mendell. Mendell previously worked for three of the NY-based organizations – Frack Action, New Yorkers Against Fracking and Water Defense.[280] While at Frack Action in November 2011, Mendell organized a rally of activists in front of the White House calling for the rejection of the Keystone XL pipeline.[281] Mendell was also active in the Occupy Wall Street movement, once stating that Occupy was "about linking arms between the various movements … there's not a lot that separates the environmental movement and Occupy Wall Street."[282] In 2012, Mendell, along with another Water Defense employee, Ana Tinsely, left to move across the country and work for FFC[283] in an apparent coordinated effort to apply the same activist tactics used in New York to the attack on fracking in Colorado. Overall, these schemes illustrate a model with FFC and Local Control Colorado "grassroots" coalitions that bind efforts via partnerships with billionaire-backed groups that are far from local. These complicated relationships are depicted in the following illustration.

[279] Randy Hildreth, *Frack Free Colorado Maintains Deep Ties to National Activist Organizations*, ENERGY IN DEPTH, May 29, 2014, http://energyindepth.org/mtn-states/frack-free-colorado-maintains-ties-national-activist-organizations (last visited July 25, 2014).
[280] *Id.*
[281] Colin Sullivan, *Occupy Wall Street shows its greener side in weekend shout fest*, E&E PUBLISHING, LLC, Nov. 1, 2011, http://www.eenews.net/stories/1059955786 (last visited July 25, 2014).
[282] *Id.*
[283] Michael Sandoval, *Frack Free Colorado erases ties to Water Defense*, THE COMPLETE COLORADO, Nov. 18, 2013, http://completecolorado.com/pagetwo/2013/11/18/frack-free-colorado-erases-ties-to-water-defense (last visited July 25, 2014).



ii. Virginia Organizing: Appearances are Deceiving

Virginia Organizing claims to be a "statewide grassroots organization dedicated to challenging injustice by empowering people in local communities to address issues that affect their lives" (*emphasis added*);[284] yet money funneled into the organization comes from wealthy donors across the country and money disbursed by the organization extends well outside Virginia. Its Executive Director is Joe Szakos, a well-known community organizer with connections to the Obama Administration.[285] Before establishing Virginia Organizing in 1995, he was the coordinator of Kentuckians for the Commonwealth and has written two books, "We Make Change" and "Lessons from the Field," which is required reading for students in community organizing courses, along with Saul Alinsky's "Rules for Radicals."[286] His wife, Kristin Szakos, is a local politician and prominent supporter of President Obama. She was a

[284] Virginia Organizing, About Us, http://www.virginia-organizing.org/aboutus (last visited July 25, 2014).
[285] Virginia Organizing, Joe Szakos, http://www.virginia-organizing.org/content/joe-szakos (last visited July 25, 2014).
[286] University of Wisconsin, Community and Environmental Sociology 573 Course Syllabus, http://comm-org.wisc.edu/syllabi/cosyllabus11.htm (last visited July 25, 2014).

delegate at the 2008 convention,[287] and has made campaign appearances with Michelle Obama.[288]

Virginia Organizing is remarkable because the supposedly humble grassroots group receives millions in donations from major foundations – primarily the Marisla Foundation, which gave nearly $1.3 million from 2010 to 2012 and Sea Change, which donated $600,000 in 2010 and 2011.[289] They have also received hefty funding from the Tides Foundation, the Rockefeller Family Fund, the Park Foundation, as well as others. Additionally, they have established more than two dozen fiscal sponsorships, which they dub "partners" on their website and filings. One of their sponsored charities is Environmental Health News (EHN), which claims to be an independent, nonprofit news organization founded in 2002. Nowhere on its website is the relationship with Virginia Organizing advertised, and it is only disclosed on the donation page, where they instruct potential donors to make checks payable to Virginia Organizing.[290]

EHN has been generously supported by members of the EGA, as it has received $675,000 from Marisla between 2010 and 2012 and also lists grants from the Heinz Endowments, the Rockefeller Brothers Fund, and the William and Flora Hewlett Foundation.[291] Their support from the Billionaire's Club might be linked to EHN's founder, Pete Myers, who served as director at the W. Alton Jones Foundation and is a trustee for the Jennifer Altman Foundation, which is believed to be a member of EGA. He also serves as a board chair of the Heinz III Center for Science, Economics, and the Environment.

Virginia Organizing is the fiscal sponsor for the Ohio Valley Environmental Coalition and the Southern Appalachian Mountain Stewards – two groups working against coal mining in Appalachia suing to expand EPA's authority.

Virginia Organizing is also the fiscal sponsor for the Ohio Valley Environmental Coalition (OVEC) and the Southern Appalachian Mountain Stewards. These two groups often work together against coal mining in Appalachia and have been litigants in key cases to expand EPA's authority.[292] Accordingly, a group that represents itself as a small community based organization is actually led by significant power brokers in the far-left environmental community and is heavily funded by the Billionaire's Club.

---

[287] Krissah Williams Thompson, *Delegates, Too, Have Traveled a Long Road to Reach Denver*, WASHINGTON POST, Aug. 25, 2008.
[288] Chris Graham, *Charlottesville: Michelle Obama Talks Change*, AUGUSTA FREE PRESS, Sept. 17, 2008, http://augustafreepress.com/charlottesville-michelle-obama-talks-change/.
[289] Marisla Found., IRS Form 990, 2010-2012; Sea Change Found., IRS Form 990, 2010-2011.
[290] Environmental Health News, Donate to Environmental Health News, https://donatenow.networkforgood.org/1437620 (last visited July 25, 2014).
[291] Environmental Health News, About http://www.environmentalhealthnews.org/ehs/about (last visited July 25, 2014).
[292] Oliver Bernstein, *Penn Virginia Faces Legal Challenges for Toxic Water Pollution*, SIERRA CLUB, Jan. 28, 2014.

iii. Bold Nebraska: Billionaire's Club Disguised as Local Initiative to Oppose Keystone XL Pipeline

Bold Nebraska is a 501(c)(4) nonprofit whose primary cause is opposing the Keystone XL pipeline's planned path through Nebraska. It was founded in 2010 by Jane Fleming Kleeb, a South Florida native who was educated in Washington, D.C. [293] She first moved to Nebraska in 2007[294] when she married Scott Kleeb, an energy company CEO who lost bids to represent Nebraska in Congress in 2006[295] and in the Senate in 2008 as a Democrat.[296] Outside of Nebraska, Kleeb is clearly the face, voice and driving force of Bold Nebraska. She has been prominently featured in national media outlets that include *The New York Times*[297] and MSNBC.[298] Nonetheless, the organization's website downplays her involvement and lists her only as a staff member, while other individuals with deeper, more conspicuous Nebraska ties serve in leadership roles and on the Board of Directors.[299]

Underlying Bold Nebraska's homespun, grassroots façade is a well-funded and well-organized financial support network originating from liberal elite interests thousands of miles away.

Bold Nebraska projects itself as a Nebraska-based and progressively oriented organization, proclaiming on its website: "Nebraskans are bold. We are pioneers. We are reformers. We are independent. Bold Nebraska is setting out to change the political landscape and restore political balance. We are going back to our roots and we need your help to build a Bold Nebraska."[300] However, underlying Bold Nebraska's homespun, grassroots facade is a significant, growing, well-funded and well-organized financial support network originating from wealthy far-left environmental interests thousands of miles away. A brief but revealing portion of a May 2014 article on Kleeb in *The New York Times Magazine* documents both her efforts to attract rich out-of-state donors to Bold Nebraska, and her carefully crafted strategy for selling the "grassroots" charm of the group to the moneyed elites. It recounts:

> [Kleeb] was in the middle of a fund-raising call with progressive donors, including the California billionaire Tom Steyer, who were interested in rural organizing and fighting climate change. But Kleeb was careful not to use the word 'environment' or mention climate change, preferring to talk 'about the land' and the rich foreigners putting the country's water at risk. 'Donors crave a much more

---

[293] Saul Elbein, *Jane Kleeb vs. the Keystone Pipeline*, THE NEW YORK TIMES MAGAZINE, May 16, 2014, http://www.nytimes.com/2014/05/18/magazine/jane-kleeb-vs-the-keystone-pipeline.html.
[294] *Conversation: Jane Kleeb,* EARTH ISLAND JOURNAL, Summer 2012, http://www.earthisland.org/journal/index.php/eij/article/jane_kleeb/ (last visited July 25, 2014).
[295] Elbein, *supra* note 294.
[296] Scott Kleeb's Profile, LINKEDIN, https://www.linkedin.com/pub/scott-kleeb/25/5a6/333 (last visited July 22, 2014).
[297] Elbein, *supra* note 294.
[298] *Id.*
[299] *Team*, BOLD NEBRASKA, http://boldnebraska.org/team/ (last visited July 22, 2014).
[300] *Nebraska Political History*, BOLD NEBRASKA, http://ne.pnstate.org/nebraska-political-history/ (last visited July 22, 2014).

authentic voice,' she explained. 'We have a connection to rural communities that many other progressive groups just don't have.'[301]

The irony of Bold Nebraska's grassroots image, as evident in Kleeb's comments, is that it is nothing more than a cover for wealthy and distant non-Nebraskan interests who seek to advance a political agenda without drawing attention to the fact that they, too, are outsiders with little interest in or connection to the state. One of these outsiders is none other than Tom Steyer, who has a strong conflict of interest in opposing Keystone XL due to his financial stake in a competing pipeline called Kinder Morgan.[302] Despite claiming that he would sell off all interests in the Kinder Morgan pipeline by late 2013, it was still unclear as of June 2014 whether Steyer followed through on that promise.[303]

Kleeb and Bold Nebraska have succeeded in attracting the attention and deep pockets of the big foundations. In 2012, the San Francisco-based Tides Foundation gave it $50,000, and Tides' San Francisco-based 501(c)(4) group, The Advocacy Fund, gave $15,000.[304] These two donations equaled one-third of Bold Nebraska's total contributions received in 2012.[305] In 2013, Tides Foundation almost doubled its 2012 grant by giving $90,000.[306]

Out-of-state environmental groups have also used Bold Nebraska to influence local elections through its New Energy Voter initiative. The program was created to mobilize Nebraskans to vote for candidates opposing the Keystone XL's expansion.[307] It makes recommendations and endorsements on candidates for local, state and federal elections in Nebraska.[308] During the 2012 election cycle, New Energy Voter defined itself as "an effort by citizen groups" that included support from the California-based Sierra Club and New York-based 350.org.[309] Besides the fact that these two big environmental groups are not from Nebraska, and not grassroots organizations, the question arises as to whether 350.org, as a 501(c)(3) nonprofit, exceeded the strict parameters of its tax-exempt status by participating in and advocating for political campaigns.

---

[301] Elbein, *supra* note 294.

[302] Tom Hamburger, *Tom Steyer's staff answers questions about his investments and his career change*, WASHINGTON POST, June 9, 2014, http://www.washingtonpost.com/politics/tom-steyers-staff-answers-questions-about-his-investments-and-his-career-change/2014/06/08/ce726cea-ef29-11e3-914c-1fbd0614e2d4_story.html (last visited July 25, 2014).

[303] Carol Leonnig, Tom Hamburger and Rosalind Helderman, *Tom Steyer's Slow, and ongoing, conversion from fossil-fuels investor to climate activist*, THE WASHINGTON POST, June 9, 2014, http://www.washingtonpost.com/politics/tom-steyers-slow-and-ongoing-conversion-from-fossil-fuels-investor-to-climate-activist/2014/06/08/6478da2e-ea68-11e3-b98c-72cef4a00499_story.html (last visited July 25, 2014).

[304] [A] Tides Found., IRS Form 990, 2012.
[B] Advocacy Fund, IRS Form 990, 2012.

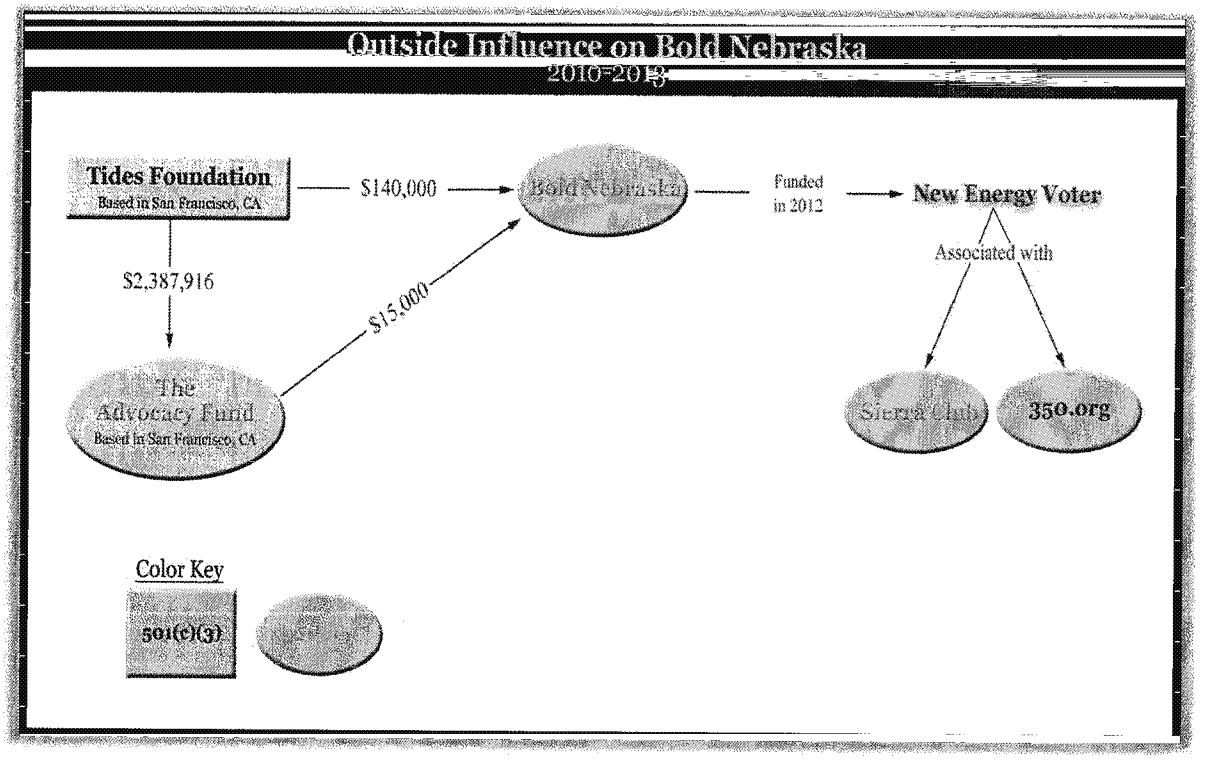
[305] Bold Nebraska, IRS Form 990-EZ

[306] Tides Found., IRS Form 990, 2013.

[307] *New Energy Voter Campaign 2014*, BOLD NEBRASKA, http://boldnebraska.org/election/ (last visited July 22, 2014).

[308] *Voter Guide: Primary Election May 13*, BOLD NEBRASKA, http://boldnebraska.org/primary/ (last visited July 22, 2014).

[309] *Be a New Energy Voter*, BOLD NEBRASKA, http://boldnebraska.org/be-a-new-energy-voter/ (July 22, 2014).



While Bold Nebraska is essentially a tool for the Billionaire's Club and their allies opposed to the Keystone XL pipeline, many in the state remain oblivious to this fact. Moreover, President Obama has supported Bold Nebraska and the billionaire funders' efforts by not authorizing the pipeline despite broad public opinion favoring its construction.[310]

iv. Activist Organizations Serve as Pass-Throughs, Leveraging Additional Influence While Creating the Appearance of Diverse Support

The Energy Foundation is a prime example of a "pass through" public charity, which receives massive amounts of funding from private foundations. The Energy Foundation then funds a variety of activist organizations. As opposed to a fiscal sponsor that assesses a fee to collect money on behalf of unrecognized groups, a pass through foundation contributes money to recognized charities.

As opposed to a fiscal sponsor that assesses a fee to collect money on behalf of unrecognized groups, a "pass through" foundation contributes money to recognized charities.

The Energy Foundation was formed as a pass through with a $20 million endowment donated by the Pew Charitable Trusts, the Rockefeller Foundation and the John D. & Catherine T. MacArthur Foundation.[311] Currently, the Energy Foundation's website lists the

[310] Pew Research Center for People & the Press, *Continued Support for Keystone XL Pipeline*, Sept. 26, 2013, http://www.people-press.org/2013/09/26/continued-support-for-keystone-xl-pipeline/ (last visited July 29, 2014).
[311] Duke Sanford School of Public Policy, The Energy Foundation: MacArthur, Pew, Rockefeller, Hewlett, Packard, and McKnight Foundations, 1991, http://cspcs.sanford.duke.edu/content/energy-foundation-macarthur-pew-rockefeller-hewlett-packard-and-mcknight-foundations-1991 (last visited July 29, 2014).

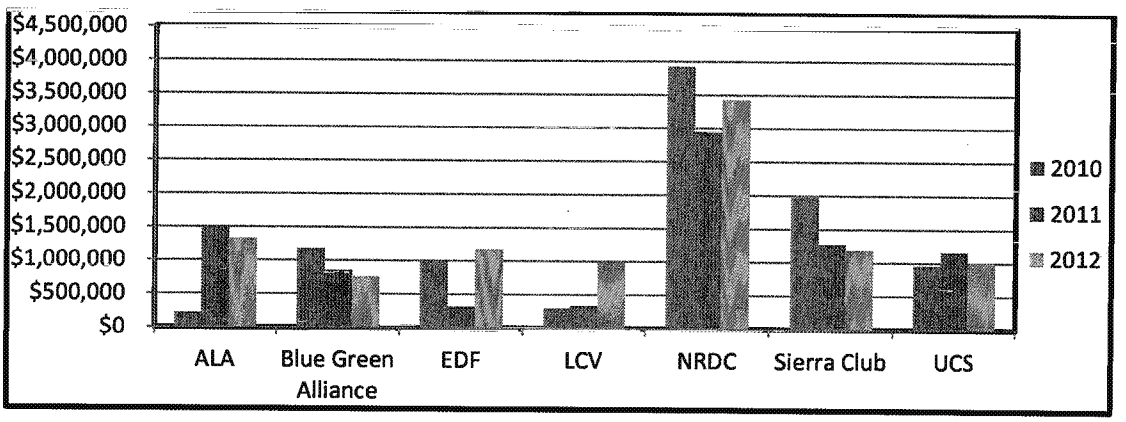
following partners: ClimateWorks Foundation, Children's Investment Fund Foundation, David and Lucile Packard Foundation, Grantham Foundation, Lakeshore Foundation, The McKnight Foundation, Oak Foundation, Pisces Foundation, Robertson Foundation, Schmidt Family Foundation, Tilia Fund, TomKat Fund, TOSA Foundation, The William and Flora Hewlett Foundation, and Yellow Chair Foundation.[312]

Energy Foundation is a pass through utilized by the most powerful EGA members to create the appearance of a more diversified base of support, to shield them from accountability and to leverage limited resources by hiring dedicated energy/environment staff to handle strategic giving

Moreover, the Board of Directors of the Energy Foundation consists of individuals that either previously or currently serve on the Board of Directors for one of its partnering foundations. Such members include Mark Burget, who was previously President of ClimateWorks Foundation; Khee Poh Lam, who is also a partner of ClimateWorks Foundation Network;[313] and Noa Staryk, who previously sat on the board of the McKnight Foundation.[314]

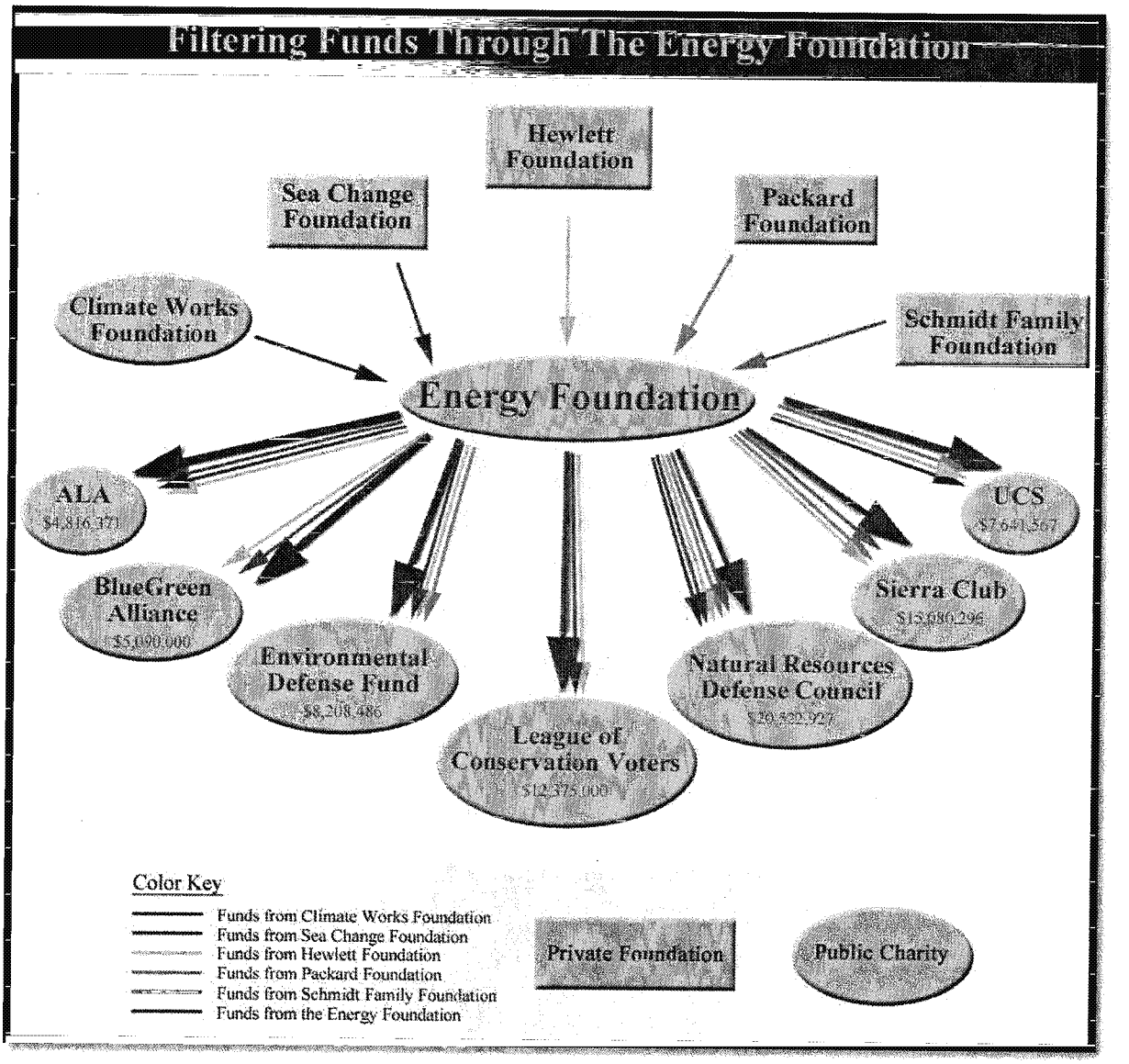
In addition to funding from its partners, the Energy Foundation is the largest recipient of grants from the foreign-funded Sea Change Foundation; yet it appears the Energy Foundation wants to hide donations from Sea Change, as it is not listed as one of the Energy Foundation's partners. In fact, in 2011 Sea Change's $13,966,672 in grants to the Energy Foundation provided nearly 15% of the Energy Foundation's total contributions and grants revenue; in sharp contrast to a listed partner, Schmidt Family Foundation, who provided $750,000 to the Energy Foundation in 2011. The Energy Foundation, in turn, donates heavily to activist organizations and other foundations. As depicted in the table below, million dollar grantees of the Energy Foundation include: ALA, Blue Green Alliance, EDF, LCV, NRDC, Sierra Club and UCS.[315]

Energy Foundation Million Dollar Activist Grantees 2010-2012



[312] *Our Partners*, ENERGY FOUNDATION, http://www.ef.org (last visited July 25, 2014).
[313] The Energy Foundation, Board Members, Khee Poh Lam, http://www.ef.org/board/khee-poh-lam/ (last visited July 28, 2014).
[314] The Energy Foundation, Board Members, Noa Staryk, http://www.ef.org/board/noa-staryk/ (last visited July 28, 2014).
[315] Energy Found. IRS Form 990s, 2010-2012.

These groups are also big dollar grantees of foundations funneling funds into the Energy Foundation. For example, the Schmidt Family Foundation donated $50,000 to ALA in 2012, $170,000 to Blue Green Alliance in 2012, $1,500,000 to NRDC between 2010-2012 and $500,000 to Sierra Club between 2011-2012; The William and Flora Hewlett Foundation donated $600,000 to EDF between 2011-2013, $375,000 to LCVEF from 2012-2013, $2,425,000 to NRDC from 2012-2013 as well as $2,520,000 to Sierra Club between 2011-2013; and ClimateWorks Foundation donated $80,000 to NRDC in 2012 and $690,000 to UCS in 2012. The funding paths and the transfer of money in and around the Energy Foundation are depicted graphically below.



Thus, the Energy Foundation is a pass through utilized by the most powerful EGA members. They use it to create the appearance of a more diversified base of support, to shield

them from accountability, and to leverage limited resources by hiring dedicated energy/environment staff to handle strategic giving.

c. Converting Charitable Donations into Political Outcomes

As previously discussed, foundations, public charities and activist organizations that register as 501(c)(3) organizations receive certain tax benefits under the law. In return, there are strict limitations on how the money can be spent. For example, as also previously discussed, 501(c)(3) groups are strictly forbidden from "directly or indirectly participating in, or intervening in a political campaign for or against a candidate for political office."[316] Accordingly, the Billionaire's Club and activist groups organized as public charities have limited means to influence elections without jeopardizing their designated tax exempt status.

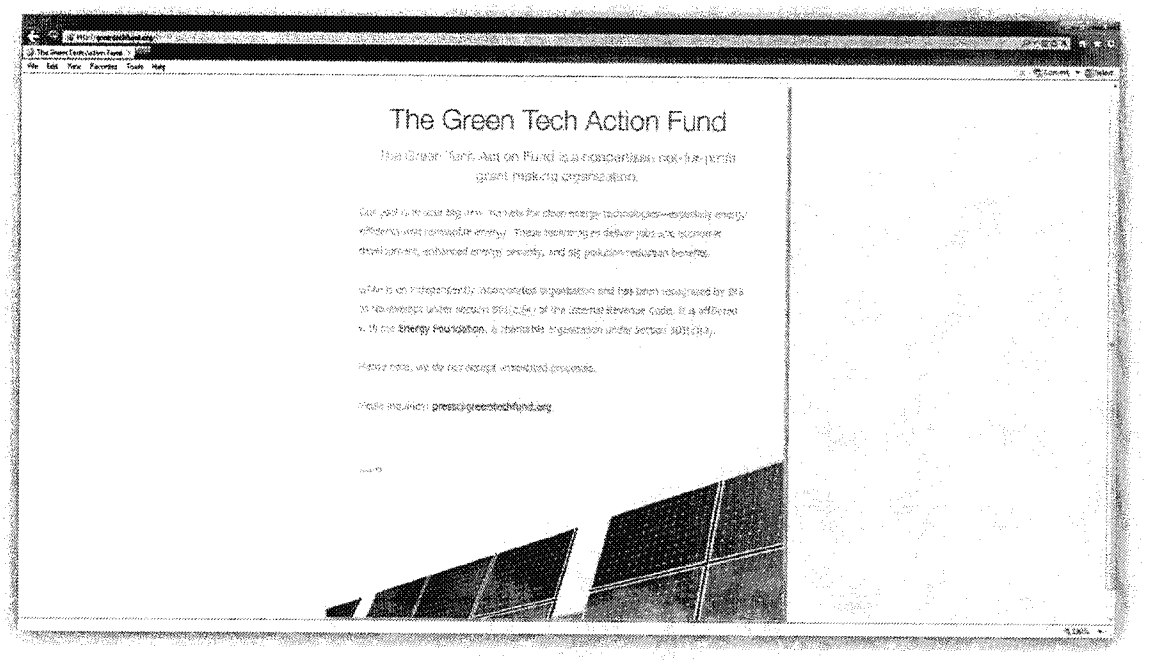
However, the Committee found that in many cases a 501(c)(3) will transfer funds to an affiliated 501(c)(4), which can engage in political activity. Under the law, these donations must only be used for activities within the permissible scope of the 501(c)(3)'s activities.[317] It is uncertain whether the IRS strictly oversees to ensure this requirement is met. This is especially true given the enormous and difficult task of tracking and accounting for the vast sums of money that pass through several different groups. Although the IRS Form 990s provide space to describe the purpose of a group's grant, the descriptions given are often vague and overly broad. The circumstances surrounding the flow of money from 501(c)(3) and 501(c)(4) groups, and the likelihood of lax oversight, raises questions as to whether 501(c)(3) nonprofit foundations and charities are indirectly funding political activities.

i. The Billionaire's Club May Take Advantage of Lax Oversight and Vague Reporting Requirements

To better understand how the Billionaire's Club can convert tax deductible donations to political outcomes, the Committee examined the donations made to Green Tech Action Fund, a 501(c)(4) group founded in 2008[318] and affiliated with the Energy Foundation.[319] Green Tech's only internet presence is a one-page website that notes its link to the Energy Foundation, its nonprofit status, and discourages grant seekers from submitting any grant pitches by advising: "Please note, we do not accept unsolicited proposals."[320]

---

[316] IRS, The Restriction of Political Campaign Intervention by Section 501(c)(3) Tax-Exempt Organizations, Mar. 5, 2014, http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/The-Restriction-of-Political-Campaign-Intervention-by-Section-501(c)(3)-Tax-Exempt-Organizations (last visited July 24, 2014).
[317] Terry Masters, *Can a 501(c)(3) Donate to a 501(c)(4)?*, LEGALZOOM, http://info.legalzoom.com/can-501c3-donate-501c4-22494.html (last visited July 24, 2014).
[318] Green Tech Action Fund, IRS Form 990, 2011.
[319] THE GREEN TECH ACTION FUND, http://greentechfund.org. (last visited July 28, 2014).
[320] *Id.*



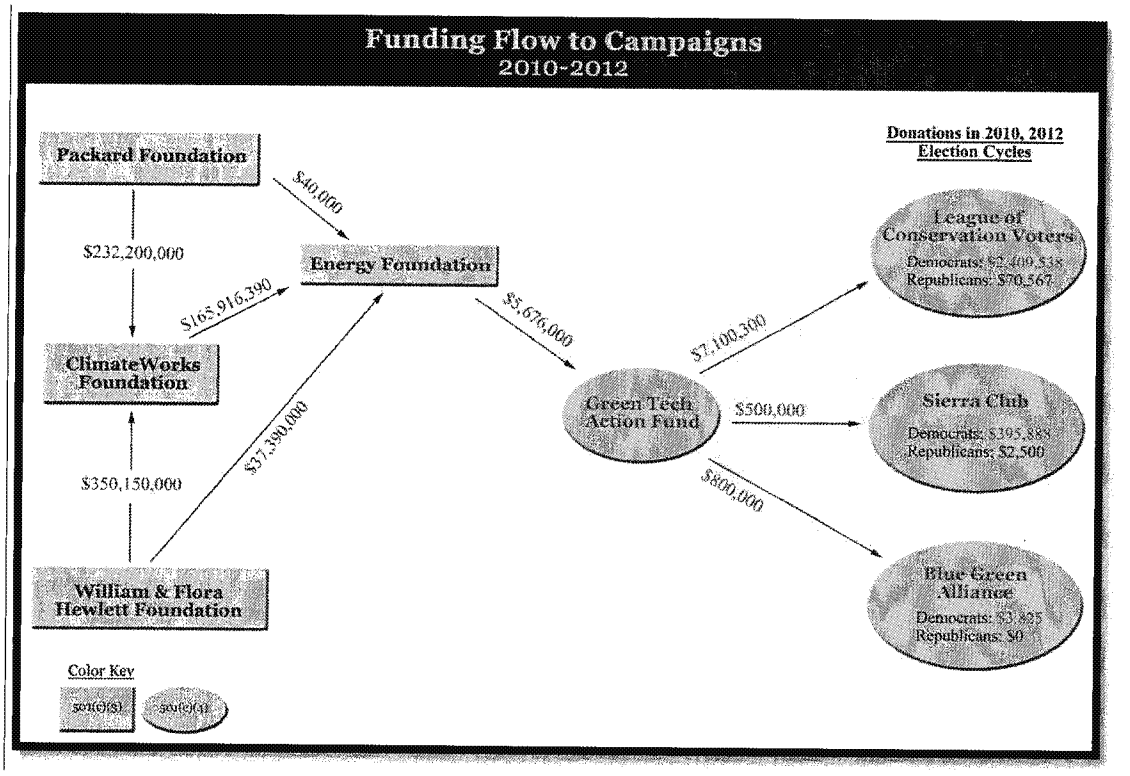
Source: www.greentechfund.org

Green Tech's modest webpage masks the fact that it receives millions of dollars from green nonprofit foundations and then distributes millions of dollars to 501(c)(4) groups that donate to political campaigns. One example involves the flow of money from the Hewlett Foundation and Packard Foundation through Green Tech. Between 2010 and 2012, both foundations donated hundreds of millions of dollars to ClimateWorks Foundation, a 501(c)(3) foundation.[321] ClimateWorks then gave nearly $170 million to the Energy Foundation.[322] Hewlett and Packard gave directly to the Energy Foundation.[323] The Energy Foundation then gave $5,676,000 to Green Tech, and ClimateWorks gave it $1,520,000.[324] The Energy Foundation was incredibly brief, broad and vague in describing the purpose of its 2011 and 2012 grants of $1 million, respectively, to Green Tech. The 2011 description states: "To support clean energy policies,"[325] while in 2012 the purpose is listed as: "To advance clean technology markets, especially energy efficiency and renewable energy technologies."[326]

Green Tech, in turn, donated heavily to at least three 501(c)(4) far-left environmental activist organizations during the 2010 and 2012 election cycles: the League of Conservation

[321] [A] William and Flora Hewlett Found., IRS Form 990, 2010-2012.
[B] David and Lucile Packard Found., IRS Form 990, 2010-2012.
[C] McKnight Found., IRS Form 990, 2010-2012.
[322] William and Flora Hewlett Found., IRS Form 990, 2010-2012.
[323] [A] *Id.*
[B] David and Lucile Packard Found., IRS Form 990, 2010-2012.
[324] [A] Energy Found., IRS Form 990, 2010-2012.
[B] ClimateWorks Found., IRS Form 990, 2010-2012
[325] Energy Found., IRS Form 990, 2011.
[326] Energy Found., IRS Form 990, 2012.

Voters, Sierra Club, and the BlueGreen Alliance.[327] Those groups gave predominantly, if not entirely, to Democrat candidates for office. These relationships are illustrated below.



This dizzying flow of big money raises obvious questions. How can all the money be properly accounted for to ensure that the tax laws are followed? How can one be sure, for example, that some of the millions of dollars that originated with the Hewlett and Packard Foundations did not (directly or indirectly) fund a political candidate for office? It is unclear whether the IRS has the resources, or the political will, to carefully track all this money to ensure tax laws are followed. What is clear, though, is that this scheme offers ambitious big moneyed donors the opportunity to fund political outcomes with tax exempt funds.

ii. Activist Public Charities Funnel Money to Political Affiliates

Many of the large environmental organizations form both 501(c)(3) and 501(c)(4) nonprofits that are publically advertised as separate and independent entities. In reality, they are closely associated groups that transfer money from the Billionaire's Club to nonprofits, and eventually into political campaigns. For example, the League of Conservation Voters (LCV) is a 501(c)(4) group with an affiliated 501(c)(3) nonprofit almost identically named the League of Conservation Voters Education Fund (LCV Education Fund).[328] In 2012, LCV Education Fund

[327] Green Tech Action Fund, IRS Form 990, 2010-2012.
[328] *About LCV Education Fund,* LEAGUE OF CONSERVATION VOTERS, http://www.lcv.org/about/family-of-orgs (last visited July 24, 2014).

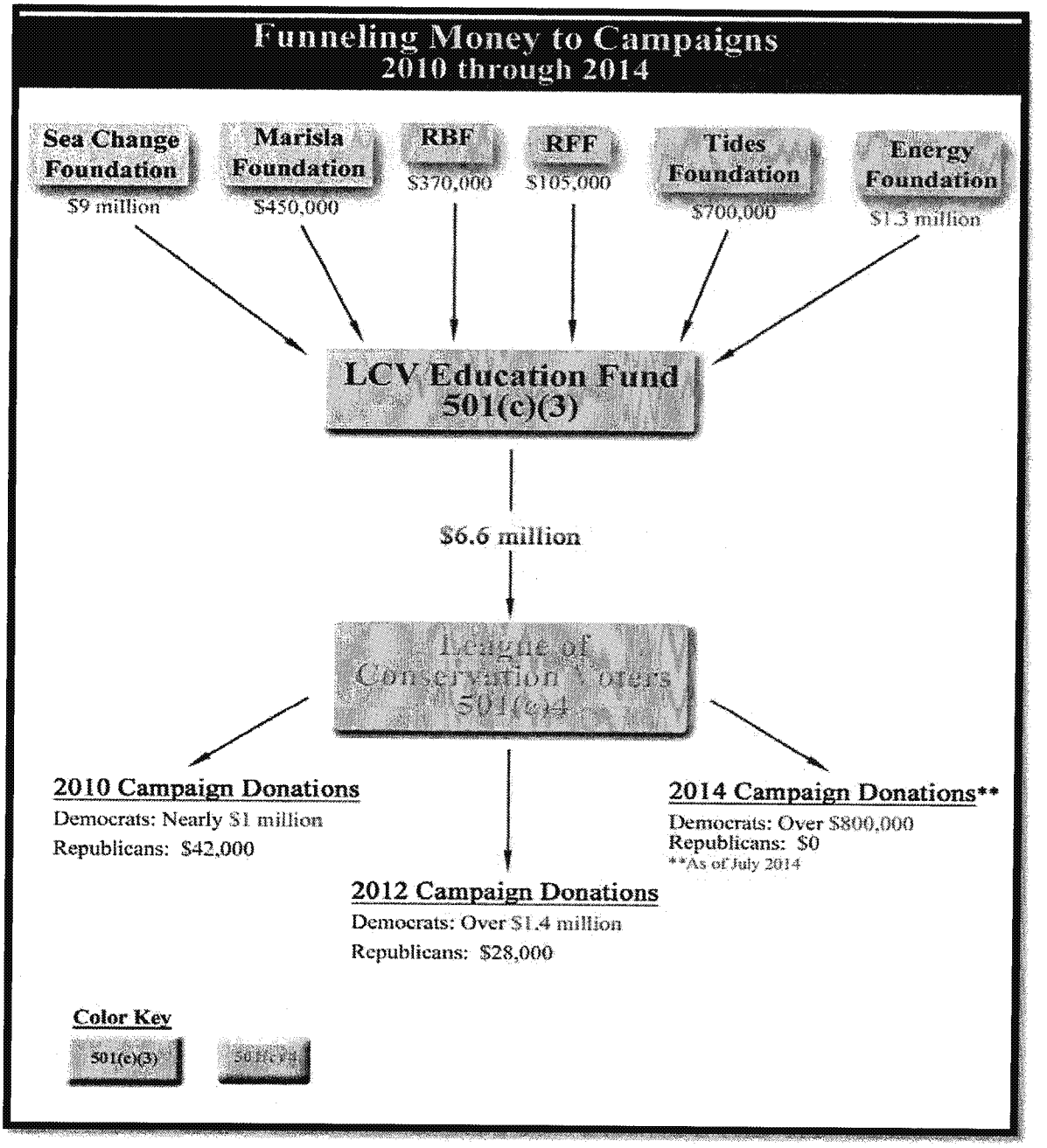
had total assets of just over $8 million and net assets of over $7.3 million.[329] According to LCV, LCV Education Fund is "separate from the League of Conservation Voters, with its own mission, programs, and Board of Directors."[330] Even so, the two groups are very closely intertwined. Forty percent of LCV Education Fund's Board of Directors also serve on LCV's Board of Directors.[331]

An examination of the money flow shows not only the interconnectedness between LCV and LCV Education Fund, but also the heavy influence of the Billionaire's Club. LCV Education Fund received over $9 million from the Sea Change Foundation between 2010 and 2011[332]; over $450,000 from Marisla Foundation between 2010 and 2012[333]; $370,000 from the Rockefeller Brothers Foundation in 2012[334]; $105,000 from Rockefeller Family Foundation;[335] over $700,000 from the Tides Foundation between 2010 and 2013[336]; and over $1.3 million from the Energy Foundation between 2010 and 2012.[337] Interestingly, 95% of the Energy Foundation's giving to LCV Education Fund during that time occurred in the 2010 and 2012 election years.[338]

In turn, LCV Education Fund gave over $2 million to LCV in both 2010 and 2011, and over $4.6 million in 2012. Tides' 501(c)(4), the Advocacy Fund, and Green Tech Action Fund (Energy Foundation's 501(c)(4) group) each gave LCV over $2 million in each of the 2010 and 2012 elections years.[339] In 2010, LCV gave almost $1 million to their candidates[340] and in 2012, LCV gave over $1.4 million to candidates.[341] As of July 2014, LCV has given over $800,000 to the 2014 elections.[342]

---

[329] League of Conservation Voters Educ. Fund, IRS Form 990, 2012.
[330] League of Conservation Voters, *supra* note 329.
[331] *About Board of Directors,* LEAGUE OF CONSERVATION VOTERS, http://www.lcv.org/about/board (last visited July 24, 2014) *and About Board of Directors,* LEAGUE OF CONSERVATION VOTERS EDUCATION FUND, http://www.lcvef.org/about/board-of-directors (last visited July 24, 2014).
[332] Sea Change Found., IRS Form 990, 2010-2011.
[333] Marisla Found., IRS Form 990, 2010-2012.
[334] Rockefeller Bros. Found., IRS Form 990, 2012.
[335] Rockefeller Family Found., IRS Form 990, 2011-2012.
[336] [A] Tides Found., IRS Form 990, 2010-2013.
[B] Tides Found., 2013 Grantee Database, http://www.tides.org/impact/grantees/ (last visited July 28, 2014).
[337] Energy Found., IRS Form 990, 2010-2012.
[338] *Id.*
[339] [A] Green Tech Action Fund, IRS Form 990, 2010-2012.
[B] Advocacy Fund, IRS Form 990, 2010-2012
[340] *Influence & Lobbying: League of Conservation Voters Recipients 2012,* OPENSECRETS.ORG, http://www.opensecrets.org/orgs/toprecips.php?id=D000000288&type=P&sort=A&cycle=2012 (last visited July 24, 2014).
[341] *Influence & Lobbying: League of Conservation Voters Recipients 2012,* OPENSECRETS.ORG, http://www.opensecrets.org/orgs/toprecips.php?id=D000000288&type=P&sort=A&cycle=2012 (last visited July 24, 2014).
[342] *Influence & Lobbying: League of Conservation Voters Recipients 2012,* OPENSECRETS.ORG, http://www.opensecrets.org/orgs/toprecips.php?id=D000000288&type=P&sort=A&cycle=2014 (last visited July 28, 2014).



In addition to LCV, the National Resources Defense Council,[343] the Environmental Defense Fund,[344] the Sierra Club[345] and 350.org[346] also set up affiliate nonprofit organizations to operate in this manner. The large amounts of money, multiple transfers, and questionable

[343] *About the NRDC Action Fund,* NRDC ACTION FUND, http://www.nrdcactionfund.org/about (last visited July 24, 2014).
[344] *About Us,* EDF ACTION, http://www.edfaction.org/about-us (last visited July 24, 2014).
[345] *FAQs,* THE SIERRA CLUB FOUNDATION, http://www.sierraclubfoundation.org/faqs (last visited July 24, 2014).
[346] 350.ORG, http://350action.org (last visited July 24, 2014).

regulation strongly suggest that 501(c)(3) environmental groups and foundations are exceeding the scope of their tax exempt limits by financially supporting politically active 501(c)(4)s.

d. Fiscal Sponsorships Provide the Billionaire's Club with Access to Nimble and Transient Groups and also Provide Distance from their Hired Hands

Fiscal sponsorship arrangements provide the Billionaire's Club with access to nimble and transient groups to address fast moving political developments. As discussed in this report, fiscal sponsors rent out their 501(c)(3) status to outfits that are not recognized by the IRS. This arrangement allows foundation funds to flow to activists who would not otherwise qualify to receive foundation money as most private foundations have guidelines that explicitly require grantees to be recognized as tax-exempt by the IRS. Additionally, as the fiscal sponsor is generally a well-known and well regarded nonprofit, the arrangement provides distance between the wealthy donor and the actions of their hired hands.

***i.* Tides Center: The Principal Fiscal Sponsor**

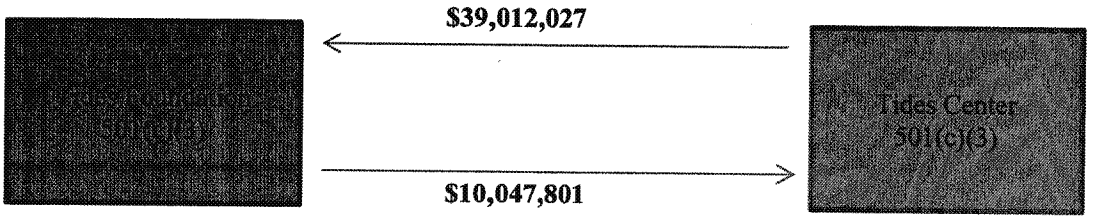
Tides Inc., a group of separate yet closely intertwined organizations, sets the standard in inventing the infrastructure behind the fiscal sponsor relationship. Tides heavily funds green organizations and its setup provides one stop shopping for the Billionaire's Club. The Tides Foundation and the Tides Center are the most prominent affiliates of Tides Inc. The Tides Foundation is a 501(c)(3) organization based in San Francisco founded in 1976 by Drummond Pike,[347] an activist environmentalist with connections to other left-leaning foundations and organizations.[348] Tides Foundation reported net total assets of over $135,000,000 in 2012.[349] It takes in large sums of money from other large foundations, including the Hewlett Family Foundation, Schmidt Family Foundation, Ocean Conservancy, and Sea Change Foundation. A key component of the Tides' operations involves maintaining donor anonymity. [350]

The Tides Center is also a 501(c)(3) organization founded in 1994 and based in San Francisco.[351] It promotes itself as "the leading fiscal sponsor in the nation," and boasts of sponsoring roughly 230 projects.[352] It receives money from Hewlett, Rockefeller Brothers Foundation, Schmidt, Sea Change, Marisla Foundation and Energy Foundation. Both Tides Foundation and Tides Center heavily support each other. Between 2010 and 2012, Tides Foundation gave over $10 million to Tides Center,[353] and Tides Center gave over $39 million to Tides Foundation.[354] It is unclear what purpose the transfer of funds between these two organizations serves, other than obscuring the money trail.

---

[347] *History,* TIDES, http://www.tides.org/about/history (last visited July 24, 2014).
[348] *Drummond Pike,* RON ARNOLD'S UNDUE INFLUENCE, http://www.undueinfluence.com/drummond_pike.htm (last visited July 24, 2014).
[349] Tides Found. IRS Form 990 (2012).
[350] Ben Johnson, *Teresa Heinz Kerry: Bag Lady for the Radical Left,* FRONTPAGE MAG, Feb. 13, 2004, http://archive.frontpagemag.com/Printable.aspx?ArtId=14166.
[351] Tides Center IRS Form 990 (2012).
[352] *Learn About Fiscal Sponsorship at Tides,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/learn-about-fiscal-sponsorship-at-tides#3 (last visited July 24, 2014).
[353] Tides Found., IRS Form 990, 2010-2012.
[354] Tides Center, IRS Form 990, 2010-2012.

TOTAL GRANTS BETWEEN TIDES FOUNDATION & TIDES CENTER 2010-2012



As a prominent and highly active fiscal sponsor, Tides Center exerts the Tides' influence both through controlling funding allocations to its sponsored groups, but also through overseeing their structures, staff, and activities. Tides Center describes its close, intertwined relationship with the groups it sponsors by stating: "Tides' projects are not separate entities or affiliated organizations. Because they are an integral part of Tides Center and not separate legal entities, projects are able to receive charitable donations and grants available only to tax-exempt organizations. Tides Center is legally and financially responsible for all our projects and activities."[355]

Groups that Tides Center sponsors are subject to Tides Center's oversight and direction in important aspects that include forming a governing board,[356] managing payroll,[357] and monitoring risk.[358] Tides Center stresses its hands-on involvement with its sponsored projects by stating: "Every Tides Center staff member is invested in the success, growth, and achievement of our projects. We continually strive to improve our work and streamline processes so that the provision of services to each project is seamless."[359] In return, Tides Center profits through charging an amount equaling 9% of its sponsored groups' annual revenues, with a slight percentage reduction in later years for revenues exceeding $1 million.[360]

It is unclear what purpose the transfer of funds between these two organizations serves, other than obscuring the money trail.

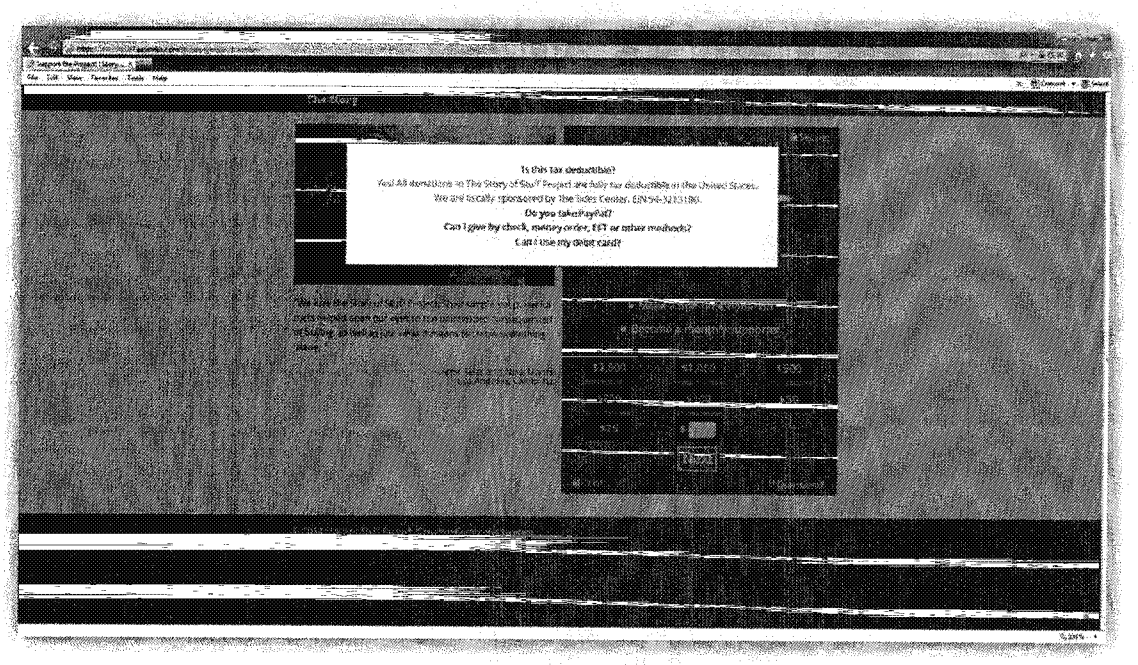
Despite the influence exerted by the Tides Center's over a group it sponsors, generally their relationship is not always evident from looking at the group. One example is the Story of Stuff project based in Berkeley, California.[361] It produces movies, podcasts and other mediums that perpetuate

[355] *Learn About Fiscal Sponsorship at Tides,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/learn-about-fiscal-sponsorship-at-tides#2 (last visited July 24, 2014).
[356] *Advisory Board Consultation,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/learn-about-fiscal-sponsorship-at-tides/service-overview/advisory-board-consultation (last visited July 24, 2014).
[357] *Payroll Management,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/fiscal-sponsorship-at-tides/service-overview/payroll-management (last visited July 24, 2014).
[358] *Risk Management,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/fiscal-sponsorship-at-tides/service-overview/risk-management (last visited July 24, 2014).
[359] *Project Relations,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/learn-about-fiscal-sponsorship-at-tides/service-overview/project-relations (last visited July 24, 2014).
[360] *Costs,* TIDES, http://www.tides.org/i-want-to/turn-my-vision-ideas-into-a-nonprofit-project/fiscal-sponsorship-at-tides/service-overview/costs (last visited July 24, 2014).

propaganda on climate change and environmental issues.[362] Its founder, Annie Leonard, has been associated with various green groups, including Greenpeace.[363] One if its most notable works is a propaganda movie called *The Story of Stuff*. On its website, Tides Center boasts:

> With over 12 million online views, *The Story of Stuff* with Annie Leonard is one of the most widely viewed environmental-themed short films of all time. Since its release in December 2007, *The Story of Stuff* has been shown in thousands of schools, houses of worship, community events, and businesses, and translated into 10 languages. It reveals the connections, at times hidden, between the environmental, social, and economic issues which surround consumerism, and it has inspired a global movement.[364]

Nonetheless, there is no mention of the Tides Center on the Story of Stuff's website except for a passing reference on a separate "questions" page linked on the donations page that confirms that contributions are tax deductible due to the fiscal sponsorship arrangement.[365]



Source: https://storyofstuff.actionkit.com/donate/general_donations/

Tides Center-sponsored projects also associate closely with organizations that receive money from Tides Foundation. For example, Tides Center fiscally sponsors The Center for Environment and Policy (CEP), which conducts research and advocacy associated with

---

[361] *Project Directory,* TIDES, http://www.tides.org/community/project-directory (last visited July 24, 2014).
[362] *From a Movie to a Movement,* STORY OF STUFF PROJECT, http://storyofstuff.org (last visited July 24, 2014).
[363] *Annie Leonard,* STORY OF STUFF PROJECT, http://storyofstuff.org/annie (last visited July 24, 2014).
[364] *Stories,* STORY OF STUFF PROJECT, http://www.tides.org/impact/stories/show/story/single/title/the-story-of-stuff-project (last visited July 24, 2014).
[365] *Support the Project!,* STORY OF STUFF PROJECT, https://storyofstuff.actionkit.com/donate/general_donations (last visited July 24, 2014).

sustainable development and populations.[366] CEP partners with multiple groups that receive donations from Tides Foundation, including The Nature Conservancy, National Wildlife Federation, Sierra Club, League of Conservation Voters, and Union of Concerned Scientists.[367]

ii. Sustainable Markets Foundation*: An Up and Coming Far-Left Fiscal Sponsor*

The New York-based Sustainable Markets Foundation (SMF) is another significant fiscal sponsor. Unlike Tides, Inc., it is a relatively unknown quantity. SMF only exists on paper and has zero public presence – no website, no Facebook page, no Twitter account, nothing. Accordingly, only an extensive review of its IRS Form-990s can inform the public of its activities; however, this review was limited to 2010 and 2011 because SMF's IRS Form-990 for 2012 is not public. Through meticulous research, the Committee identified Jay Halfon, previously discussed in this report, as the director and general counsel of SMF. The group was also the fiscal sponsor of the controversial 350.org.[368] Moreover, nearly all of the members of the Billionaire's Club donate to SMF, including Schmidt, Global Wallace Fund, RFF, RBF, Park, Energy, and Tides.

SMF only exists on paper and has zero public presence – no website, no Facebook page, no Twitter account, nothing.

The Committee also found that SMF is the fiscal sponsor to more groups than listed on its IRS Form-990. Overall, the Committee determined that SMF fiscally sponsors at least the following groups:

- Gas Free Seneca[369]
- "Flowback Project"[370]
- Frack Free Genesee[371]
- Frack Action[372]
- Coalition to Protect New York[373]
- The Palast Investigative Fund[374]
- Artists Against Fracking[375]

---

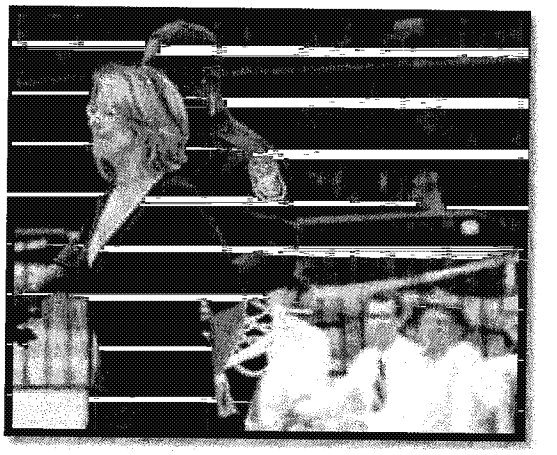
[366] *About Us,* CENTER FOR ENVIRONMENT & POPULATION, http://www.cepnet.org/about.php (last visited July 24, 2014).
[367] [A] Tides Found. IRS Form 990, 2011-2013.
[B] Center for Am. Progress, IRS Form 990, 2011-2013.
[368] Discover the Network, *350.org*, http://www.discoverthenetworks.org/printgroupProfile.asp?grpid=7623 (last visited July 28, 2014).
[369] *Donate,* GAS FREE SENECA, http://gasfreeseneca.com/?page_id=40 (last visited July 24, 2014).
[370] Chip Northrup, *Support "The Flowback" Newsletter,* NO FRACKING WAY (Sep. 6, 2012), http://www.nofrackingway.us/2012/09/06/support-the-flowback-newsletter.
[371] FRACKFREEGENESEE, http://frackfreegenesee.blogspot.com (last visited July 24, 2014).
[372] *Donate,* FRACK ACTION, https://org2.salsalabs.com/o/7139/p/salsa/donation/common/public/?donate_page_KEY=3598 (last visited July 24, 2014).
[373] COALITION TO PROTECT NEW YORK, http://www.coalitiontoprotectnewyork.org (last visited July 24, 2014).
[374] *No Gift Donations,* SUSTAINABLE MARKETS FOUNDATION, http://www.palastinvestigativefund.org/?nogiftdonation (last visited July 24, 2014).

- No Impact Project[376]
- Climate Summer[377]
- Center for Climate and Security[378]

Since SMF only serves as a pass through to funnel money into these organizations, it is apparent that they are merely a tool for the Billionaire's Club to facilitate the transfer of money to fringe startups.

1. *A SMF Project: "The Message"*

"The Message" is a multi-platform project on climate change.[379] The first part of the project is a non-fiction book expected for release in fall 2014 by Naomi Klein, to be followed by a documentary currently in production.[380] In 2011 and 2012, SMF received donations for and distributed grants to "The Message." Specifically, in 2011, the Rockefeller Brothers Fund gave SMF $50,000 for "The Message," Wallace Global Fund gave SMF $75,000 for "The Message," and Schmidt Family Foundation gave $40,000 to SMF "to support development of a film titled, The Message."[381] While those donations total $165,000 in 2011, that year SMF gave $112,360 – the difference seemingly represents SMF's fiscal sponsor fee. The following year, the Schmidt Family Foundation gave SMF $100,000 "to support 'The Message' film."[382]



Naomi Klein Arrested at the White House[385]

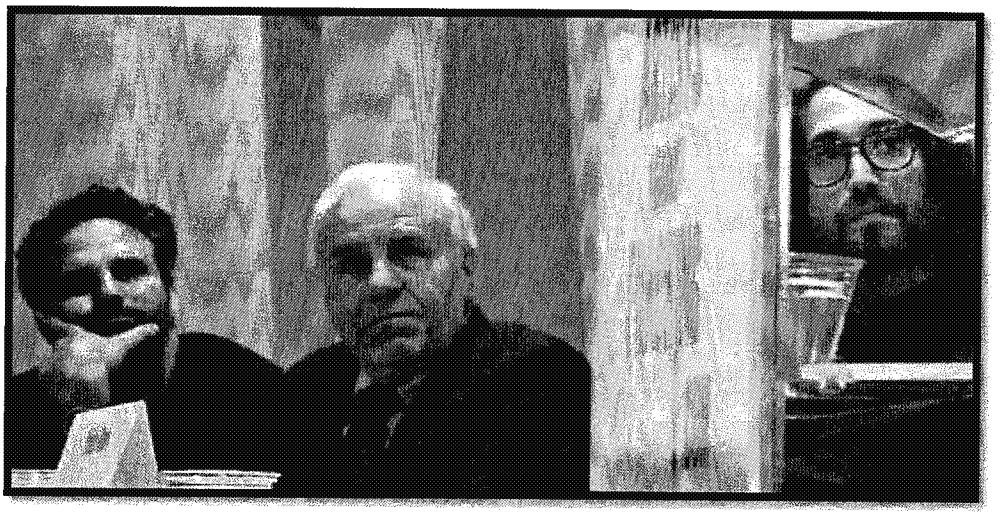
Ms. Klein herself is a controversial figure. In 2011, she was very active in the Occupy Wall Street movement[383] – giving speeches at two large events[384] – where she sought to invigorate activists to combine their efforts with the environmentalists. That same year, she

[375] Michael Gormley, *NY fracking foes: will become lobby if necessary*, AP, Mar. 18, 2013, http://bigstory.ap.org/article/apnewsbreak-celeb-fracking-group-not-registered.
[376] Also lists 11th Hour Project (of Schmidt Foundation), Patagonia and Wallace Global Fund, among its funders. See http://noimpactproject.org/donate/
[377] *Donate*, BETTER FUTURE PROJECT, http://climatesummer.net/donate (last visited July 24, 2014).
[378] The Center for Climate and Security, *About Us*, http://climateandsecurity.org/about/ (last visited July 28, 2014).
[379] 11th Hour Project, *The Message*, http://www.11thhourproject.org/grantees/the-message (last visited July 28, 2014).
[380] Prospect Editorial, *World Thinkers 2014: Naomi Klein*, PROSPECT, Mar. 25, 2014, http://www.prospectmagazine.co.uk/other/naomi-klein.
[381] Schmidt Family Foundation IRS Form 990 (2011).
[382] Schmidt Family Foundation IRS Form 990 (2012).
[383] Naomi Klein, *Occupy Wall Street: The Most Important Thing in the World Now*, THE NATION, Oct. 6, 2011, http://www.thenation.com/article/163844/occupy-wall-street-most-important-thing-world-now#.
[384] The New School, *Occupy Everywhere: On the New Politics and Possibilities of the Movement Against Corporate Power*, THE NATION, Nov. 9, 2011, http://www.thenation.com/video/164494/watch-michael-moore-naomi-klein-and-others-owss-possibilities.
[385] Born-Again Communism, or simply, Love Doctrine, ARCADE, http://arcade.stanford.edu/blogs/born-again-communism-or-simply-love-doctrine (last visited July 29, 2014).

attended a demonstration outside the White House protesting the Keystone XL pipeline, where she was arrested.[386] Ms. Klein's extreme behavior may be a liability for billionaire foundations who want to maintain close control of the way their money is used. Conveniently, the SMF provides a means for the Billionaire's Club to distance themselves from the activist Ms. Klein, while still funding her work.

2. *A SMF Project: Physicians, Scientists & Engineers for Healthy Energy*

SMF also funds Anthony Ingraffea's Physicians, Scientists & Engineers for Healthy Energy – a producer of anti-fracking reports – with offices in New York and California. Ingraffea, a Cornell University professor, is widely known for his highly refuted 2011 study with Robert Howarth on methane emissions from shale oil and gas development. Despite the overall criticism of the report, he emerged as a prominent environmental ally for extreme activists. As *Politico* reported, "[h]e'll admit, though, that he uses the platform high-profile environmentalists provide to "amplify" his advocacy to compete with the natural gas industry's advertising and public relations machine."[387] For example, *Time Magazine* listed him and Howarth among the 2011 "People who Mattered," along with actor and founder of Water Defense, Mark Ruffalo, for accelerating hydraulic fracturing to a national issue.[388] He also joined Ruffalo on a panel hosted by Artists Against Fracking and participated in Josh Fox's documentary *Gasland Part II* – two projects also relying on SMF for funding.[389]



Mark Ruffalo (left), Anthony Ingraffea (center) and Sean Lennon (right)[390]

---

[386] *Naomi Klein arrested at D.C. pipeline protest,* CBC NEWS, Sep. 2, 2011, http://www.cbc.ca/news/world/naomi-klein-arrested-at-d-c-pipeline-protest-1.1109391 (last visited July 25, 2014).

[387] Talia Buford, *Anthony Ingraffea: Don't label me an activist,* POLITICO, July 9, 2013, http://www.politico.com/story/2013/07/anthony-ingraffea-dont-label-me-an-activist-93839.html (last visited July 25, 2014).

[388] Bryan Walsh, *People Who Mattered Mark Ruffalo, Anthony Ingraffea, Robert Howarth,* TIME, Dec. 14, 2011, http://content.time.com/time/specials/packages/article/0,28804,2101745_2102309_2102323,00.html.

[389] Talia Buford, *Anthony Ingraffea: Don't label me an activist,* POLITICO, July 9, 2013, http://www.politico.com/story/2013/07/anthony-ingraffea-dont-label-me-an-activist-93839.html.

[390] Talia Buford, *Anthony Ingraffea: Don't label me an activist,* PoliticoPro, July 9, 2013, http://www.politico.com/story/2013/07/anthony-ingraffea-dont-label-me-an-activist-93839.html.

In 2010 and 2011 SMF donated $140,000 to Ingraffea's group, but it is not clear whether any of those funds were directed by private foundations. At a minimum, the Committee identified a $40,000 grant from the Park Foundation to SMF specifically for Ingraffea's group in 2012. However, due to the large sums of money SMF received without descriptions from private foundations such as Rockefeller Family Fund, Wallace Global Fund, and Schmidt Family Foundation, one can assume the money to Ingraffea can be traced back to the Billionaire's Club.

3. *A SMF Project: Toxics Targeting*

Walter Hang is another anti-fracking activist in upstate New York relying on SMF for funding. Hang appears to have a personal connection with SMF, as he along with three of the four members of SMF's board, previously worked for PIRG. Hang has described his outfit, Toxics Targeting, as a firm providing services to a broad array of consumers: " . . . we help engineers, we help consultants, we help municipalities, we help newspapers, and we just never reveal anything about who our clients are or what the scope is or anything like that."[391] SMF transferred $281,000 in 2010 to Hang's group.[392] In 2011, SMF transferred $304,163 to Hang.[393] Moreover, in 2012 the California-based Schmidt Family Foundation funneled $135,000 through SMF "to support Toxics Targeting and their work towards clean energy in New York."[394]

> **"[W]e just never reveal anything about who our clients are or what the scope is or anything like that."**
> *-Walter Hang of Toxics Targeting*

Similar to Ms. Klein and Ingraffea, Hang is also controversial through his efforts to encourage protesters to support a fracking ban in New York. He states:

> It is imperative that activists vote with their feet and attend this landmark national gig. We must show up by the hundreds, if not the thousands . . . We need fracking activists from all over New York as well as Pennsylvania, Ohio and other states to make Friday a massive event.[395]

While the private foundations may agree with Hang's overall objective, they may not want to associate with his means of achieving it. As such, SMF provides a convenient layer between rich liberal donors and Hang.

e. The Billionaire's Club Collaborating with Shady Foreign Funders

The Committee has also uncovered evidence that the Billionaire's Club knowingly collaborates with shady offshore funders to maximize support for the far-left environmental activists they sponsor. The Sea Change Foundation is a heavy contributor to the Energy

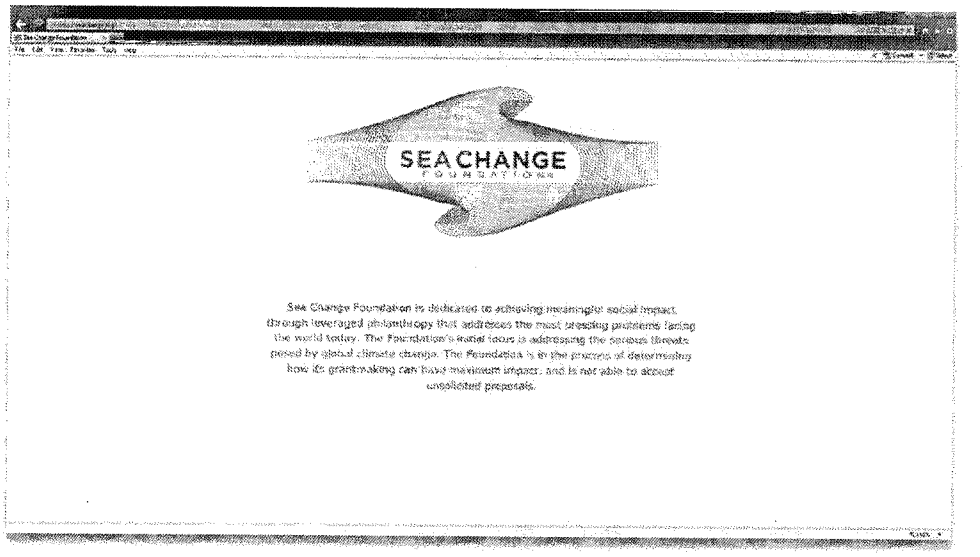
---

[391] Jon Campbell, *Foundation's funds continue flow to fracking critics,* DEMOCRAT AND CHRONICLE, July 21, 2013, http://www.democratandchronicle.com/story/news/local/2013/07/21/foundations-funds-continue-flow-to-fracking-critics/2573681 (last accessed July 25, 2014).
[392] Sustainable Markets Found. IRS Form 990 2011).
[393] *Id.*
[394] Schmidt Family Found. IRS Form 990 (2012).
[395] Rick Karlin, *Protesters to target Obama with anti-fracking demonstrations,* FUEL FIX, Aug. 22, 2013, 7:00 AM, http://fuelfix.com/blog/2013/08/22/protesters-to-target-obama-with-anti-fracking-demonstrations.

Foundation, as discussed above. However, their donations are not advertised by the Energy Foundation or the other donors, most likely because the vast majority of Sea Change's funding comes from a Bermuda based corporation that deliberately hides the source of their funds.

i. Sea Change Foundation and Bermuda-Based Donors

Sea Change Foundation is a private foundation based in San Francisco, California. In 2011 Sea Change Foundation was the sixth largest donor to environmental causes, giving $43,149,911 in grants to environmental and far-left environmental activists.[396] While it is clear Sea Change is a major player in funding the environmental movement, the foundation offers almost no information to the public. The little information available on Sea Change is limited to a review of its IRS Form-990 for 2010 and 2011 as its 2012 form is not public, and a sparse website that only lists its logo and three-sentence mission.



Source: www.seachange.org.

Based on this limited information, the foundation has been summarized by Inside Philanthropy as:

> No more fundraising, just lots of check writing to some of the top organizations in the environmental world. Big checks, too. And all without dealing with the infamous bureaucracies of the large legacy foundations. Sea Change dispenses millions of dollars in grants each year to organizations that promote clean energy and work to reduce carbon emissions.[397]

[396] Environmental Grantmakers Association, *Tracking the Field Volume 4*, Oct. 9, 2013, http://ega.org/sites/default/files/pubs/summaries/EGA_TTF_v4_ExecSummary_Final.pdf.
[397] *The Gatekeepers Guide to Top Program Officers & Foundation Executives: Stephen Colwell, Sea Change Foundation,* INSIDE PHILANTHROPY, http://insidephilanthropy.squarespace.com/insider-guide-to-program-offic/stephen-colwell-sea-change-foundation.html (last visited July 24, 2014).

A review of the IRS Form 990s reveals that Nathaniel ("Nat") Simons is the President of Sea Change, and his wife, Laura Baxter-Simons, is its Secretary.[398] Nat and Laura predominately fund Sea Change through their own personal wealth, mostly attributed to their ties to Renaissance Technologies, a wildly profitably hedge fund.[399] Nat was once a principal at Renaissance and currently serves on the board of Renaissance; Laura was an associate counsel at Renaissance.[400] Notably, Nat's father, James Simons founded Renaissance.[401] James Simons has been described as "one of the richest people on the planet,[402] is ranked 34th on the Forbes' Richest People in America,[403] and 88th on the Forbes' list of world billionaires with a net worth of $12 billion.[404] In fact, the most recent data from the Center for Responsive Politics listed James and Nat's mother, Marilyn Simons, as the #5 top contributor in the 2014 mid-term election cycle, donating 100% to Democrats – totaling $3,289,200.[405] Nat also actively donates to political campaigns, including giving $15,000 to Obama's 2009 Inaugural, and has given to dozens of Democratic candidates for Congress.[406]

Nat also serves as CEO of Elan Management where he manages the early stages of clean tech companies with a focus on solar and wind energy sources.[407] Similar to Sea Change, Elan is based in San Francisco. Elan also created Prelude Ventures in 2009, an investment firm dedicated to clean energy. Tim Woodward, Managing Director of Prelude Ventures, has made comments revealing Elan's agenda: "we still believe that advancements in renewables from solar to wind will be important opportunities . . . Unfortunately, energy is still a very inexpensive resource in North America, and that can make it difficult for many customers to pay much attention"[408] (*emphasis added*). Only an affiliate of the Billionaire's Club invested in renewable technologies would express disappointment in low energy prices.

Aside from the Simons, Stephen Colwell is the Executive Director of Sea Change. He previously worked as a consultant for "foundations and high-net-worth individuals, building his own consulting practice based in Berkeley and working with top environmental funders in the

---

[398] Sea Change Found. IRS Form 990-PF, 2011.
[399] Tate Williams, *The Quiet Hedge Fund Heir Who's Engaged in Massive Climate Giving*, INSIDE PHILANTHROPY, Apr. 3, 2013, http://www.insidephilanthropy.com/wall-street-wallets/2014/4/3/the-quiet-hedge-fund-heir-whos-engaged-in-massive-climate-gi.html.
[400] *Id.*
[401] *Id.*
[402] *Hedge Fund - Renaissance Technologies Profile,* INSIDER MONKEY, http://www.insidermonkey.com/hedge-fund/renaissance+technologies/5 (last visited July 24, 2014).
[403] *The Forbes 400: The Richest People in America,* FORBES, http://www.forbes.com/forbes-400/#page:4_sort:0_direction:asc_search:_filter:All%20industries_filter:All%20states_filter:All%20categories (last visited July 24, 2014).
[404] FORBES, *#34 James Simons*, http://www.forbes.com/profile/james-simons/ (last visited July 29, 2014).
[405] *Top Individual Contributors: All Federal Contributions,* OPENSECRETS.ORG, http://www.opensecrets.org/overview/topindivs.php (last visited July 24, 2014).
[406] OpenSecrets.org, Search of Nat Simons, http://www.opensecrets.org/usearch/?q=nat+simons&cx=010677907462955562473%3Anlldkv0jvam&cof=FORID%3A11 (last visited July 29, 2014).
[407] Inside Philanthropy, *Sea Change Foundation: Grants for Climate Change*, http://www.insidephilanthropy.com/fundraising-for-climate-change/sea-change-foundation-grants-for-climate-change.html (last visited July 29, 2014).
[408] Alexandra Scott, *Longtime Energy VC Joins Family Office,* CLEANTECH INNOVATION, http://cleantechsummit.com/wp-content/uploads/2014/01/CT-Article.pdf (last visited July 24, 2014).

Bay Area, including Moore, Packard, and Hewlett. Eventually he joined forces with Nat Simons."[409] Colwell's statements at a 2010 Global Philanthropy Forum provide a better understanding of his perspective on environmental funding:

> While today's discussion will be able to touch on only a small part of the threats and the potential solutions to climate change, I hope by the end you'll be clear on three points: The threats to humans caused by climate change are real and immediate. Climate change can be addressed now. There are cost-effective solutions. It is failing to address climate change that will be extraordinarily expensive, both in economic terms and in terms of human suffering. Philanthropists of all kinds, even those who don't consider themselves environmental philanthropists, have an incredibly important role to play in this fight, and that's part of what we'll be discussing today.[410] (*emphasis added*)

Sea Change's IRS Form 990 also shows that in addition to funding by the Simons, the only other source of its contributions derives from a Bermuda-based company called Klein Ltd. It appears that Klein exists on paper only, as it does not have an internet presence, and was set up for the sole purpose of funneling anonymous donations to Sea Change.[411] In 2010, Klein contributed $13 million to Sea Change, amounting to 49% of all contributions to Sea Change that year, and in 2011 Klein contributed $10 million to Sea Change, amounting to 33% of all contributions to Sea Change.[412] Bermuda offer Klein government guaranteed anonymity for the sources of their donations.[413] As a practical matter, an overseas company contributing tens of millions to organizations dedicated to abolishing the use of affordable fossil fuels is highly problematic. This is only compounded by the fact it is deliberately and completely lacking in transparency. However, it is likely this lack of transparency shields Klein Ltd. from any responsibility to the American businesses and families it hurts.

It appears that Klein exists on paper only as it does not have an internet presence, and was set up for the sole purpose of funneling anonymous donations to Sea Change

Importantly, Sea Change's funding reveals massive amounts of grants to almost all the major environmental and far-left activists previously discussed in this report. A summary of these grants is compiled below.

---

[409] Inside Philanthropy, Stephen Cowell, Sea Change Foundation, http://insidephilanthropy.squarespace.com/insider-guide-to-program-offic/stephen-colwell-sea-change-foundation.html (last visited July 29, 2014).
[410] Global Philanthropy Forum, *Meeting the Challenge–Climate Change Mitigation and Adaptation,* http://philanthropyforum.org/sessions/meeting-the-challenge-climate-change-mitigation-and-adaptation/#sthash.REfD2xAh.dpuf (last visited July 29, 2014).
[411] Lachlan Markay, *Liberal Foundation Distributed Money from Bermuda to Liberal Nonprofits*, WASHINGTON FREE BEACON, Aug. 1, 2013, 3:30 PM, http://freebeacon.com/national-security/liberal-foundation-distributed-money-from-bermuda-to-liberal-nonprofits.
[412] *Id.*
[413] *Id.*

Sea Change Funding for Major Environmental and Far-Left Activists

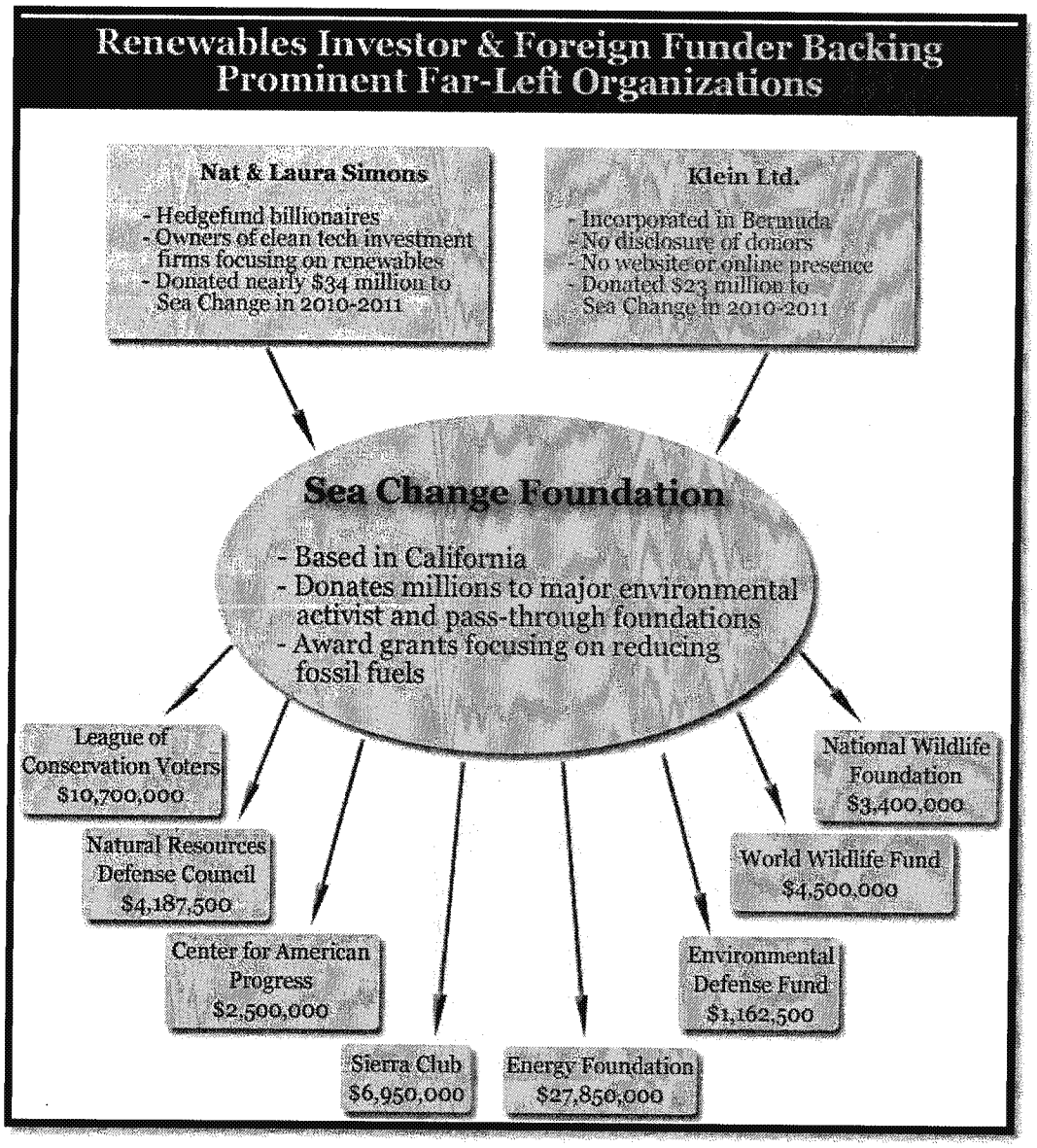
Organization	Total Grants 2010-2011
League of Conservation Voters Education Fund	$10,700,000
Sierra Club Foundation	$6,950,000
Natural Resources Defense Council, Inc.	$4,187,500
Environmental Defense Fund, Inc.	$1,162,500
American Lung Association	$400,000
National Wildlife Federation	$3,400,000
World Wildlife Fund, Inc.	$4,500,000
Center for American Progress	$2,500,000
TOTAL:	$33,800,000

Source: 2010 and 2011 990-PF Forms

Sea Change also donates to other foundations that serve as pass-through entities such as the Energy Foundation, Tides, and Virginia Organizing that heavily donate to the same groups. Energy Foundation is the single largest recipient of funding from Sea Change receiving a total $27,924,440 in 2010 and 2011.[414]

All of Sea Change's grants are focused on environmental issues. In fact, in 2010, Sea Change contributed $10,933,332 in grants to environmental organizations to "reduce reliance on high carbon energy."[415] The next year, 2011, Sea Change allocated nearly $10 million in grants for the same purpose. Thus, in 2010-2011, this one private foundation, which receives over 30% of its funding from a foreign overseas company, actively seeking to hide the source of its funding, contributed over $20 million dollars to fight domestic fossil energy production. The following graphic illustrates how funding from Klein Ltd. is funneled through Sea Change to prominent environmental organizations.

[414] Sea Change Found., IRS Form 990, 2010-2011.
[415] *Id.*



The role Sea Change plays as a member of the Billionaire's Club is deeply troubling, especially in light of recent revelations that environmental activists, many of whom are clearly benefiting from this extreme "dark money," do not have any moral qualms over where their money comes from – so long as it supports the far-left cause.[416] This sentiment was captured by a recently released investigative video that revealed Hollywood producers of far-left environmental films were eager to accept Middle Eastern money to produce an anti-fracking video. Notably, in speaking with a man believed to represent rich Middle Eastern oil interests opposed to American energy independence through fracking, one producer said:

[416] Project Veritas, Full Un edited raw video, exclusive release by Project Veritas, available at YouTube.com, http://www.youtube.com/watch?v=v6HZ5VLmyes&list=UUL9PlYkRD3Q-RZca6CCnPKw (last visited July 29, 2014).

> This is not the first major project that we've had funded through a funding source which you know, for various reasons – we didn't disclose. It would have been very unwise for everybody to understand the dynamics of that funding. So we know how tricky it is.... It's money, so in that sense we have no moral issue.[417]

[417] *Id.*

CONCLUSION

EPA Administrator Gina McCarthy recently told Congress that the Agency's proposed Existing Source Performance Standards for coal fired power plants, which is widely believed to be the death knell for coal as an industry, was, in fact, an opportunity for economic growth: "The great thing about this proposal is that it really is an investment opportunity. This is not about pollution control. It's about increased efficiency at our plants, no matter where you want to invest. It's about investment in renewables and clean energy."[418] In fact, multiple sources, including the *New York Times*, have attributed the authorship of the proposal in large part to the "NRDC mafia," including David Doniger, Daniel Lashof, and David Hawkins.[419]

As this report reveals, NRDC obtains a significant amount of donations from the Energy Foundation, which is heavily funded by Sea Change Foundation, whose major donors are heavily invested in renewable technologies. This report offers a new perspective on the "opportunities" McCarthy was referring to which are the economic opportunities of millionaires and billionaires who are part of the far-left environmental machine heavily invested in helping EPA advance such regulations. It is surely not an opportunity for Americans living in Appalachia or the Powder River Basin who depend on coal for their energy supply and livelihood, nor is it an economic opportunity for Americans already struggling to pay their energy bills.

Therein lies the importance of this report and the reason the Committee is dedicated to unraveling the puzzle presented by the questionable funding tactics of the far-left environmental community. Through a series of case studies, this report exposes the most politically active donors, explains how they use loopholes in the tax law to funnel tax deductible contributions to far-left environmental activist, and details how those activists turn the "investments" into political results. Moreover, the report uncovers the shocking lengths wealthy liberal donors are willing to take to hide their involvement in the scheme. Finally, the report shines a light on the alarming reality that unknown foreign investors are financing the environmental movement, using the shady Sea Change Foundation as cover.

The report uncovers how the EPA is very much an active partner in the far-left environmental movement, and even sponsors their efforts through grants to environmental activist. Former Assistant Administrator Michelle DePass and current Region 2 Administrator Judith Enck are far from the exception to the rule.

Finally, this report is necessarily limited in its scope and only scratches the surface in its effort to document the money trail. Furthermore, as the Committee's jurisdiction is limited to oversight of the EPA and energy and environmental policy, so too this report is constrained to reviewing activities intended to influence such policy. There is an abundance of evidence to suggest that this system is replicated across the progressive coalition. More investigation and oversight is needed.

---

[418] EPA Administrator Gina McCarthy, testimony before the Senate Committee on Environment and Public Works, July 23, 2014.

[419] Coral Davenport, *Taking Oil Industry Cue, Environmentalists Drew Emissions Blueprint,* THE NEW YORK TIMES, July 6, 2014, http://www.nytimes.com/2014/07/07/us/how-environmentalists-drew-blueprint-for-obama-emissions-rule.html?_r=0.

APPENDIX A: TOP FOUNDATIONS FOR ENVIRONMENTAL GIVING

Private Foundations

David and Lucile Packard Foundation
Status: 501(c)(3) Private Foundation
Registered: Los Altos, CA
EIN: 94-2278431
Total Assets: $6,299,952,716[420]
EGA Member*: Yes
Board Members: Edward W. (Ned) Barnholt, Ipek S. Burnett, Jason K. Burnett, Nancy Packard Burnett, James Clark, Linda Griego, Carol S. Larson, Jane Lubchenco, Linda A. Mason, David Orr, Susan Packard Orr, Julie E. Packard, Ward W. Woods[421]

Gordon and Betty Moore Foundation
Status: 501(c)(3) Private Foundation
Registered: Palo Alto, CA
EIN: 94-3397785
Total Assets: $5,697,258,026[422]
EGA Member*:Yes
Board Members: Gordon Moore – Chairman, Bruce Alberts, Rosina Bierbaum, James C. Gaither, Paul Gray, John Hennessy, Kathleen Justice-Moore, Kenneth G. Moore, Kristen L. Moore, Steven E. Moore, Kenneth F. Siebel

Marisla Foundation
Status: 501(c)(3) Private Foundation
Registered: Laguna Beach, CA
EIN: 33-0200133
Total Assets: $51,482,397[423]
EGA Member*: Yes
Board Members: Unknown

Park Foundation, Inc.
Status: 501(c)(3) Private Foundation
Registered: Ithaca, NY
EIN: 16-6071043
Total Assets: $366,405,008[424]
EGA Member*: No
Board Members: Adelaide Gomer – President, Alicia P. Wittink – Vice President, William L. Bondurant – Treasurer, Richard G. Robb, Jerome B. Libin, Jay R. Halfon

---

[420] David and Lucile Packard Found., IRS Form 990, 2012.
[421] *About the Foundation, Our People: Board of Trustees*, DAVID AND LUCILE PACKARD FOUNDATION, http://www.packard.org/about-the-foundation/our-people/board-of-trustees (last visited July 28, 2014).
[422] Gordon and Betty Moore Found., IRS Form 990, 2012.
[423] Marisla Found., IRS Form 990, 2012.
[424] Park Found., IRS Form 990, 2012.

* Note: The Environmental Grantmakers Association does not disclose their membership list, so information included in this appendix is based on the best available information.

Rockefeller Brothers Fund, Inc.
Status: 501(c)(3) Private Foundation
Registered: New York, NY
EIN: 13-1760106
Total Assets: $800,956,943[425]
EGA Member*: Yes
Board Members: Richard G. Rockefeller – Chairman, Joseph A. Pierson – Vice Chairman, Stephen C. Rockefeller, David Rockefeller, Anne Bartley, Vali Nasr, R. Nicholas Burns, Valerie Wayne, Miranda M. Kaiser, Wendy O'Neill, Timothy O'Neill, Wendy Gordon, Justin Rockefeller, Arlene Shuler, Marsha Simms, Kavita Ramdas, Stephen B. Heintz

Schmidt Family Foundation
Status: 501(c)(3) Private Foundation
Registered: Palo Alto, CA
EIN: 20-4170342
Total Assets: $312,189,881[426]
EGA Member*: Yes
Board Members: Karen Krumholtz – Executive Director, Richard L. Schmidt, Barbara M. Schmidt, Raymond J. Webb, JP Morgan Chase Bank

Sea Change Foundation
Status: 501(c)(3) Private Foundation
Registered: San Francisco, CA
EIN: 20-4952986
Total Assets: $124,350,435[427]
EGA Member*: No
Board Members: Nathaniel Simons – President, Laura Baxter-Simons, Secretary[428]

TomKat Charitable Trust
Status: 501(c)(3) Private Foundation
Registered: San Francisco, CA
EIN: 38-6866542
Total Assets: $177,849,515[429]
EGA Member*: No
Board Members: Brooks Shumway - Executive Director, Kathryn Hall, Erin Eisenberg[430]

TomKat Foundation
Status: 501(c)(3) Private Foundation
Registered: San Francisco, CA

---

[425] Rockefeller Bros. Fund, IRS Form 990, 2012.
[426] Schmidt Family Found., IRS Form 990, 2012.
[427] SeaChange Found., IRS Form 990, 2011.
[428] SeaChange Found., IRS Form 990, 2011.
[429] TomKat Charitable Trust, IRS Form 990, 2012.
[430] TomKat Charitable Trust, IRS Form 990, 2012.

* Note: The Environmental Grantmakers Association does not disclose their membership list, so information included in this appendix is based on the best available information.

EIN: 20-5730928
Total Assets: $28,458[431]
EGA Member*: No
Board Members: Tom Steyer – President, Kathryn Taylor, Brooks Shumway[432]

Wallace Global Fund
Status: 501(c)(3) Private Foundation
Registered: Washington, DC
EIN: 80-0424607
Total Assets: $155,471,213[433]
EGA Member*: Yes
Board Members: Johanna Dominguez – Associate Director, Astra Wallace – Associate Director, Annie Leonard, Scott Wallace, Christy Wallace, Scott Fitzmorris[434]

Walton Family Foundation
Status: 501(c)(3) Private Foundation
Registered: Bentonville, AR
EIN: 13-3441466
Total Assets: $1,999,066,369[435]
EGA Member*: No
Board Members: Unknown

William & Flora Hewlett Foundation
Status: 501(c)(3) Private Foundation
Registered: Menlo Park, CA
EIN: 94-1655673
Total Assets: $7,735,371,139[436]
EGA Member*: Yes
Board Members: Harvey V. Feinberg – Chairman, Larry D. Kramer – President, Eric Gimon, Walter B. Hewlett, Patricia A. House, Koh Boon Hwee, Mary H. Jaffe, Richard C. Levin, Stephen C. Neal, Rakesh Rajani, Jean Gleason Stromberg[437]

Public Charities

ClimateWorks Foundation
Status: 501(c)(3) Public Charity
Registered: San Francisco, CA
EIN: 26-2303250
Total Assets: $219,543,071[438]

---

[431] TomKat Found., IRS Form 990, 2012.
[432] TomKat Found., IRS Form 990, 2012.
[433] Wallace Global Fund, IRS Form 990, 2012.
[434] *About, Board*, WALLACE GLOBAL FUND, http://www.wgf.org/about (last visited July 28, 2014).
[435] Walton Family Foundation, IRS Form 990, 2012.
[436] William and Flora Hewlett Foundation, Form 990, 2012.
[437] *About Us: Board Members and Officers*, WILLIAM AND FLORA HEWLETT FOUNDATION, http://www.hewlett.org/about-us/board-members-and-officers (last visited July 28, 2014).

* Note: The Environmental Grantmakers Association does not disclose their membership list, so information included in this appendix is based on the best available information.

EGA Member*: No
Function: Pass-through Foundation
Board Members: Susan Tierney - Chair, Jamshyd N. Godrej, Larry Kramer, Carol S. Larson, Pamela Matson, Kristian Parker, Charlotte Pera, William K. Reilly[439]

Energy Foundation
Status: 501(c)(3) Public Charity
Registered: San Francisco, CA
EIN: 94-3126848
Total Assets: $32,212,733[440]
EGA Member*: Yes
Function: Pass-through foundation
Board Members: Eric Heitz – President, Phil Sharp – Board Chair, Mark Burget, Stephen Harper, Khee Poh Lam, Kris Mayes, Bill Ritter, Jr., William Ruckelshuas, Noa Staryk, Sue Tierney, Michael Wang, Hongjun Zhang[441]

Sustainable Markets Foundation
Status: 501(c)(3) Public Charity
Registered: New York, NY
EIN: 13-4188834
Total Assets: $2,056,007[442]
EGA Member*: No
Function: Pass-through Foundation, Fiscal Sponsor
Board Members: Elizabeth Hitchcock – President, Steve Kleinberg – Vice President, Geoff Boehm, Secretary/Treasurer, Jay Halfon – Director/General Counsel[443]

Tides, Inc.
Status: 501(c)(3) Public Charity
Registered: San Francisco, CA
EIN: 57-1138099
Total Assets: $13,172,012[444]
EGA Member*: No
Board Members: Vincent McGee – Chair, Tuti B. Scott – Vice Chair, Noa Emmett Aluli, Kafi D. Blumenfield, Joanie Bronfman, Stephanie J. Clohesy, Michael Fernandez, Jacob Hunter Fisher, Lisa Hall, Peter Mellen, Suzanne Nossel, John A. Powell, Chuck C. Savitt[445]

Tides Center
Status: 501(c)(3) Public Charity

---

[438] ClimateWorks Found., IRS Form 990, 2012.
[439] *About – Our Board,* CLIMATEWORKS, http://www.climateworks.org/about/board (last visited July 28, 2014).
[440] Energy Found., IRS Form 990, 2012.
[441] *About Us: Board,* ENERGY FOUND., http://www.ef.org/board (last visited July 28, 2014).
[442] Sustainable Markets Found., IRS Form 990, 2011.
[443] Sustainable Markets Found., IRS Form 990, 2011.
[444] Sustainable Markets Found., IRS Form 990, 2012.
[445] *About: Board, Tides Board of Directors,* TIDES, http://www.tides.org/about/board (last visited July 28, 2014).

* Note: The Environmental Grantmakers Association does not disclose their membership list, so information included in this appendix is based on the best available information.

Registered: San Francisco, CA
EIN: 94-3213100
Total Assets: $72,150,699[446]
EGA Member*: No
Function: Fiscal Sponsor
Board Members: Stephanie Clohesy – Chair, Tuti Scott, John Powell, Suzanne Nossel, Michael Fernandez[447]

Tides Foundation
Status: 501(c)(3) Public Charity
Registered: San Francisco, CA
EIN: 51-0198509
Total Assets: $141,039,613[448]
EGA Member*: Yes
Board Members: Joanie Bronfman – Chair, Lisa Hall, Vincent McGee, Chuck Savitt, Jacob Fisher, Kafi Blumenfield[449]

Virginia Organizing
Status: 501(c)(3) Public Charity
Registered: Charlottesville, VA
EIN: 54-1674992
Total Assets: $2,888,732[450]
EGA Member*: No
Function: Fiscal Sponsor
Board Members: Sandra Cook – Chairperson, D. Ladelle McWhorter, Vice-Chairperson, Thomasine Wilson – Secretary, Denise Smith – At-Large Executive Committee Member, Janice "Jay" Johnson – Treasurer, Debra Grant, Gabrielle Brown, Janie Williams, Johnny Mayo, Ray Scher[451]

---

[446] Tides Center, IRS Form 990, 2012.
[447] *About: Board, The Tides Center Board of Directors*, TIDES, http://www.tides.org/about/board (last visited July 28, 2014).
[448] Tides Found., IRS Form 990, 2012.
[449] *About: Board, The Tides Foundation Board of Directors*, TIDES, http://www.tides.org/about/board (last visited July 28, 2014).
[450] Virginia Organizing, IRS Form 990, 2012.
[451] *About: Board Members,* VIRGINIA ORGANIZING, http://www.virginia-organizing.org/board (last visited July 28, 2014).

* Note: The Environmental Grantmakers Association does not disclose their membership list, so information included in this appendix is based on the best available information.

APPENDIX B: ENVIRONMENTAL GROUPS

American Lung Association (ALA)
Type: 501(c)(3)
Total Assets: $31,049,040[452]
Board Members: Kathryn A. Forbes, Chair; John F. Emanuel, Vice Chair; Penny J. Siewart, Secretary/Treasurer; Ross P. Lanzafame, Past Chair; Linn Billingsley, Michael F. Busk, Cheryl A. Calhoun, Chris Carney, Michael V. Carstens, Mario Castro, Arthur A. Cerullo, Pauline Grant; Sumita Khatri; Angela V. Mastrofrancesco; Robert Merchant; Stephen J. Nolan; Stephen R. O'Kane; Harry Perlstadt; Austin K. Pugh; Jane Z. Reardon; Jeffrey T. Stein; Karin A. Tollefson; Leticia W. Towns
Executive Leadership: Harold Wimmer, President and CEO
Membership Dues: None

Center for Biological Diversity (CBD)
Type: 501(c)(3)[453]
Total Assets: $12,282,335[454]
Board Members: Marcey Olajos, Board Chair; Stephanie Zill, Treasurer; Matt Frankell Peter Galvin; Todd Steiner; Todd Schulke (on the Founders Advisory Board); Dr. Robin Silver (on the Founders Advisory Board)[455]
Executive Leadership: Kierán Suckling, Executive Director and Cofounder; Michael Finkelstein, Director of Operations and Secretary; Marcy Brell, Chief Financial Officer; Judy Anderson, Bookkeeper; John Buse, Legal Director, Interim General Counsel; Peter Galvin, Director of Programs and Cofounder; Gus Glaser, Executive Assistant; Trish Mallon, Human Resources Director; Rebecca O'Sullivan, Regional Office Manager; Linda Wells, Director of Finance[456]
Membership Dues: An amount greater than 0 (suggested $35) must be donated when you sign up. It is tax-deductible.
Party Affiliation: "Whereas [CBD], we're truly nonpartisan. It's not because we have some naïve concept of nonpartisanship. It's that the Democratic Party is not adequately looking after the needs of nature, and therefore it's counterproductive to completely ally with them."[457]

---

[452] American Lung Association, IRS Form 990 (2012).
[453] Center for Biological Diversity, *State Fundraising Disclosures*, http://www.biologicaldiversity.org/support/membership/state_fundraising_disclosures.html (last visited July 28, 2014).
[454] Center for Biological Diversity, IRS Form 990 (2012).
[455] Center for Biological Diversity, *About the Center*, http://www.biologicaldiversity.org/about/board/index.html (last visited July 28, 2014).
[456] Center for Biological Diversity, *Contact*, http://www.biologicaldiversity.org/about/contact/index.html (last visited July 28, 2014).
[457] Center for Biological Diversity, Earth Island Journal, Autumn 2011, http://www.biologicaldiversity.org/news/center/articles/2011/earth-island-journal-autumn-2011.html (last visited July 28, 2014).

Environmental Defense Fund (EDF)
Type: 501(c)(3)[458]
Total Assets: $208,751,208[459]
Board of Trustees: Carl Ferenbach, Chair; Arthur Kern, Vice Chair; Art Cooley, Secretary; G. Leonard Baker, Jr.; Abby Leigh; Michael Bills; Sarah Liao Sau-tung, Ph.D.; Sally G. Bingham, M.Div.; Katherine Lorenz; Shelby W. Bonnie; William K. Bowes, Jr.; Frank Loy; Dr. Jane Lubchenco; Keith Campbell; Leslie Dach; Susan Mandel; Kathryn Murdoch; Signe Ostby; Ann Doerr; Stephen W. Pacala, Ph.D.; Susan Ford Dorsey; Stephen W. Pacala, Ph.D.; Stanley Druckenmiller; Robert M. Perkowitz; Kirsten J. Feldman; Lynn R. Goldman, M.D., M.P.H.; Julian H. Robertson, Jr.; Peggy M. Shepard; Charles J. Hamilton, Jr.; Griffith R. Harsh, IV, M.D., M.B.A; Douglas W. Shorenstein; Edward Stern; Mark W. Heising; Sam Rawlings Walton; Kristine Johnson; Charles F. Wurster, Ph.D.; The Honorable Thomas H. Kean; Richard J. Lazarus; Roland C. Clement (Honorary); Gene E. Likens, Ph.D. (Honorary); George G. Montgomery, Jr.(Honorary); N. J. Nicholas, Jr.(Honorary); George M. Woodwell, Ph.D. (Honorary)[460]
Executive Leadership: Fred Krupp, President; Lisa Henshaw, COO; Paula Hayes, Senior VP Global Strategic Initiatives; Eric Pooley, Senior VP Strategy and Communications; Linda Nelson, Senior VP Development; Cynthia Hallenbeck, Chief Financial Officer, Brian Attas, CIO; Felipa Bernard, VP Human Resources; Cynthia Hampton, VP Marketing & Communications; Carol Kinzler, Chief of Staff[461]
Membership Dues: A donation is required when you sign up to be a member (suggested amount $25). It is tax-deductible.
Party Affiliation: Nonpartisan. "Working for smart, nonpartisan policy. We have always worked to be a trusted force for environmental progress, on both sides of the aisle"[462]

Environmental Defense Action Fund
Type: 501(c)(4)[463]
Total Assets: $208,751,208[464]
Board of Directors: Frank Loy, Co-chair; William R. Goodell, Co-chair; Brian Conboy; Thomas F. Darden, II; Richard H. Davis; Kirsten J. Feldman; Carl Ferenbach; Charles J. Hamilton, Jr.; Coddy Johnson; Derek Kan; The Honorable Thomas H. Kean; John C. Kerr; Abby Leigh; Susan Mandel; Adele

---

[458] Environmental Defense Fund, *Financial Statements*, https://www.edf.org/sites/default/files/EDF-Final-Financial-Statements-2012.pdf (last visited July 28, 2014).
[459] Environmental Defense Fund, IRS Form 990 (2012).
[460] Environmental Defense Fund, *Board of Trustees*, http://www.edf.org/people/board-of-trustees (last visited July 28, 2014).
[461] Environmental Defense Fund, *Executive Team*, http://www.edf.org/people/executive-team (last visited July 28, 2014).
[462] Environmental Defense Fund, *Working for smart nonpartisan policy*, http://www.edf.org/approach/policy (last visited July 28, 2014).
[463] Envt'l Defense Fund, Consolidated and Consolidating Financial Statements Sept. 30, 2012 and 2011, https://www.edf.org/sites/default/files/EDF-Final-Financial-Statements-2012.pdf (last visited July 28, 2014).
[464] Environmental Defense Action Fund, IRS Form 990 (2012).

Simmons; Nina Szlosberg-Landis; Sam Rawlings Walton; Jeffrey P. Williams; Paul Junger Witt; Joanne Witty[465]

Executive Leadership: Elizabeth B. Thompson, President; Fred Krupp, Executive Director; Joe Bonfiglio, Deputy Director; Cynthia Hallenbeck, Treasurer[466]

Greenpeace Fund

Type: 501(c)(3)[467]

Total Assets: $15,313,140[468]

Board of Directors: Tom Newark, Chair; Jeffrey Hollender, Director; Elizabeth Gilchrist, Director; Alnoor Ladha, Director; Adelaide Gomer, Director; Ellen McPeake, Director; John Passacantando, Director[469]

Executive Leadership: Kumi Naidoo, Greenpeace International Executive Director; Annie Leonard, Greenpeace USA Executive Director; Britt Cocanour, Director of Public Outreach; Nicky Davies, Campaigns Director[470]

Membership Dues: No set dues; membership by monthly or single donations; no revenue from membership dues listed on 990

Party Affiliation: "Greenpeace is a force for hope and you can help us shine that light much brighter. We are independent and non-partisan."[471]

Greenpeace Inc.

Type: 501(c)(4)[472]

Total Assets: $5,121,059[473]

Board of Directors: Karen Topakian, Chair; Guillermo Quinteros, Director; Jee Kim, Director; Bryony Schwan, Director; Larry Kopald, Director; Tracy Sturdivant, Director; Betsy Taylor, Director[474]

Executive Leadership: Kumi Naidoo, Greenpeace International Executive Director; Annie Leonard, Greenpeace USA Executive Director; Britt Cocanour, Director of Public Outreach; Nicky Davies, Campaigns Director[475]

Membership Dues: No set dues; membership by monthly or single donations; no revenue from membership dues listed on 990[476]

Party Affiliation: "Greenpeace, Inc. is the leading independent campaigning organization…"[477]

---

[465] Envt's Defense Fund, *About Us – Our Leadership*, http://www.edfaction.org/about-us (last visited July 28, 2014).
[466] *Id.*
[467] Greenpeace Fund, IRS Form 990, 2013.
[468] Greenpeace Fund, IRS Form 990, 2012.
[469] Greenpeace, *Governance*, http://www.greenpeace.org/usa/en/about/governance/ (last visited July 28, 2014).
[470] Greenpeace, *Our Staff*, http://www.greenpeace.org/usa/en/about/our-staff/ (last visited July 28, 2014).
[471] Greenpeace, *Welcome to Greenpeace Fund*, http://www.greenpeacefund.org/ (last visited July 28, 2014).
[472] Greenpeace, Contribute to Greenpeace, https://secure3.convio.net/gpeace/site/SPageServer?pagename=current_donate_form_scripts&id=reus_donateNewDesignTest&s_src=footer (last visited July 28, 2014).
[473] Greepeace, IRS Form 990 (2012).
[474] Greenpeace, *About Us – Governance*, http://www.greenpeace.org/usa/en/about/governance (last visited July 28, 2014).
[475] Greenpeace, *About Us – Our Leadership*, http://www.greenpeace.org/usa/en/about/our-staff/
[476] *Id.*
[477] *Id.*

League of Conservation Voters Education Fund
Type: 501 (c)(3)[478]
Total Assets: $7,545,946[479]
Board of Directors: Carol Browner, Chair; Laura Turner Seydel, Vice Chair; Sarah Rose, Secretary; Tom Kiernan, Treasurer; Ruth Hennig; Ian Inaba; Bill Roberts; Tom Steinbach; Anne Summers; Lisa Wozniak[480]
Executive Leadership: Gene Karpinski, President; Patrick Collins, Senior Vice President, Finance & Administration; Stacey Folsom, Senior Vice President, Development; Tiernan Sittenfeld, Senior Vice President, Government Affairs; Rich Thomas, General Counsel & Senior Vice President; David Willett, Vice President, Communications; Vinnie Wishrad, Senior Vice President, Membership and Online Engagement; Ed Zuckerman, Senior Vice President, State Capacity Building[481]
Party Affiliation: "An independent, non-partisan 501(c)(3) organization, LCV Education Fund was founded in 1985 to provide research and training on environmental issues."[482]

League of Conservation Voters
Type: 501(c)(4)[483]
Total Assets: $8,074,139[484]
Board of Directors: Carol Browner, Chair; Sherwood Boehlert, Vice Chair; Marcia Bystryn, Secretary; Tom Kiernan, Treasurer; Theodore Roosevelt IV (Honorary Chair); John H. Adams; Paul Austin; Brent Blackwelder (Honorary); Brendon Cechovic; Carrie Clark; Manny Diaz; Gseorge T. Frampton, Jr.; Wade Greene (Honorary); Rampa R. Hormel; John Hunting (Honorary); Winsome McIntosh (Honorary); Mark Magaña; Peter Mandelstam; Pete Maysmith; William H. Meadows III; Reuben Munger; Bill Roberts; Larry Rockefeller; Laura Turner Seydel; Trip Van Noppen; Kathleen Welch[485]
Executive Leadership: Gene Karpinski, President; Patrick Collins, Senior Vice President, Finance & Administration; Stacey Folsom, Senior Vice President, Development; Tiernan Sittenfeld, Senior Vice President, Government Affairs; Rich Thomas, General Counsel & Senior Vice President; David Willett, Vice President, Communications; Vinnie Wishrad, Senior Vice

---

[478] League of Conservation Voters Education Fund, *About*, http://www.lcvef.org/about/ (last visited July 28, 2014).
[479] League of Conservation Voters Education Fund, IRS Form 990 (2012).
[480] League of Conservation Voters Education Fund, *Board of Directors*, http://www.lcvef.org/about/board-of-directors/ (last visited July 28, 2014).
[481] League of Conservation Voters Education Fund, *Staff*, http://www.lcvef.org/about/staff/ (last visited July 28, 2014).
[482] *Id.*
[483] League of Conservation Voters, IRS Form 990, 2012.
[484] League of Conservation Voters, IRS Form 990 (2012).
[485] League of Conservation Voters, *About – Board of Directors*, http://www.lcv.org/about/board (last visited July 28, 2014).

President, Membership and Online Engagement; Ed Zuckerman, Senior Vice President, State Capacity Building[486]

Membership Dues: A donation is required when you sign up (suggest amount $35). It is not tax-deductible.[487]

Party Affiliation: There is no mention of any partisan affiliation or nonpartisan affiliation.[488]

Natural Resources Defense Council (NRDC)

Type: 501(c)(3)[489]

Total Assets: $268,165,564[490]

Board of Trustees: Daniel R. Tishman, Chair; Frederick A.O. Schwarz, Jr., Chair Emeritus; Patricia Bauman, Vice Chair; Alan F. Horn, Vice Chair; Wendy K. Neu, Vice Chair; Mary Moran, Treasurer; John H. Adams; Adam Albright; Richard E. Ayres; Claire Bernard; Anna Scott Carter; Sarah E. Cogan; Laurie David; Leonardo DiCaprio; John E. Echohawk; Michel Gelobter, Ph.D.; Kate Greswold; Arjun Gupta; Philip B. Korsant; Nicole E. Lederer; Michael Lynton; Shelly B. Malkin; Josephine A. Merck; Kelly Chapman Meyer; Peter A. Morton; Frederica P. Perera, Ph.D.; Robert Redford; Laurance Rockefeller; Jonathan F. P. Rose; Tom Roush, M.D.; William H. Schlesinger; Wendy Schmidt; Max Stone; James Taylor; Gerald Torres; David C. Vladeck; David F. Welch, Ph.D.; Eric Wepsic; George M. Woodwell, Ph.D.[491]

Executive Leadership: Francis Beinecke, President; Peter Lehner, Exec Director; Lisa Benenson, Chief Communications Officer; Mitchell Bernar, Director of Litigation; Sarah Gillman, CFO; Ashok Gupta, Director of Programs; Francesca Koe, Director of Campaigns; Henry L. Henderson, Director, Chicago, Midwest Program; Annie Notthoff, Director, California Advocacy, San Francisco and Sacramento, Government Affairs Program[492]

Membership Dues: Requires a donation amount (suggested $25) when you sign up. It is tax-deductible. However, when you join the Action Fund there is no fee.[493]

Party Affiliation: There is no mention of any partisan affiliation or nonpartisan affiliation.[494]

---

[486] League of Conservation Voters, *About – Staff*, http://www.lcv.org/about/staff (last visited July 28, 2014).

[487] League of Conservation Voters, *Donate to LCV – Join or Renew Today!*, https://secure3.convio.net/lcv/site/Donation2;jsessionid=9E767EE64A6F499FD945AF6F8431B76D.app325b?df_id=9620&9620.donation=form1 (last visited July 28, 2014).

[488] *Id.*

[489] Natural Resources Defense Council, 2013 Financial Statement, http://www.nrdc.org/about/NRDC_auditedfinancialstatements_FY2013.pdf

[490] Natural Resources Defense Council, IRS Form 990 (2012).

[491] Natural Resources Defense Council, *Board of Directors*, http://www.nrdc.org/about/board.asp (last visited July 28, 2014).

[492] Natural Resources Defense Council, *NRDC Leadership Experts*, http://www.nrdc.org/about/staff/nrdc-leadership-experts (last visited July 28, 2014).

[493] Natural Resources Defense Council, donations page, https://www.nrdc.org/joingive/ (last visited July 28, 2014).

[494] Natural Resources Defense Council, *About*, http://www.nrdc.org/about/ (last visited July 28, 2014).

National Wildlife Federation (NWF)
Type: 501(c)(3)[495]
Total Assets: $66,456,891[496]
Board of Directors: Deborah Spalding, Chair; Bruce Wallace, Chair Elect; Paul Beaudette, Eastern Vice Chair; Clark Bullard, Central Vice Chair; Kent Salazar, Western Vice Chair; Stephen K. Allinger, Past Chair; Brian Bashore, Director; Tahlia Bear, Director; Jenny Brock, Director; Alison Byers, Director; Ron Clausen, Director; Shelley Cohen, Director; Sharon Darnov, Director; Dianne Dillon-Ridgley, Director; Tom Dougherty, Director; John Grant, Jr., Director; David L. Hargett, Director; Bill Houston, Director; David Langhorst, Director; Jerry Little, Director; Ramon Lopez, Director; Brian Preston, Director; Julia Reed Zaic, Director; Norm Ritchie, Director; Truman Semans, Director; Leslie Shad, Director; Mary Van Kerrebrook, Director; Lise Van Susteren, Director; Nicole Wood, Director[497]
Executive Leadership: Collin O'Mara, President & Executive Officer; Jaime Matyas, Executive VP and COO; Deborah Spalding, Chair[498]
Membership Dues: Must make a donation, suggest amount is $30. It is tax-deductible.[499]
Party Affiliation: There is no mention of any partisan affiliation or nonpartisan affiliation.[500]

National Wildlife Federation (NWF) Action Fund
Type: 501(c)(4)[501]
Total Assets: $604,386[502]
Executive Leadership/Board Members: Andy Buchsbaum served as interim Executive Director in 2013[503]. However, there is no information about who is the 2014 Executive Director.

Natural Resources Defense Council (NRDC) Action Fund
Type: 501 (c)(4)[504]
Total Assets: $2,955,590[505]
Mission: "The NRDC Action Fund's mission is to achieve the passage of legislation that jump-

---

[495] National Wildlife Federation, Frequently Asked Questions, http://www.nwf.org/Who-We-Are/Contact-Us/Frequently-Asked-Questions.aspx(last visited July 28, 2014).
[496] National Wildlife Federation, IRS Form 900 (2012).
[497] National Wildlife Federation, *Board of Directors*, http://www.nwf.org/Who-We-Are/Our-Staff/Board-of-Directors.aspx (last visited July 28, 2014).
[498] National Wildlife Federation, *Our Staff*, http://www.nwf.org/Who-We-Are/Our-Staff.aspx (last visited July 28, 2014).
[499] National Wildlife Federation, donations page, https://online.nwf.org/site/Donation2?df_id=32500&32500.donation=form1&s_subsrc=Web_Footer_Donate_NWF_JoinNWF (last visited July 28, 2014).
[500] *Id.*
[501] National Wildlife Federation, *Our Mission*, https://online.nwf.org/site/SPageNavigator/ActionCenter/about/our_mission (last visited July 28, 2014).
[502] National Wildlife Federation Action Fund IRS Form 990 (2011).
[503] Miles Grant, *NWF Action Fund Welcomes Andy Buchsbaum as Interim Executive Director*, National Wildlife Federation Action Fund, http://online.nwf.org/site/News2?page=NewsArticle&id=19289 (last visited July 28, 2014).
[504] NRDC Action Fund, *About the NRDC Action Fund*, http://www.nrdcactionfund.org/about (last visited July 28, 2014).
[505] NRDC Action Fund IRS Form 990 (2011).

starts the clean energy economy, reduces pollution, and sustains vibrant communities for all Americans. Now is the time for leadership and action from our elected officials — our current goal is a comprehensive clean energy policy that will repower our economy and fuel our future."[506]

Board of Directors: Bob Epstein, Chair; Wendy Abrams; John Adams; Christopher Arndt; Richard Ayres; Anne Bartley; Patricia Bauman; Frances Beinecke; Lucy Blake; Dayna Bochco; Sherwood Boehlert; Hamilton (Hal) Candee; Ari Emanuel; Michael Finnegan; William (Bill) Haney; Barbarina Heyerdahl; Cindy Harrell Horn; Jo Ann Kaplan; Hamilton F. Kean; Vernice Miller-Travis; Mary Moran; Edward James Olmos; Patricia Sullivan; Daniel R. Tishman; Eric Wepsic; Ira Ziering[507]

Executive Leadership: Frances Beinecke, Action Fund President; Peter Lehner, Action Fund Executive Director; Wesley Warren, Director of Programs; David Goldston, Director of Government Affairs; Sarah Gillman, Treasurer; Heather Taylor-Miesle, Action Fund Director; Melissa Harrison, Communications Director; Steve VanLandingham, Development Director; Emily Bischof, Operations Coordinator; Chelsea Phipps, Program

Sierra Club Foundation

Type: 501(c)(3)[508]

Total Assets: $98,974,748

Board of Directors: Larry Keeshan, Chair; Marni McKinney, Vice Chair; Steven Barkenfeld, Vice Chair; Tim Ryan, Treasurer; Sanjay Ranchod, Secretary; Molly O. Ross, Officer at Large; Geeta Aiyer; Peter Cartwright; Allison Chin; Susan Heitman; Lynn Jurich; Juan Martinez; Michael Ortiz; Mike Richter; Dan Shugar; Doug Walker; Marc Weiss; Shirley Weese Young[509]

Executive Leadership: Peter Martin, Executive Director; Ginny Quick, Chief Financial Officer; Henry Holmes, Grants and Compliance Director; Brian Kavanagh, Senior Accountant; Jennie Palmer, Manager of Administration and Board Relations; Jessica Hulce, Grants and Compliance Manager; Naomi Reed, Bookkeeper; Ting Lee, Administrative Assistant.[510]

Party Affiliation: "The Sierra Club Foundation cannot engage in or support partisan political activity."[511]

Sierra Club

Type: 501(c)(4)[512]

---

[506] *Id.*

[507] NRDC Action Fund, *NRDC Action Fund Board of Directors*, http://www.nrdcactionfund.org/nrdc-action-fund-board-of-directors/

[508] The Sierra Club Foundation, *FAQS*, http://www.sierraclubfoundation.org/faqs (last visited July 28, 2014).

[509] The Sierra Club Foundation, *Board of Directors*, http://www.sierraclubfoundation.org/about-tscf/board-directors (last visited July 28, 2014).

[510] The Sierra Club Foundation, *Staff*, http://www.sierraclubfoundation.org/about-tscf/staff (last visited July 28, 2014).

[511] The Sierra Club Foundation, *Building a Better Democracy through Environmental Activism*, http://www.sierraclubfoundation.org/node/100 (last visited July 28, 2014).

[512] Sierra Club, IRS Form 990 (2012).

Total Assets: $79,578,841[513]
Board of Directors: David A. Scott, President, 2015; Spencer Black, Vice President, 2015; Lane E. Boldman, Secretary, 2015; Loren Blackford, Treasurer, 2017; Susana Reyes, Fifth Officer, 2016; Donna Buell, 2016; Michael Dorsey, 2017; Jim Dougherty, 2016; Charles Frank, 2016; Jessica Helm, 2017; Aaron Mair, 2017; Robin Mann, 2016; Dean Wallraff, 2017; Liz Walsh, 2015; Chris Warshaw, 2015[514]
Executive Leadership: Michael Brune, Executive Director[515]
Membership Dues: When you become a member they require you to give a "gift" of a certain amount ($15 is suggested but you can give lower than that). After that they charge you $7.50 for the magazine and $1.00 for the newsletter. It is noted on the website that this amount is included in a members dues. Not tax-deductible.[516]
Party Affiliation: There is no mention of any partisan affiliation or nonpartisan affiliation.[517]

Union of Concerned Scientists
Type: 501(c)(3)[518]
Total Assets: $8,195,448[519]
Board Members: James J. McCarthy, Chair; Peter A. Bradford, Vice-Chair; James S. Hoyte, Treasurer; Thomas H. Stone, Secretary; James A. Fay, Board Member Emeritus; Kurt Gottfried, Board Chair Emeritus; Richard L. Garwin; Andrew Gunther; Geoffrey Heal; Anne R. Kapuscinski; Mario J. Molina; Stuart L. Pimm; Lou Salkind; Adele Simmons; Nancy Stephens; Ellyn R. Weiss[520]
Executive Leadership: Kenneth Kimmell, President; Kathleen Rest, Executive Director; Peter Frumhoff, Director of Science & Policy; Alden Meyer, Director of Strategy & Policy; Suzanne Shaw, Director of Communications; Laurie Marden, Chief Development Officer; Cheryl Schaffer, Chief Administrative and Financial Officer[521]
Membership Dues: New members must give a gift of $5 or more (suggested $25). It is tax-deductible.[522]

---

[513] Sierra Club IRS Form 990 (2012).
[514] Sierra Club, *Board of Directors*, http://www.sierraclub.org/board (last visited July 28, 2014).
[515] Sierra Club, *About*, http://www.sierraclub.org/about (last visited July 28, 2014).
[516] Sierra Club, *Join the Sierra Club*, https://secure.sierraclub.org/site/Donation2?idb=0&df_id=18021&18021.donation=form1&autologin=true&s_src=N10ZSCZZ01&s_subsrc=JRG (last visited July 28, 2014).
[517] *Id.*
[518] Union of Concerned Scientists, *Ways to Give*, http://www.ucsusa.org/about/ways_to_give/benefits-of-membership.html (last visited July 28, 2014).
[519] Union of Concerned Scientists, IRS Form 990 (2012).
[520] Union of Concerned Scientists, *Board of Directors*, http://www.ucsusa.org/about/staff/staff/board.html (last visited July 28, 2014).
[521] Union of Concerned Scientists, *Leadership*, http://www.ucsusa.org/about/staff/staff/ucs-leadership.html (last visited July 28, 2014).
[522] Union of Concerned Scientists, *Become a Member*, https://secure3.convio.net/ucs/site/Donation2?df_id=1420&1420.donation=form1&s_src=tasknavJ&__utma=118858381.1975270860.1406300201.1406300523.1406312806.3&__utmb=118858381.1.10.1406312806&__utmc=118858381&__utmx=&__utmz=118858381.1406300523.2.2.utmcsr=google|utmccn=(organic)|utmcmd=organic|utmctr=(not%20provided)&__utmv=-&__utmk=50211046 (last visited July 28, 2014).

Party Affiliation: Says it is a "reliable source for independent scientific analysis." It does not explicitly state that the nonprofit is nonpartisan.[523]

U.S. Public Interest Research Group (PIRG) Education Fund
Type: 501(c)(3)[524]
Total Assets: $6,935,903[525]
Executive Leadership: Andre Delattre, Executive Director; Steve Blackledge, Deputy Director; Allison Cairo, Deputy Director; Ed Mierzwinski, Consumer Program Director; Michael Russo, Federal Program Director; Chris Lindstrom, Higher Education Program Director; Meghan Hess, Associate Federal Field Director; Naomi Roth, Field Director [526]
Party Affiliation: "United States Public Interest Research Group Education Fund, Inc. is a nonprofit, nonpartisan organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code."[527]

U.S. Public Interest Research Group, Inc. (PIRG)
Type: 501(c)(4)[528]
Total Assets: $5,434,433[529]
Board Members: Douglas H. Phelps, President and Chairman[530]
Executive Leadership: Andre Delattre, Executive Director; Steve Blackledge, Deputy Director; Allison Cairo, Deputy Director[531]
Party Affiliation: "The United States Public Interest Research Group, Inc. is a nonprofit, nonpartisan organization."[532]

WildEarth Guardians
Type: 501(c)(3)[533]
Total Assets: $1,840,797[534]

---

[523] *Id.*
[524] U.S. PIRG Education Fund, *About U.S. PIRG Education Fund – Our Mission*, http://uspirgedfund.org/page/usf/about-us-pirg-education-fund (last visited July 28, 2014).
[525] U.S. PIRG Education Fund IRS Form 990 (2011).
[526] U.S. PIRG Education Fund, *Our Staff*, http://uspirgedfund.org/staff?page=1 (last visited July 28, 2014).
[527] U.S. PIRG, *Contribute to the U.S. PIRG Education Fund*, https://secure2.roisolutions.net/enterprise/donatenow?client=FUND&page=2770&__utma=1.807164658.1406216801.1406216801.1406216801.1&__utmb=1.4.10.1406216801&__utmc=1&__utmx=-&__utmz=1.1406216801.1.1.utmcsr=(direct)|utmccn=(direct)|utmcmd=(none)&__utmv=-&__utmk=241001731 (last visited July 28, 2014).
[528] U.S. Public Interest Research Group, IRS Form 990, 2012.
[529] U.S. PIRG IRS Form 990 (2011).
[530] U.S. PIRG, *U.S. PIRG Staff*, http://www.uspirg.org/staff/xxp/douglas-h-phelps (last visited July 28, 2014).
[531] U.S. PIRG, *Staff*, http://www.uspirg.org/staff (last visited July 28, 2014).
[532] U.S. PIRG, *Become a Member of U.S. PIRG*, https://secure2.roisolutions.net/enterprise/donatenow?client=FUND&page=2495&__utma=1.1061420184.1406212672.1406212672.1406212672.1&__utmb=1.100.10.1406212672&__utmc=1&__utmx=-&__utmz=1.1406212672.1.1.utmcsr=google|utmccn=(organic)|utmcmd=organic|utmctr=(not%20provided)&__utmv=-&__utmk=232076063 (last visited July 28, 2014).
[533] WildEarth Guardians, *Support Us – Donate and Join*, https://secure3.convio.net/wg/site/Donation2;jsessionid=2BEF3AA46DD5D6368F507266394FE674.app325b?df_id=1342&1342.donation=form1 (last visited July 28, 2014).

Board of Directors: Robin Smith, President; Peter Schoenburg, Vice President; Todd Ringler, Secretary; Shannon Larsen, Treasurer; Jess Alford, Director; Cathy Bailey, Director; Nat Cobb, Director; Marion Hourdequin, Director; Janet McHard, Director; Mimsi Milton, Director; Brett Paben, Director; Jon Spar, Director; Bill Syme, Director; David Will, Director[535]

Executive Leadership: John Horning, Executive Director; Carol Norton, Associate Director; Bryan Bird, Wild Places Program Director; Lori Colt, Communication Director; Bethany Cotton, Wildlife Program Director; Kevin Gaither-Banchoff, Development Director; Jim Matison, Restoration Director; Erik Molvar, Sagebrush Sea Campaign Director; Jeremy Nichols, Climate and Energy Program Director; Jen Pelz, Wild Rivers Program Director; Jodie Wheeler, Finance Director[536]

Membership Dues: $35/individual, $50/family[537]

Party Affiliation: No mention of any partisan or nonpartisan affiliation.[538]

350.org

Type: 501(c)(3)[539]

Total Assets: $3,127,221[540]

Board Members: Bill McKibben, President, Co-founder, and Board Chair; Jay Halfon, Treasurer; K.C. Golden, Secretary; Melina Laboucan Massimo; Naomi Klein; Jessy Tolkan[541]

Executive Leadership: May Boeve, Executive Director; Phil Aroneanu, U.S. Managing Director and NRDC Co-Founder; Samantha Bailey, Global Organizing Director; Will Bates, Global Campaigns Director and Co-Founder; Rikimah Glymph, Human Resources Director; Jamie Henn, Strategy and Communications Director and Co-Founder; Jason Kowalski, U.S. Policy Director; Matt Leonard, Director of Special Projects; Payal Parekh, Global Managing Director; Jon Warnow, Digital Director[542]

Membership Dues: No charge to join. Requests email, city, and country.[543]

Party Affiliation: Non-partisan[544]

350.org Action Fund

Type: 501(c)(4)[545]

Total Assets: $331,289[546]

---

[534] WildEarth Guardians, IRS Form 990 (2012).

[535] WildEarth Guardians, *About Us – Board of Directors*, http://www.wildearthguardians.org/site/PageServer?pagename=about_board (last visited July 28, 2014).

[536] WildEarthGuardians, *About Us – Staff*, http://www.wildearthguardians.org/site/PageServer?pagename=about_staff (last visited July 28, 2014).

[537] *Id.*

[538] WildEarth Guardians, *About Us*, http://www.wildearthguardians.org/site/PageServer?pagename=about (last visited July 28, 2014).

[539] 350.org, http://350.org/ (last visited July 28, 2014).

[540] 350.org IRS Form 990 (2011).

[541] 350.org, *About – Board of Directors*, http://350.org/about/board (last visited July 28, 2014).

[542] 350.org, *About – Staff*, http://350.org/about/team (last visited July 28, 2014).

[543] *Id.*

[544] 350.org, *Getting Political on 10/10/10*, http://350.org/getting-political-101010 (last visited July 28, 2014).

[545] 350 Action, *Donate to 350 Action*, https://act.350.org/donate/action (last visited July 28, 2014).

Board Members: Betsy Taylor, President; Jessy Tolkan, Secretary; Bill McKibben, Treasurer[547]
Executive Leadership: May Boeve, Executive Director and Co-Founder; Phil Aroneanu, U.S. Campaign Director and Co-Founder; Jamie Henn, Communications Director and Co-Founder; Jason Kowalski, Policy Director; Jeremy Osborn, Operations Director and Co-Founder; Jon Warnow, Web Director and Co-Founder[548]

[546] 350.org Action Fund IRS Form 990 (2011).
[547] 350 Action, *Board of Directors*, http://350action.org/board-of-directors (last visited July 28, 2014).
[548] 350 Action, *Staff*, http://350action.org/staff (last visited July 28, 2014).

- The Daily Caller - http://dailycaller.com -

Emails: Another top EPA official used private email account to aid environmentalists

Posted By Michael Bastasch On 11:54 AM 02/24/2014 In | No Comments

-
- Tweet
-

It pays to know people in charge, especially if they are federal regulators. Emails suggest that an Environmental Protection Agency regional administrator used a private AOL email account to correspond with environmentalists.

Such email use is prohibited by agency rules and is seen as a way to skirt transparency requirements.

Emails show that EPA Region 2 Administrator Judith Enck gave advice to environmental activists, including securing government funding, getting meetings with high-level officials and attending events.

"Here again we see a senior EPA appointee drawn from the ranks of green pressure groups using private email accounts for certain work-related correspondence, even their same email account the greens know to contact them on and still do," Competitive Enterprise Institute senior fellow Chris Horner, whose Freedom of Information Act request turned up Enck's emails, told The Daily Caller News Foundation.

Enck was made regional administrator in 2009 under President Obama after spending years working as an environmental activist, including working on environmental issues for the liberal advocacy group New York Public Interest Research Group. EPA's Region 2 encompasses New York, New Jersey, Puerto Rico, the U.S. Virgin Islands and seven Native American tribal nations.

While serving as a top EPA official, Enck used her private "aol.com" email address to correspond with environmentalists. Emails suggest that she gave activists advice on how to get government funding, get the attention of top EPA officials and attending events.

On July 23, 2010, Miriam Gordon, the California state director of Clean Water Action (CWA), asked Enck if she could help get her on the guest list for an EPA event where various NGOs, local businesses and local governments were talking about financing local recycling efforts. Gordon saw this as a good opportunity to showcase what CWA has been working on and asked Enck to get her invited to the event.

Enck obliged the next day, "I will call [EPA senior policy advisor Sara Willis Hartwell] and try to get you (and me) invited. thanks! hope all is well."

Gordon sent another email to Enck on June 12, 2011 asking for some "advice". Gordon told Enck about an EPA grant she was unhappy about not getting, citing the process as "discretionary and frankly unfair". She was hoping to get the EPA to change their decision and award her funding by meeting with the Region 9 administrator Jared Blumenthal and other agency officials.

Gordon asked Enck if she should "discuss this with Jared if I get the meeting. Should I call the director of Solid Waste first?"

"yes and yes," Enck replied later that day. "the way you get a meeting is by keep calling. also, you can email him at..."

Another June 12, 2011 email Gordon asks who would be a EPA contact to get "a huge estuary" designated as a federal Superfund site — where the federal government commits to having hazardous waste areas cleaned up.

Enck replies that Gordon should talk to "whoever heads up the region 9 superfund program" and directs her towards Keith, Blumenthal's "deputy", saying he "is also a good guy and has superfund experience."

Enck also mentioned the documentary "Bag It", which advocates recycling and lowering the use of plastics in everyday life. Enck says, "I will oe in fact your son [called Adam] will order 3 copies of the bagit movie to circulate around epa. I am determined to get dc folks to watch it."

Enck is not the only top EPA official Horner has caught using a private email account. In late 2012, TheDCNF reported that former EPA administrator Lisa Jackson used a secret email account under the alias "Richard Windsor" to correspond with government officials and environmentalists.

It was later revealed that former EPA Region 8 Administrator James Martin used his private email account to correspond with environmentalist lawyer Vicky Patton, who is counsel for the Environmental Defense Fund. Martin resigned after Congress launched an investigation into his activities. Subsequent reports revealed that former EPA acting administrator Bob Perciasepe used a private email account, as did Jared Blumenthal, acting administrator for EPA's Region 9.

"These emails are unlawfully left under their sole control, subject to selective or even wholesale destruction, by people who chose to move or leave some of their government work off-line," Horner said. "From 'Richard Windsor' and Lisa Jackson's Verizon account to every regional administrator we've looked into, this pattern raises serious questions whether the entire regulatory record of Obama's EPA is legally defective."

In another set of emails, Janet Enck corresponds with Katherine Hudson of the New York environmentalist group Riverkeeper. The email chain is cut off, but a May 7, 2011 email from Enck says "im working on it" — the subject of the email was a news report from Greenwire about Pennsylvania natural gas wells.

Hudson responded on May 10, 2011, "Thank you!! Will you be in Great Swamp tomorrow AM in Brewster? Trying to decide whether I should attend?"

Enck responded later that day, "yes. I will be at the great swamp. Come join us for a canoe and kayak ride after the news conference."

The EPA did not immediately respond to TheDCNF's request for comment.

Follow Michael on Twitter and Facebook

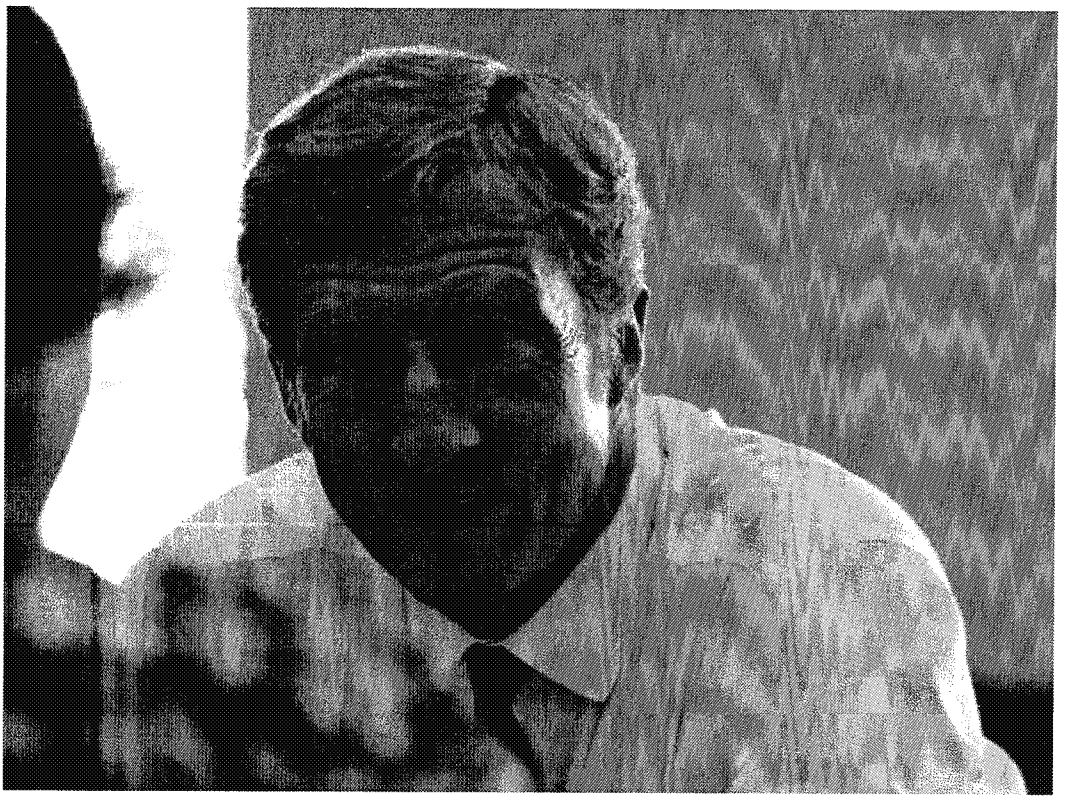
Content created by The Daily Caller News Foundation is available without charge to any eligible news publisher that can provide a large audience. For licensing opportunities of our original content, please contact licensing@dailycallernewsfoundation.org.

Article printed from The Daily Caller: **http://dailycaller.com**

URL to article: **http://dailycaller.com/2014/02/24/emails-another-top-epa-official-used-private-email-account-to-aid-environmentalists/**

Copyright © 2011 Daily Caller. All rights reserved.

5 WAYS THE 'BILLIONAIRES' CLUB' RUNS THE EPA



by BEN SHAPIRO
30 Jul 2014

119

According to a new report from the United States Senate Committee on Environment and Public Works, a "club of billionaires" including Tom Steyer and Hank Paulson has effectively hijacked the Environmental Protection Agency for its own purposes – to grow the EPA and regulate the economy from stem to stern.

Here are the top five takeaways from the report regarding the billionaire takeover of the EPA: **Agency "Capture."** According to the report, billionaires work with former colleagues in the non-profit sector who are specifically placed at key points within the agency. The report explains, "the Obama EPA has been deliberately staffed at the highest levels with far-left environmental activists who have worked hand-in-glove with their former colleagues." Furthermore, the EPA sends "grants to their former employers and colleagues."

The Revolving Door. The report reveals a huge number of EPA officials shuttling into and out of the agency and into and out of associated non-profits funded by the so-called Billionaires'

Club. These include Bob Sussman, Senior Policy Counsel at the EPA under former administrator Lisa Jackson; he came from the Center for American Progress. Other revolving door EPA staffers: Michelle DePass, former Assistant Administrator for the Office of International and Tribal Affairs, who came to her position from the Ford Foundation and actually worked for both organizations simultaneously at one point; Michael Goo, former Associate Administrator of EPA, who worked for Congressman Ed Markey (D-MA); Dr. Al Armendariz, Region 6 Administrator, who worked for the Environmental Integrity Project.

The Secret Emails. Jackson was caught using her private email address to send sensitive material, but she was hardly the only one. Sussman was caught using "his personal email to communicate with environmentalists in violation of EPA policy." James Martin, former Region 8 Administrator, was similarly caugh "using his personal email account to communicate with environmentalists...about official agency business in violation of official EPA policy." Michael Goo, former Associate Administrator of EPA, also emailed member so the Sierra Club about how to sink Keystone XL.

The Funding. The report shows that EPA regulators have used their influence to send money back to the Billionaires' Club charities. Grants from the EPA have totaled $3 billion over the last decade; Obama's EPA "has given more than $27 million in taxpayer funded grans to major environmental groups." Organizations like the American Lung Association have received $14 million since 2009, even though ALA has repeatedly sued the Agency.

Special Treatment. The report suggests that Region 2 Administrator Judith Enck violated the EPA's standards and ethics by giving EPA grantees "special treatment." For example, even though the activist group El Puente had been ruled out of bounds thanks to breaking the terms of its grant, Enck delayed the killing of its grant for ten months. Enck is currently under inquiry by the Office of the Inspector General. Similarly, the Louisiana Bucket Brigade (LABB, a former project of the Tides Foundation) grabbed cash from Jackson. That cash went to fighting oil and gas projects in Louisiana.

Americans have long known that the regulatory state is a complete disaster area, and that the EPA is one of the worst regulatory agencies in government. The new report confirms that fear – and suggests that for all their complaints about money in politics, leftists are quite comfortable with it so long as it serves their ends.

Ben Shapiro is Senior Editor-At-Large of Breitbart News and author of the new book, The People vs. Barack Obama: The Criminal Case Against The Obama Administration (Threshold Editions, June 10, 2014). He is also Editor-in-Chief of TruthRevolt.org. Follow Ben Shapiro on Twitter @benshapiro.

Request Details

Tracking Number : *EPA-R2-2014-006476*

Submitted Evaluation Assignment Processing Closed

Contact Information

Full Name : Robert Paul La Gravenis

Organization : K&L Gates LLP

Email Address : robertpaul.lagravenis@klgates.com

Phone Number : 973-848-4029

Fax Number : 973-848-4001

Mailing Location : United States/U.S. Territories

Address Line 1 : 1085 Raymond Boulevard

Address Line 2 : One Newark Center, 11th Floor

City : Newark

State/Province : New Jersey

Zip Code/Postal Code : 07102-5252

Request Information

Agency : Emergency and Remedial Response Division

Will Pay Up To : $500.00

Date Submitted : 05/14/2014

Estimated Date of Completion : 09/30/2014

Request Phase : Processing

Request Track : Complex

Final Disposition : Undetermined

Description :

1507/2000

United States Environmental Protection Agency
Region 2
Freedom of Information Officer
U.S. EPA Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Request a Fee Waiver

Made Request ? No

Request Expedited Handling

Made Request ? No

Supporting Files

Attached Files :

Attached File	Type	Size (MB)
NW-#458982-v1-Appendix_A_to_May_14__2014_FOIA_Request.DOCX	Microsoft Word	0.01
Amended-Appendix_A_to_May_14__2014_FOIA_Request.docx	Microsoft Word	0.01
Amended-Appendix_A_to_May_14__2014_FOIA_Request.docx	Microsoft Word	0.01

Payments

No payments to display.

Invoice

Total Amount Billed : $0.00
Date Sent :
No invoice has been added.

Correspondence with Requester

Subject	From	Date	Detail
Interim Release, Request EPA-R2-2014-006476	Robert Keating		

Appendix A to May 14, 2014 FOIA Request

1. An accounting of funds spent and/or committed to be spent in developing the April 11, 2014 Proposed Plan (PP) for the Lower 8 Miles of the Lower Passaic River Study Area (LPRSA) and the reports and appendices thereto, including but not limited to the Remedial Investigation (RI) and Focused Feasibility Study (FFS).

2. Any authorization for expenditure of funds for the PP and the reports and appendices thereto.

3. All comments to the National Remedy Review Board (NRRB) from the partner agencies (NOAA, FWS, State of NJ) sent to EPA for transmittal to the NRRB and any EPA responses to such comments.

4. Any and all communications regarding the LPRSA between: 1. Any U.S. EPA personnel and any member of the Community Advisory Group or any other person purporting to be a representative of the community; and 2. Any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck. This information would include but not be limited to all letters, email (both official accounts and personal accounts used for official business), and any notes, records, reports, summaries or memoranda taken during or prepared after communications with members of the public relating to the LPRSA.

5. The following items related to the public hearing on the PP, held by EPA in Newark, NJ on May 7, 2014 (Hearing): 1. video and/or other recordings taken during the Hearing; 2. a transcript of the Hearing; 3. Sign-in sheets for participants at the Hearing; 4. Communications between Region 2 and members of the public regarding preparations for the Hearing (to the extent not covered by request 4); and 5. Any petitions available for signature during the Hearing.

6. Any documents relating to the designation of any portion of the Diamond Alkali Superfund Site as an operable unit.

Amended Appendix A to May 14, 2014 FOIA Request

1. An accounting of funds spent and/or committed to be spent in developing the April 11, 2014 Proposed Plan (PP) for the Lower 8 Miles of the Lower Passaic River Study Area (LPRSA) and the reports and appendices thereto, including but not limited to the Remedial Investigation (RI) and Focused Feasibility Study (FFS).

2. Any authorization for expenditure of funds for the PP and the reports and appendices thereto.

3. All comments to the National Remedy Review Board (NRRB) from the partner agencies (NOAA, FWS, State of NJ) sent to EPA for transmittal to the NRRB and any EPA responses to such comments.

4. Any and all communications regarding the LPRSA between: 1. Any U.S. EPA personnel and any member of the Community Advisory Group or any other person purporting to be a representative of the community; and 2. Any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck. This information would include but not be limited to all letters, email (both official accounts and personal accounts used for official business), and any notes, records, reports, summaries or memoranda taken during or prepared after communications with members of the public relating to the LPRSA.

5. The following items related to the public hearing on the PP, held by EPA in Newark, NJ on May 7, 2014 (Hearing): 1. video and/or other recordings taken during the Hearing; 2. a transcript of the Hearing; 3. Sign-in sheets for participants at the Hearing; 4. Communications between Region 2 and members of the public regarding preparations for the Hearing (to the extent not covered by request 4); and 5. Any petitions available for signature during the Hearing.

6. Any documents relating to the designation of any portion of the Diamond Alkali Superfund Site as an operable unit.

7. The sample identification numbers and chemistry for the four core samples, four grab samples and two dam catchment samples that EPA uses to define upriver (above the Dundee Dam) surface sediment background conditions.

EXHIBIT
19

Request Confirmation

Request Information

Tracking Number : *EPA-R2-2014-007546*
Requester Name : Robert Paul La Gravenis
Date Submitted : 06/17/2014
Request Status : Submitted
Description :

I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

Specifically, EPA's Proposed Plan for the lower 8 miles of the Site provides as follows: "The NJDEP use of do not eat values of 0.0077 ng/g; 240 ng/g, and 540 ng/g to set fish consumption advisories for 2,3,7,8-tetrachlorodibenzo-p-dioxin - toxic equivalency ("TCDD -TEQ"), polychlorinated biphenyls ("PCBs") and mercury, respectively. Use of PRGs that exceed these NJDEP advisory triggers would not be protective of allow additional consumption of fish/crabs" (hereinafter referred to as "Fish Advisory Levels"). The cited language regarding Fish Advisory Levels is found in the footnotes for Table 2-10 in the FFS report, as well as the footnotes for Tables 1-8 and 1-10 of Appendix E.

In particular, I request any and all documents, including but not limited to emails, memos, reports and correspondence, that form the technical basis for the New Jersey Department of Environmental Protection's ("NJDEP") Fish Advisory Levels, including but not limited to exposure assumptions, toxicity values, and target risk levels used by the NJDEP to derive the Fish Advisory Levels.
I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary

copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

EXHIBIT
20

La Gravenis, Robert Paul

From: calderon.wanda@epa.gov
Sent: Tuesday, June 17, 2014 12:42 PM
To: La Gravenis, Robert Paul
Subject: FOIA Request EPA-R2-2014-007546 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

- Tracking Number: EPA-R2-2014-007546
- Requester Name: Robert Paul La Gravenis
- Date Submitted: 06/17/2014
- Request Status: Submitted
- Description: I am submitting this document request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq. This request concerns the United States Environmental Protection Agency's ("EPA") files relating to the Diamond Alkali Superfund Site (the "Site") which includes the former pesticides manufacturing plant and surrounding properties at 80 and 120 Lister Avenue in Newark, New Jersey, the Lower Passaic River Study Area and the Newark Bay Study Area. The EPA Site ID number is NJD980528996.

  Specifically, EPA's Proposed Plan for the lower 8 miles of the Site provides as follows: "The NJDEP use of do not eat values of 0.0077 ng/g, 240 ng/g, and 540 ng/g to set fish consumption advisories for 2,3,7,8-tetrachlorodibenzo-p-dioxin - toxic equivalency ("TCDD-TEQ"), polychlorinated biphenyls ("PCBs") and mercury, respectively. Use of PRGs that exceed these NJDEP advisory triggers would not be protective of allow additional consumption of fish/crabs" (hereinafter referred to as "Fish Advisory Levels"). The cited language regarding Fish Advisory Levels is found in the footnotes for Table 2-10 in the FFS report, as well as the footnotes for Tables 1-8 and 1-10 of Appendix E.

  In particular, I request any and all documents, including but not limited to emails, memos, reports and correspondence, that form the technical basis for the New Jersey Department of Environmental Protection's ("NJDEP") Fish Advisory Levels, including but not limited to exposure assumptions, toxicity values, and target risk levels used by the NJDEP to derive the Fish Advisory Levels.
  I would ask that you contact me at your earliest convenience to discuss arrangements for providing the requested documents. This firm will of course take responsibility for any necessary copying and/or shipping charges. Your prompt attention to this matter is greatly appreciated. Thank you for your anticipated cooperation.

EXHIBIT
21

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

June 19, 2014

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

Re: Diamond Alkali – Lower Passaic River Study Area/CPG FOIA Requests

Dear Bill:

This will respond to your letter dated June 17, 2014 referring to the four Freedom of Information Act ("FOIA") requests that the Cooperating Parties Group ("CPG") has submitted to EPA in the last two months (the most recent submitted on June 17, 2014, the date of your letter) and asking that EPA expedite its response to some portions of the requests.

Your letter expresses concern with the time required for EPA to prepare a complete response to all four FOIA requests. Putting aside the request that was submitted just two days ago, it can be observed that the first three requests, taken together, include over 20 items, some seeking specific information in very specific formats, and some seeking very broad categories of information that will require searching years' worth of electronic and paper files. Moreover, submitting three broad information requests in close succession has increased the administrative and logistical burden in responding to the requests.

Nonetheless, EPA has processed the CPG's FOIA requests in a timely manner. EPA has already provided responsive information and has informed you of our currently-anticipated schedule for providing additional information. EPA released information on May 27, 2014 in response to your first request (EPA-r2-2014-005758) and your second request (EPA-r2-2014-006018), and on June 17, 2014 in response to your third request (EPA-r2-2014-006476). In doing so, we have addressed three of the four items you identify as the CPG's priorities:

- EPA provided information responsive to the second priority identified in your June 17, 2014 letter, which is #7 in your third FOIA request. Alice Yeh's letter to Rob LaGravenis, released as part of the interim response on June 17, 2014, informed the CPG that information responsive to #7 publicly available in Table 3-3 of Data Evaluation Report Number 2 in Appendix A of the Remedial Investigation and Focused Feasibility Study ("RI/FFS").

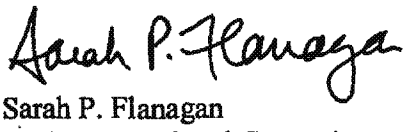
- EPA provided information responsive to the third priority identified in your June 17, 2014 letter, which is #3 in your first FOIA request. Ms. Yeh's letter to Mr. LaGravenis, released as part of the interim response on May 27, 2014, informed the CPG that data files requested in #3 are posted in the Digital Library on OurPassaic.org, under "Passaic River/Newark Bay Datasets." EPA explained that the sample identification numbers and associated information needed to create the ProUCL input files are in Attachment 1 to Appendix D to the RI/FFS.

- EPA provided information responsive to the fourth priority identified in your letter, which is #4 in your first FOIA request. Ms. Yeh's letter to Mr. LaGravenis, released as part of the interim response on May 27, 2014, informed the CPG that the technical basis requested in #4 is provided in Table 5-2 and associated text in Appendix D to the RI/FFS. EPA provided the model files and results to the CPG in March 2014.

Your letter states that the information that EPA has provided is "of limited value." This statement is puzzling, since EPA is merely responding to the CPG requests; as noted, we have addressed three of your top four priorities, and we expect to address the fourth one shortly. EPA will continue gathering, reviewing and releasing information responsive to the CPG's FOIA requests as we have been doing.

As to whether the CPG "requires EPA's full and complete response" to all its FOIA requests in order to prepare comments on the Proposed Plan for the Lower Eight Miles, you made similar assertion in your letters to Judith Enck and Walter Mugdan, dated May 15, 2014 and May 27, 2014, respectively. However, as stated by Mr. Mugdan, the CPG's submission of multiple FOIA requests is not a basis for extending the comment period. The Proposed Plan and the documents in the administrative record file (where a number of the documents requested by the CPG are found) should inform the CPG and the public about the alternatives that EPA has evaluated, including EPA's preferred alternative.

Sincerely,



Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
A Yeh, ERRD
P. Hick, ORC

EXHIBIT
22

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

RECEIVED
NOV 19 2014

November 13, 2014

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

Re: Diamond Alkali – Lower Passaic River Study Area/CPG FOIA Requests

Dear Bill:

This will respond to your letter dated November 4, 2014 referring to four Freedom of Information Act ("FOIA") requests that the Cooperating Parties Group ("CPG") submitted to EPA in the April-June 2014 time frame. Your letter expresses the CPG's dissatisfaction with EPA's responses to those requests.

EPA has been working diligently to respond to the CPG's FOIA requests, along with other FOIA requests we have received related to the Lower Passaic River Study Area ("LPRSA"). A number of these, including some submitted by the CPG, have required us to review many thousands of documents. This has led to extended review periods for some requests. Moreover, EPA is responding through FOIAonline, the web-based application that EPA is now obliged to use. While FOIAonline can be a convenient mechanism for making information available, technical difficulties associated with use of this application have sometimes delayed releases of information.

Your letter notes the discrepancy between the date of the final letter issued with respect to CPG FOIA request EPA-R2-2014-005768, which constituted a partial denial, and the date that you received the letter. The discrepancy was the result of difficulties associated with the use of FOIAonline, which delayed the final release of information and the denial letter. We did not "backdate" the letter, as you state in your appeal (received November 12, 2014 in Region 2), but it is the case that the letter was not re-dated to account for the delay associated with the final release. The approach outlined in the CPG's FOIA appeal – i.e, submitting the appeal on November 7, 2014 with the intention of supplementing it by November 28, 2014, should the CPG determine that it does wish to pursue this course of action – is reasonable.

Regarding CPG FOIA request EPA-R2-2014-006018, your letter asks if EPA will be able to complete our response by the end of November, 2014. That is our intention. For your information, this request, which asks for "any and all emails, correspondence and other

documents relating to (1) EPA's 2008 Conceptual Site Model ("CSM") and Empirical Mass Balance Model ("EMBM") developed as part of the LPRSA lower 8 mile Focused Feasibility Study ("FFS") and any comments, revision or changes to the CSM that were considered by EPA in the development and issuance of the Proposed Plan for the lower 8 miles of the LPRSA; and (2) EPA's June 2008 peer review of the CSM and EMBM," required Region 2 to review close to 10,000 potentially responsive documents.

Regarding CPG FOIA request EPA-R2-2014-006476, your letter indicates that the CPG is dissatisfied with the information that EPA has released to date comprising communications between "any member of the public and Judith Enck, including any alter egos or aliases of Administrator Enck" regarding the LPRSA. You ask that EPA confirm that no "substantive email communications between Judith Enck and members of the community" exist. Region 2 has provided information responsive to this FOIA request, and we continue to review and provide responsive information. Opining whether the communications we release are substantive or not seems to go beyond the scope of our FOIA review. The CPG also asks for the date by which Region 2 will complete its response to this request. We anticipate that we will be able to complete our response by December 31, 2014. We are planning to release additional documents in the interim. For your information, this FOIA request resulted in a collection of over 10,000 documents, and at least 7,000 remain to be reviewed.

Finally, regarding CPG request EPA-R2-2014-007546, your letter states that EPA did not provide certain specific information that the CPG requested "on the basis for NJDEP's trigger levels for dioxin or mercury." Region 2 completed its response to this FOIA request, as set forth in its letter dated July 1, 2014, which the CPG reportedly received July 14, 2014. All responsive information identified in our search was released.

I hope this information is helpful.

Sincerely,

Sarah P. Flanagan

Sarah P. Flanagan
Assistant Regional Counsel

cc: R. Basso, ERRD
A Yeh, ERRD
P. Hick, ORC