Message

From: Belke, Jim [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9C32DF961C274152B3BA2873B03AE555-JBELKE]
Sent: 1/18/2018 7:42:24 PM
To: Gerardin, Margaret [Gerardin.Margaret@epa.gov]
CC: avtar.singh@cgifederal.com [Avtar.Singh@cgifederal.com]
Subject: RE: FOIA: EPA-R6-2017-011043: RONY

That looks good to me.

From: Gerardin, Margaret
Sent: Thursday, January 18, 2018 2:41 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Cc: avtar.singh@cgifederal.com
Subject: RE: FOIA: EPA-R6-2017-011043: RONY

Right, Jim – that's our concern (I've not been asked this questions before now). So, once the requester has the info, they can do with it as they wish…

Using your text to develop an appropriate response to their last question:

- Q: To what extent is this database transferable to others, and if it isn't, could we pay for a third party's access?
- A: There are no legal restrictions on distribution of non-OCA RMP data by members of the public or by government agencies.

Thanks.

Margaret Gérardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: Belke, Jim
Sent: Thursday, January 18, 2018 2:30 PM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Cc: avtar.singh@cgifederal.com
Subject: RE: FOIA: EPA-R6-2017-011043: RONY

Hi Margaret,

There are no legal restrictions whatsoever on distribution of non-OCA RMP information by a member of the public, or by a government agency. Once a member of the public has the database, they can do whatever they want with it. As you know, RTK.net did exactly that (i.e., distributed it widely using their website).

Jim

From: Gerardin, Margaret
Sent: Thursday, January 18, 2018 2:12 PM
To: Belke, Jim <Belke.Jim@epa.gov>
Cc: avtar.singh@cgifederal.com
Subject: FOIA: EPA-R6-2017-011043: RONY

Hi Jim –

Bringing you into the discussion.

We've received a FOIA request for the non-OCA database on disc. The requester would like to know if:

1) other members of his organization can view/use non-OCA data, and
2) to what extent is this database transferable to others.

I looked for guidance (https://www.gpo.gov/fdsys/pkg/CFR-2004-title40-vol30/xml/CFR-2004-title40-vol30-chapIV-subchapA.xml), but didn't find info on ***non-OCA*** handling and distribution. These questions may be addressed through policy, rather than regulation… Avtar and I drafted answers below, but we may need to go more in-depth.

Your thoughts/insight?

Margaret Gérardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
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202-564-2491 office || 202-697-9818 remote

From: Singh, Avtar (CGI Federal) [mailto:Avtar.Singh@cgifederal.com]
Sent: Thursday, January 18, 2018 11:39 AM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: RE: Freedom of Information Request #EPA-R6-2017-011043

Margaret,

My answers are in blue.

Avtar Singh | CGI Federal | Sr. Consultant | Phone: 703-227-7392
5W-004D
Avtar.Singh@CGIFederal.com

From: Gerardin, Margaret [mailto:Gerardin.Margaret@epa.gov]
Sent: Wednesday, January 17, 2018 6:50 PM
To: Singh, Avtar (CGI Federal) <Avtar.Singh@cgifederal.com>
Subject: RE: Freedom of Information Request #EPA-R6-2017-011043

Avtar –

We have a FOIA requester who has a few questions.

> Hi Margaret, I am interested in accepting the fee estimate for FOIA Request No. EPA-HQ-2017-011043, but I have some questions:
>
> Would we have digital access to the live database, or would it be provided as an exported file? We work with some volunteers who are interested in accessing the non-OCA data, would we be able to grant them access if we pay? To what extent is this database transferable to others, and if it isn't, could we pay for a third party's access?

Draft answers to requester's questions:

1. Database on DVD. (Correct)
2. The disc envelope always says "To Be Opened By Addressee Only"... There would be no cost involved, but if the dBase is to be reviewed by the requester only, others are excluded, right? Once the requestor received the data CD, then he will be responsible for the safety of the data CD.
3. The dBase can't be transferred to others, right? (Yes. However he will be responsible for misuse of the information)

Let's discuss.

Thanks.

Margaret Gerardin || Environmental Protection Specialist
Office of Emergency Management || US Environmental Protection Agency
1200 Pennsylvania Avenue NW || MC:5104-A || Washington, DC 20460
202-564-2491 office || 202-697-9818 remote

From: McLendon, Wanda
Sent: Wednesday, January 17, 2018 12:55 PM
To: Gerardin, Margaret <Gerardin.Margaret@epa.gov>
Subject: FW: Freedom of Information Request #EPA-R6-2017-011043

Good afternoon, Margaret

Forwarding the message I received concerning EPA-HQ-2017-011043.

Wanda Y. McLendon
Management Analyst
U.S. Environmental Protection Agency
Office of Land and Emergency Management
Organizational Management and Integrity Staff
William J. Clinton EPA West, Room 4139-C
(202) 566-1917
Follow OLEM on Twitter @EPAland

From: 42650-03757166@requests.muckrock.com [mailto:42650-03757166@requests.muckrock.com]
Sent: Friday, January 12, 2018 5:27 PM
To: McLendon, Wanda <McLendon.Wanda@epa.gov>
Subject: RE: Freedom of Information Request #EPA-R6-2017-011043

January 12, 2018

This is a follow up to request number EPA-R6-2017-011043:

Hi Margaret, I am interested in accepting the fee estimate for FOIA Request No. EPA-HQ-2017-011043, but I have some questions:

Would we have digital access to the live database, or would it be provided as an exported file? We work with some volunteers who are interested in accessing the non-OCA data, would we be able to grant them access if we pay? To what extent is this database transferable to others, and if it isn't, could we pay for a third party's access?

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On Jan. 11, 2018:
01/11/2018 11:11 AM FOIA Request: EPA-HQ-2017-011043

Dear Mr. Rony,
Re: Freedom of Information Act Request No. EPA-HQ-2017-011043
The letter below was sent to you, the requester, on December 6th, 2017. As of January 11th, 2018, no response has been received. This is the 2nd request. Please respond.
--- --- ---
This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency on 31 August 2017, in which you requested the following:
"Requesting the Risk Management Plan for the Arkema chemical facility in Crosby, TX..."
We can provide you with the RMP National non-OCA (non-Offsite Consequence Analysis) database which you can sort. Please note that we do not create custom databases nor provide individual RMPs. The estimated cost to fulfill this request is $189.55.
If you wish to view a complete RMP (including OCA data), please contact your nearest Federal Reading Room for more information: https://www.epa.gov/rmp/federal-reading-rooms-risk-management-plans-rmp.
Please respond to this email, letting us know if you accept the fee estimate or wish to withdraw your request.
Thank you.
Sincerely,
Margaret Gerardin
Office of Emergency Management

On Jan. 8, 2018:
Dear Ms. Gerardin,

We may be interested in paying for the RMP National non-OCA database. How would this work -- would we have digital access to the live database, or would it be provided as an exported file? We work with some volunteers who are interested in accessing the non-OCA data, would we be able to grant them access if we pay? To what extent is this database transferable to others, and if it isn't, could we pay for a third party's access?

Thank you,
Alexander Rony

On Dec. 6, 2017:
Re: Freedom of Information Act Request No. EPA-HQ-2017-011043
This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on 31 August 2017, in which you requested: "Requesting the Risk Management Plan for the Arkema chemical facility in Crosby, TX...".
The Agency is diligently processing your FOIA request. However, we have questions with respect to the following item: Please acknowledge and accept the fee estimate for providing the RMP National Non-OCA Database or kindly withdraw the request.
We would like to provide you the opportunity to clarify the records that you are seeking. This FOIA request is tolled until we receive your clarification or modification. Please respond to this request for clarification or modification within ten calendar days from the date of this letter. Once we receive your clarification or modification, we will continue processing your FOIA request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn.

On Nov. 2, 2017:
Hi Margaret - The contact info for Alexander Rony is 415-977-5739.

Hi Alexander - This FOIA request was transferred from EPA Region 6 to EPA HQ if you have questions on the status of your FOIA request.

Thanks,
Nancy

Nancy Ho
EPA Region 6 FOIA Team
Mailing Address: 1445 Ross Ave Ste 1200, Mail Code 6MD-OE, Dallas, TX 75202-2733
Tel: 214-665-3179 || Email: ho.nancy@epa.gov<mailto:ho.nancy@epa.gov>

On Oct. 23, 2017:
The FOIA request EPA-R6-2017-011043 has had its Tracking Number changed to EPA-HQ-2017-011043. This is normally due to the request being transferred to another agency (for example, EPA to Dept. of Commerce) or to a sub-agency to process it. Additional details for this request are as follows:
* Old Tracking Number: EPA-R6-2017-011043
* New Tracking Number: EPA-HQ-2017-011043
* Requester Name: Alexander Rony
* Date Submitted: 08/31/2017
* Long Description: Requesting the Risk Management Plan for the Arkema chemical facility in Crosby, TX..

On Aug. 31, 2017:
To Whom It May Concern:

I. Description of Records Sought

This is a request under the Freedom of Information Act for the Risk Management Plan for the Arkema chemical facility in Crosby, TX.

I would prefer the request be filled electronically, by e-mail attachment if available or CD-ROM if not. If you determine that portions of a requested record are exempt from disclosure, please redact the exempt portions and provide the remainder of the record.

II. Request for Expedited Processing

Due to the exceptional circumstances currently surrounding this facility, I request expedited treatment of this FOIA request. There is a threat to lives or public safety; I am primarily engaged in disseminating information (see section IV); and there is an urgent need to inform the public concerning a government activity.

The Houston Chronicle (http://www.chron.com/news/houston-weather/hurricaneharvey/article/Chemical-plant-hit-by-Harvey-cannot-prevent-12162255.php) reported that the chemical plant is at imminent risk of catastrophe. The facility, which produces organic peroxides, had its cooling power knocked out by floodwaters, and a fire or explosion is considered inevitable. Employees and surrounding residents have been evacuated.

Richard Rowe, CEO of Arkema Inc., stated, "There is no way to prevent an explosion or fire." Officials predict that it will be six days before waters recede to the point where workers can access the chemicals and attempt to cool them down. The public urgently needs information contained in the Risk Management Plan, including the hazard assessments, emergency response program, and plans to communicate with the public in the event of disaster.

The Environmental Protection Agency requires that certain facilities containing hazardous substances submit Risk Management Plans. Agencies including the EPA are currently involved in Hurricane Harvey disaster response and will be responsible for carrying out aspects of the Risk Management Plan's emergency response program and dealing with the aftermath of any chemical fires, explosions, leaks, or emissions.

III. Request for a Fee Waiver

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). The Sierra Club is a national environmental nonprofit with no commercial interest in obtaining the requested information. Instead, our organization intends to analyze and disseminate the requested information free of charge so that the public can be better informed about this ongoing crisis.

The subject matter of the requested records is likely to contribute significantly to public understanding of the operations and activities of the government by disclosing when and how agencies are expected to respond to a disaster at the Arkema chemical plant. The Sierra Club and its supporters have demonstrated interest and expertise in the subject area, as the organization has made many recommendations on how to safeguard public health from toxic chemicals and industrial accidents.

We currently have staff in Texas educating the public about Hurricane Harvey's impacts and developing policies for recovering from the storm (see http://content.sierraclub.org/press-releases/2017/08/least-10-houston-area-chemical-facilities-and-oil-and-gas-refineries-have for an example).

IV. Media Requester Status

In addition to the public interest fee waiver, I ask to be properly categorized as a representative of the news media. The bulk of my professional duties at the Sierra Club entails planning and writing content about public policy, including composing mass communications to our followers, analyzing FOIA responses, and coordinating press outreach. Here are some examples that resulted from my work:

https://sierraclub.org/planet/2017/04/hiring-freeze-prevented-epa-filling-hundreds-jobs
https://www.washingtonpost.com/news/to-your-health/wp/2017/05/19/nearly-700-vacancies-at-cdc-because-of-trump-administration-hiring-freeze/
http://www.centerforfoodsafety.org/press-releases/4480/over-700000-people-tell-government-to-block-seed-mergers

The Sierra Club has the ability and intention to disseminate the information it receives through this request. The information may be shared through emails to an audience reaching into the millions, Facebook and Twitter posts reaching tens of thousands of followers, articles on our often-visited website, and analysis provided to the media.

In the event that there are fees, please inform me of the total charges in advance of fulfilling my request. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response.

Sincerely,

Alexander Rony
Sierra Club

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