Message

From: Topinka, Natalie [topinka.natalie@epa.gov]
Sent: 2/1/2018 9:27:58 PM
To: Cederholm, Eric [cederholm.eric@epa.gov]
CC: King-Hackney, Ashadee [King-Hackney.Ashadee@epa.gov]; Breneman, Sara [breneman.sara@epa.gov]
Subject: FW: FOIA 2018-001886

Importance: High

I just got this regarding the FOIA which requested annual reports, etc. submitted pursuant to NSPS OOOOa requirements. R5 responded and closed this out about a week ago.

Is this at all typical regarding releasing reports under FOIA? Seems to me that if the company didn't claim it as CBI when they first submitted it, we shouldn't have to actively go back and ask them.

Let me know if I should seek more clarification on this directive.

Natalie

From: Mia, Marcia
Sent: Thursday, February 01, 2018 3:18 PM
To: Tate, Rita <Tate.Rita@epa.gov>; Dangerfield, Leonard <Dangerfield.Leonard@epa.gov>; Ho, Nancy <Ho.Nancy@epa.gov>; Adams, Janet <Adams.Janet@epa.gov>; Stevens, Edie <Stevens.Edie@epa.gov>; Engels, Alan <engels.alan@epa.gov>; Cox, John <cox.john@epa.gov>; Johnson, Ivry <Johnson.Ivry@epa.gov>; Bayless, Shirley <Bayless.Shirley@epa.gov>; Bradford, Deanna <Bradford.Deanna@epa.gov>; Trim, JEWELINE <Trim.Jill@epa.gov>; Langley, Shirley <Langley.Shirley@epa.gov>; Lane, Leticia <Lane.Leticia@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Donaldson, Yerusha <donaldson.yerusha@epa.gov>; Donaldson, Guy <Donaldson.Guy@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Bradley, Megan <Bradley.Megan@epa.gov>; graham, benita <graham.benita@epa.gov>; Graff, Jeannine <Graff.Jeannine@epa.gov>; Rivera, Adrienne <Rivera.Adrienne@epa.gov>; Henderson, Alita <Henderson.Alita@epa.gov>; augustine, bruce <augustine.bruce@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Purifoy, Tiffany <Purifoy.Tiffany@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Lundelius, Diana <Lundelius.Diana@epa.gov>; Engels, Alan <engels.alan@epa.gov>; North, Alexis <North.Alexis@epa.gov>
Cc: Newman, Maya <Newman.Maya@epa.gov>; Battle, Jernell <Battle.Jernell@epa.gov>
Subject: FOIA 2018-001886
Importance: High

OAQPS and Regions, please use the following process for contacting each company who has submitted a report which is responsive to FOIA 2018-001886.

1. Send the following email to each "responsible corporate official" by entering their name in the BCC address line, with your name in the TO line.
2. Send the email "delivery receipt" and "read receipt". This is found under the "Options" Tab next to the Voting Buttons Icon. Check both boxes.
3. After 3 business days, if you have not received a reply email or phone call response that the information is claimed CBI or claimed non CBI, please follow up with a phone call. If you leave a message, direct them to return your call or reply to the email within 3 business days. Make a record of the phone call.
4. Upload the responses to the emails, into FOIA online.
5. Upload the responsive documents which are not claimed CBI into FOIA online.

6. Upload a list of the records which are responsive, but which are claimed CBI into FOIA online. Do not upload the documents themselves.
7. Please email me the list of records in item 6 so that I have if for the response.

Thank you for understanding the importance of this process.

Email

The U.S. Environmental Protection Agency has received a request under the Freedom of Information Act (FOIA) for records containing information related to certain compliance records submitted to the EPA under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS OOOOa) . This FOIA request is attached. The records requested include results of performance tests, initial semiannual reports for gas plants, semiannual reports for gas plants, annual reports and annual reports of excess emissions for sweetening units.

We believe you may have made a submittal under one or more of the provisions §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b).

By your response to this email, please indicate whether you wish to assert a confidential business information (CBI) claim with respect to any portion of report submitted under §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b) or any addendum, update or attachment to report, that your company has submitted to EPA.

If you decide to such a claim the EPA will temporarily treat the reports that you identify, and its updates, attachments and addenda, as confidential pending further investigation by the EPA. Please be advised that as part of such further investigation EPA is likely to request (in a subsequent communication) that you substantiate any CBI claim. If you do not assert a timely (see below) CBI claim with respect to any portion of a report or its addenda, updates or attachments, as described above, those records may be released to the requestor without further notice if EPA determines that the records are responsive to the FOIA request.

You have been identified by EPA as the responsible corporate official, under the FOIA regulations in 5 U.S.C. 552. Any CBI claim your company wishes to assert must be brought to the EPA's attention (by response to this email) no later than the close of business on the third working day from the date of this receipt by the responsible official (not including weekends). If you have any questions regarding this matter, please contact [staff contact email and phone number here].

Marcia B Mia, Acting Chief
Air Branch
Office of Compliance
2227A WJCS
U.S. Environmental Protection Agency
202-564-7042