Message

From: Bermes, Peter [Bermes.Peter@epa.gov]
Sent: 5/30/2019 9:02:09 PM
To: Basinger, David [Basinger.David@epa.gov]
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Hi Dave,

Thanks for your input. Much appreciated.

From: Basinger, David
Sent: Thursday, May 30, 2019 3:57 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

I feel both of these documents are essentially non-responsive documents, but accept that the first may be considered sufficiently substantive.

The second document is, as you've stated, a "non-substantive email blast". I didn't do anything with it nor was it a response to anything I initiated.

From: Bermes, Peter
Sent: Thursday, May 30, 2019 10:28 AM
To: Basinger, David <Basinger.David@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Hi Dave,

This is following up from a long time ago, but this collection ultimately pulled in two emails on which you are a custodian that are queued for production. The second seems like a non-substantive email blast you received. Both are attached. Please let me know if you have any concerns about releasing the information or want to discuss the applicability of FOIA exemptions. Thanks

Peter

Peter Bermes
Attorney-Advisor, Office of General Counsel
United States Environmental Protection Agency
312-886-6631 | Room R1325

From: Basinger, David
Sent: Monday, April 09, 2018 12:14 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Sounds good.

From: Bermes, Peter
Sent: Monday, April 9, 2018 9:54 AM
To: Basinger, David <Basinger.David@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Hi Dave,

Thanks, this is everything we need. You'll be the sole R9 custodian from which we'll collect email correspondence from this request. R9 will have the opportunity to review responsive records collected from you prior to release. It will be a few weeks down the road, but I'll let you know when we have a general idea as to the scope of records that will be produced. Thanks for your help on this,

Peter

From: Basinger, David
Sent: Monday, April 09, 2018 11:48 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Just confirmed with the others that were out of the office last week that they do not have responsive records.

I believe this completes our regional response to your April 2nd email.

Finally, to confirm what I had heard stated before: our region will have an opportunity to see any emails found as responsive through the e-discovery process before they are released – is that still the case?

From: Basinger, David
Sent: Friday, April 6, 2018 11:05 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Peter's clarification (yellow-highlighted in the following email chain) was very helpful.

After internal-to-the-region inquiry and based on what I've received so far, it appears that I am the only person that likely meets these "email custodian" qualifications for our region.

Although I told Peter that I have some emails that don't specifically address compliance questions or status, after a more thorough scan, I also have some emails that address OOOOa compliance. While the majority of these appear to be associated with either the Air Technical Workgroup or the OOOO/OOOOa subgroup, and so should be duplicates with others in those groups, I appear to have a relatively small set of potentially responsive emails that may not be duplicated elsewhere.

However, due to the short notice, I have also tried to contact several people that are not available this week but should return to the office Monday; if any respond that they may have such documents, I'll pass those names along at that time.

Dave Basinger
office 415.972.3506

From: Bermes, Peter
Sent: Thursday, April 5, 2018 6:17 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Basinger, David <Basinger.David@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268

Hi David,

The requester is seeking a subset, but I wasn't sure that it would be a meaningful enough subset to include in the instructions. Below are the specific search terms we are likely to use for the initial collection, though we're likely to do some searching within the results once they're in Relativity.

("Results of the Performance Test" OR "Performance Test" OR "40 C.F.R. §60.5420a(b)(9)(i)" OR "Initial Semiannual Reports" OR "40 C.F.R. §60.5422a(b)" OR "Semiannual Reports" OR "40 C.F.R. §60.5422a(a)" OR "Annual Reports" OR "40 C.F.R. §60.5420a(b)" OR "Annual Reports of Excess Emissions for Sweetening Units" OR "40 C.F.R. §60.5423a(b)") AND ("comply*" OR "compli*" OR "deadline*" OR "delay*" OR "due" OR "enforc*" OR "exten*" OR "postpon* OR "variance*")

Based on your email below, I don't think that we need to collect from you. As for the other person referenced in your email, if they are unlikely to have OOOOa emails that reference compliance, deadlines, delays, enforcement, extension, postponement, or variance, then there isn't a need to collect from them either.

Let me know if any more info would be helpful, thanks,

Peter

From: Mia, Marcia
Sent: Wednesday, April 04, 2018 5:33 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>
Subject: FW: FOIA for Oil and Gas - EPA-HQ-2018-001268
Importance: High

Question from R9 re: potential custodians. Can you help? Thanks.
Marcia B Mia, Acting Chief
Air Branch
Office of Compliance
2227A WJCS
U.S. Environmental Protection Agency
202-564-7042

From: Basinger, David
Sent: Wednesday, April 04, 2018 4:51 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>
Subject: RE: FOIA for Oil and Gas - EPA-HQ-2018-001268
Importance: High

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Question (just left voice mail):

Will the e-discovery include all OOOOa-related emails, or just some subset?

I have someone in our region who has emails related to OOOOa, but which don't specifically touch on OOOOa compliance, either trying to get a better understanding of OOOOa or what OOOOa requires relative to monitoring/testing. Further, one of these emails references (possibly attached?) document from CARB which they have indicated should not be released. While the CARB document may not meet the "CBI/PBI" criteria exactly, it has not yet been released to the public.

Similarly, I also have some emails that don't specifically address compliance questions or status.

Based on what I've heard in the conversations I've been part of, is that the requestor probably still wants these emails, even thought they might not be responsive when considering their specific focus. I mentioned that we would be able to see what was discovered prior to sharing with the Requestor. I agreed to ask the question anyway.

Dave Basinger
Environmental Engineer, Air & TRI Enforcement
Enforcement Division, Mail Code ENF-2-1
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901
office 415.972.3506
fax 415.947.3519 (include name and mail code)
please consider the environment before printing this

From: Mia, Marcia
Sent: Monday, April 2, 2018 9:45 AM
To: Rapp, Steve <Rapp.Steve@epa.gov>; Ash, Christine <Ash.Christine@epa.gov>; augustine, bruce <augustine.bruce@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>; Kler, Denis <Kler.Denis@epa.gov>; Loukeris, Constantinos <loukeris.constantinos@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Larson, Darrin <Larson.Darrin@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Cheever, Robert <cheever.robert@epa.gov>; Patefield, Scott <Patefield.Scott@epa.gov>; Basinger, David <Basinger.David@epa.gov>; Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; North, Alexis <North.Alexis@epa.gov>; Pavitt, John <Pavitt.John@epa.gov>; Buettner, Robert <Buettner.Robert@epa.gov>; Buenning, Hans <Buenning.Hans@epa.gov>; Marshall, Sarah <marshall.sarah@epa.gov>; Patel, Harish <Patel.Harish@epa.gov>; LaVigna, Gaetano <LaVigna.Gaetano@epa.gov>; Beers, Samantha <Beers.Samantha@epa.gov>; Barnes, Betty <Barnes.Betty@epa.gov>; Dressel, Paul <DRESSEL.PAUL@EPA.GOV>; Campbell, Dave <campbell.dave@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Dickens, Brian <dickens.brian@epa.gov>; Frank, Nathan <frank.nathan@epa.gov>; Breneman, Sara <breneman.sara@epa.gov>; Nam, Ed <nam.ed@epa.gov>; Damico, Genevieve <damico.genevieve@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Thompson, Steve <thompson.steve@epa.gov>; Larson, Darrin <Larson.Darrin@epa.gov>; Lundelius, Diana <Lundelius.Diana@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; Werner, Leslye <Werner.Leslye@epa.gov>; McFadden, Kelly <McFadden.Kelly@epa.gov>; Salazar, Matt <Salazar.Matt@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>
Cc: Cox, John <cox.john@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Segall, Martha <Segall.Martha@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>
Subject: FOIA for Oil and Gas - EPA-HQ-2018-001268

Hi Folks,
Casting a wide net here, as we were unable to reach an agreement with the requestor to reduce the scope of Part 2 of the attached FOIA request.

Summary Of Part 2 of the Request
Part 2 of the request (EPA-HQ-2018-001268) seeks "**correspondence"** that references 40 C.F.R. Part 60 Subpart OOOOa, including any of its reporting requirements.

Therefore, any communication regarding OOOOa or its reporting requirements is responsive, whether external to EPA or internal to EPA.

We will be conducting an e-discovery collection to respond to this part of the request. The e-discovery collection will be conducted through HQ's, once we have received the names of your custodians. You will have an opportunity to review the records for exemptions, before they are released.

Requested Task
For your region, please provide the name(s) of custodians who should be searched. We want to limit our search to only those that are necessary, so if there is one person who would have been the main point of contact on OOOOa and been a part of all relevant correspondence, there is no need to include others who may have been cc'd or also involved in the communications.

If there is responsive correspondence that is not an email (or attached to email), please provide the names of custodians with such records, so that we may coordinate the collection of those records. This would include notes from telephone calls, meeting notes, voicemails, text messages, or hard copy memos/correspondence ***not sent by email.***

Requested Due Date
Please provide a list of potential custodians by **April 6, 2018**.
If your Region does not have correspondence on this topic, please provide an email response to that effect. Please provide your response to this email ("Reply" – do not "Reply All") and please cc bermes.peter@epa.gove and creech.christopher@epa.gov.

Questions? Feel free to Peter (312-886-6631), directly.

Thanks, in advance.

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