Phase: Closed **Status:** Closed

EPA-2017-006771 request Details

Due Date: 06/08/2018 **Clock Days:** 789**Backlogged**

Requester Information

Requester	Mr. Allan Blutstein	**Tracking Number**	EPA-2017-006771
Organization		**Submitted Date**	05/02/2017
Requester Has Account	No	**Received Date**	05/02/2017
Email Address	ablutstein@americarisingllc.com	**Perfected Date**	07/07/2017
Phone Number	703-672-3776	**Last Assigned Date**	06/08/2020
Fax Number		**Assigned To**	Justin Romano (Office of the Administrator)
Address	1500 Wilson Blvd., 5th Fl	**Last Assigned By**	Justin Romano (Office of the Administrator)
City	Arlington	**Request Track**	Simple
State/Province	DC	**Fee Limit**	$50.00
Zip Code/Postal Code	22209		

Closure Information

Closed Date	08/27/2020	**Exemptions Used**	
Disposition	Partial Grant/Partial Denial	**Statutes Used**	
"Other" Disposition		**Subtypes Used**	

Request Handling

Requester Info Available to the Public	Yes	**Request Type**	FOIA
Request Track	Simple	**Request Perfected**	Yes
Fee Category	Other	**Perfected Date**	07/07/2017
Fee Waiver Requested	No	**Acknowledgement Sent Date**	
Fee Waiver Status		**Unusual Circumstances**	Yes
Expedited Processing Requested	No	**Litigation**	No
Expedited Processing Status		**Court Docket Number**	
		5 Day Notifications?	No

Description

Long Description	1. All communications exchanged since November 7, 2016, between Julia Valentine, Office of Public Affairs, and any individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) @washpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@talkingpointsmemo.com; (8) @msnbc.com; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails received by Ms. Valentine direct from a listserv. 2. All communications exchanged since January 1, 2017, between Ms. Valentine and the staff of U.S. Senators Tom Carper ("@carper.senate.gov"), Sheldon Whitehouse ("@whitehouse.senate.gov"), or Elizabeth Warren ("@warren.senate.gov").
Has Description Been Modified	No
Description Available to the Public	Yes
Short Description	

Additional Information

Unusual circumstances Invoked and Due Date Extended	N/A
Date Unusual Circumstances Invoked – you MUST go to EXTEND DUE DATE in LEFT-HAND NAVIGATION BAR and COMPLETE FIELDS including ESTIMATED DATE OF COMPLETION	N/A
Records Locations - Identify one or more locations where records may be located	N/A

Attached Supporting Files

Attachments Available to the Public?
No

Attached File Name	Size (MB)	File Type
Email to staffers with responsive docs.pdf	0.0554	Adobe PDF Document

Appeals

Tracking Number	Appeal Date	Appellant	Phase	Notification
No appeals have been created.				

Consultations

Tracking Number	Consulted Agency	Created By	Consultation Date	Due Date	Phase
No consultations have been created.					

Correspondence to Requester

Subject	From	To	Date
Final Disposition, Request EPA-2017-006771	Justin Romano	Mr. Allan Blutstein	08/27/2020
EPA-2017-006771 has been processed with the following final disposition: Partial Grant/Partial Denial. Records were released under EPA-2017006821. EPA-2017-006821_006774_006771_Closeout Letter_8.20.2020.pdf			
FOIA Request: EPA-HQ-2017-006771	Christopher Creech	Mr. Allan Blutstein	06/01/2018

This email is about your Freedom of Information Act (FOIA) request, EPA-HQ-2017-006771; it is assigned to the Office of the Administrator for processing.

The Office of the Administrator has experienced a significant increase in FOIA requests since the start of this administration. As of May 7, 2018, your FOIA request, EPA-HQ-2017-006771, is currently 325 in the queue. We are processing all FOIAs within the scope of our resources, given the sharp increase in requests. If possible, we will provide you with interim releases as they become available.

In fiscal year 2017, the average processing time for complex FOIA requests processed by AO was 388 working days. Using this number as instructive to estimate the time to process your request, the new estimated completion date for this FOIA is October 26, 2018.

The following are some sources of publicly available information that you can access immediately and which may contain information responsive to your request:
• Our website: https://www.epa.gov/home/advanced-search

• The EPA newsroom: https://www.epa.gov/newsroom
• FOIAonline for records previously released through FOIA requests: https://foiaonline.regulations.gov/foia/action/public/search/
• Frequently requested records: https://www.epa.gov/foia/national-online-foia-library#request
• MyProperty: https://www3.epa.gov/enviro/facts/myproperty/
• Technical/scientific/educational publications: https://www.epa.gov/nscep
• Superfund sites and data: https://www.epa.gov/foia/national-online-foia-library#superfund
• Historical material reflecting the EPA website as it existed on January 19, 2017 https://19january2017snapshot.epa.gov/

If you wish to clarify your request, so that once we reach the request in the queue, it might be processed in a shorter amount of time, please contact Christopher Creech, Creech.Christopher@epa.gov. If you are no longer interested in the requested records, please let us know so that we can remove your request from the queue. Please be sure to include your tracking number, EPA-HQ-2017-006771, in the email subject to ensure a timely response.

In addition to seeking assistance from the contact above, you may seek assistance from the EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). OGIS's services are described on their website, https://www.archives.gov/ogis. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769.

Thank you,

Christopher Creech

EPA-HQ-2017-006771 - Extension Unusual Circumstance	Candace White	Mr. Allan Blutstein	10/27/2017

Re: Freedom of Information Act Request No. EPA-HQ-2017-006771

Dear Mr. Blutstein,

Thank you very much for your interest in the Environmental Protection Agency! This correspondence is in reference to your Freedom of Information Act ("FOIA") Requests submitted to the agency. These requests are as follows:

EPA-HQ-2017-006771: Submitted on May 2, 2017, in which you requested:

1. All communications exchanged since November 7, 2016, between Julia Valentine, Office of Public Affairs, and any individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) @washpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@talkingpointsmemo.com; (8) @msnbc.com; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails received by Ms. Valentine direct from a listserv. 2. All communications exchanged since January 1, 2017, between Ms. Valentine and the staff of U.S. Senators Tom Carper (@carper.senate.gov), Sheldon Whitehouse (@whitehouse.senate.gov), or Elizabeth Warren (@warren.senate.gov).

1. **I. Opportunity to Modify and Discuss**

Your requests are too broad to be completed within the 20 days' time period and do not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. For example, you ask for communications between three press officers at EPA and varying news outlets at specified email domains.

However, an electronic search of our email records will likely capture routine news blasts from these email domains. Are those routine news blasts items that you are interested in, or is there something more granular and specific that you seek?

Pursuant to 40 C.F.R. § 2.102(c), we would like to provide you the opportunity to discuss the requests with us and clarify or narrow the records that you are seeking, so that EPA can process your request. Please note that your requests are tolled until we reach a clarification. Please let us know by November 3, 2017 if you are interested in clarifying your requests and are willing to arrange a time to discuss your requests.

1. **II. Unusual Circumstances**

Given the scope of your three requests, EPA anticipates that the response will require significant amount of EPA's resources and time to search for and appropriately examine a voluminous amount of records to complete this request. As a result of these unusual circumstances, an extension of time to respond to your requests is necessary under 40 C.F.R. § 2.104(d). Subsequently, EPA anticipates needing an additional 276 working days from the day you submitted your requests in order to finish processing your requests. EPA anticipates it will finish processing EPA-HQ-2017-006771 and EPA-HQ-2017-006774 on June 7, 2018, and EPA-HQ-2017-006821 on June 8, 2018.

As you may know, OPA has received an unprecedented amount of FOIA requests during fiscal year 2017. In fiscal year 2016, OPA received only 14 FOIA requests, whereas in this fiscal year, OPA has received 164 FOIA requests. This is a 1071% increase in FOIA requests from fiscal years 2016 to 2017. As of the week of September 25, 2017, OPA has 122 pending FOIA requests. Please rest assured that OPA has been trying to diligently process all of its requests and make outreach with its requesters and sincerely apologizes for any inconvenience. If it is possible for us to do so, we will provide you with interim releases as they become available. If you wish to clarify your requests further so that EPA can process your requests in a shorter amount of time, we are happy to work with you.

1. **III. Next Steps**

As indicated, the processing clock is stopped for your FOIA Requests until we can clarify your requests further. Please respond by November 3, 2017 to arrange a time to discuss your requests. If we do not hear from you by November 3, 2017, EPA will do its best to reasonably interpret and process your requests.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; email: ogis@nara.gov; telephone: (202) 741-5770 or (877) 684-6448; or fax: (202) 741-5769.

You may contact Candace White at White.Candace@epa.gov or at 202-564-4308 with your response, or if you have any further questions. If you wish to request information connected to this request in the future, please reference the FOIA request numbers.

Thank you,

Candace White

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

- Tracking Number: EPA-HQ-2017-006771
- Requester Name: Allan Blutstein
- Date Submitted: 05/02/2017
- Request Status: Submitted
- Description:1. All communications exchanged since November 7, 2016, between Julia Valentine, Office of Public Affairs, and any individual using one of the following email domain addresses: (1) @suntimes.com; (2) @huffingtonpost.com; (3) @washpost.com; (4) @thehill.com; (5) @eenews.net; (6) @politico.com; (7)@talkingpointsmemo.com; (8) @msnbc.com; (9) @cbsnews.com; and (10) @nbcnews.com. Please note that this request does not seek widely-disseminated emails received by Ms. Valentine direct from a listserv. 2. All communications exchanged since January 1, 2017, between Ms. Valentine and the staff of U.S. Senators Tom Carper ("@carper.senate.gov"), Sheldon Whitehouse ("@whitehouse.senate.gov"), or Elizabeth Warren ("@warren.senate.gov").

Other Correspondence

Attached File	File Type	Size (MB)
Other-20200821105757-EPA-2017-006821_006774_006771_Closeout Letter_8.20.2020.pdf	Adobe PDF Document	0.1294

Fee Estimates

Current Estimate Total	$0
Date Estimate Sent to Requester	N/A
Estimate Required for Payment	N/A

Invoices

Sent	Title	Invoice Date	Amount
No	EPA-2017-006771 Invoice-20200821110010445.pdf	08/21/2020	$0.00

Total Amount Billed Which Has Been Sent To Requester $0.00

Payments

Date	Amount	Type
No payments have been added.		

Total Amount Paid	$0.00
Total Amount Owed	$0.00

Case Responsive Records

Publish Options:

UU - Unredacted - Unreleaseable
RU - Redacted - Unreleasable
UR - Unredacted - Releaseable to the General Public
RR - Redacted - Releasable to the General Public
REQ - Release to Requester Only

Release Type	Title	User	Date/Time	Exemptions	Release Date
No records have been uploaded.					

Restricted Materials

Attached File Name	Size (MB)	File Type	User	Actual Agency	Date/Time
No restricted materials have been added.					

Existing Admin Costs

Date	User Name	Charge Type	Hours/Quantity	Rate	Billable?	Total
08/21/2020	Justin Romano	Search	0.25	28.00	Yes	7.00
Charge Description	No description included.					

Fee Category: Other

Total: $7.00

Invoice Amount: $0.00

Assigned Tasks

Outcome	Task Type	Assigned To	Assigned By	Submitted Date	Due Date	Closed Date	Notification	Justi
Completed	Final Disposition Notice	Justin Romano	Nicole Rementer	08/26/2020	08/26/2020	2020-08-27T14:08:03.884Z	No	
Comments	N/A							
Approve	Extend Due Date	HQ	Candace White	12/11/2017	12/11/2017	2017-12-11T15:21:27.000Z	No	
Extension Justification	EPA will need to search for and collect the requested records from multiple EPA offices that are separate from the office processing the request. As a result of these unusual circumstances, an extension of time to respond to your request is necessary under 40 C.F.R. § 2.104(d).							
Deny	Extend Due Date	HQ	Candace White	10/27/2017	10/27/2017	2017-10-30T12:19:38.000Z	No	
Extension Justification	See attached correspondence							
Approve	Case File Review	Mr. Larry Gottesman	Justin Romano	08/21/2020	08/21/2020	2020-08-26T22:07:51.785Z	No	
Comments	N/A							

Existing Comments (5)

Date Created	Last Edited On	User Name
10/30/2017 08:19 AM	01/28/2019 09:43 AM	Wendy Schumacher
Comment	Per our conversation, wait until Nov. 3 deadline to see if the extension is needed and, if so, if June, 2018, is the appropriate date.	
07/07/2017 01:16 PM	09/06/2018 01:17 AM	Candace White
Comment	Status update sent to requester	
07/12/2017 02:15 PM	09/06/2018 01:17 AM	Julia Valentine
Comment	Sent email (attached) to OPA-OMR staffer who will have responsive docs.	
03/13/2018 07:12 PM	11/21/2018 12:22 PM	Jonathan Newton
Comment	Reassigning OPA FOIA requests to the general box until a new FOIA Coordinator for OPA is designated.	
08/21/2020 10:49 AM	08/21/2020 10:49 AM	Justin Romano
Comment	This request is combined with EPA-2017-006821 and all responsive records released under that FOIA number.	

Assigned Reviewers

Review Order	Review Outcome	Assigned Reviewer	Review Date
1	Approve: Case File Review	Larry Gottesman	TBD