To: Wester, Barbara[wester.barbara@epa.gov]; Wheatley, Jessica[wheatley.jessica@epa.gov]
Cc: Anderson, Christine[anderson.christinea@epa.gov]; Wilson, Terri[Wilson.Terri@epa.gov]; Stillman, Sarah[Stillman.Sarah@epa.gov]
From: Clark, Jacqueline
Sent: Mon 10/16/2017 4:15:44 PM

Ex. 5 - Attorney Client

Associate Regional Counsel
U.S. EPA, Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Direct: (312) 353-4191
Fax: (312) 385-5474
email: clark.jacqueline@epa.gov

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-----Original Message-----
From: Wester, Barbara
Sent: Monday, October 16, 2017 10:29 AM
To: Clark, Jacqueline <clark.jacqueline@epa.gov>; Wheatley, Jessica <wheatley.jessica@epa.gov>
Cc: Anderson, Christine <anderson.christinea@epa.gov>; Wilson, Terri <Wilson.Terri@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>

Ex. 5 - Attorney Client

-----Original Message-----
From: Clark, Jacqueline
Sent: Monday, October 16, 2017 9:51 AM
To: Wheatley, Jessica <wheatley.jessica@epa.gov>
Cc: Anderson, Christine <anderson.christinea@epa.gov>; Wilson, Terri <Wilson.Terri@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>

Ex. 5 - Attorney Client

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-----Original Message-----
From: Wheatley, Jessica
Sent: Monday, October 16, 2017 8:43 AM
To: Clark, Jacqueline <clark.jacqueline@epa.gov>
Cc: Anderson, Christine <anderson.christinea@epa.gov>; Wilson, Terri <Wilson.Terri@epa.gov>

Ex. 5 - Attorney Client

Jessica M. Wheatley
FOIA and Privacy Officer
Region 5/RMD/IMB/ISS
(312) 353-8559
Wheatley.jessica@epa.gov

-----Original Message-----
From: Wester, Barbara
Sent: Monday, October 16, 2017 7:49 AM
To: Stillman, Sarah <Stillman.Sarah@epa.gov>; Wilson, Terri <Wilson.Terri@epa.gov>

Ex. 5 - Attorney Client

-----Original Message-----
From: Stillman, Sarah
Sent: Monday, October 16, 2017 7:39 AM
To: Wilson, Terri <Wilson.Terri@epa.gov>; Wester, Barbara <wester.barbara@epa.gov>

Ex. 5 - Attorney Client

-----Original Message-----
From: Wilson, Terri
Sent: Saturday, October 14, 2017 3:33 PM
To: Wester, Barbara <wester.barbara@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>

Ex. 5 - Attorney Client

-----Original Message-----
From: Wester, Barbara
Sent: Thursday, October 05, 2017 9:19 AM
To: Wilson, Terri <Wilson.Terri@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>
Cc: Anderson, Christine <anderson.christinea@epa.gov>
Subject: RE: 2017-010506 - Tower Standard FOIA Request

thanks terri!

-----Original Message-----
From: Wilson, Terri
Sent: Thursday, October 05, 2017 9:17 AM
To: Wester, Barbara <wester.barbara@epa.gov>; Stillman, Sarah <Stillman.Sarah@epa.gov>
Cc: Anderson, Christine <anderson.christinea@epa.gov>
Subject: FW: 2017-010506 - Tower Standard FOIA Request

Here's the response from Mr. Du Bey...

-----Original Message-----
From: Richard Du Bey [mailto:RDuBey@scblaw.com]
Sent: Thursday, October 05, 2017 9:10 AM
To: Wilson, Terri <Wilson.Terri@epa.gov>
Cc: Joshua B. Lane <JLane@scblaw.com>
Subject: Re: 2017-010506 - Tower Standard FOIA Request

Dear Terri,

Thanks for your note, we are working with the Tribe to propose a phased approach as you suggest.

Take care,

Richard

Richard A. Du Bey, Attorney | 206.470.3587<tel:206.470.3587> (direct) Short Cressman & Burgess PLLC | 206.682.3333<tel:206.682.3333> (main) | 206.340.8856<tel:206.340.8856> (fax)
999 Third Avenue, Suite 3000 | Seattle, Washington 98104-4088<x-apple-data-detectors://5/1> | www.scblaw.com<http://www.scblaw.com/>

On Oct 5, 2017, at 05:15, Wilson, Terri <Wilson.Terri@epa.gov<mailto:Wilson.Terri@epa.gov>> wrote:

<image001.gif>
Good morning Messrs. Du Bey and Lane.

Regarding your request for records pertaining to the Tower Standard site located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin, your request for a fee waiver was denied by EPA HQ on September 15, 2017. As a result, processing costs will be incurred at the rate of the "other" fee category. This means you are entitled to two free hours of search, 100 pages of duplication or scanned records and all review will be free of charge. Because staff in Region 5 anticipate that responsive records will be voluminous, we are asking that you consider narrowing the scope of your request so that responsive records do not far-exceed the free 100 pages or that you commit to an initial fee of $5000 to cover processing costs. You also have the option of appealing the initial denial of the fee waiver. Instructions for appealing the fee waiver are found in the September 15, 2017 fee waiver denial (copy attached). The letter is also available through the FOIAonline database at: https://foiaonline.regulations.gov/foia/action/public/home.

Currently, your request is on hold pending a decision from you to either narrow the scope of your request or provide an affirmative fee commitment. We cannot keep the request on hold indefinitely, so I am asking that you please notify our office of how you would like to proceed with this matter, no later than Friday, October 13, 2017. If we do not receive a response from you by that time, we will have to assume that you are no longer interested in records listed in your FOIA request and we will close your request to further processing.

Please call me or respond to this email if you have questions. Thank you.

Terri J. Wilson
U.S. EPA - Region 5
LCD FOIA Team
P:312-886-4188
F:312-692-2424
Wilson.Terri@epa.gov<mailto:Wilson.Terri@epa.gov>

<Du Bey Fee Waiver Denial Letter.pdf>