To: Cahn, Jeffrey[cahn.jeff@epa.gov]
Cc: Whitney, Brenda[whitney.brenda@epa.gov]; Francis, Walt[francis.walt@epa.gov]; Kennedy, Brian[kennedy.brian@epa.gov]; Morris, Julie[morris.julie@epa.gov]; ABeggs@foley.com[ABeggs@foley.com]
From: lbenfield@foley.com
Sent: Fri 9/8/2017 8:30:52 PM
Subject: RE: EPA response to CLCM questions - CONTAINS CONFIDENTIAL BUSINESS INFORMATION
CLCM-CAA-St. Francis-June 2017-Q4-000008- CLCM-CAA-St. Francis-June2017-....pdf

Jeff,

We are working on the response to the remaining questions in the information request. I understand you are out of the office, so I am providing this email with respect to two issues:

1. First, the request asks for the identification of the ten largest customers at each of the facilities by name, along with contractual documentation of the company's relationship. (3(c) and (d); 10(c) and (d), and 15(c) and (d)).

Please understand that the names of the company's customers is the most critical confidential information that this company maintains. That is why the company has worked hard to identify names of customers in any of the photos that have been taken, and has identified all documents containing customer names as confidential business information. This is the information that the company's competitors would most like to have in order to target those customers. Moreover, in the context of the press coverage of these investigations, if this information were to be disclosed, even inadvertently, the company would be significantly jeopardized.

In other situations, we have worked with the agency to protect this kind of extremely sensitive information, given the potential significant harm to the company from inadvertent disclosure. With respect to EPA's earlier information requests regarding air emissions, the agency agreed to allow

CLCM to provide data about customers in a spread sheet that the company maintains, but to code the customer names so that the sheet did not have company names. If the agency were to need specific names, then we would be able to provide that code.

For this request, because of the similar significant concern that we have, we propose to provide the contracts or business agreement documentation for the ten largest customers of each facility, but to redact the customer names, and to provide a similar code that would not identify the customers by name in the submission. The code would be available to the agency later if there were a need for specific names.

2. Second, the requests ask for "individual shipping records for incoming containers" (8(a), 13(a), and 20(a)) – because the time period provided by this request is January 1, 2016 to June 28, 2017, there are thousands of potentially responsive documents. We propose to initially provide representative documentation of incoming shipping records for the ten largest customers of each facility (with names redacted as noted above), and then if, after review of that information, the agency would like to review additional documentation, we could provide it. Alternatively, we could update the attached chart that was previously provided to EPA in response to the air information request.

Thank you - I am available to discuss.

Linda

Linda E. Benfield

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From: Cahn, Jeffrey [mailto:cahn.jeff@epa.gov]
Sent: Tuesday, July 25, 2017 9:35 AM
To: Benfield, Linda E.
Cc: Whitney, Brenda; Francis, Walt; Kennedy, Brian; Morris, Julie
Subject: RE: EPA response to CLCM questions

Linda:

I have discussed the requested extension with the Program. EPA agrees to the response schedule that you have provided with the exception of the extension requested for request item 12. For request item 12 EPA allows a 2-week extension from the original due date. The response to request item 12 is, therefore, due on (or before) August 9, 2017.

Regards,

Jeffrey A. Cahn, Associate Regional Counsel
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From: lbenfield@foley.com [mailto:lbenfield@foley.com]
Sent: Friday, July 21, 2017 11:02 AM
To: Cahn, Jeffrey <cahn.jeff@epa.gov>
Cc: Whitney, Brenda <whitney.brenda@epa.gov>; Francis, Walt <francis.walt@epa.gov>; Kennedy, Brian <kennedy.brian@epa.gov>
Subject: RE: EPA response to CLCM questions

Jeff,

CLCM has been working to diligently respond to the outstanding Information Request. We propose to provide the following responses on or before July 26, 2017 (the original due date):

Requests #1-2

Request #3, (a)

Requests #4-7

Request #8, (d), (e)

Request #9

Request #10, (a), (b)

Request #11

Request #13, (d), (e), (f), (g)

Request #14 – 19

Request #20, (d), (e), (f), (g)

Request 21

We propose to provide the remainder of the responses on or before September 11, 2017, which are:

Request #3, (b), (c), (d)

Request #8, (a), (b), (c)

Request #10, (c), (d)

Request #12

Request #13, (a), (b), (c)

Request #20, (a), (b), (c)

Please let me know if you have any questions, and thank you for your assistance.

Linda

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From: Cahn, Jeffrey [mailto:cahn.jeff@epa.gov]
Sent: Thursday, July 13, 2017 12:24 PM
To: Benfield, Linda E.
Cc: Whitney, Brenda; Francis, Walt; Kennedy, Brian
Subject: EPA response to CLCM questions

Dear Linda:

Below find the Program's responses to your outstanding questions.

Q1. 45-day extension:

A. EPA would like to have as much information produced by the 21-day deadline. However, for specific information for which CLCM foresees a delay, please identify the questions for which CLCM requires more time to respond. Please provide a schedule for answering each such question. The schedule should provide for submitting a rolling response to each question with the final submittal not to exceed September 11, 2017.

EPA will evaluate CLCM's request for an extension based on this submittal and is not granting the requested extension until after it has evaluated the reasonableness of the proposed schedule.

Q2. Permission to remove the containers from the site:

A. Please manage the wastes in accordance with applicable RCRA regulations that

conform with the analytical results that you have received for those wastes.

Q3. Key for vendor names:

A. EPA is okay with a key, but reserve its right to access the key (and to learn the identity of the requested CLCM vendors) under CBI protocols in the future.

Please contact me if you have questions.

Regards,

Jeffrey A. Cahn, Associate Regional Counsel
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