TEMKIN WIELGA & HARDT LLP
1900 Wazee Street, Suite 303
Denver, Colorado 80202

August 14, 2012

VIA EMAIL & REGULAR MAIL

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
E-mail: **r8foia@epa.gov**

Re: Freedom of Information Act Request

To Whom It May Concern:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the United States Environmental Protection Agency's ("EPA") FOIA implementing regulations, 40 C.F.R. Part 2, and any other applicable federal statutes, rules and regulations, Temkin Wielga & Hardt, LLP ("TWH"), on behalf of Encana Oil & Gas (USA) Inc. ("Encana"), hereby requests the following records[1,2] from EPA related to EPA's most recent water quality sampling activities and any related activities (hereinafter referred to as "Phase 5") related to EPA's draft report titled, "Investigation of Ground Water Contamination near Pavillion, Wyoming (the "Draft Report"):

1. Work Plans and Field Sampling Plans for Phase 5.

2. Quality Assurance/Quality Control Plans for Phase 5.

3. Field parameter monitoring results – pH, temperature, specific conductance, REDOX measurements and field notes for Phase 5.

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1 "Records" as used herein is employed in its broadest sense and includes, but is not limited to, the original, each draft, and any non-identical copies of any written, recorded, electronic or graphic material of any kind, whether prepared by you or by any other person, that are in your possession, custody, or control or that of your agents, attorneys, or accountants.

2 In accordance with the President's directive in the January 21, 2009 Memorandum For The Heads of the Executive Departments and Agencies, EPA is required to provide records in a "form that the public can readily...use." Thus, please provide these records in their original form and in a format that can be manipulated.

4. Records reflecting laboratories to analyze Phase 5 samples and the analytical methods used or to be used by each such laboratory for Phase 5.

5. For any non-standard analytical method used in Phase 5, method development and validation studies, method detection limit studies, accuracy and precision data studies, and standard operating procedures, to the extent not previously provided in response to the outstanding FOIA requests.

6. Records that identify all chemical products used on location during Phase 5.

7. Records that identify all equipment used downhole during Phase 5.

8. Records of chemical analyses of downhole equipment swab samples from Phase 5.

9. Full laboratory reports of the analytical results for Phase 5 sampling, including analytical results for each sample taken from MW-01 and MW-02, all domestic water well samples and all purge water samples, both from the water source and from any transfer vessel or other storage vessel. The full laboratory reports should include, to the extent the following were prepared or conducted:

    a. Gas chromatographs;

    b. Mass spectra;

    c. QA/QC data;

    d. Case narratives from the laboratories; and

    e. Data validation reports.

If any part of this/these record(s) is not produced based on a claim of privilege or other exemption from disclosure, please prepare a privilege and/or exemption log describing, at a minimum: (i) the type of record withheld; (ii) the dates of creation of the record; (iii) the subject of the record; (iv) identity of the author and all recipients of the record; (v) the names of all people, entities and locations referenced in the record; and (vi) a detailed description of the basis upon which EPA is withholding the record and which specific statutory and regulatory provisions support the withholding. To the extent any responsive documents are withheld based upon a claim of privilege or exemption, please produce redacted copies of all non-privileged or non-exempt material contained within such documents.

Given developments since Encana's last FOIA requests related to the Pavillion Field were submitted in December 2011, Encana is, at this time, in a position to request a public interest fee waiver under 40 C.F.R. § 2.107(1)(1) for these requests. This regulation provides for fee waivers when:

> Disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in the commercial interest of the requester.

In support of this public interest fee waiver, Encana incorporates by reference its June 1, 2012 Appeal of Denial of Fee Waiver Request (Request Number 08-FOI-00114-12) (the "Appeal"), a copy of which (with its Attachments) is enclosed with this letter in the U.S. Mail. In addition to the information in the Appeal, Encana states the following:

--the United States conducted, directed, and controlled the Phase 5 investigation;

--Phase 5 information will contribute to an understanding of government operations and activities;

--none of the requested Phase 5 information is currently available to the public;

--the requested Phase 5 information will contribute to the understanding of a reasonably broad audience of persons interested in the Draft Report;

--EPA's providing the requested Phase 5 information will address the public interest issues raised by Senator Inhofe and Governor Mead, including that the information will serve the interests of Wyoming residence and the public at large and will provide clarification to the public;

--the requested information will increase and enhance public understanding; and

--additional public comments have been submitted, including Halliburton's June 25, 2012 public comment submittal and report prepared by Gradient.

In sum, Encana's FOIA request qualifies for a fee waiver. The requested documentation should be made available, in the public interest, free of any charge, as provided by 40 C.F.R. § 2.107(1).

Please contact me with any inquiries, notices or determinations at the address or telephone number above (or at 303-382-2901) or by email at brown@twhlaw.com.

Sincerely,

Nea Brown

Linnea ("Nea") Brown

cc: M. Marcu