



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

May 8, 2019

*Via Email*

Ms. Elena Saxonhouse  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
elena.saxonhouse@sierraclub.org

Re: Seventh Interim Production, *Sierra Club v. EPA* (3:18-cv-3472); FOIA Requests EPA-HQ-2017-009482, EPA-HQ-2017-009615, EPA-HQ-2017-009684, and EPA-HQ-2018-007559

Dear Ms. Saxonhouse,

This letter concerns an interim production of records responsive to the above-referenced case. Consistent with the Court's March 20, 2019 Order, EPA has completed review of the 2,347 records in "Tier 3" and "Tier 4." After review, 866 records are released in full, 1,285 are released with redaction, and 17 are withheld in full. EPA is also producing the calendars for Nancy Beck and David Ross with some redaction. Attached is a simple index of the records withheld in full.

Some of the withholdings are pursuant to FOIA Exemption 4 for information initially determined to be Confidential Business Information. If you would like for the Agency to commence its CBI determination process for these documents, or require more information about that process, please let us know. Exemptions 6 and 7(c) are for personal privacy information, and Exemption 7(a) is for information the release of which would impair ongoing enforcement efforts. 5 U.S.C. §552(b)(4), (6), (7)(a)(c). The records are released as individual PDF documents organized by custodian in the Box.com folder titled "Sierra Club v. EPA, 18-cv-3472, ND Cal. - FOIA Productions."<sup>1</sup>

The released records will also be publicly available on FOIAonline at <https://foiaonline.gov/foiaonline/action/public/home> by searching the FOIA request number, EPA-HQ-2017-009482.

If you have any further questions regarding this production, please contact Assistant U.S. Attorney Adrienne Zack at 415.436.7031.

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<sup>1</sup> 239 records associated with the custodian Kenneth Wagner were inadvertently uploaded to the custodian Bill Wehrum box.com folder. Due to the site's privileges, I was unable to remove them. These records are duplicates of records uploaded to the Kenneth Wagner folder. The last 51 items in the Bill Wehrum folder are the records on which Bill Wehrum was the custodian for this production and are not duplicative of those in the Kenneth Wagner folder.

Sincerely,

/s/ Peter Bermes

Peter Bermes  
Attorney-Advisor  
Office of General Counsel  
U.S. Environmental Protection Agency

CC: Andrea Issod;