

**Congress of the United States**  
**Washington, DC 20515**

April 10, 2013

The Honorable Gina McCarthy  
Assistant Administrator, Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Ms. McCarthy:

The House Committee on Oversight and Government Reform and the Senate Committee on Environment and Public Works have been conducting oversight of the Environmental Protection Agency's (EPA) compliance with federal records laws<sup>1</sup> and responses to Congressional inquiries. To date, the agency has fallen woefully short of enforcing these federal records laws and responding to our inquiries. Notably, our investigation revealed that EPA employees, including you, have operated in a manner that disregards internal protocols and inhibits the public's right to information<sup>2</sup> in a potential effort to evade transparency.

When President Obama first took office he declared that his Administration would create "an unprecedented level of openness in Government."<sup>3</sup> Such openness to the public and Congress is manifested in statute through the Freedom of Information Act<sup>4</sup> (FOIA). The President has emphasized that "[t]he FOIA – which provides the public with a statutory right to request and receive information from their government – is a key way in which government transparency is realized."<sup>5</sup> In addition, Congress is entitled to government information pursuant to its inherent constitutional authority to conduct oversight and investigate the executive branch as a crucial part of our system of checks and balances.<sup>6</sup> Despite this mandate, we have uncovered several EPA practices ranging from the use of non-official email accounts to conduct official government business, to excessive redactions within disclosures; that have operated as a means for the EPA to purposely hide information from Congress and the public. As the

---

<sup>1</sup> See e.g. 5 U.S.C. § 552.

<sup>2</sup> *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 763 (1989); see also U.S. Dep't of Justice, *The Freedom of Information Act (FOIA): About*, <http://www.justice.gov/open/foia.html> (last accessed Apr. 8, 2013).

<sup>3</sup> Memorandum from President Barack Obama, *Transparency and Open Government* (January 21, 2009) available at [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment).

<sup>4</sup> See 5 U.S.C. § 552.

<sup>5</sup> See The White House Blog, *Sunshine Week: In Celebration of Open Government* (Mar. 11, 2013) available at <http://www.whitehouse.gov/blog/2013/03/11/sunshine-week-celebration-open-government>.

<sup>6</sup> See, e.g., *Watkins v. United States*, 354 U.S. 178, 200 (1957); *McGrain v. Daugherty*, 273 U.S. 135 (1927). The Supreme Court has recognized Congress' investigative power, which requires access to government information to conduct proper oversight.

The Honorable Gina McCarthy

April 10, 2013

Page 2 of 7

President's nominee for the position of EPA Administrator, it is incumbent on you to take steps to correct these institutional flaws.

As you are aware, Congress' investigation of EPA's email practices intensified with concerns over former EPA Administrator Lisa Jackson's use of a secondary, alias email account. While the EPA argued that Jackson was merely continuing the practice of her predecessors, the facts demonstrate otherwise. For example, EPA's 2008 memo to the National Archives and Records Administration<sup>7</sup> specifies that the Administrators' secondary email account is only used for infrequent communication with select high level staff; however, we have uncovered documents that suggest Jackson used her alias Richard Windsor account as her primary email account. She used the alias account to subscribe to news publications, to make appointments and even to communicate with individuals outside of the EPA.<sup>8</sup> The scope of records implicated is much greater than that of previous Administrators. As such, Jackson's use of an alias email account is unprecedented at EPA. Of utmost concern, the Committees are unsure whether – prior to the public exposure of the alias account in November 2012<sup>9</sup> – EPA searched the alias account in response to FOIA and Congressional requests. No one at EPA has taken responsibility for the veil of secrecy covering Jackson's alias account as EPA has failed to provide Congress a clear response to questions regarding who at EPA had knowledge of the alias email account. Also, it is not clear whether the EPA FOIA officers or the EPA Office of General Counsel knew to search the Richard Windsor alias email account in response to an information request. In fact, during a February 25, 2013, briefing with the House Committee on Oversight and Government Reform regarding the Richard Windsor alias email account and EPA email practices, EPA officials from the Office of General Counsel and the Office of Information Collection, reported that they did not know, or would not confirm knowledge, of the alias account prior to it becoming public and could not confirm whether the EPA's FOIA office had knowledge of the account.<sup>10</sup> Moreover, none of the officials could report to Congress on whether Jackson's alias emails were archived for federal recordkeeping purposes as required by the Federal Records Act (FRA).<sup>11</sup>

In addition, EPA officials did not know whether records liaison officers in each EPA office were trained in FOIA and the application of FOIA's exceptions.<sup>12</sup> Moreover, while EPA officials asserted that there are "reams of material" available on EPA's internal intranet system about federal recordkeeping rules and guidelines, EPA does not keep track of which EPA employees, if any, actually view any of the material, nor does EPA keep track of which EPA employees receive training on federal recordkeeping rules.<sup>13</sup>

---

<sup>7</sup> See Memorandum from John B. Ellis, Agency Records Officer, Env'tl. Prot. Agency, to Paul Wester, Dir., Modern Records Program, Nat'l Archives & Records Admin. (Apr. 11, 2008).

<sup>8</sup> [On file with Authors].

<sup>9</sup> Letter from Hon. Ralph Hall, Chairman, H. Comm. on Science, Space & Tech., to Arthur Elkins, Inspector Gen. U.S. Env'tl. Prot. Agency (Nov. 15, 2012).

<sup>10</sup> Briefing for staff of H. Comm. on Oversight & Gov't Reform by EPA officials including Kevin Miller, Asst. Gen. Counsel, Geoff Cooper, Asst. Gen. Counsel, Jeff Wills, Acting Dir., Office of Information Collection, and Tom Dickerson, Office of Legislative Affairs (Feb.25, 2013).

<sup>11</sup> See 44 U.S.C. § 31.

<sup>12</sup> See note 10, *supra*.

<sup>13</sup> *Id.*

Further, a troubling pattern of EPA personnel using non-official email accounts to conduct official business has come to light. As you should be aware, EPA policy explicitly prohibits the use of non-EPA email accounts and failure to follow this policy heightens the possibility that EPA and its employees violate the FRA<sup>14</sup> and the Presidential Records Act.<sup>15</sup> In 2008, the Government Accountability Office (GAO) cautioned EPA about the use of non-official email accounts for agency business and recommended that EPA revise its agency records management policies to ensure adequate training and preservation of these emails.<sup>16</sup> However, EPA has yet to adopt GAO's recommendation and implement a revised policy.<sup>17</sup> Instead, EPA affirmed its strict prohibition on the use of non-official emails in an agency-wide notification in October 2012. Specifically, the October notice stated: "This is a reminder to all EPA Employees that *EPA prohibits the use of non-EPA E-Mail Systems when conducting agency business*. This guidance is stated in Agency Records Training, New Employee Orientations and Briefings for Senior Agency Officials."<sup>18</sup> (emphasis added). Despite this clear prohibition, we understand that several high ranking EPA officials – including you<sup>19</sup> – have used a non-official email account for official purposes. As you are aware, shortly after we questioned Region 8 Administrator James Martin's use of a non-official me.com account, he had to amend his court filings and quickly announce his resignation – affirming our concerns. When confronted with evidence demonstrating rampant violations of EPA's clear policy, EPA declared that, "There's nothing wrong with this."<sup>20</sup> Such blatant disregard for internal protocols meant to ensure compliance with federal transparency and record keeping laws is unacceptable.

In addition to EPA's troubling email practices, the Committees are concerned that EPA has failed to appropriately process FOIA requests. The President's memorandum on FOIA was clear – "The [FOIA] should be administered with a clear presumption: In the face of doubt, openness prevails."<sup>21</sup> More specifically, the Attorney General instructed:

Agencies should always be mindful that the FOIA requires them to take reasonable steps to segregate and release nonexempt information. Even if some parts of a record must be withheld, other parts either may not be covered by a statutory exemption, or may be covered only in a technical sense unrelated to the actual impact of a disclosure.<sup>22</sup>

---

<sup>14</sup> *Id.*

<sup>15</sup> See 44 U.S.C. § 2201.

<sup>16</sup> GOV'T ACCOUNTABILITY OFFICE, GAO-008-742, FEDERAL RECORDS: NATIONAL ARCHIVES AND SELECTED AGENCIES NEED TO STRENGTHEN E-MAIL MANAGEMENT 61 (June 2008), <http://www.gao.gov/products/GAO-08-742>.

<sup>17</sup> See *Id.*

<sup>18</sup> *NRMP Alert: Do Not Use Outside Email Systems to Conduct Agency Business* [On file with Authors].

<sup>19</sup> Statement of Hon. Gina McCarthy, Asst. Adm'r, Office of Air & Radiation, Env'tl. Prot. Agency, to Hon. David Vitter, U.S. Senate (Mar. 20, 2013).

<sup>20</sup> See CJ Ciaramella, *Windsor Knot Tightens Another EPA official using private email*, THE WASHINGTON FREE BEACON (Feb. 26, 2013), <http://freebeacon.com/windsor-knot-tightens/>.

<sup>21</sup> Memorandum from President Barack Obama, *Transparency and Open Government* (January 21, 2009) available at [http://www.whitehouse.gov/the\\_press\\_office/TransparencyandOpenGovernment](http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment).

<sup>22</sup> Memorandum from Attorney Gen. Eric Holder, *The Freedom of Information Act (FOIA) Memorandum for Heads of Executive Departments and Agencies* (Mar. 19, 2009) available at <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

Despite the Attorney General's guidance, the Committees have observed a fairly zealous application of FOIA exemptions to redact information that should be open to the public. For example, the EPA has repeatedly invoked exemption 5, an exemption meant to safeguard the government's deliberative policymaking process,<sup>23</sup> to redact employees' reaction to news articles – information that is clearly inconsequential to an agency's deliberative process.<sup>24</sup> In other email exchanges, the EPA has redacted the entire email message, including the subject, the text and signature block by claiming deliberate process under exemption 5.<sup>25</sup> While the EPA may have some valid claims of privilege, it is obvious that EPA's practice of redacting numerous pages of emails conflicts with the purpose of exemption 5, as well as the Attorney General's guidance to segregate exempt and nonexempt information in its FOIA disclosures.<sup>26</sup> We previously requested that the EPA Office of Inspector General (OIG) expand its audit of EPA's electronic records management practices to determine whether EPA is invoking FOIA exemptions properly.<sup>27</sup>

Moreover, the EPA has relied on its FOIA responses that include FOIA exemptions in response to Congressional inquiries, or ignored Congressional requests for information altogether – in direct conflict with the law.<sup>28</sup> Congress is not included within the scope of FOIA and agencies cannot use FOIA exemptions to withhold information from Congress.<sup>29</sup> The Supreme Court has declared that “[w]hen a committee seeks information from the executive; it may do so by means of an informal request from committee staff, a letter signed by a committee chair, or by exercise of the subpoena authority, which is vested in standing committees by both

---

<sup>23</sup> U.S. Dep't of Justice, *Guide to the Freedom of Information Act: Exemption 5*, [http://www.justice.gov/oip/foia\\_guide09/exemption5.pdf](http://www.justice.gov/oip/foia_guide09/exemption5.pdf) (last accessed Apr. 8, 2013).

<sup>24</sup> [On file with Authors].

<sup>25</sup> See Part A, Release 2 – HQ- FOI-01268-12, Email from Allyn Brooks-LaSure to Richard Windsor (Apr. 15, 2009, 01268-EPA-97); Email from Seth Oster to Richard Windsor (June 24, 2009, 01268-EPA-207); Email from Scott Fulton to Richard Windsor (Aug. 15, 2009, 01268-EPA-261), <http://www.epa.gov/foia/docs/Part-A-HQ-FOI-01268-12-ReleaseRedact-NoAttachments-Production-2.pdf> (last accessed Apr. 8, 2013); see also Part C, Release 2 – HQ- FOI-01268-12, Email from Seth Oster to Richard Windsor (Jan. 20, 2010, 01268-EPA-527); Email from Seth Oster to Richard Windsor (Jan. 8, 2010, 01268-EPA-518); Email from Arvin Ganesan to Richard Windsor (Feb. 24, 2010, 01268-EPA-548), <http://www.epa.gov/foia/docs/Part-C-HQ-FOI-01268-12-ReleaseRedact-NoAttachments-Production-2.pdf> (last accessed Apr. 8, 2013).

<sup>26</sup> Memorandum from Attorney Gen. Eric Holder, *The Freedom of Information Act (FOIA) Memorandum for Heads of Executive Departments and Agencies* (Mar. 19, 2009) available at <http://www.justice.gov/ag/foia-memo-march2009.pdf>.

<sup>27</sup> See Letter from Hon. David Vitter et al., to Hon. Arthur Elkins, Inspector Gen., Env'tl. Prot. Agency (Feb. 7, 2013).

<sup>28</sup> See Letter from Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform, to Hon. Lisa Jackson, Adm'r, Env'tl. Prot. Agency (Jan. 15, 2013); see also Letter from Arvin Ganesan, Assoc. Adm'r, Env'tl. Prot. Agency, to Hon. Darrell E. Issa, Chairman, H. Comm. on Oversight & Gov't Reform (Feb. 1, 2013). Chairman Issa requested all electronic mail communications with the name “Richard Windsor” and any other alias email accounts used by Lisa Jackson to conduct official government business. In response, EPA failed to provide any documents responsive to Chairman Issa's request, thus, Chairman Issa's access to responsive documents is limited to EPA's FOIA response to FOIA Request HQ-FOI-01268-12, which includes FOIA exemptions such as those delineated in footnote 21. Moreover, Senator Vitter's August 23, 2012, FOIA request to EPA remains outstanding. See Letter from Sen. Vitter, to Larry Gottesman, Freedom of Info. Officer, Env'tl. Prot. Agency (Aug. 23, 2012).

<sup>29</sup> See 55 U.S.C. § 552(d).

bodies.”<sup>30</sup> As such, “when a congressional committee of jurisdiction is seeking information from an agency for legislative or oversight purposes, it acts not pursuant to FOIA, but rather pursuant to Congress’s constitutionally-based right of access to information from the executive branch.”<sup>31</sup> This right has been reaffirmed throughout American jurisprudence by virtue of the fact that “[a] legislative body cannot legislate wisely or effectively in the absence of information ... and where the legislative body does not possess the requisite information – which not infrequently is true – recourse must be had to others who do possess it.”<sup>32</sup> Taken as a whole, we are deeply troubled by EPA’s inadequate response to valid Congressional inquiries.

Finally, we are concerned about the implications of EPA’s recent transition to a new email operating system. It is our understanding that the agency has recently transitioned from Lotus Notes to Microsoft Office 365 in late February of this year. The EPA used Lotus Notes for the last fifteen years and while we understand the need to transition to an updated system, the Committees want to ensure that the EPA has upheld the electronic safeguards needed to preserve agency records. In particular, we are concerned that the scope of responsive agency records under FOIA may be limited after the transition. According to a memorandum on the transition to all EPA employees, Malcolm Jackson, the EPA Chief FOIA Officer, instructed:

When you get your new email box as part of Microsoft Office 365 on February 19<sup>th</sup>, it will come with the last 30 days of emails transferred from Lotus Notes. All email older than 30 days will remain in Lotus Notes, which will be available in a limited capacity on employees’ computers.<sup>33</sup>

Based on this memorandum and the ambiguity of “limited capacity,” it appears that in the future, EPA employees will no longer be able to provide complete responses for documents that predate January 20, 2013. As such, the Committees are concerned that EPA may not be able to fully comply with FOIA or Congressional requests, as well as requests for documents subject to litigation.

These practices are troubling as they demonstrate a real impediment to federal transparency. It is imperative that the Committees understand EPA’s internal processes and policies that comply with the agency’s transparency obligations. Therefore, as a testament to your good faith in reconciling our concerns, we respectfully ask that you fulfill the following requests, in unredacted form, as soon as possible but no later than noon on April 24, 2013:

1. Provide all email correspondence between or among you and Lisa Jackson’s alias Richard Windsor email account.
2. Provide all emails sent to, copied to, or received from your personal email account or any other non-official email account referring or relating to your official responsibilities at the EPA.

---

<sup>30</sup> CONG. RESEARCH SERV., *Cong. Oversight Manual*, RL-30240 (Jan. 2, 2013).

<sup>31</sup> *Id.* at 58.

<sup>32</sup> *McGrain v. Daugherty*, 273 U.S. 135, 174-75 (1927).

<sup>33</sup> Memorandum from Malcolm D. Jackson, Asst. Adm’r and CIO to All EPA Employees [On file with Authors].

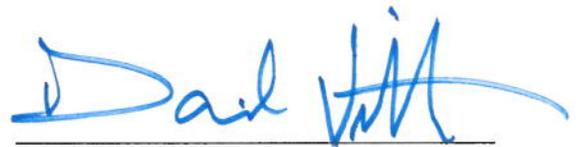
3. Provide all documents requested in the following Congressional letters to EPA:
  - a. Letter from Sen. Vitter and Sen. Wicker to Bob Perciasepe sent February 20, 2013, regarding Pebble Mine Project. Please note EPA's response was due March 20, 2013.
  - b. Letter from Sen. Vitter, Sen. Inhofe, Sen. Wicker, Sen. Sessions, Sen. Boozman, and Sen. Cornyn to you, sent March 12, 2013, regarding the "Gina's new air rules" email. Please note your response was due March 22, 2013.
  - c. Letter from Sen. Vitter to Bob Perciasepe, sent February 22, 2013, regarding FOIA "rule of three" and the Range Resources, Inc. FOIA response.
  - d. Letter from Chmn. Issa and Chmn. Jordan to Lisa Jackson sent May 10, 2012, regarding Pebble Mine Project, and as refined by negotiations with House Oversight and Government Reform Committee staff. Please note EPA's response was due May 24, 2012.
  - e. Letter from Chmn. Issa and Chmn. Jordan to Lisa Jackson sent September 24, 2012, regarding the peer review panel of the Bristol Bay Watershed Assessment. Please note EPA's response was due October 8, 2012.
  
4. Provide the specified documents listed in the attached addendum from the following EPA FOIA responses:
  - a. FOIA Request No. EPA-R6-2013-000910.
  - b. FOIA Request No. 06-00361-12.
  - c. FOIA Request HQ-FOI-01268-12.

Thank you for your prompt attention to this matter. If you have any questions, please contact Tyler Grimm with the House Committee on Oversight and Government Reform at (202) 225-5074 or Kristina Moore with the Senate Committee on Environment and Public Works at (202) 224-8832.

Sincerely,



Darrell Issa  
Chairman  
House Committee on Oversight  
and Government Reform



David Vitter  
Ranking Member  
Senate Committee on Environment  
and Public Works

The Honorable Gina McCarthy

April 10, 2013

Page 7 of 7

cc: The Honorable Elijah Cummings, Ranking Minority Member  
House Committee on Oversight and Government Reform

The Honorable Barbara Boxer, Chairman  
Senate Committee on Environment and Public Works

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
Release 2 – HQ-FOI-01268-12	01268-EPA-141	Arvin Ganesan	Richard Windsor	5/11/2009	3:53 PM	response to inhofe letter
Release 2 – HQ-FOI-01268-12	01268-EPA-858	Brendan Gilfillan	David McIntosh	10/26/2010	3:27 PM	Re: Fw: Politico: EPA: Enviro regs won't affect grid
Release 2 – HQ-FOI-01268-12	01268-EPA-1496	Joel Beauvais	Gina McCarthy	12/13/2011	9:17 PM	RE: Internal FERC emails show rift with EPA over utility MACT
Release 2 – HQ-FOI-01268-12	01268-EPA-539	Andora Andy	Richard Windsor	2/2/2010	3:27 PM	Re: CNNMoney.com: Obama's climate change police
Release 2 – HQ-FOI-01268-12	01268-EPA-836	Seth Oster	Richard Windsor, Diane Thompson	10/5/2010	12:28 PM	Ffw: Boxer story
Release 2 – HQ-FOI-01268-12	01268-EPA-894	seanno(b) (6) Privacy	Richard Windsor	12/2/2010	4:06 PM	Re: Npr
Release 2 – HQ-FOI-01268-12	01268-EPA-959	Scott Fulton	Richard Windsor	1/26/2011	8:23 AM	Fw: Corpus christi--Fw: controversial PSD permitting action in Texas
Release 2 – HQ-FOI-01268-12	01268-EPA-960	Sott Fulton	David McIntosh, Gina McCarthy, Richard Windsor, "Bob Sussman"	1/26/2011	5:45 PM	OIRA Issa Exchange
Release 2 – HQ-FOI-01268-12	01268-EPA-978	Ryan Robison	N/A	2/3/2011	7:34 PM	Meeting with John Rowe, CEO of Exelon
Release 3 – HQ-FOI-01268-12	01268-EPA-1864	Richard Windsor	Bob Sussman	8/2/2010	9:34 PM	Re: proposed rule to omb
Release 3 – HQ-FOI-01268-12	01268-EPA-1715	Daniel Gerasimowicz	Ray Spears, Sarah Dale, Georgia Bednar, Carla Venev, Scott Fulton, Bob Sussman, Allyn Brooks-Lasure, Richard Windsor, Eric Wachter, (b) (6) privacy, Robert Goulding, Lisa Heinzerling, David McIntosh	3/3/2009	5:53 PM	Wednesday, March 4, 2009 Schedule for Lisa P. Jackson
Release 3 – HQ-FOI-01268-12	01268-EPA-1751	Richard Windsor	"Seth Oster"	2/17/2010	10:22 PM	Re: Greenwire Story Citing April CAIR Rule
Release 3 – HQ-FOI-01268-12	01268-EPA-1753	Lisa Garcia	Cynthia Giles-AA	2/18/2010	11:38 AM	Re: Fw: Blog Round-up - February 17, 2010
Release 3 – HQ-FOI-01268-12	01268-EPA-1762	Richard Windsor	David McIntosh	2/19/2010	9:15 PM	Re: Begisch Presses EPA for Explanation of Endangerment Finding, Next Steps
Release 3 – HQ-FOI-01268-12	01268-EPA-1777	David McIntosh	Richard Windsor	2/23/2010	3:38 AM	(b) (5) Deliberative

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
Release 3 – HQ-FOI-01268-12	01268-EPA-1820	Bob Sussman	Gina McCarthy, Mathy Stanislus	4/15/2010	12:26 PM	Re: Path Forward on Secondary materials
Release 3 – HQ-FOI-01268-12	01268-EPA-1827	Paul Anastas	Bob Sussman	4/16/2010	7:36 AM	Re: HCI health Threshold
Release 3 – HQ-FOI-01268-12	01268-EPA-1859	Bob Perciasepe	Bob Sussman, Richard Windsor	7/14/2010	9:43 AM	Re: GHG BACT
Release 3 – HQ-FOI-01268-12	01268-EPA-1882	Lisa Heinzerling	Gina McCarthy	9/2/2010	1:41 PM	Re: E15 labeling
Release 3 – HQ-FOI-01268-12	01268-EPA-1888	Richard Windsor	Bob Perciasepe, Bob Sussman	9/10/2010	10:39 PM	Re: NSPS Schedule
Release 3 – HQ-FOI-01268-12	01268-EPA-1928	Bob.Sussman(b) (6) Personal Privacy	Richard Windsor, davidgregmciintoshdc, Lisa Heinzerling, (b) (6) privacy Mabl (b) (6) privacy	2/3/2009	11:33 AM	EPA Unions Lobby Hill
Release 3 – HQ-FOI-01268-12	01268-EPA-1932	Bob.Sussman(b) (6) Personal Privacy	Richard Windsor, (b) (6) privacy	2/5/2009	2:01 PM	Greenwire Article
Release 3 – HQ-FOI-01268-12	01268-EPA-1933	Richard Windsor	Ray Spears, Eric Wachter	2/5/2009	2:13 PM	Fw: Greenwire Article
Release 3 – HQ-FOI-01268-12	01268-EPA-1854	Richard Windsor	Seth Oster	6/23/2010	5:53 PM	Re: Charleston Gazette (6-23) Blog: WVDEP's Randy Huffman on minin permits: "If what EPA is doing is illegal, they will pay the price."
Release 3 – HQ-FOI-01268-12	01268-EPA-879	David McIntosh	Bob Sussman, Gina McCarthy, Joseph Goffman			
Release 3 – HQ-FOI-01268-12	01268-EPA-4199	David McIntosh	Richard Windsor, Diane Thompson, Bob Perciasepe, Lisa Heinzerling, Lawrence Elworth, Arvin Gaanesan	9/15/2010	6:20 PM	Fw: Boiler MACT- now its for real
Release 3 – HQ-FOI-01268-12	01268-EPA-4127	Bob Sussman	Gina McCarthy	8/31/2010	7:40 PM	GHG BACT Guidance

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
Release 3 – HQ-FOI-01268-12	01268-4023	Al Armentariz	"Barbara Bennett, Bob Perciasepe, Diane Thompson, Richard Windsor, Gina McCarthy, Peter Silva, Mathy Stanislaus, Cynthia Giles-AA, Michelle Depass, Scott Fulton, Paul Anastas, Bob Sussman, Craig Hooks, Seth Oster, David McIntosh, Curt Spalding, Judith Enck, Steve Owens, Shawn Garvin, Stan Meiburg, Susan Hedman, Lawrence Starfield, Karl Brooks, James B Martin, Jared Blumenfeld, Dennis McLerran	7/18/2010	10:58 PM	The R6 Universe
Release 3 – HQ-FOI-01268-12	01268-4032	Richard Windsor	David McIntosh	7/21/2010	9:55 AM	Fw: GHG BACT
Release 3 – HQ-FOI-01268-12	01268-3947	Gina McCarthy	Richard Windsor	6/18/2010	3:13 PM	M2M
Release 3 – HQ-FOI-01268-12	01268-3898	(b) (6) Personal Privacy	Richard Windsor	5/27/2010	7:44 AM	Fw: French dispersant report, etc.
Release 3 – HQ-FOI-01268-12	01268-3838	Richard Windsor	Dana Tulis	5/5/2010	8:16 PM	Re: Materials for Deputy Trip to Louisiana
Release 3 – HQ-FOI-01268-12	01268-3696	Richard Windsor	Mathy Stanislaus	3/23/2010	9:59 AM	Re: financial/economic development coordinator
Release 3 – HQ-FOI-01268-12	01268-3298	Marygrace Galston	Diane Thompson, Richard Windsor	1/11/2010	11:23 AM	Al Armentariz
Release 3 – HQ-FOI-01268-12	01268-3287	Lisa Heinzerling	Richard Windsor	1/7/2010	5:14 PM	EJ characterization document
Release 3 – HQ-FOI-01268-12	01268-2934	David McIntosh	Andora Andy	10/6/2009	6:28 PM	Re: EPW RELEASE: EPA ENDANGERMENT FINDING

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
Release 3 – HQ-FOI-01268-12	01268-EPA-2399	Bob Sussman	Richard Windsor, Diane Thompson, David McIntosh, Arvin Ganesan, Scott Fulton, Lisa Heinzerling, Alynn Brooks-LaSure, Eric Wachter, Robert Goulding	5/3/2009	12:11 PM	LPJ Memo on scientific integrity and related announcements
Release 3 – HQ-FOI-01268-12	01268-EPA-4340	David McIntosh	Richard Windsor, Gina McCarthy, Margo Oge, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Bob Sussman	1/11/2011	8:02 PM	Fw: Alliance Letter to Chairman Issa
Release 3 – HQ-FOI-01268-12	N/A	Richard Windsor	Lisa Heinzerling, David McIntosh, Bob Sussman	3/17/2009	10:14 AM	Fw: A washingtonpost.com article from: (b) (6) Personal Privacy
Release 3 – HQ-FOI-01268-12	N/A	Richard Windsor	Lisa Jackson b(6) Privacy	3/25/2010	10:10 AM	Fw: Link to Analysis
Release 3 – HQ-FOI-01268-12	N/A	Richard Windsor	Withheld	4/17/2009	12:17 PM	Fw: EPA Made History Today
Release 3 – HQ-FOI-01268-12	N/A	Maggie Moran	Richard Windsor	4/15/2009	3:58 PM	Fw: Nice Hit from PSEG speech
Release 3 – HQ-FOI-01268-12	N/A	Withheld	Richard Windsor	12/10/2009	11:38 AM	Fw: Google Alerts-EPA Lisa Jackson
Release 3 – HQ-FOI-01268-12	N/A	David Cohen	Richard Windsor	9/27/2010	3:41 AM	just fyi: Politico of Browner, (you and epa mentioned)
Release 3 – HQ-FOI-01268-12	N/A	Brendan Gifflian	Richard Windsor, Bob Perciasepe, Diane Thompson	3/26/2012	8:13 PM	FYI-WaPo Story
Release 3 – HQ-FOI-01268-12	N/A	Bob Perciasepe	Richard Windsor, Seth Oster, Gina McCarthy, David McIntosh	5/4/2010	9:27 PM	LA Times-Oil Spill, Climate Bill
EPA-R6-2013-000910	N/A	Al Armendariz	Bob Sussman, Cynthia Giles	3/30/2012	6:34 PM	Re: Statement by Texas Railroad Commissioner David Porter on EPA's Withdrawal of Order Against Range Resources
EPA-R6-2013-000910	N/A	Suzanne Murray	Al Armendariz, Suzanne Murray, John Blevins	1/8/2011	2:56 PM	Re: Range
EPA-R6-2013-000910	N/A	David Gray	Al Armendariz	12/6/2010	9:16 PM	Re: Fw: Revised Range Q&A

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
EPA-R6-2013-000910	N/A	Suzanne Murray	Al Armendariz	12/22/2010	9:38 PM	Fw: Fw: Range and Attempt to Secure Testimony from the Regional Administrator under a State Subpoena... Recommendation from DOJ and AUSA – work product
EPA-R6-2013-000910	N/A	Carl Edlund	Suzanne Murray, Jerry Saunders, John Blevins	1/27/2011	8:16 PM	Re: Dallas Bar Feedback on Ranger
EPA-R6-2013-000910	N/A	Scott McDonald	Al Armendariz	2/8/2012	9:54 AM	Fw: Statements on faulting under the Lipsky home area by the expert witness
EPA-R6-2013-000910	N/A	Al Armendariz	David Gray	2/16/2011	9:30 PM	Re: DELIBERATIVE - DRAFT RESPONSE Fw: Range
EPA-R6-2013-000910	N/A	Al Armendariz	John Blevins, David Gray, Larry Starfield	12/7/2010	6:39 AM	Re: Update on Hydrofrac Study from the Bob Sussman briefing today
EPA-R6-2013-000910	N/A	Michael Overbay	Al Armendariz	1/12/2011	10:37 AM	Re: Couple of things
No. 06-00361-12	N/A	Lawrence Starfield	Al Armendariz	12/4/2010	4:42 PM	
No. 06-00361-12	N/A	Jeffrey Robinson	Carl Edlund	12/14/2011	10:30 AM	Re: Fw: Louisiana Emission Fee Petition The 1a 1b process
No. 06-00361-12	N/A	AL Armendariz	Dr. Al Armendariz	7/16/2010	6:54 PM	
No. 06-00361-12	N/A	Richard Windsor	Al Armendariz	11/1/2011	1:16 PM	Re: Fluor to Provide Construction Services for Luminat's Environmental Retrofit Program Nov 1 2011 Nachricht finazen.net
No. 06-00361-12	N/A	Suzanne Murray	Al Armendariz	11/4/2010	6:37 PM	Re: IMPORTANT-new Complaint for infrastructure SIPs for 1997 8-hour ozone NAAQS- information needed for CD negotiation
No. 06-00361-12	N/A	David Gray	Al Armendariz	3/1/2011	1:12 PM	Note from Arvin
No. 06-00361-12	N/A	Guy Donaldson	Al Armendariz	8/22/2010	8:44 PM	Re: New Mexico Transport SIP (interfere with mainteance and Interfere with PSD).
No. 06-00361-12	N/A	Layla Mansuri	Al Armendariz, Chrissy Mann	2/13/2011	4:18 PM	Fw: Fw: Earthjustice conflict question follow up
No. 06-00361-12	N/A	David Gray	Al Armendariz, Lawrence Starfield	8/20/2010	5:04 PM	ECOS Hot Issues
No. 06-00361-12	N/A	Al Armendariz	Chrissy Mann, Layla Mansuri	2/21/2011	5:41 PM	Fw: regional haze
No. 06-00361-12	N/A	Al Armendariz	Rob Lawrence	3/11/2010	7:02 AM	Re: Hydraulic Fracking
No. 06-00361-12	N/A	Raj Rao	Phil Lorang	7/11/2011	4:29 PM	Briefing materials for Las Brisas GHG GF Gina briefing (yet to be scheduled)

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
No. 06-00361-12	N/A	Al Armendariz	Gina McCarthy	7/12/2011	10:34 PM	Re: PSD permitting
No. 06-00361-12	N/A	David Gray	Lawrence Starfield, Al Armendariz	4/6/2010	11:01 AM	Fw: Draft Hot Issues for LPJ visit to NOLA
No. 06-00361-12	N/A	Al Armendariz	Lawrence Starfield, Suzanne Murray	11/19/2010	4:15 PM	Fw: San Juan Generating Station Title V Petition
No. 06-00361-12	N/A	Guy Donaldson	Al Armendariz	11/3/2010	1:04 PM	New Mexico and Oklahoma transport SIP final federal registers
No. 06-00361-12	N/A	David Gray	Al Armendariz, Layla Mansuri	7/18/2011	12:54 PM	Udall
No. 06-00361-12	N/A	Carl Edlund	Al Armendariz, Lawrence Starfield	6/29/2011	2:59 PM	Fw: San Juan and NM RH SIP
No. 06-00361-12	N/A	Lawrence Starfield	Janet McCabe	6/27/2011	9:04 AM	Re: NM Regional Haze FIP
No. 06-00361-12	N/A	Janet McCabe	Al Armendariz	6/15/2011	4:11 PM	Re: Fw: Oklahoma FIP
No. 06-00361-12	N/A	David Gray	Al Armendariz	2/9/2010	3:05 PM	Fw: Oklahoma Regional Haze Material-Background for meeting with Governor
No. 06-00361-12	N/A	Lawrence Starfield	Thomas Diggs	2/8/2010	5:43 PM	Re: Oklahoma Regional Haze Material-Background for meeting with Governor
No. 06-00361-12	N/A	Lawrence Starfield	Al Armendariz	2/6/2010	5:07 PM	Re: Issues with changes in the ODEQ regional haze SIP
No. 06-00361-12	N/A	Al Armendariz	Carl Edlund	12/21/2010	3:26 PM	Re: PNM is upset with part of the press release
No. 06-00361-12	N/A	Guy Donaldson	Lawrence Starfield	4/25/2011	7:41 AM	Re: Regional haze-Oklahoma CONFIDENTIAL
No. 06-00361-12	N/A	Suzanne Murray	Rich Ossias	11/23/2010	3:58 PM	Time Sensitive
No. 06-00361-12	N/A	Gina McCarthy	Al Armendariz	12/15/2010	11:35 PM	Re: New Mexico Visibility Federal Register Notice
No. 06-00361-12	N/A	Janet McCabe	Al Armendariz	8/4/2011	7:16 AM	Re: New Mexico
No. 06-00361-12	N/A	Al Armendariz	Carl Edlund, Thomas Diggs	1/30/2010	10:41 AM	Re: Fw: Oklahoma Reg'l Haze SIP-URGENT
No. 06-00361-12	N/A	Thomas Diggs	Al Armendariz	7/12/2010	2:09 PM	Fw: Final 309 points for AI
No. 06-00361-12	N/A	Janet McCabe	David Gray, Andrea Drinkard, Al Armendariz	8/3/2011	10:39 PM	Re: *Confidential: Re: Confidential-Predecision Information
No. 06-00361-12	N/A	Al Armendariz	Guy Donaldson	1/12/2011	11:19 PM	Re: Questions about Oklahoma's PM2.5 110 SIP
No. 06-00361-12	N/A	Carl Edlund	Al Armendariz	7/2/2010	11:52 AM	Call with Ron Curry re:haze
No. 06-00361-12	N/A	Al Armendariz	Janet McCabe	7/4/2011	5:06 PM	Re: PNM/San Juan Generating Station BART Determination-Delegation Letter

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
No. 06-00361-12	N/A	Al Armendariz	Guy Donaldson, Joe Kordzi, Larry Starfield	9/9/2010	5:31 AM	Fw: Discussions with Secretary Curry tomorrow
No. 06-00361-12	N/A	Lawrence Starfield	Steve Mouck	9/8/2011	10:53 PM	Fw: Fw: Region 6 Input for Agency Annual Performance Report
No. 06-00361-12	N/A	Carl Edlund	Suzanne Murray, Suzanne Smith, Al Armendariz, John Blevins	1/8/2012	12:00 PM	Fw: Update on Regional Haze developments and upcoming actions as of 1/6/2012
No. 06-00361-12	N/A	Lawrence Starfield	Al Armendariz	7/12/2011	4:45 PM	Fw: letters on San Juan
No. 06-00361-12	N/A	Al Armendariz	Joe Kordzi, Carl Edlund, Thomas Diggs, Guy Donaldson	3/11/2011	9:05 AM	Re: A really alternative plan for the SJGS
No. 06-00361-12	N/A	Janet McCabe	Al Armendariz	7/18/2011	6:57 PM	Re: San Juan
No. 06-00361-12	N/A	Carl Edlund	Al Armendariz	3/16/2011	9:19 PM	Re: Request for Conference Call Monday
No. 06-00361-12	N/A	Lawrence Starfield	Al Armendariz	7/18/2011	11:57 AM	Fw: legislative letters on San Juan
No. 06-00361-12	N/A	Carl Edlund	Suzanne Murray, Al Armendariz, Lawrence Starfield, David Gray, Thomas Diggs, Suzanne Smith, Suzanne Murray, Layla Mansuri, Chrissy Mann, Ben Harrison	7/22/2011	6:22 PM	Re: San Juan- follow up
No. 06-00361-12	N/A	Al Armendariz	Guy Donaldson, Thomas Diggs, Carl Edlund, Erick Snyder, Larry Starfield, David Gray	8/4/2011	10:03 AM	Fw: Fw: Responses to your request for San Juan EGU PM2.5 benefits
No. 06-00361-12	N/A	Suzanne Smith	Al Armendariz, Joe Kordzi	7/21/2011	6:52 AM	Re: Fw: PNMs San Juan Generating Station
No. 06-00361-12	N/A	Carl Edlund	Jeffrey Robinson, Al Armendariz, Layla Mansuri, Thomas Diggs, Ms. Barbara Nann	1/22/2012	10:16 PM	Re: San Juan Generating Title V Petition Decision Briefing
No. 06-00361-12	N/A	Lawrence Starfield	Suzanne Smith, Al Armendariz, Joe Kordzi	7/21/2011	7:41 AM	Re: Fw: PNMs San Juan Generating Station
No. 06-00361-12	N/A	Sara Schreeberg	Suzanne Smith, Al Armendariz, Joe Kordzi	9/9/2011	4:05 PM	Re: For final review; language for TX inf SIP PSD single source ozone-all comments incorporated

## ADDENDUM TO REQUEST 4

FOIA Request/Release Number	Email Number	Sender	Recipient	Date	Time	Subject
No. 06-00361-12	N/A	Suzanne Murray	Al Armendariz, Chrissy Mann, Lawrence Starfield, Layla Mansuri	9/12/2011	6:57 AM	Confidential
No. 06-00361-12	N/A	Al Armendariz	Chrissy Mann, Layla Mansuri	12/15/2011	10:58 PM	Fw: Fw: Front office's edis to consultation RTC
No. 06-00361-12	N/A	Suzanne Smith	Al Armendariz, Chrissy Mann, Layla Mansuri	12/13/2011	3:46 PM	TX I-SIP