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From: Walker, Johnny (USADC) [<mailto:Johnny.Walker@usdoj.gov>]

Sent: Wednesday, November 8, 2017 9:46 AM

To: Adam Carlesco <acarlesco@peer.org>

Subject: RE: PEER v. EPA, No. 17-1780-CRC (D.D.C.)

Adam,

The EPA has reviewed PEER's FOIA request and, based on its knowledge and investigation of the available records, notes that some of the requested records are publicly available. Links are provided below. For other requested records, the EPA requests some more clarification and proposes some custodial limitations to make the requests more targeted and manageable. Specific responses are interpolated with the items in PEER's request below. Please let me know PEER's response or if you would like to discuss further.

1. A list of the members of this task force, their tenure, and any documents reflecting the manner in which they were selected;

RESPONSE: See attached. Also, a list of Task Force Captains can be found in the July 25, 2017, Superfund Task Force Recommendations. Those recommendations can be found at:

https://www.epa.gov/sites/production/files/2017-07/documents/superfund_task_force_report.pdf

Task force members were all volunteers from EPA staff with no selection criteria. The tenure was from the May 22, 2017 memorandum until the July 25, 2017 recommendations.

2. Any documents reflecting EPA's efforts to comply with the Federal Advisory Committee Act (FACA) in the selection and operation of this task force;

RESPONSE: The Superfund Task Force was composed entirely of EPA staff; thus, FACA is not applicable.

3. Any documents concerning the tasks that this task force was charged to accomplish by Mr. Pruitt or other EPA official acting on his behalf;

RESPONSE: The Task Force was charged by the Administrator's May 22, 2017 memorandum establishing the Superfund Task Force. That memorandum can be found at:

https://www.epa.gov/sites/production/files/2017-05/documents/prioritizing_the_superfund_program_memo_5-22-2017.pdf

4. Any documents reflecting the schedule of task force activities, meeting minutes and materials presented to the task force;

RESPONSE: Please reference the Administrator's May 22, 2017, memorandum establishing a 30-day window to complete the recommendations. Meeting minutes were not kept and materials (other than the May 22, 2017 memorandum) were not presented to the Superfund Task Force.

5. Any communications to or from the Office of the Administrator during Mr. Pruitt's tenure concerning the need or basis for changing administration of Superfund;

RESPONSE: The Office of the Administrator contains eleven offices. The Immediate Office includes five individuals (Administrator, Acting Deputy, Chief of Staff, Chief of Operations, and Acting Chief of Staff). Because a number of individuals in the Immediate Office were not involved in the amendments to the Superfund program, we suggest that EPA search the following custodians in the Office of the Administrator: (1) the Administrator; (2) Ryan Jackson, Chief of Staff; (3) Byron Brown, Deputy Chief of Staff for Policy; and (4) Mike Flynn, Acting Deputy Administrator. As for timeframe, the Superfund Task Force Recommendations were finalized on July 25, 2017. Thus, we will be using the search cutoff date of July 25, 2017.

6. The set of recommendations or other work product emanating from this task force;

RESPONSE: Please reference the Superfund Task Force recommendations, released on July 25, which can be found at: https://www.epa.gov/sites/production/files/2017-07/documents/superfund_task_force_report.pdf

7. Any documents reflecting plans or a schedule for complying with the National Environmental Policy Act (NEPA) in pursuing significant Superfund operational changes;

RESPONSE: There are no such records.

8. Documents describing how and when public review of these recommendations will take place, including any plans to involve communities affected by Superfund operations;

RESPONSE: The Task Force recommendations were intended to provide guidance to EPA staff. As such, there was no plan for public review and comment on the recommendations.

9. Copies of the "revised delegations and internal directive documents" referenced in the May 22 memo issued by Mr. Pruitt "to memorialize this change in how the agency makes these extremely significant decisions";

RESPONSE: Please reference the Administrator's May 9, 2017 memorandum, which was available to the public at: <https://www.epa.gov/newsreleases/cercla-memo-directive-prioritize-superfund-cleanups>

10. The list of ongoing Superfund cleanups that are covered by the Pruitt memo; and

RESPONSE: These recommendations are not site-specific; the recommendations apply to the entire Superfund program and the National Priorities List ("NPL"). Please find the NPL at: <https://www.epa.gov/superfund/national-priorities-list-npl-sites-site-name>

11. A copy of any decision documents, including stays and interim actions, taken by EPA in ongoing Superfund cases in connection with this memo.

RESPONSE: In your October 17, 2017, email elaborating on this request, you stated, "Specifically, we want to know, since May, whether Administrator Pruitt has altered the outcome or status of any Superfund projects." As you are aware, FOIA does not require the EPA to simply answer questions. Thus, please define the term "decision document" so that a targeted search may be conducted. Also, the EPA suggests that any search be limited to the same custodians as Category 5.