

Mark Wohlschlegel

From: Vivian Warden <Warden.Vivian@epamail.epa.gov>
Sent: Friday, June 29, 2012 10:08 AM
To: Mark Wohlschlegel
Cc: Nathan Mehrens; Larry Gottesman
Subject: Re: FOIA HQ-FOI-01327-12 clarification

Importance: High

Mr. Wohlschlegel,

Please note that in our conversation I explained that your June 11, 2012 letter was processed as a clarification of the information request and forwarded to the Office of Solid Waste and Emergency Response (OSWER). I also explained that it was not read as an appeal but as a reconsideration of the fee waiver denial because of your second paragraph which states "Also, I have included in this clarification a more detailed fee waiver request in response to the May 18, 2012 letter from Larry F. Gottesman, denying our fee waiver. We ask that it be reconsider based on our arguments starting on page four".

Please call if you have any questions. Thank you.

Vivian Warden
FOIA Specialist
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hq.foia@epa.gov

▼ Mark Wohlschlegel ---06/27/2012 02:03:10 PM---Ms. Warden,

From: Mark Wohlschlegel <mark@getliberty.org>
To: Vivian Warden/DC/USEPA/US@EPA
Cc: Nathan Mehrens <nathan@getliberty.org>
Date: 06/27/2012 02:03 PM
Subject: FOIA No. HQ-FOI-01327-12 clarification

Ms. Warden,

Just wanted to send an email confirming our discussion of FOIA No. HQ-FOI-01327-12.

Based on our phone conversation today, it is our understanding that our June 11, 2012 clarification was taken as a request for "reconsideration" rather than an "appeal" to the May 18, 2012 fee waiver denial since it did not include the word "appeal" in the communication.

As such, you stated that we still have a right to appeal the fee waiver decision of Larry Gottesman, even though his June 19, 2012 letter in which he reaffirmed his earlier decision, does not have "right to appeal" language included in the letter, which he specifically instructed be left out.

Thank you for your help in this matter.

Sincerely,

Mark A. Wohlschlegel II
Staff Attorney

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