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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 THE CENTER FOR INVESTIGATIVE) Case No. _____
14 REPORTING and MOHAMED AL ELEW,)
15)
16 Plaintiffs,)
17)
18 v.)
19)
20 U.S. ENVIRONMENTAL PROTECTION)
21 AGENCY,)
22)
23 Defendant.)

24 I, D. Victoria Baranetsky, declare:

25 1. I am an attorney of record for the Plaintiffs in this matter and a member in good
26 standing of the California State Bar, and I am admitted to practice before this Court. I have personal
27 knowledge of the matters stated in this declaration. If called upon to do so, I am competent to testify
28 to all matters set forth herein.

2. I am General Counsel at The Center for Investigative Reporting, which is a nonprofit
established under the laws of California with its principal place of business in Emeryville, CA.

3. Attached hereto as Exhibit A is a true and correct copy of the following filing from
the Environmental Protection Agency (“EPA”) to the Office of Management and Budget (“OMB”):
EPA, Supporting Statement for EPA Information Collection Request Number 2547.02 EPA’s

1 *Voluntary Methane Challenge and Natural Gas STAR Programs*, July 13, 2021, available at
2 <https://www.regulations.gov/document/EPA-HQ-OAR-2016-0731-0054>.

3 4. Attached hereto as Exhibit B is a true and correct copy of a blank version of the
4 Natural Gas STAR Program Partnership Agreement, as downloaded from the EPA website: *Join the*
5 *Natural Gas STAR Program*, EPA, [https://www.epa.gov/natural-gas-star-program/join-natural-gas-](https://www.epa.gov/natural-gas-star-program/join-natural-gas-star-program)
6 [star-program](https://www.epa.gov/natural-gas-star-program/join-natural-gas-star-program) (accessed Dec. 8, 2021).

7 5. Attached hereto as Exhibit C is a true and correct copy of the following web page:
8 *Natural Gas STAR Program*, EPA, [https://19january2017snapshot.epa.gov/natural-gas-star-](https://19january2017snapshot.epa.gov/natural-gas-star-program/natural-gas-star-program_.html)
9 [program/natural-gas-star-program_](https://19january2017snapshot.epa.gov/natural-gas-star-program/natural-gas-star-program_.html).html (archived version of the program web site as of Jan. 17,
10 2017) (accessed Dec. 8, 2021).

11 6. Attached hereto as Exhibit D is a true and correct copy of the following web page:
12 *Natural Gas STAR Online Reporting System*, EPA, <http://www.ttemiprod.com/epagasstar-reporting/>
13 (accessed Dec. 13, 2021).

14 7. Attached hereto as Exhibit D is a true and correct copy of a Natural Gas STAR
15 Program annual report template, as downloaded from the EPA website: *Natural Gas STAR Program*
16 *Reporting*, EPA, <https://www.epa.gov/natural-gas-star-program/natural-gas-star-program-reporting>
17 (accessed Dec. 8, 2021).

18 8. Attached hereto as Exhibit F is a true and correct copy of a Natural Gas STAR
19 Program “Implementation Plan” template, as downloaded from the EPA website: *Join the Natural*
20 *Gas STAR Program*, EPA, [https://www.epa.gov/natural-gas-star-program/join-natural-gas-star-](https://www.epa.gov/natural-gas-star-program/join-natural-gas-star-program)
21 [program](https://www.epa.gov/natural-gas-star-program/join-natural-gas-star-program) (accessed Dec. 13, 2021).

22 9. Attached hereto as Exhibit G is a true and correct copy of the FOIA request submitted
23 to the EPA via the FOIAonline web application on October 1, 2021, seeking Natural Gas STAR
24 Program annual reports (hereinafter “Annual Report Request”).
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1 10. Attached hereto as Exhibit H is a true and correct copy of the email sent by the EPA
2 to Plaintiffs on October 1, 2021, confirming receipt of the Annual Report Request.

3 11. Attached hereto as Exhibit I is a true and correct copy of the email sent by the EPA
4 to Plaintiffs on October 7, 2021, granting Plaintiffs' request for a fee waiver regarding the Annual
5 Report Request.

6 12. Attached hereto as Exhibit J is a true and correct copy of the email sent by the EPA
7 to Plaintiffs on October 14, 2021, regarding the Annual Report Request regarding its anticipated
8 completion date of November 19, 2021.

9 13. Attached hereto as Exhibit K is a true and correct copy of the FOIA request submitted
10 to the EPA via the FOIAonline web application on October 1, 2021, seeking Natural Gas STAR
11 Program implementation plans (hereinafter "Implementation Plan Request").
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13 14. Attached hereto as Exhibit L is a true and correct copy of the email sent by the EPA
14 to Plaintiffs on October 1, 2021, confirming receipt of the Implementation Plan Request.
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16 15. Attached hereto as Exhibit M is a true and correct copy of the email sent by the EPA
17 to Plaintiffs on October 7, 2021, granting Plaintiffs' request for a fee waiver regarding the
18 Implementation Plan Request.

19 16. Attached hereto as Exhibit N is a true and correct copy of the email sent by the EPA
20 to Plaintiffs on October 14, 2021, regarding the Implementation Plan Request and the EPA's
21 anticipated completion date of November 19, 2021.

22 17. Attached hereto as Exhibit O are true and correct copies of the emails between the
23 EPA and Plaintiffs beginning on November 9, 2021, regarding both the Annual Report Request and
24 the Implementation Plan Request (the "Requests") and the EPA's assertion that the Requests did not
25 reasonably describe the requested records.
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27 18. Attached hereto as Exhibit P are true and correct copies of the emails between the
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1 EPA and Plaintiffs beginning on November 15, 2021, regarding the EPA's position that it would
2 need to contact companies that participate in the Natural Gas STAR Program regarding potential
3 confidential business information (CBI) contained in the requested records and that the estimated
4 completion date for the Requests was April 1, 2022.

5 19. Attached hereto as Exhibit Q are true and correct copies of the emails between the
6 EPA and Plaintiffs beginning on November 29, 2021, regarding the EPA's interim release of
7 documents for both Requests.
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9 20. Attached hereto as Exhibit R is a true and correct copy of Apache Corporation's
10 Natural Gas STAR Program annual report from 2013, which the EPA released to Plaintiffs as an
11 interim release to the Annual Report Request on November 29, 2021 via the FOIAonline portal.

12 21. Attached hereto as Exhibit S is a true and correct copy of Chevron's Natural Gas
13 STAR Program annual reports from 2011 and 2005, which the EPA released to Plaintiffs as an
14 interim release to the Annual Report Request on November 29, 2021 via the FOIAonline portal.
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16 22. Attached hereto as Exhibit T is a true and correct copy of Kinder Morgan's Natural
17 Gas STAR Program annual report from 2012, which the EPA released to Plaintiffs as an interim
18 release to the Annual Report Request on November 29, 2021 via the FOIAonline portal.

19 23. Attached hereto as Exhibit U is a true and correct copy of Dominion Transmission's
20 Natural Gas STAR Program Implementation Plan dated February 2012, which the EPA released to
21 Plaintiffs as an interim release to the Implementation Plan Request on November 29, 2021 via the
22 FOIAonline portal.
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24 24. Attached hereto as Exhibit V is a true and correct copy of Plains Exploration and
25 Production Company's Implementation Plan dated March 2010, which the EPA released to Plaintiffs
26 as an interim release to the Implementation Plan Request on November 29, 2021 via the FOIAonline
27 portal.
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1 25. Attached hereto as Exhibit W is a true and correct copy of the email sent by the EPA
2 to Plaintiffs on December 6, 2021, regarding the Requests and indicating that the EPA would contact
3 Natural Gas STAR Program participating companies regarding potential CBI in responsive
4 documents and that the estimated completion date for the Requests was April 1, 2022.

5 26. I declare under penalty of perjury of the laws of the State of California that the
6 foregoing is true and correct to the best of my knowledge and belief.
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9 Executed December 15, 2021 in Emeryville, California.

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11 *s/ D. Victoria Baranetsky* _____

12 D. Victoria Baranetsky
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