

# **Exhibit 5**

---

**From:** Espinoza, Ana <Espinoza.Ana@epa.gov>  
**Sent:** Wednesday, April 24, 2019 10:30 AM  
**To:** Mychal Ozaeta  
**Subject:** RE: EPA-HQ-2019-001329 & EPA-HQ-2019-001328

Mr. Ozaeta,

I apologize you haven't received an update from our FOIA Office. I included this request in a list of FOIA requests in the process of searching for records. I believe I will hear back from the subject matter experts this week regarding "Disposal of Coal Combustion Residuals from Electric Utilities Rule", please bear with us. This is a FOIA I've had my eyes set on as I believe we'll have records soon to review.

Thank you for your interest in the EPA. You may contact me at 202-564-0619 if you have any further questions regarding this FOIA or other FOIAs submitted to our Agency. Thank you,

Ana

---

**From:** Mychal Ozaeta <mozaeta@earthjustice.org>  
**Sent:** Monday, April 22, 2019 2:36 PM  
**To:** Espinoza, Ana <Espinoza.Ana@epa.gov>  
**Subject:** RE: EPA-HQ-2019-001329 & EPA-HQ-2019-001328

Hi Ana,

Is there any update on FOIA request EPA-HQ-2019-001329? I don't believe I have received any communication from EPA since this email and your voicemail shortly after. I have been in contact with the Office of Water regarding request EPA-HQ-2019-001328, but have had no contact with EPA regarding request EPA-HQ-2019-001329 so an update would be much appreciated. Feel free to give me a call if that works better for you.

Thanks,

Mychal Ozaeta  
Associate Attorney  
Earthjustice  
1617 John F. Kennedy Blvd., Suite 1130  
Philadelphia, PA 19103  
T: 215-717-4529  
[earthjustice.org](http://earthjustice.org)



*The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.*

**From:** Espinoza, Ana <[Espinoza.Ana@epa.gov](mailto:Espinoza.Ana@epa.gov)>  
**Sent:** Wednesday, December 19, 2018 4:26 PM  
**To:** Mychal Ozaeta <[mozaeta@earthjustice.org](mailto:mozaeta@earthjustice.org)>  
**Subject:** EPA-HQ-2019-001329 & EPA-HQ-2019-001328

Dear Mr. Mychal Ozaeta:

Thank you for your November 09, 2018 FOIA request numbers EPA-HQ-2019-001329 & EPA-HQ-2019-001328.

In recent years the Office of the Administrator has experienced a substantial increase in the volume and complexity of FOIA requests. The increase created a significant backlog in FOIA processing. This e-mail is to confirm your request is in the search phase of processing.

Please contact me at (202) 564-0619 if you have any questions related to this request. Thank you again for your time and interest in the U.S. Environmental Protection Agency.

Ana Espinoza  
1200 Pennsylvania Ave., NW (1105A)  
Washington, DC 20460  
202-564-0619

