

EXHIBIT A

August 8, 2013

Sent via Email to [FOIA\\_HQ@EPA.gov](mailto:FOIA_HQ@EPA.gov), [r3foia@epa.gov](mailto:r3foia@epa.gov), [newman.maya@epa.gov](mailto:newman.maya@epa.gov)

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, D.C. 20460

Maya Newman - Freedom of Information Officer  
EPA Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave.  
Washington, DC 20460

Regional Freedom of Information Officer  
U.S. EPA, Region 3  
1650 Arch Street (3PA00)  
Philadelphia, PA 19103

RE: Freedom of Information Act Request for Communications Concerning Consent Decree Requirements for Delaware City Refinery Resulting From Motiva Enterprises LLC Refinery Settlement, Civil Action H-01-0978

Dear Freedom of Information Officer,

In accordance with the Freedom of Information Act (FOIA), 5 U.S.C. §552, and pursuant to U.S. Environmental Protection Agency (EPA) regulations set forth in 40 CFR § 2, Environmental Integrity Project (EIP) hereby requests EPA to send copies of all records described in this letter to the address below. EIP asks that you respond to this request, in accordance with FOIA and EPA regulations, within twenty working days of the date on which the FOI Office receives and logs the request.

This request applies to agency files in any form, and also covers any non-identical duplicates of records that by reason of notation, attachment or other alteration or supplement includes any information not in the original record. This request does not exclude additional records that, though not specifically requested, have a reasonable relationship to the subject matter of this request.

### **RECORDS REQUESTED**

EIP requests records and communications pertaining to the Consent Decree requirements applicable to the Delaware City Refinery as a result of the Motiva Enterprises LLC Refinery Settlement, Civil Action H-01-0978 and subsequent amendments or modifications. Please note that we are seeking information that would enable us to determine which specific requirements of the consent decree remain in effect. EIP is only requesting records and communications dated on or after January 1, 2009. We request the following records:

1. All records, including all communications shared or otherwise maintained in connection with any Consent Decree requirements for the Delaware City Refinery resulting from Motiva Enterprises LLC Refinery Settlement, Civil Action H-01-0978 and subsequent amendments or modifications, including but not limited to communications to or from EPA and the parties listed below:
  - a. Delaware DNREC;
  - b. Delaware City Refinery;
  - c. Valero Energy Corporation (Valero);
  - d. The Premcor Refining Group (Premcor);
  - e. Motiva Enterprises LLC (Motiva).

The use of the word “record” above includes, but is not limited to, documents in all forms (including electronic), information, emails, faxes, letters, comments, reports, summaries of telephone conversations, handwritten notes, meeting minutes, or any other materials. EPA need not produce documents that are currently available at <http://www.epa.gov/compliance/resources/cases/civil/caa/motiva.html> or elsewhere on EPA’s website.

#### **CLAIMS OF EXEMPTION OF DISCLOSURE**

If you regard any requested documents as exempt from required disclosure under FOIA, EIP asks that you please exercise your discretion to disclose them. After careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide any reasonably non-exempt portions of exempt records and communications, as required by FOIA.

Rather than waiting until all requested records and communications have been assembled for the time period requested, EIP asks that you disclose this information as it becomes available to you. Should you elect to invoke an exemption to FOIA, please provide the required full or partial denial letter and sufficient information to appeal the denial.

In accordance with the minimum requirements and regulations of your due process, this information should include:

- 1) Basic factual material, including the author, origin, date, length, and address of withheld items; and
- 2) Explanations and justifications for denial, including identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the material withheld.

#### **INSTRUCTIONS FOR RECORD DELIVERY**

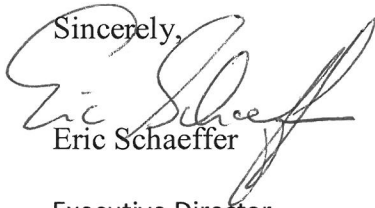
Please provide the requested records as you collect and review them. To the extent that the requested records are available in a readily accessible electronic format, we would prefer to receive the documents electronically, either by email or on a CD. If electronic copies are unavailable, we will accept paper copies. Please notify us if the costs associated with obtaining the requested materials exceeds \$200. Please send records to Sparsh Khandeshi at [skhandeshi@environmentalintegrity.org](mailto:skhandeshi@environmentalintegrity.org), or mail them to:

Sparsh Khandeshi  
Attorney  
Environmental Integrity Project  
One Thomas Circle, NW, Suite 900  
Washington, DC 20005

In the event that you have any questions concerning the type of materials we are interested in receiving, please contact Sparsh Khandeshi by email or by telephone at 202-263-4446.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Schaeffer", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric Schaeffer  
Executive Director  
Environmental Integrity Project