McGuireWoods LLP
633 West Fifth Street
Floor Sixty Seven
Los Angeles, CA 90071
Tel 213.627.2268
Fax 213.627.2579
www.mcguirewoods.com
Daphne Hsu
Direct: 213.457.9843
dhsu@mcguirewoods.com

McGUIREWOODS

November 12, 2015

Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

Re: *Possible Groundwater Contamination or Remediation in Elkhart, Indiana*

Dear Sir or Madam:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, Conn-Selmer, Inc., by and through its counsel, McGuireWoods LLP, hereby requests the release of all documents and information associated with possible groundwater contamination and remediation at or near an industrial park in Elkhart, Indiana. We request the following information:

1. All documents regarding properties within the boundaries of St. Joseph River; Elkhart River; St. Joseph Valley Parkway, also known as the U.S. 20 Bypass or Freeway; and County Road 17 (the "Boundaries") related to groundwater contamination (or the lack thereof) or remediation.

2. All work plans, sampling, testing results, and reports related to groundwater contamination (or the lack thereof) or remediation within the Boundaries.

3. All agreements, consent decrees, or final judgments related to groundwater contamination (or the lack thereof) or remediation within the Boundaries.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, *Vaughn* indices, privilege logs, or calendars.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from email addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official addresses; (b) documents generated for any meeting which EPA participated

or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; (c) documents relating to or evidencing presentations made by any party to agencies or entities or than EPA; (d) documents addressing the timing of EPA disclosures of information to Conn-Selmer or the public; and (e) documents describing non-public meetings and other communications between EPA and any non-governmental parties.

With respect to these requests, EPA need not provide Conn-Selmer with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and

2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. *See* 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104(a). Please produce records on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that the EPA has already retrieved and could turn over. Please note that Conn-Selmer is interested in working with the EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to $200.00 associated with making these materials available to us. If the costs will be in excess of $200.00, please advise me before such costs are incurred.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned.

Thank you for your assistance.

Very truly yours,

Daphne Hsu