To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
Cc: White, Elizabeth[white.elizabeth@epa.gov]; Rementer, Nicole[rementer.nicole@epa.gov]
From: Dubey, Susmita
Sent: Thur 12/21/2017 8:23:20 PM
Subject: RE: URGENT REMINDER: WOTUS FOIA 12/20 document release

Sarah -- Nicole will be able to take care of releasing the documents either tomorrow afternoon or after the holiday next week. Please let me know if you have any questions about the documents, and also please let both Nicole and me know when we can go ahead with the release. Thank you.

Susmita Dubey
Office of General Counsel
202-564-5577

-----Original Message-----
From: Greenwalt, Sarah
Sent: Wednesday, December 20, 2017 5:22 PM
To: Dubey, Susmita <dubey.susmita@epa.gov>
Cc: White, Elizabeth <white.elizabeth@epa.gov>
Subject: Re: URGENT REMINDER: WOTUS FOIA 12/20 document release

I have not yet had an opportunity to review. Are we bound by agreement or court order to produce today? If not, I would ask that you kindly give me until Friday to review.

Thank you.

Sent from my iPhone

> On Dec 20, 2017, at 4:11 PM, Dubey, Susmita <dubey.susmita@epa.gov> wrote:
>
> Sarah -- we had planned to get this production out today, but have not heard back as to whether it has been cleared for release. Could you please let us know if you have any questions or concerns as soon as possible? Thanks very much.
>
> Susmita Dubey
> Office of General Counsel
> 202-564-5577
>
> -----Original Message-----
> From: Dubey, Susmita
> Sent: Monday, December 18, 2017 9:00 AM
> To: Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
> Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
> Subject: REMINDER: 12/20 second proposed document release in response to FOIA request on WOTUS Rule
>
> A reminder that the second document release in response to the FOIA request addressing the WOTUS rule is planned for this Wednesday, December 20. Please contact me if you have any questions. Thank you.
>
> Susmita Dubey
> Office of General Counsel
> 202-564-5577

>
> -----Original Message-----
> From: Dubey, Susmita
> Sent: Friday, December 08, 2017 10:27 AM
> To: Forsgren, Lee <Forsgren.Lee@epa.gov>; White, Elizabeth <white.elizabeth@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
> Cc: Miller, Kevin <Miller.Kevin@epa.gov>; Rementer, Nicole <rementer.nicole@epa.gov>
> Subject: For your review: second proposed document release in response to FOIA request on WOTUS Rule
>
> Below for your review is a link to the second proposed document release under the Freedom of Information Act request relating to the Waters of the United States Rule. The production is scheduled for December 20, in light of holiday schedules.
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> Background
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> On March 22, 2017, EPA received a FOIA request from the Center for Biological Diversity (CBD) requesting certain records relating to the development and implementation of EO 13778, relating to the Waters of the United States Rule. On April 19, EPA received a second request from CBD requesting records relating to EPA's revision of the rule. On June 1, CBD filed a complaint in the federal district court for the District of Columbia alleging that EPA failed to respond to the first request. Subsequently, CBD amended its complaint to add allegations claiming that EPA failed to respond to the April 19 request. On September 29, EPA filed a status report with the court describing the search it was conducting and explaining that the search conducted for both requests identified approximately 90,000 potentially responsive records. EPA further stated that it intended to review 2000 documents per month and would produce a monthly rolling release of responsive, non-privileged documents, with the first release on or about November 30. The first production of documents was delivered to CBD on November 30.
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> Proposed production
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> The proposed document release for the December 20 production is available through the Sharepoint link below. I have also attached the FOIA requests at issue. The proposed release includes 277 documents totaling approximately 1400 pages, and reflects a search conducted for responsive documents created between January and April 2017. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process Attorney Client

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> Please send me any comments via email, referencing the DOC ID (stamped on the bottom of each page). I will then be able to go into Relativity and address any concerns. Please feel free to contact me with any questions. Thank you for your time on this.

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my.sharepoint.com/personal/dubey_susmita_epa_gov/_layouts/15/guestaccess.aspx?guestaccesstoken=
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> Susmita Dubey
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> Office of General Counsel
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> 202-564-5577
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