To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: White, Elizabeth
Sent: Tue 12/19/2017 2:47:10 PM
Subject: FW: For your review: second proposed document release in response to FOIA request on WOTUS Rule
2017.04.19 FOIA Request to EPA RE Waters of the US in CWA.pdf
2017.05.10 FOIA Request to EPA RE Communications with Congress.pdf

Sarah – checking to see if you were OK with this production – the second production on WOTUS. Thanks, Beth

Beth White

Director, Office of the Executive Secretariat

U.S. Environmental Protection Agency

(202) 564-1781 direct

Ex. 6 - Personal Privacy cell

From: Dubey, Susmita
Sent: Friday, December 8, 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.

Background

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.

Proposed production

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. Custodians who were identified as having potentially responsive documents include members of the transition team as well as the Agency's Designated Ethics Official and his staff. The proposed production includes meeting invitations and agendas relating to the WOTUS rule, including meetings within EPA as well as meetings with outside parties. In addition, the proposed production includes email communications within EPA and with outside parties. Some information is redacted because it is subject to the deliberative process privilege, in addition to redactions of personal identifying information, such as conference line numbers and personal email addresses.

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.

https://usepa-my.sharepoint.com/personal/dubey_susmita_epa_gov/_layouts/15/guestaccess.aspx?c

Susmita Dubey

Office of General Counsel

202-564-5577