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May 30, 2014

Submitted via FOIA Online

U.S. EPA Region 9
FOIA Officer OPA-3
75 Hawthorne Street
San Francisco, CA 94105
Email: r9foia@epa.gov

Re: Freedom of Information Act Request

Dear Sir or Madam:

On May 30, 2012, DMB Redwood City Saltworks (Saltworks) submitted a request for a formal, legally binding, and final jurisdictional determination (JD) under the Rivers and Harbors Act (RHA) and the Clean Water Act (CWA) for the 1,365-acre Redwood City Salt Plant (Salt Plant) in San Mateo County, California. The Corps San Francisco District informed Saltworks that the final JD for the Salt Plant would be issued by the District Engineer on May 16, 2014. Notwithstanding those representations and two years having passed since the original request, the JD has not yet been issued.

This is a request pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and EPA's FOIA regulations, 40 C.F.R. Part 2, for EPA records. In accordance with these authorities, please make available a copy of any responsive documents[1] related to the DMB Redwood City Salt Plant (also known as DMB Redwood City Saltworks project, Redwood City Saltworks project site, Redwood City salt production facilities, or any reference to Cargill operated facilities in Redwood City) in San Mateo County, California, since January 1, 2014, including but not limited to:

[1] The term "documents" as used herein includes originals, non-identical copies and drafts, printed, reproduced by hand or otherwise, and includes, but is not limited to, correspondence, letters, memoranda, notes, e-mails, inter- or intra-office, agency, or departmental communications, records, summaries of personal or telephone conversations or interviews, minutes or records of meetings or conferences (including meetings of boards, committees, sub-committees, or any individual member thereof), press releases, telegrams, telexes, books, preliminary and final reports, logs, diaries, audio recordings, video recordings, computer files, charts, notebooks, calendars, statistical statements, tables, tabulations, calculations, data, diagrams, plans, drawings, blueprints, and orders, opinions or reports of consultants, experts, engineers, accountants or analysts.

1. Any and all documents related to the DMB Redwood City Salt Plant (also known as DMB Redwood City Saltworks project, Redwood City Saltworks project site, Redwood City salt production facilities, or Cargill operations in Redwood City) since January 1, 2014.

2. Any and all communications between EPA (all offices) and other parties, including but not limited to the Corps (all offices), the Department of the Army (all offices, including the Office of the Assistant Secretary of the Army for Civil Works), Congress (members and staff), other Executive Branch employees, and non-government third parties, related to the DMB Redwood City Salt Plant (also known as DMB Redwood City Saltworks project, Redwood City Saltworks project site, Redwood City salt production facilities, or Cargill operations in Redwood City) since January 1, 2014.

3. Any request (other than this letter) from any entity or person for any documents relating to the DMB Redwood City Salt Plant (also known as DMB Redwood City Saltworks project, Redwood City Saltworks project site, Redwood City salt production facilities, or Cargill operations in Redwood City) received on or after January 1, 2014, and all documents, communications, and records relating to such a request, including any response by EPA to that request.

If an exemption or denial under FOIA is claimed, we request that you furnish us with all non-exempt portions of such records. We further request that, regardless whether the disclosure of a record is denied in whole or in part, EPA provide us with the following information regarding such withheld records or portions thereof:

1. The title of the record;
2. The date of the record;
3. A description of the general nature and subject matter of the record;
4. The identity of the author or authors of the record;
5. The identity of all persons who received the record; and
6. The reasons for the claim of exemption.

We are willing to pay appropriate fees attributable to this request and to make whatever payment arrangements are necessary. Under 40 C.F.R. §2.107(b), the fee category is "commercial use request." However, please contact me if you estimate that the fees will exceed $2000. We request that these documents be provided either in paper form or in electronic format (either Word or Adobe pdf), whichever is cheaper.

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Pursuant to 40 C.F.R. §2.104(a), it is our understanding that we will receive a response within 20 working days from the date this request is received. We look forward to hearing from you on or before June 27, 2014. Please direct copies of the information requested and all correspondence regarding this request to my attention at the above address. Thank you for your attention to this request. If you have any questions, please contact me at (202) 955-1919.

Sincerely,

Deidre D. Duncan

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