UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2, 290 Broadway, 17th Floor
New York, NY 10007

APR 20 2015

BY UPS & FOIA ONLINE

Duvol M. Thompson, Esq.
Holland & Knight LLP
31 West 52nd Street
New York, NY 10019

Re: Freedom of Information Act (FOIA) Request EPA-R2-2015-001828

Dear Mr. Thompson:

This will respond to your Freedom of Information Act ("FOIA") request EPA-R2-2015-001828 seeking "all communications between CDE, the United States and the State of New Jersey concerning settlement negotiations up to the date of the signing of the Consent Decree; all documents the United States showed to or shared with CDE in its settlement negotiations with CDE up to the date of the signing of the Consent Decree between CDE, the United States and the State of New Jersey; and all information provided during settlement negotiations with CDE up to the date of the signing of the Consent Decree between CDE, the United States, and the State of New Jersey." EPA released information responsive to your FOIA request through FOIAonline on January 12, 2015. The balance of the responsive information in EPA's possession, with the exception of the exempt information, is provided on the enclosed CD and was also uploaded to FOIAonline on March 30-31, 2015. This completes EPA's response.

In addition to the information released, EPA is withholding certain responsive information that is exempt from disclosure as set forth on the enclosed withholding log. Where it was possible to segregate nonexempt information from the privileged portions of a responsive document, we have done so. However, segregation was not possible as to a number of the documents. *See, e.g., Horowitz v. Peace Corps,* 428 F.3d 271, 277 (D.C. Cir. 2005)(protecting document where decision maker's thought processes are woven into document to such an extent that any attempt at segregating information would reveal agency deliberations).

You may appeal this denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address

your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004.

Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number shown above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." See 40 C.F.R. §2.104(j) for further information regarding appeals of adverse determinations under FOIA.

Pursuant to 40 C.F.R. § 2.107, EPA will transmit a bill for the costs incurred by EPA in searching our files, reproducing documents, and preparing our response to your FOIA request, which total $1,064. You should receive the bill through FOIAonline, along with instructions for payment.

Please contact Sarah Flanagan of my staff at 212-637-3136 if you have any questions concerning this matter.

Sincerely yours,

Eric Schaaf
Regional Counsel

Enclosures

cc: Wanda Calderon
Jacqueline Ferreras-De Jesus

Documents Withheld
FOIA R2-2015-001828

Quantity/type of document	From/Generated by	To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 4: Confidential Business Information					
Insurance settlements provided by CDE under claim of confidentiality under cover letter dated 2/13/2009	Vincent Whitworth, CDE Chief Financial Officer	Pietro Mannino, Remedial Project Manager, EPA Region 2	2/13/2009	Confidential resolution of environmental claims.	Exemption 4: business or confidential information.
Insurance settlement provided by CDE counsel under claim of confidentiality under email dated 8/12/2009	Jonathan Ettinger, Foley Hoag, CDE counsel	Pietro Mannino, Remedial Project Manager, EPA Region 2	8/12/2008	Confidential resolution of environmental claims.	Exemption 4: business or confidential information.
Emails including financial and insurance information dated 3/14/2012 and 4/21/12	Robert Sanoff, Foley Hoag, CDE counsel	Sarah Flanagan, Assistant Regional Counsel, EPA Region 2, Peter Kautsky, USDOJ - ENRD - Environmental Enforcement Section	3/14/2012; 4/21/12	Discussion of confidential financial and insurance information	Exemption 4: business or confidential information.
Federal Income Tax Return for Kaplan Electronics and Subsidiaries, and for CDE Holdings inc., for fiscal year ending 8/31/2008; Consolidated Financial Report for Cornell-Dubilier Electronics, Inc. and Subsidiaries for fiscal years ended 8/31/2007 and 8/31/2008; and transmittal email	Robert Sanoff, Foley Hoag, CDE counsel	Sarah Flanagan, Assistant Regional Counsel, EPA Region 2	8/7/2009	Confidential financial information.	Exemption 4: business or confidential information.

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Federal Income Tax Return for Kaplan Electronics and Subsidiaries, and for CDE Holdings inc., for fiscal year ending 8/31/2008; Consolidated Financial Report for Cornell-Dubilier Electronics, Inc. and Subsidiaries for fiscal years ended 8/31/2008 and 8/31/2009.	Robert Sanoff, Foley Hoag, CDE counsel	Sarah Flanagan, Assistant Regional Counsel, EPA Region 2	11/15/2010	Confidential financial information.	Exemption 4: business or confidential information.
Consolidated Financial Report for Cornell-Dubilier Electronics, Inc. and Subsidiaries for fiscal years ended 8/31/2009 and 8/31/2010; and transmittal letter.	Robert Sanoff, Foley Hoag, CDE counsel	Sarah Flanagan, Assistant Regional Counsel, EPA Region 2	4/7/2011	Confidential financial information.	Exemption 4: business or confidential information.
Consolidated Financial Report for Cornell-Dubilier Electronics, Inc. and Subsidiaries for fiscal years ended 8/31/2010 and 8/31/2011; unaudited financials for 9/1/2011 to 2/28/2012; and transmittal letter.	Robert Sanoff, Foley Hoag, CDE counsel	Sarah Flanagan, Assistant Regional Counsel, EPA Region 2	3/21/2012	Confidential financial information.	Exemption 4: business or confidential information.

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Quantity/type of document	From/Generated by	To/Recipient of	Sent Month-Year	Subjects of documents	Exemption Status
Exemption 5: Attorney Work-Product and Attorney-Client Communications (Joint Prosecution and Confidentiality Agreement)					
Email exchanges between USDOJ, USEPA and NJ Attorney General's Office regarding confidential settlement enforcement matters	Sarah Flanagan, USEPA; Edward Devine, NJAG	Richard Engel, Edward Devine, NJAG Office; Sarah Flanagan, USEPA	11/2010; 2/2011, 5/2012, 6/2012	Case against CDE, settlement negotiations with CDE	Exemption 5: Attorney-client communications, attorney-work product
Email exchanges between USDOJ, USEPA and NJ Attorney General's Office regarding confidential enforcement matters	Peter Kautsky, USDOJ; Rachel Evans, USDOJ; Ed Devine, NJAG's Office	Peter Kautsky, USDOJ; Rachel Evans, USDOJ; Ed Devine, NJAG's Office; Mark Barash, US Dept. of Interior; Linda Burlington, NOAA	7/2011. 10/2011, 3/2012, 4/2012, 6/2012	Case against CDE, settlement negotiations with CDE	Exemption 5: Attorney-client communications, attorney-work product