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FILE NO: 73475.000002

March 23, 2015

Submitted via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20004

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. According to a March 19, 2015, memorandum from Major General John W. Peabody, transmitting the U.S. Army Corps of Engineers (Corps) RHA Section 10 approved JD for Redwood City Saltworks to Mr. David Smith, Corps Headquarters also prepared a CWA JD for the Redwood City Saltworks. On or about March 18, 2015, after being informed that Major General John Peabody intended to sign and issue the Corps' CWA JD, the U.S. Environmental Protection Agency (EPA) intervened, asserting special case authority to issue its own CWA JD for the site.

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 the Corps' "final" CWA JD (with attachments) and/or "final" combined RHA and CWA JD (with attachments) for Redwood City Saltworks.[1] By "final," we mean the version of this document[2] that was prepared for signature by Major General Peabody (whether or not the document was ever actually signed), and sent to EPA. This FOIA request for this specific document is not intended to narrow or change the scope of prior FOIA requests we have submitted. This specific request stands on its own without any implication for previous FOIA requests.

[1] The site is also known as the DMB Redwood City Salt Plant, DMB Redwood City Saltworks project, Redwood City salt production facilities, or any reference to Cargill operated facilities in Redwood City.

[2] The term "document" as used herein includes originals, non-identical copies and drafts, printed, reproduced by hand or otherwise.

If an exemption or denial under FOIA is claimed, we request that you furnish us with all non-exempt portions of this records. We further request that, regardless whether the disclosure of a record is denied in whole or in part, the Corps 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 $500. We request that these documents be provided either in paper form or in electronic format (either Word or Adobe pdf), whichever is cheaper.

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. 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,

Kenny A McGrath for

Deidre G. Duncan