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April 8, 2016

FILE NO: 29142.080072

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:

I represent the Utility Water Act Group, Southwestern Electric Power Company, and Union Electric Company (d/b/a Ameren Missouri) in litigation involving EPA's recently issued final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (the "ELG Rule").

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 to release records[1] related to the ELG Rule, but which are not part of the ELG Rule rulemaking record. Specifically, this request seeks those records and portions of records that meet all of the following criteria: (1) they are communications or information exchanged between EPA and environmental organizations ("Environmental Organizations")[2] between August 1, 2005 and November 3, 2015; (2) they

[1] The term "records" as used herein includes originals, drafts, and non-identical copies of the same, whether printed or reproduced by any means, and includes, but is not limited to, correspondence, letters, memoranda, notes, emails, inter- or intra-office agency or departmental communications, 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.

[2] The term "Environmental Organizations" as used herein means those organizations and other entities that are not themselves members of the regulated Steam Electric Power Generating Point Source Category, but who communicated with EPA as discussed herein. This specifically includes government organizations other than

relate to effluent limitations guidelines for the Steam Electric Power Generating Point Source Category; and (3) they are **not** currently part of the public ELG Rule rulemaking record.

To guide your search, Attachment A is a list of Environmental Organizations that participated in the ELG Rule rulemaking process. While this list is not necessarily exhaustive of all Environmental Organizations that participated or that fall within the scope of this request, all responsive records from these entities should be produced pursuant to this request.

Please make available a copy of any responsive records or portions of any other records that meet the criteria above, **including but not limited to:**

1. documents recording information provided to EPA by Environmental Organizations or to Environmental Organizations by EPA;

2. documents describing any and all meetings or communications between EPA and Environmental Organizations;

3. documents produced by or for, or provided to EPA by, a third party, that contain information from Environmental Organizations; and

4. documents produced by EPA, Environmental Organizations, or third parties based on information from Environmental Organizations.

In addition to the records described above, please provide a copy of EPA's response to any FOIA request by any party seeking documents relating to this subject-matter as well as copies of any documents produced in response to such a request.

If an exemption or denial under FOIA is claimed for any of the above, I request that you furnish us with all non-exempt portions of such records, as required under the law. I 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:

EPA and non-government organizations (*e.g.*, the United States Fish and Wildlife Service, the Sierra Club), but excludes individuals communicating in their individual capacity. Also included within this term are chapters or affiliates of national non-governmental organizations (*e.g.*, Sierra Club's Lone Star Chapter and the Waterkeeper Alliance-affiliated Wabash Riverkeeper).

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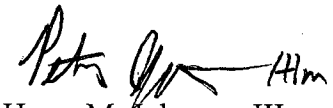
1. the title of the record;
2. the date of the record;
3. a description of the general nature and subject matter of the record;
4. the identity of the author or authors of the record;
5. the identity of all persons who received the record; and
6. the reasons for the claim of exemption.

My clients 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 $2,000. I request that these documents be provided in electronic format.

Pursuant to 40 C.F.R. § 2.104(a), it is my 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 (804) 788-8784.

Sincerely,



Harry M. Johnson, III
Counsel for Utility Water Act Group,
Southwestern Electric Power Company, and
Union Electric Company (d/b/a Ameren Missouri)

Attachment A

Environmental Organizations That Participated in the ELG Rule Rulemaking Process

American Canoe Association
American Water Works Association
Appalachian Faith and Ecology Center
Appalachian Voices
Association of State Drinking Water Administration
Audubon Naturalist Society
Center for Biological Diversity
Chattahoochee Riverkeeper
Chesapeake Bay Foundation
Citizens Coal Council
Citizens for Environmental Clean-Up
Citizens Organizing for Resources and the Environment
Clean Water Action
Clean Wisconsin
Committee for Constitutional and Environmental Justice
Connecticut Clean Water Action
Dan River Basin Association
Defenders of Wildlife
Downwinders at Risk
Earthjustice
Environment Council of Rhode Island
Environment Texas
Environmental Integrity Project
Hands Across the Lake
Izaak Walton League of America
Loudoun Wildlife Conservancy
Michigan Clean Water Action
Minnesota Clean Water Action
National Association of Clean Water Agencies
Natural Resources Defense Council
New Jersey Environmental Federation
No Coal Coalition Matagorda County
North Carolina Conservation Network
Piedmont Environmental Council
Prince William Conservation Alliance
San Antonio Waterkeepers
Sierra Club
Sierra Club: Lone Star Chapter
Sisters of Charity of the Incarnate Word of San Antonio, Texas
Southeast Rural Community Assistance Project

Attachment A

Sustainable Energy & Economic Development Coalition
Texas Campaign for the Environment
Texas Clean Water Action
Texas Pecan Alliance
Virginia Conservation Network
Wabash Riverkeeper
Waterkeeper Alliance