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October 17, 2017

VIA FIRST CLASS MAIL

Freedom of Information Officer
U.S. EPA Region 5 (MI-9J)
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: Freedom of Information Request for Environmental Records
Modern Plastics Corporation
Property Address: 489 North Shore Drive, Benton Harbor, MI
EPA ID No. MIN000510426

Dear Sir or Madam:

I am writing to submit a Freedom of Information Request in connection with the property referenced above, to obtain copies of any and all environmental records referenced in **Attachment A.**

We have sent prior FOIA requests to the EPA regarding this property. We believe that there are new documents since our most recent FOIA request to the EPA on March 27, 2017.

This request excludes the Site Inspection Report, dated April 12, 2017, because we already have a copy of that document.

We are willing to pay reasonable search and copy fees for these materials. If the documents we have requested are not disclosable in their entirety, we request that you release all nonexempt portions of the documents that may be segregated and all parts of the documents that can be rendered disclosable by redaction.

If you determine that any of the requested documents falls within a statutory exemption, we request that you exercise your discretion to disclose them. As to any portion of the documents that you withhold, please state with specificity the legal and factual basis for withholding such documents.

We appreciate your cooperation. If you need further explanation of the nature or scope of this request, please feel free to call me at (248) 723-5500.

Sincerely,

DEMOREST LAW FIRM, PLLC

Michael Hayes/pr

Michael K. Hayes
mike@demolaw.com

cc: Cheryl Miller (via email)
Christopher Lannert (via email)

Attachment

New Products Corporation/Modern Plastics/Correspondence/2017 10 16 sl EPA re FOIA.docx

ATTACHMENT A TO FOIA REQUEST TO
U.S. ENVIRONMENTAL PROTECTION AGENCY
RE: MODERN PLASTICS PROPERTY

DEFINITIONS

1. The "Modern Plastics Property" includes all of the property commonly known as 489 N. Shore Dr., Benton Harbor, MI, whether now owned by Modern Plastics Corporation, New Products Corporation, or another party. This may also be referred to as US EPA ID #MIN 000510426.

2. As used in this Attachment A, the "Modern Plastics Property" includes, but may not be limited to, the following tax parcel numbers:

Property Tax Id No. 11-54-0018-0024-00-1
Property Tax Id No. 11-54-0018-0025-01-6
Property Tax Id No. 11-54-0018-0025-00-8
Property Tax Id No. 11-54-0018-0021-02-9
Property Tax Id No. 11-54-0018-0021-01-1
Property Tax Id No. 11-54-0018-0025-02-4
Property Tax Id No. 11-54-0018-0025-03-2

3. "MDEQ" means the Michigan Department of Environmental Quality.

4. "EPA" means the U.S. Environmental Protection Agency.

EXCLUSIONS

1. This request excludes the data results which were previously sent to our client, Cheryl Miller at New Products Corporation, by the MDEQ on January 15, 2016, February 23, 2016, February 29, 2016, March 7, 2016, March 9, 2016, and March 31, 2016.

2. This request also excludes all documents produced to us in response to our prior FOIA requests regarding the Modern Plastics Property through the FOIA request dated March 27, 2017.

3. This request also excludes the Site Inspection Report, dated April 12, 2017.

DOCUMENTS/INFORMATION TO BE PRODUCED

1. All paper or electronic documents mentioning, referring to, or related to the Modern Plastics Property, from March 1, 2017 to date.

2. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding a preliminary site assessment of the Modern Plastics Property, including all internal EPA communications, from March 1, 2017 to date.

3. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the scope of the investigation planned to be performed by the MDEQ and/or the EPA at the Modern Plastics Property, including all internal MDEQ communications, from March 1, 2017 to date.

4. All site investigation work plans or site assessment work plans, including all attachments, from March 1, 2017 to date.

5. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other communications with the MDEQ regarding the Modern Plastics Property, from March 1, 2017 to date.

6. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding clean-up or remediation of the Modern Plastics Property from March 1, 2017 to date.

7. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding requests for access to the Modern Plastics Property, including all signed access agreements, from March 1, 2017 to date. This request includes, but is not limited to, all communications and agreements with New Products Corporation (including Cheryl Miller); Modern Plastics Corporation (including Helen "Tenney" Miller); John Cameron, Jr. of Dickinson Wright, PLLC; or Berrien County (including Bret Witkowski, Dan Fette, Donna Howard, and James McGovern).

8. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with the City of Benton Harbor regarding the Modern Plastics Property from March 1, 2017 to date.

9. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Dickinson Wright, PLLC (including, but not limited to, John Cameron, Jr.) regarding the Modern Plastics Property, from March 1, 2017 to date.

10. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Whirlpool Corporation (including, but not limited to, Jeff Noel) regarding the Modern Plastics Property, from March 1, 2017 to date.

11. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Evergreen Development Company (including, but not limited to, Robert McFeeter) regarding the Modern Plastics Property, from March 1, 2017 to date.

12. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Harbor Shores (including, but not limited to, Jeff Noel or Robert McFeeter) regarding the Modern Plastics Property, from March 1, 2017 to date.

13. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the MDEQ and/or EPA's decision to conduct additional investigation and testing at the Modern Plastics Property, from March 1, 2017 to date.

14. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding application for funding, and award of funding, for site inspection and testing at the Modern Plastics Property, from March 1, 2017 to date.

15. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding site visits at the Modern Plastics Property, including sample location maps, from March 1, 2017 to date.

16. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the scheduling of site visits and investigative work at the Modern Plastics Property, from March 1, 2017 to date.

17. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding arrangements with testing laboratories for testing of soil or water samples from the Modern Plastics Property, from March 1, 2017 to date.