

# **Attachment 23**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

February 11, 2022

William Truitt  
128 Cessna Run  
Lakewood Ranch, Florida 34211

**RE: Freedom of Information Act Request EPA-R4-2022-001848**

Dear Mr. Truitt:

This letter your Freedom concerns your Freedom of Information Act (FOIA) request of January 10, 2022, for all records (including without limitation all emails, notes, correspondence), relating to the parties' basis and rationale for the technical and legal requirements, including the amount of civil penalty assessed, in the proposed Consent Decree lodged in the U.S. District Court for the District of South Carolina on December 29, 2021, captioned United States of America v. New Indy Catawba LLC, Civil No. 0:21-cv-02053-SAL. Specifically, you requested all communications and records internal to the U.S. Environmental Protection Agency and between the U.S. Environmental Protection Agency and the South Carolina Department of Health and Environment, as well as New Indy Catawba and/or any related New Indy entity.

Your request has been received in this office for response and we have determined that some of the records requested can be released under the Freedom of Information Act. For any records that cannot be released, you will receive a final letter describing those records, along with the corresponding exemptions and appeal procedures, should you wish to pursue an appeal. If records are available, we will forward them to you, along with an itemized invoice covering any charges for processing your request, if applicable.

Our customer service delivery standard and statutory response deadline is twenty (20) working days. However, in this instance, it is necessary for us to extend your response beyond the statutory deadline of twenty (20) working days because of unusual circumstances due to one or more of the following reasons:

- [ x ] the need to search for and collect records from separate offices;
- [ x ] the need to search for, collect, and examine a voluminous amount of records; and/or
- [ ] the need to consult with another agency or two or more agency components.

After conducting an electronic search for records in Relativity, more than 3,000 records have been identified during the retrieval process. The complexity and/or volume of your response will require that we provide records incrementally on a production schedule. We are proposing a production schedule of every 45-60 days, with the first date of production set for March 10, 2022. We are also asking that you consider further narrowing and/or clarification of this request to reduce the processing time.

We ask that you work collaboratively with us to resolve any issues or concerns related to the response so that we can provide a quality response as expeditiously as possible. Should we find that we are unable to meet the first scheduled production date of March 10, 2022, you will be contacted regarding the status of your request and to negotiate another extension, if necessary.

Should you have questions, please contact Andrea Hines, Government Information Specialist, at (404) 562-9698.

Sincerely,

**LOU GROSS**  
LouAnn Gross, Chief  
Office of FOIA, Privacy and Litigation Support

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