

Attachment 24



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 4, 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 is the **first interim** response to your Freedom of Information Act (FOIA) request of January 10, 2022, for all records (including without limitation all emails, notes, correspondence), regarding 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, that is captioned **United States of America v. New Indy Catawba** LLC, Civil Action No. 0:21-cv-02053-SAL. This request includes 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.

Enclosed are **some** documents that are responsive to your request along with an index of non-exempt documents for this interim response. However, because this is an interim response, a listing of exempt documents, applicable exemptions, and appeal procedures will be provided in the final response to this request.

We will continue our review of the remaining records for this request until the response has been completed. We anticipate providing our next interim response within 30-45 days of this interim release, on or before April 27, 2022. Please contact us if you wish to further limit the scope of or modify your request to reduce the processing time.

Should you have questions, please contact Andrea Hines, Government Information Specialist, at (404) 562-9698 or hines.andrea@epa.gov.

Sincerely,

LOU GROSS Digitally signed by LOU GROSS
Date: 2022.03.04 09:53:55
-05'00'
LouAnn Gross, Chief
Office of FOIA, Privacy and Litigation Support

Enclosure

Index of Non-Exempt Documents

EPA-R4-2022-001848 (First Interim Release)

| Document Number | Description | No. of Pages in Document | Disposition | Exemption and/or Reason |
|------------------------|---|---------------------------------|--------------------|--------------------------------|
| 1 | 9/23/21 Email New Indy Site | 2 | | Release in Full |
| 2 | 9/8/21 Email New Indy Term Sheet | 2 | | Release in Full |
| 3 | Stripper Maintenance & Cleaning Outage: September 2021 ORP Control Strategy & Effectiveness for Foul Condensate to ASB Report | 4 | | Release in Full |
| 4 | 10/27/21 Email from Stephanie Blackman, Schwarzpartners | 2 | | Release in Full |
| 5 | 10/27/21 email SC - Support Operations Services (SOS) Affirmative Civil Enforcement (ACE) | 3 | | Release in Full |
| 6 | 11/3/21 email New Indy - term sheet/Appendix A further discussion if needed | 2 | | Release in Full |
| 7 | 9/8/21 email New Indy – Term Sheet | 1 | | Release in Full |
| 8 | 11/9/21 email New Indy EPA's 2d draft CD and first draft Appendix A | 1 | | Release in Full |
| 9 | 11/8/21 email New Indy - Revised draft CD and Appendix A/term sheet | 1 | | Release in Full |
| 10 | EPA Region 4 Reply to New Indy's November 5, 2021 NOPVOC Response | 2 | | Release in Full |
| 11 | 11/30/21 email New Indy - discussion of NIC's proposed edits to Appendix A | 2 | | Release in Full |
| 12 | Passive Post Aeration Basin Cover System: | 4 | | Release in Full |
| 13 | Spill Containment | 1 | | Release in Full |

