
From: Branigan.Terry@epamail.epa.gov
Sent: Wednesday, November 09, 2011 4:55 PM
To: Mantione, Lianne R.
Cc: Papajcik, Dale E.; Sherman, Kendra S.
Subject: In Re ArcelorMittal Cleveland Inc. Motion For Leave To File Sur-Reply Brief

Ms. Mantione:

I appreciate your quick voicemail response yesterday to the email attached below.

Your voicemail indicated that ArcelorMittal Cleveland Inc. would not object to EPA/Region 5's motion for leave to file a sur-reply brief provided that Region 5 would agree not to oppose ArcelorMittal's request to supplement to record in this matter once ArcelorMittal has received EPA's response to the FOIA request that Arcelor submitted to EPA last month.

This is to advise you that EPA/Region 5 is unable to consent to ArcelorMittal's condition. EPA will inform the EAB in its motion that you and I have consulted; that you have indicated that ArcelorMittal would not oppose Region 5's brief provided Region 5 consents to certain conditions; that EPA/Region 5 does not consent to such conditions; and, assuming that I do not hear from you otherwise, that ArcelorMittal has thus apparently reserved the right to object to the motion.

EPA/Region 5 does not expect to file the motion before late tomorrow afternoon. Please let me know if you have any comments or questions.

Regards,

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/ Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 voice
(312) 385-5500 fax
branigan.terence@epa.gov

----- Forwarded by Terence Branigan/R5/USEPA/US on 11/09/2011 03:33 PM

From: Terence Branigan/R5/USEPA/US
To: "Mantione, Lianne R." <Lianne.Mantione@ssd.com>
Cc: dale.papajcik@ssd.com, kendra.sherman@ssd.com
Date: 11/07/2011 03:37 PM
Subject: In Re ArcelorMittal Cleveland Inc., NPDES Appeal No. 11-01

Ms. Mantione:

This is a written follow-up to our conversation from earlier this afternoon.

It is my understanding that ArcelorMittal Cleveland, Inc., filed a reply brief in the matter described above on Friday, November 4, 2011.

EPA/Region 5 expects to seek leave from the EAB by motion to file a surreply brief in this matter. The EAB's practice manual requires that motions state whether the opposing party concurs or objects (or does not object) to the motion. (See Practice Manual, p. 45).

Since EPA/Region 5 expects to file such motion quickly, please let me know ArcelorMittal Cleveland's position on such motion by close of business Tuesday afternoon, November 8, 2011.

Thanks, and let me know if you have any comments or questions.

Sincerely,

Terence Branigan
Associate Regional Counsel (C-14J)
U.S. EPA/ Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 353-4737 voice
(312) 385-5500 fax
branigan.terence@epa.gov

From: Rzeznik, Anna [rzeznik.anna@epa.gov]
Sent: Tuesday, November 15, 2011 11:51 AM
To: Mantione, Lianne R.
Subject: R5-Complex track processing
Attachments: R5-Complex track processing.doc



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

November 14, 2011

Lianne Mantione
Squire Sanders & Dempsey (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114

RE: Freedom of Information Act (FOIA), 5 U.S.C. 552
Request #: 05-FOI-00050-12
Description: EPA Correspondence Related to Clean Water Act
Section 301(g) Variances within Region 5

Dear Ms. Mantione:

Your Freedom of Information Act (FOIA) request is broad and covers voluminous files in region 5. As such, we are placing it in the complex track as is permitted by the regulations under 40 CFR Part 2.104.

Based on the volume of documents to search and evaluate for releasability and copy, we anticipate completing this request by March 22, 2012. We will notify you if this date changes.

As we discussed, any responsive e-mail records will be provided in .nsf file. We will confirm this format once records are available for processing. You may receive interim responses from divisions and offices as we work on this request.

If you have any questions, feel free to contact our office at: r5foia@epa.gov.

Sincerely,

Anna Rzeznik
Information Management Branch
Freedom of Information Officer (MI-9J)
Office: (312) 353-8049
Fax: (312) 886-1515

EXHIBIT 2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOV 16 2011

Ms. Lianne Mantione
Squire, Sanders & Dempsey (US) LLP
4900 Key Tower
127 Public Square
Cleveland, Ohio 44114

Re: Freedom of Information Act Request 03-FOI-00047-12

This letter is in response to your Freedom of Information Act Request dated October 12, 2011, which we received on October 13, 2011, regarding EPA Correspondence Related to CWA Section 301(g). Pursuant to 40 CFR § 2.104(d) an extension of ten working days is needed for the reason(s) indicated below.

The reason for the extension is:

- The need to search for and collect the requested information from offices that are physically distant from this office.
- The need to appropriately examine a voluminous amount of separate and distinct records involved in your request.
- The need for consultation, which shall be conducted with all practicable speed, with another agency or EPA office having a substantial subject-matter interest in your request.

If you should have any questions, please do not hesitate to contact me at 215-814-5749.

Sincerely,

A handwritten signature in black ink that reads "Pete Weber".

Pete Weber
Water Protection Division

Richard Van Holt (3CG00)