

January 28, 2009  
Freedom of Information Officer (6MD-OO)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

**Sent by Fax to Region 6 at (214) 665-2146, Attention: FOIA Officer.**

**Re: Freedom of Information Act Request -- Technical Analyses of Sandia National Laboratories (SNL) Mixed Waste Landfill (MWL) Well Monitoring Network**

Dear FOIA Officer:

A June 21, 2007 letter from EPA Administrator Richard E. Greene to Senator Jeff Bingaman stated in pertinent part:

“In our oversight capacity, the EPA is currently conducting an internal review of all well monitoring information, including well logs, site geology, and groundwater sampling results. The data for this site extends back more than two decades so there is a considerable amount of information to analyze. We intend to contact the EPA Risk Management Research Program Groundwater and Ecosystem Restoration Research Laboratory in Ada, OK, if necessary, to provide additional technical assistance.”

Under the Freedom of Information Act, 5 U.S.C. § 522, Citizen Action New Mexico is requesting:

1) Full and complete copies of the reviews or reports that were prepared by EPA Region 6 Staff (Richard Mayer and others) along with

2) all well monitoring information, including well logs, site geology, and groundwater sampling results. that were part of the review including documents regarding the well monitoring network at the SNL MWL. The US EPA Inspector General has informed Citizen Action that approximately six of these reviews or reports exist at Region 6 in various forms in a box with other records. These documents contain technical information regarding the MWL and EPA Region 6 has a duty to provide the documents.

3) Provide all reports including well logs, well development records, sampling results, well construction logs showing the depth of the top and bottom of the well screens and water levels measured in the wells for the recently installed monitoring wells MWL-MW7, MW8 and MW9.

4) Provide all groundwater sampling reports including purge time, pumping rates, water levels and water sample reports from MWL-BW2 and MWL-MW7, MW8 and MW9.

EPA Region 6 should recognize the new FOIA policy of President Obama’s administration and provide the documents “as servants of the public”:

“Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

“All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.”

Citizen Action New Mexico is a special interest citizen-based organization that publishes or disseminates information that will be beneficial to the public as well as for operations of the government, scientific and potential regulatory purposes; therefore, I am requesting a waiver of all fees associated with this request. Disclosure of the requested information is in the interest of the public as it is likely to contribute significantly to public knowledge and education; public health issues; and other concerns frequently cited by members of the public (\*please refer to Section 2). This request is not in our commercial interest nor are we a business attempting to collect information on industrial competitors.

#### Section 1.

Please note the following information:

1. Citizen Action is a non-profit citizen group under the fiscal auspices of the New Mexico Community Foundation (NMCC), Santa Fe, New Mexico. Citizen Action represents at least 16-non-governmental organizations (NGOs) and neighborhood associations as a part of its coalition. The organizations within the coalition include: Southwest Research and Information Center (SRIC); Citizens for Alternatives to Radioactive Dumping (CARD); Peace Action New Mexico (PANM); Progressive Albuquerque Network (PAN); Southwest Organizing Project (SWOP); Native Forest Network (NFN); Center for Action and Contemplation (CAC); Green Party of New Mexico; Bernalillo County Green Party; International Depleted Uranium Study Team (IDUST); Living Rivers; Forest Guardians; Mountain View Neighborhood Association; South Meadows Neighborhood Association; New Mexico Solidarity Network (NMSN); and Stop The War Machine (STWM).
2. Citizen Action’s work on issues at SNL/NM has been funded both by private donations from individuals and through several foundations that include the Citizen’s Monitoring and Technical Assessment Fund (CMTA); the McCune Charitable Foundation; the Ploughshares Fund; NewCycle Foundation; and the New Mexican’s Sustainable Energy and Effective Stewardship (NMSEES).
3. Citizen Action’s interactive website ([www.radfreenm.org](http://www.radfreenm.org)) contains a partial listing (29 entries) of information from previous documents obtained by our organization under the Freedom of Information Act (FOIA). The contact information for the University of New

Mexico Zimmerman Library, U.S. Department of Energy Reading Room, where the entire collection of FOIA documents is available for public review, is also posted on our website.

4. Citizen Action's website receives on average between 8,000 - 10,000 hits per month. In addition to posting independent technical reviews of the Mixed Waste Landfill, press releases, newspaper articles, action alerts, related lawsuits, and meeting announcements the results of FOIA requests are summarized and posted on the Citizen Action website.

5. Citizen Action is expanding its research on legacy waste sites at SNL/NM to other concerns regarding weapons activities and programs currently being conducted at SNL/NM. A short survey was recently mailed to over 750 interested individuals and organizations throughout the State of New Mexico to gauge public interest in programs at SNL/NM. The "Get To Know Sandia" survey has also been posted on the Citizen Action website where members of the public can register their comments electronically.

6. Citizen Action sends press releases to the local media announcing the results of FOIA reviews for further dissemination of this information to the public. Citizen Action also makes appearances on television and radio programs and disseminates information obtained from FOIA requests.

7. Citizen Action maintains an active and rapidly growing e-list serve and member mailing list of over 700 people to provide updated information on issues at SNL/NM. We network with other groups in disseminating information on SNL/NM issues such as neighborhood organizations, clubs, churches, schools, unions, businesses, and other non-governmental organizations

8. As we have done in the past, information obtained from previous FOIA requests are shared with the New Mexico Environment Department (NMED).

## Section 2.

We are requesting the full disclosure of the information requested under this FOIA as this information will:

1) Fulfill the public's right-to-know about SNL/MWL's permit history and requirements for compliance with the Resource Conservation and Recovery Act ("RCRA"). This will enhance knowledge of current and past government operations involving the SNL MWL.

2) Provide, in the spirit of openness and transparency, responses to questions from the public concerning SNL/NM's future programs and activities;

3) Enhance the general public's understanding of government operations at SNL/NM;

4) Provide information that may affect regulatory issues and oversight by the NMED concerning future programs and activities at SNL/NM, and the potential impact of these programs and activities on surrounding communities;

5) Provide information about programs and activities at SNL/NM that may potentially have an impact on the Albuquerque regional aquifer;

6) Provide members of the public with information that may potentially relate to important matters of public health and protection of the environment concerning SNL/NM's future plans for activities and programs conducted at the lab.

Citizen Action New Mexico is requesting a full fee waiver for all items requested under this FOIA request with the EPA as the agency solely responsible for any costs associated with this request at no cost to the taxpayer or the requester. We hope this information is sufficient for you to assess our request for a fee waiver.

If all or part of our request is denied, please cite each specific exemption that justifies your refusal to release the requested information, and please notify me of appeal procedures available under the law. If you have any questions about the handling of this request or the information requested therein you may call me at (505) 262-1862. Thank you very much.

As the FOIA requires, Citizen Action will look forward to a response from EPA within 20 days. Feel free to contact us by telephone if there are any questions.

Sincerely,

David B. McCoy, Director  
Citizen Action New Mexico  
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