



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

APR - 7 2009

Mr. David B. McCoy, Director
Citizen Action New Mexico
P.O. Box 4262
Albuquerque, NM 87196-4276

RE: Freedom of Information Act (FOIA) Request No. 06-RIN-00246-09

Dear Mr. McCoy:

This is in response to your FOIA Request, which we numbered 06-RIN-00246-09. Please refer to that number in all communications regarding your FOIA. You requested copies of all reviews or reports prepared by the U.S. Environmental Protection Agency (EPA) Region 6, and all well, geology, sampling, and groundwater information regarding the Sandia National Laboratories, New Mexico, Mixed Waste Landfill (MWL). In addition, you requested copies of "approximately six" reviews or reports "at Region 6 in various forms in a box with other records," based on your reported communication with the EPA Office of Inspector General (OIG).

The subject documents have already been provided to you in our January 24, 2008, response to your December 7, 2007, FOIA. That response was appealed by you on February 15, 2008, and subsequently addressed by Kevin Miller, EPA Assistant General Counsel for Information Law on August 7, 2008. Region 6's initial January 24, 2008, FOIA response was upheld on appeal and that decision stands and applies to additional FOIA requests from you for the same information, including this one. At the completion of Region 6's internal review, we decided that further assistance from the EPA Laboratory in Ada, Oklahoma, was not necessary. As previously reported to you, Region 6 did not generate a formal report based on this review, but instead sent you a formal letter, dated December 13, 2007, describing our technical conclusions.

We have enclosed eight pages of documents applicable to your request which are dated after January 24, 2008. We have no additional material beyond what we have already provided to you. We have also consulted EPA's OIG concerning the "six documents at Region 6" referenced in your request. An OIG staff member told us, "If my recollection serves me correctly, the New Mexico Environment Department (NMED) has 6 boxes of records that were given to them by Region 6. Most of the information regards actions and filings prior to the State's authorization under HSWA and application information for Part A and Part B. This information is held in Pam Allen's area. We suspect this may be the source of your "six boxes" recollection. In any case, Region 6 does not have "reports" on this subject, in a box or otherwise.

As previously reported to you, Region 6 did not generate sampling or data reports. Copies of sampling data and reports related to groundwater monitoring at the MWL should be requested from the entities that produced those documents including Sandia, the Department of Energy, and the NMED. Most, if not all, of these documents are already available to the public at no cost on the NMED website. <http://www.nmenv.state.nm.us/hwb/snlp/perm.html>.

We are fully aware of updated national policies encouraging release under FOIA, but have no additional information beyond what has previously been released as part of the Agency's prior responses to you. If you consider this letter to be a denial, you may appeal this determination to the National Freedom of Information Officer, U.S. EPA, Records, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, D.C. 20460, FAX: (202)566-2147. E-mail: hqfoia@epa.gov. The appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 day calendar day limit. The appeal letter should include the RIN listed above. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Carrie Thomas of our Office of Regional Counsel at (214) 665-7121 if you need additional information on this response.

Sincerely yours,



Laurie King, Chief
Federal Facilities Section (6PD-F)

Enclosure -----