



# Heart of America Northwest

The Public's Voice for Hanford Cleanup

1314 NE 56th St Suite 100 - Seattle, Wa 98105

Voice: (206)382-1014 - Fax: (206)382-1148 - <http://www.hoanw.org>

June 21, 2011

Alexander Morris, FOIA Officer  
United States Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
(202) 586-5955  
[alexander.morris@hq.doe.gov](mailto:alexander.morris@hq.doe.gov)

Dorothy Riehle, Privacy Act Officer  
Richland Operations Office, U.S. Department of Energy  
825 Jadwin Ave  
Richland, Washington 99352  
(509) 376-6288  
[dorothy\\_c\\_riehle@rl.gov](mailto:dorothy_c_riehle@rl.gov)

## FOIA Request for Department of Energy documents and records --- 06/21/11

Dear FOIA Officers,

Pursuant to the Freedom of Information Act (5 U.S.C. 552), we are requesting copies of all public records (including email, electronic, and paper records) relating to:

1. Drums and/or containers of waste that leaked, spilled, released, or contaminated workers at the Waste Repackaging and Processing facility (WRAP) since January 1, 2011, including, but not limited to, any "occurrence reports", laboratory or other tests to identify the contents of waste released or leaked, doses received or exposures to contaminants or hazardous substances.
2. Notification of releases, leaks, spills or contamination to the Washington State Department of Ecology, U.S. Environmental Protection Agency, Coast Guard or any other regulator;
3. Any correspondence (including, but not limited to, letter(s), emails, phone call or meeting notes) to and/or from the Washington State Department of Ecology (Ecology) and/or Environmental Protection Agency (EPA) that report on building, unit or facility inspection(s) conducted pursuant to federal and state hazardous waste laws (RCRA and HWMA) for all buildings, units, storage areas where these wastes were at the time of the leak, spill, release and areas where they were previously stored.

4. Identifying where, length of time, and how the waste was stored prior to storage or processing at the WRAP facility, including any inspection reports and occurrence reports for the area, building or unit where the waste was stored.
5. All documents and records relating to a formal designation under Federal and State Hazardous Laws of wastes in the drums (or similar containers) that leaked, spilled or released.
6. All occurrence reports, analysis of causes, and plans for response pertaining to the leak(s), spills or releases of waste at the WRAP facility; and, at the facility(ies) or buildings where the wastes were stored prior to being moved to WRAP.
7. Permit conditions in effect for managing drums and containers of waste, for analyzing wastes, and for responding to leaks for the facility(ies) where the leak(s) occurred, and the facility(ies) where the waste was held prior to WRAP or such other facility or building(s) where releases, spills or leaks occurred. *Please include all correspondence between USDOE and/or USDOE's contractors with the Washington Department of Ecology and/or US EPA regarding compliance with permit conditions or drafting or new conditions based on inspections prompted by, or analyses of the causes of, recent leaks, spills, releases.*
8. All correspondence between the U.S. Department of Energy (USDOE), Ecology, EPA, and/or any of their contractors or agents, that concern to the storage of the waste by WRAP and or the facility(s) that stored the waste prior to WRAP, compliance with container management requirements under any permit or federal or state hazardous waste laws.
9. All correspondence between USDOE, Ecology, and EPA, and or any of their contractors or agents concerning the leak(s), spills, releases or contamination incidents which occurred at the WRAP facility since January 1, 2011.
10. Identifying the quantities and types of wastes stored and awaiting treatment or disposal at the Central Waste Complex (including identification of any non-solid or liquid wastes), schedules for removal for treatment, and conditions or compliance schedules for meeting requirements of federal and state hazardous waste laws which limit the time period for storing wastes without treatment. This includes, but is not limited to, identification of the quantities of wastes stored in each building, area or unit; length of time stored; designations of wastes stored; permit or other conditions governing management of the wastes to ensure incompatible wastes are not stored; and, provisions for secondary containment.

Correspondence requested includes records of any phone calls or meetings, including handwritten notes or memos regarding such calls or meetings; meeting notes, summaries or minutes.

**We request a waiver of fees because disclosure of this information is in the public interest.** Disclosure will contribute significantly to the public understanding of the operations of government activities (USDOE and federal and state regulators). Our organizations, which is a non-profit public interest group devoted to educating and involving the public in the cleanup of Hanford, has no commercial interest in the disclosure.

Below is specific information regarding each of the fee waiver specific provisions listed in 10 CFR 1004.9(a)(8).

1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government;”

The materials requested clearly concern the operations and activities of the government. Energy, Ecology, and EPA are all government agencies and the requested materials specifically concern the action, plans, and or response by these agencies regarding the storage of the waste at (or prior to) WRAP, as well as the leak which occurred at the WRAP facility. Items also relate to remedies that may be provided to the public and for protection of the environment and worker safety, and/or the agencies’ obligations to cleanup where the leak occurred at the WRAP facility.

2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;

The requested information concerns the availability of remedies available to the public. The requested information shows how the government operates and manages cleanups of a leak(s), such as the one(s) which occurred at the WRAP facility and possibly contaminated WRAP’s workers. Clearly, this information will “contribute” to the public’s understanding of government operations and activities. Heart of America NW and Heart of America NW Research Center, the organizations requesting all records, documents, and correspondence, plan to distribute the information acquired to the public via newsletters, workshops and website so that the public may participate in cleanup decisions.

3. The contribution to an understanding by the general public of the subject likely to result from disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter;

Heart of America Northwest is a regional non-profit public interest organization with a membership of approximately 18,000 people. Heart of America NW Research Center has likewise worked to inform and involve the public in the cleanup of Hanford for over 25 years and distributes information to thousands of individuals every year. We have spent over twenty years fighting for the timely cleanup of the Hanford Nuclear Reservation. We disseminate information to the general public so that the public can be informed about Hanford and participate publicly in decisions about Hanford. As USDOE is aware, we routinely disseminate information we gather to the news media. Heart of America Northwest also has a seat on the Hanford Advisory Board. The Board is intended to be an integral component for general public involvement activities and has the missions of providing informed recommendations to the USDOE, EPA, and the Washington Department of Ecology. The organizations requesting the

information plan to distribute information based on this request to the public via newsletters, workshops and website so that the public may participate in cleanup decisions. The organizations also intend to share the information obtained with the Hanford Advisory Board, particularly during review of the proposed RCRA permit. This information requested is particularly relevant to enable the public to understand the role of hazardous waste law permits in ensuring worker safety and environmental protection from releases, leaks, spills or improper storage of dangerous wastes.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities;

As stated above, the requested information will significantly contribute to the public’s understanding of government operations and activities. The government has a very large operation at the Hanford and information about how the government manages the site is needed to educate the public. The organizations requesting the information plan to distribute information based on this request to the public via newsletters, workshops and website so that the public may participate in cleanup decisions.

This information requested is particularly relevant to enable the public to understand the role of hazardous waste law permits in ensuring worker safety and environmental protection from releases, leaks, spills or improper storage of dangerous wastes. Because the Hanford Site RCRA permit will be issued for public review and comment in coming months, it is very important that the public have the requested information to effectively review proposed permit conditions and comment. In addition to assisting our organization prepare comments, the information will be presented to the public (via posting on-line, analyses in Citizens’ Guides and fact sheets mailed, distributed on line or at workshops) to assist the public in commenting on the adequacy of the proposed permit conditions and the adequacy of the environmental review of the proposed permit pursuant to the National Environmental Policy Act and State Environmental Policy Act.

*Because of the need for this information to assist our organization and the public in review of the upcoming draft Hanford RCRA permit modifications and new chapters, please provide these records as soon as possible and prior to the start of any comment period on the RCRA permit.*

5. The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so,

Heart of America Northwest and Heart of America NW Research Center, are non-profit, and have absolutely no commercial interest in the requested material.

6. The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”

Again, the requesting organizations are non-profit, and have absolutely no commercial interest in the requested material. We therefore request a fee waiver pursuant to 5 USC 552.

We urge you to act promptly on this request, because of the need for timely review of records to effectively participate in comment periods on impact statements (or NEPA/SEPA threshold determinations) and proposed RCRA permitting actions on application(s) submitted by USDOE. Access to the requested records should be granted within twenty (20) working days from the date of your receipt.

For any of the requested records which are commonly used, and easily copied, electronic formats (e.g. Word, emails, PDF), please provide the records to us in that electronic format to save times and reduce costs. If some records are available sooner than others, please forward those rather than waiting for a search for other records; e.g., please provide "occurrence reports", inspection reports, regulatory notifications and controlled correspondence with regulators within ten days.

Thank you in advance for your prompt response.

Sincerely,



**Lidice M. O'Brien**

Legal Intern

On behalf of Gerry Pollet,

Executive Director,

Heart of America Northwest

and, Legal Advocates for Washington

(Heart of America NW Research Center)

206-382-1014

**Please send large electronic files to [office@hoanw.org](mailto:office@hoanw.org) or on CD to:**

***Heart of America Northwest***

***1314 NE 56<sup>th</sup> St #100***

***Seattle, Wa 98105***

P.S. If you have any questions about the scope of this request or our qualification for a fee waiver, please email or call me.