

Frank Vera III

[www.GeorgeAFB.Info](http://www.GeorgeAFB.Info)

23 August 2013

BY EMAIL TO: [ogc\\_efoia@bop.gov](mailto:ogc_efoia@bop.gov)

Wanda M. Hunt  
Chief, FOIA/PA Section  
Room 841, HOLC Building  
320 First Street, NW  
Washington, DC 20534

(202) 514-6655 (Telephone)

### FOIA Request

Dear Ms. Hunt:

Please process this request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

The Administrative Record (AR) for George Air Force Base has several documents that discuss deed restrictions for water and/or land use at the former George AFB, CA and/or Victorville Federal Correctional Complex (FCC).

I am requesting:

**A complete unredacted copy and/or printout of records pertaining to the:**

- 1. Deed restrictions for water use at the former George AFB, CA / Federal Correctional Complex (FCC)**
- 2. Deed restrictions for land use at the former George AFB, CA / Federal Correctional Complex (FCC)**
- 3. Memorandum of understanding ( MoU) and/or Records that discuss the environmental contamination at the former George AFB, CA / Federal Correctional Complex (FCC)**

## **Record Search**

When processing this request, please note that the D.C. Circuit has previously held that agencies have a duty to construe the subject material of FOIA requests *liberally* to ensure responsive records are not overlooked. See *Nation Magazine, Washington Bureau v. U.S. Customs Service*, 71 F.3d 885, 890 (D.C. Cir. 1995).

In line with the guidance issued by the Department of Justice (“DOJ”) on 9 September 2008 to all federal agencies with records subject to FOIA, agency records that are currently in the possession of a U.S. Government contractor for purposes of records management remain subject to FOIA. Please ensure that your search complies with this clarification on the effect of Section 9 of the OPEN Government Act of 2007 of the definition of a “record” for purposes of FOIA. In addition, the Air Force should not interpret this request to exclude correspondence sent to outside third parties. Please also consider this letter an affirmative rejection of any limitation of your search to Air Force originated records.

## **Exempt Records**

If you assert that any of the requested records are exempt from mandatory disclosure under FOIA, I request that you disclose them nevertheless, as such disclosure would serve the public interest of educating citizens regarding the operations and activities of the Air Force regarding this matter.

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify me of your appeal procedures available under the law.

In addition, I would like to draw your attention to president Obama’s 21 January 2009 Memorandum for the Heads of Executive Departments and Agencies, directing federal agencies to adopt a presumption in favor of disclosure and stating that government information should not be kept confidential “merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.”

## **Redaction**

In excising material, please “black out” rather than “white out” or “cut out.” Additionally, any reasonably segregable portion of a responsive record must be provided to me after redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b). I reserve the right to appeal any decision to withhold information.

## **Preservation of Records**

Please ensure that, in accordance with the DC Circuit’s ruling in *Chambers v. Department of the Interior*, 568 F.3d 998 (D.C. Cir. 2009), all records potentially responsive to this FOIA request are immediately preserved from destruction until the final resolution of this FOIA action.

Destruction of potentially responsive records after the receipt of a FOIA request is considered “contumacious conduct” by the DC Circuit. See *id.* at 1004.

### **Public Interest Fee Waiver**

I request a Public Interest Fee Waiver for this FOIA request since disclosure of the [requested] information is in the public interest because it is likely to contribute significantly to the public’s understanding of the operations or activities of the government and I have NO commercial interest in the requested information, as defined in DOD5400.7-R\_AFMAN 33-302 § C6.1.4.1.and 5 U.S.C. § 552(a)(4)(A)(iii).

Based on the following, the requested records clearly meet all six of the requirements for a Public Interest Fee Waiver set forth in the DOJ Guide to the FOIA § Fees and Fee Waivers:

1) *The subject of the request. § C6.1.4.3.1.1.*

This FOIA requests is for *previously unreleased* records that pertain to the environmental contamination at former George Air Force Base, CA, Superfund ID: CA2570024453. The requested records are necessary to establish the “Completed Exposure Pathways” for the hazardous materials at George AFB and will answer the following questions:

- a) When did the Air Force (AF) have knowledge that a problem existed and did its employees withhold information from the Agency for Toxic Substances and Disease Registry (ATSDR) for its Health Assessment of George AFB?
- b) What deed restrictions were placed because of groundwater and soil contamination?
- c) When did the AF place deed restrictions because of groundwater and soil contamination?
- d) What were/are the locations of the supply wells to establish their relationship to the contamination and groundwater flow?
- e) Did AF employees knowingly mislead the ATSDR and the public?

2) *The informative value of the information to be disclosed. § C6.1.4.3.1.2.*

George Air Force Base had about 14 Installation Restoration Program (IRP) sites (effluent from the base wastewater treatment plant containing industrial waste, oils, and solvents was used to water the golf course from 1965 until 1 December 1981; unpermitted dumpsites and unpermitted burn pits) within 500 feet to a mile upstream of the drinking water supply wells for George AFB, Adelanto, private homes, and the former Victor Valley Country Club. This provided a possible exposure pathway to tens of thousands of people through contaminated drinking water. The Air Force failed to notify the Agency for Toxic Substances and Disease Registry (ATSDR) of these potential exposure pathways for the Health Assessment of George AFB.

3) *The contribution to an understanding of the subject by the general public likely to result from the disclosure. § C6.1.4.3.1.3.*

- a) The release of the unredacted documents is necessary to establish the nature and extent and the “Completed Exposure Pathway(s)” for the contamination at George AFB.
- b) The disclosure is the first step in requesting a new Health Assessment by the ATSDR.

- c) The contaminated drinking water at George AFB created a potential exposure to tens of thousands of civilians, and military personnel and their family members over the years.
- 4) *The significance of the contribution to public understanding. § C6.1.4.3.1.4.*
- a) The current belief is “On-site groundwater has never been used as a source for drinking water at George AFB and no supply wells are expected to be installed there in the foreseeable future. ...” This is a direct quote from the ATSDR’s 1 December 1998 report “Health Assessment for George AFB,” section “Evaluation of Groundwater Exposure Pathway”.
- b) The AF knew that the ATSDR came to a flawed conclusion in their 1 December 1998 report “Health Assessment for George AFB”. This was because the ATSDR was not supplied with the information (by the AF) and/or did not fully understand of the nature and extent of the contamination, locations of the IRP sites, hydrology data (direction of the groundwater flow), and the locations of the water supply wells for George AFB, Adelanto, private homes, and the former Victor Valley Country Club. Because the AF did not correct the ATSDR during the Peer Review / Public Comments period or after the report was published in 1998.
- c) **The AF knew that the groundwater flows northeast under George AFB’s Southeast Disposal Area (SEDA) / Federal Correctional Complex (FCC) and OT-22 (a.k.a. S-12, the golf course), directly to the supply wells for George AFB, Adelanto, private homes, and the former Victor Valley Country Club. While OT-22 is adjacent to the supply wells, it should be considered to be upstream of these wells because of its close proximity to them and because it is in the zone of influence (cone of depression) of this large cluster of high volume wells.**
- d) A new Health Assessment is necessary before the AF and/or ATSDR will notify the U.S. Department of Veterans Affairs (VA) and former George AFB personnel of their possible exposure to potentially life threatening environmental contamination at George AFB.
- 5) *Disclosure of the information is not primarily in the commercial interest of the requester. § C6.1.4.3.2.*
- a) As stated in my FOIA requests section titled Fee Waiver, “...I have NO commercial interest in the requested documents and the requested records will be posted, free of charge, on [www.GeorgeAFB.Info](http://www.GeorgeAFB.Info). ...”
- 6) *Which is greater, the identified public interest or the identified commercial interest.*
- a) Public interest is greater as there is NO commercial interest and the requested records will be posted, free of charge, on [www.GeorgeAFB.Info](http://www.GeorgeAFB.Info).
- 7) *The ability of the requester to disseminate the information.*
- a) I have the ability to disseminate information on a wide scale, and intend to use information obtained through FOIA in original works.” While [GeorgeAFB.Info](http://www.GeorgeAFB.Info) is not a large website, it has 30 to 70 thousand hits, 3 to 4 thousand unique visitors, 7 to 20 thousand page views, and visitors from more than 10 countries, a month

- b) I have published dozens of records that I have received through FOIA(s). Over one hundred people have contacted me through GeorgeAFB.Info regarding health problems that these people, and their friends and family developed during and shortly after being stationed at George AFB. In some families, every child who was born at George AFB died before the age of twenty-four years, with some families experiencing the loss of up to four children. In other families, all but one of up to five family members, including adults, died at or shortly after leaving George AFB (See Self-Reported Health Problems on [www.GeorgeAFB.Info](http://www.GeorgeAFB.Info)). Some of these people were Adelanto School District employees who worked at the two schools that were allowed to remain open on the former George AFB, for 10 years after it closed.

### **Record Format**

I request that any documents or records produced in response to this request be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .doc, docx, .jpg, .gif, .tif. Please provide soft-copy records by email or on a CD if email is not feasible.

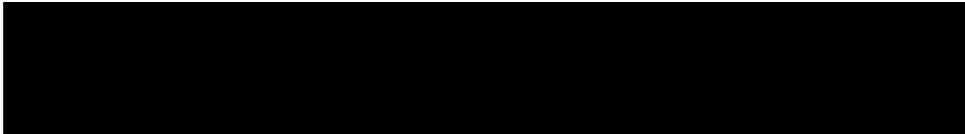
However, I do not agree to pay an additional fee to receive records on a CD, and in the instance that such a fee is required, I will accept a paper copy of responsive records.

I look forward to receiving the requested documents within twenty (20) business days.

If you wish to discuss this request, please do not hesitate to contact me at 209-984-5517.

Thank you for processing this FOIA.

Sincerely,



Frank Vera III

Date:

Physical address:



Enclosures:

Pages 4 to 7: screen shot of search results of the George AFB AR for “deed restriction”

Base List:

- Bergstrom
- Brooks
- Carswell
- Castle
- Chanute
- Eaker
- England
- Galena
- Gentile
- George**
- Griffiss
- Grissom
- Homestead
- KISawyer
- Kelly
- Loring
- Lowry
- March
- Myrtle Beach

[Help or Questions?](#)

Subject or Title:   
 Author:  Corporate / Author Affil:   
 Recipient:  Recipient Affil:   
 After Date:  Sites:   
 Before Date:  OU's:   
 Full Metadata Search:  (or AR Number)  
 Full Document Search:   
 Search resulted in 57 hits

Score	PDF Size	Filename	Subject or Title	Author	Doc Date
<a href="#">View</a> 7	0.11	GEORG_AR_1693.pdf	This Document Has Been Deleted From The AR		
<a href="#">View</a> 7	0.27	GEORG_AR_158.pdf	Preliminary Site Management Plan, NEDA, Upper Aquifer Remediation	James M Montgomery, Inc.	1/1/1988
<a href="#">View</a> 7	0.28	GEORG_AR_181.pdf	Final Design, Site Management Plan, NEDA, Upper Aquifer Remediation	James M Montgomery, Inc.	5/1/1988
<a href="#">View</a> 20	0.45	GEORG_AR_440.pdf	CDTSC Letter to Base Concerning Work Plan Addendum and Supplemental RI, OU-1	Yemut, Emad B / California Department of Toxic Substances Control	9/5/1991
<a href="#">View</a> 7	2.32	GEORG_AR_481.pdf	EE/CA, Draft Final, JP-4 Spill, OU-2	IT Corp.	10/1/1991
<a href="#">View</a> 7	0.32	GEORG_AR_537.pdf	CDTSC Letter to Base Concerning Draft Plan Addendum	Yemut, Emad B / California Department of Toxic Substances Control	2/28/1992
<a href="#">View</a> 7	0.16	GEORG_AR_553.pdf	CDHS Letter to Base Concerning RI/FS, Draft Work Plan, and Draft Work Plan Addendum, OU-1	Yemut, Emad B / California Department of Health Services	3/30/1992
<a href="#">View</a> 7	11.57	GEORG_AR_573.pdf	Draft Final Work Plan Addendum, Vol II of II, OU-3	James M Montgomery, Inc.	4/1/1992
<a href="#">View</a> 7	3.99	GEORG_AR_616.pdf	Final SAP Addendum, OU-3	James M Montgomery, Inc.	6/1/1992
<a href="#">View</a> 7	12.82	GEORG_AR_614.pdf	RI/FS, Final Work Plan Addendum, Vol II of II, OU-3	James M Montgomery, Inc.	6/1/1992
<a href="#">View</a> 7	0.08	GEORG_AR_600.pdf	CDTSC Letter to Base Concerning Draft Final Work Plan Addendum, OU-3	Yemut, Emad B / California Department of Toxic Substances Control	6/5/1992
<a href="#">View</a> 7	0.47	GEORG_AR_642.pdf	Draft Proposed Plan, Remediation of JP-4 Contamination, OU-2	IT Corp.	7/1/1992

AFRPA Administrative Record Web Site

<a href="#">View</a>	7	9.27	GEORG_AR_641.pdf	FS, Report, JP-4 Spill, OU-2		7/1/1992
<a href="#">View</a>	7	14.45	GEORG_AR_638.pdf	RI, Draft Final Report, Vol II of IV, OU-1		7/1/1992
<a href="#">View</a>	7	1.15	GEORG_AR_665.pdf	ROD, Draft, OU-2		8/1/1992
<a href="#">View</a>	13	14.64	GEORG_AR_672.pdf	RI, Final Report, Vol I of IV, OU-1		8/1/1992
<a href="#">View</a>	7	0.68	GEORG_AR_692.pdf	State and Regional Water Board Quarterly Activities Report		10/9/1992
<a href="#">View</a>	7	8.75	GEORG_AR_714.pdf	FS, Draft Final Report, JP-4 Spill, OU-2	IT Corp.	11/1/1992
<a href="#">View</a>	7	1.30	GEORG_AR_719.pdf	ROD, Preliminary Draft, OU-2	IT Corp.	12/1/1992
<a href="#">View</a>	7	10.01	GEORG_AR_397.pdf	Draft Final Report, UST Removal, Facilities 690, 653, 710, Vol II of III, Appendices		5/1/1993
<a href="#">View</a>	33	6.66	GEORG_AR_559.pdf	FS, Draft Report, JP-4 Spill, OU-2		8/1/1993
<a href="#">View</a>	7	0.58	GEORG_AR_608.pdf	Draft Proposed Plan, Remediation of JP-4 Contamination, OU-2		9/1/1993
<a href="#">View</a>	26	3.87	GEORG_AR_601.pdf	Draft TCE/PCE Contamination Report, Within Flight Line Area, Vol I of II, OU-3		9/1/1993
<a href="#">View</a>	13	0.12	GEORG_AR_697.pdf	CDTSC Letter to Base Concerning Completed Review of Draft ROD, OU-1	Yemut, Emad B / California Department of Toxic Substances Control	12/2/1993
<a href="#">View</a>	13	2.51	GEORG_AR_690.pdf	ROD, Draft Final, OU-1		2/1/1994
<a href="#">View</a>	13	2.29	GEORG_AR_739.pdf	ROD, Final, OU-1		3/1/1994
<a href="#">View</a>	13	11.17	GEORG_AR_863.1.pdf	RI/FS, Draft Final Report, TCE/PCE Study Area, OU-3		6/1/1994
<a href="#">View</a>	7	0.06	GEORG_AR_142.pdf	CDTSC Letter to Base Concerning RI/FS, Draft Final TCE/PCE Study Area Report, OU-3	Arellano, Albert A, Jr / California Department of Toxic Substances Control	7/13/1994
<a href="#">View</a>	7	0.68	GEORG_AR_915.pdf	Draft Environmental Cleanup Plan for Remedial Activities WP-17, FT-19 and OWS		1/1/1995
<a href="#">View</a>	13	3.73	GEORG_AR_953.pdf	RI/FS, Final TCE/PCE Study Area Report, Vol I of II, OU-3		7/1/1995
<a href="#">View</a>	7	0.98	GEORG_AR_967.pdf	Final Work Plan for Remedial Activities WP-17, FT-19, OT-51, and OWS		8/1/1995
<a href="#">View</a>	7	6.19	GEORG_AR_1016.pdf	Draft Technical Work Plan, Groundwater Treatment System Expansion, Vols I, II, OU-1		1/1/1996
<a href="#">View</a>	7	8.66	GEORG_AR_1118.2.pdf	Groundwater Sampling and Analysis Informal Report, OU-2		1/1/1997
<a href="#">View</a>	7	5.69	GEORG_AR_1122.pdf	FS, Final Report, OU-3		2/1/1997
<a href="#">View</a>	7	1.48	GEORG_AR_1158.pdf	RPM Meeting Minutes, 05-06 May 97		5/12/1997
<a href="#">View</a>	13	0.09	GEORG_AR_1219.pdf	CRWQCB Letter to Base Concerning Draft Final ROD, OU-3	Cass, Jehiel W / California Regional Water Quality Control Board	12/3/1997
<a href="#">View</a>	13	0.66	GEORG_AR_1225.pdf	RPM Meeting Minutes, 22 Dec 97		12/22/1997
<a href="#">View</a>	7	1.39	GEORG_AR_1418.pdf	FS Meeting Minutes, 23 Dec 97		12/23/1997
<a href="#">View</a>	20	3.47	GEORG_AR_1062.pdf	ROD, Draft Final, OU-3		4/1/1998
<a href="#">View</a>	20	1.88	GEORG_AR_1137.pdf	RPM Meeting Minutes, 11 May 98		5/11/1998
<a href="#">View</a>	13	0.09	GEORG_AR_1272.pdf	CRWQCB Letter to SWRCB Concerning Regional Board Regulatory Oversight Estimate	Cass, Jehiel W / California Regional Water Quality Control Board	11/9/1998
<a href="#">View</a>	20	1.18	GEORG_AR_1275.pdf	Public Health Assessment Report	Agency for Toxic Substances and	12/1/1998

<https://afrrpaar.lackland.af.mil/ar/>[2/15/2013 8:11:04 PM]

					Disease Registry	
<a href="#">View</a>	7	9.54	GEORG_AR_1285.pdf	FS, Draft Report, OU-2	IT Corp.	1/1/1999
<a href="#">View</a>	7	1.56	GEORG_AR_1469.pdf	Final Revised Final Work Plan, Remedial Activities, WP-17, FT-19, OT-51		9/1/2000
<a href="#">View</a>	7	0.06	GEORG_AR_1518.pdf	CRWQCB Letter to Base Concerning Comments on Draft Supplemental EBS and FOST	Copeland, Patrice J / California Regional Water Quality Control Board	4/26/2001
<a href="#">View</a>	7	0.06	GEORG_AR_1520.pdf	CRWQCB Letter to Base Concerning Comments on Supplemental EBS and FOST	Copeland, Patrice J / California Regional Water Quality Control Board	5/3/2001
<a href="#">View</a>	33	1.22	GEORG_AR_2155.pdf	Final Explanation Of Significant Differences, IRP Site LF-35 Remediation, Former George AFB		10/10/2003
<a href="#">View</a>	86	4.64	GEORG_AR_2016.pdf	Final Operable Unit 3, Site FT-19 Closure Work Plan George AFB, California	Glenri, Christopher	2/17/2004
<a href="#">View</a>	20	0.16	GEORG_AR_2088.pdf	Re: EPA Comments On George AFB Five-Year Review	Chang, James / EPA	11/2/2005
<a href="#">View</a>	7	3.82	GEORG_AR_2166.pdf	Closure of Military Munitions Response Program (MMRP) Site SR406, Second Skeet Range at the Former George Air Force Base, California	Mook, Philip H. Jr./ Gronstal, Donald K.	3/14/2008
<a href="#">View</a>	7	4.97	GEORG_AR_2167.pdf	Closure of Military Munitions Response Program (MMRP) Site SR405, Original Skeet Range at the Former George Air Force Base. California	Mook, Philip H. Jr./ Gronstal, Donald K.	3/14/2008
<a href="#">View</a>	7	0.11	GEORG_AR_2238.pdf	Draft Final — Explanation of Significant Differences — Site FT19-a - Former George Air Force Base, Victorville, San Bernardino County	Cass, Jehiel	4/14/2008
<a href="#">View</a>	40	5.17	GEORG_AR_2172.pdf	Closure of Military Munitions Response Program (MMRP) Site XU403, Explosive Ordnance Disposal (EOD) Proficiency Training Area at the Former George Air Force Base, Victorville. California	Mook, Philip H. Jr./ Gronstal, Donald K.	4/29/2008
<a href="#">View</a>	7	0.11	GEORG_AR_2241.pdf	Re: Former George AFB Final FOST Comments	Chang, James	5/13/2008
<a href="#">View</a>	7	0.13	GEORG_AR_2239.pdf	Re: Former George AFB Draft FOSET #2 (Parcels L-1 and L-2) Comments	Chang, James	5/13/2008
<a href="#">View</a>	7	5.36	GEORG_AR_2266.pdf	RE: Closure of Military Munitions Response Program (MMRP) Site ZZO5O, Firing-In-Butt at the Former George Air Force Base, California	Termaath, Stephen G.	8/1/2009
<a href="#">View</a>	7	11.74	GEORG_AR_2259.pdf	Closure of Military Munitions Response Program (MMRP) Site LF037, Landfill at the Former George Air Force Base, California	Termaath, Stephen G. / AFRPA	12/1/2009