

Frank Vera III

[REDACTED]  
Phone: 209-782-4541

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

August 15, 2014

**BY EMAIL TO: [r9foia@epa.gov](mailto:r9foia@epa.gov)**

Regional Freedom of Information Officer  
U.S. EPA, Region 9  
75 Hawthorne Street (OPPA-2)  
San Francisco, CA 94105  
(415) 947-4251

**FOIA Request**

Dear FOIA Officer:

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

I request a complete and unredacted copy, printout, or export of:

1. **Any Exposure Pathway Assessment(s) for the George AFB personnel, their families, civilian employees, and/or the surrounding community**
2. **Any Completed Exposure Pathway (CEP) Assessment(s) for the George AFB personnel, their families, civilian employees, and/or the surrounding community**
3. **Please forward this FOIA request to all EPA offices that may have records responsive to this request**
4. An index of records responsive to this request that were RETIRED
5. An index of records responsive to this request that were DESTROYED
6. An index of records responsive to this request that were WITHHELD
7. This request is not meant to be exclusive of any other records that, although not specifically requested, have a reasonable relationship to the subject matter of this request.

## **Preservation of Records**

Please ensure that, in accordance with the DC Circuit's ruling in *Chambers v. Dep't 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.

## **Definition of Record**

The term "record" includes, but is not limited to: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9) notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes.

## **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.

## **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).

## **"Public Interest Fee Waiver"**

I request a waiver or reduction of the fees because this FOIA is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities

of the EPA, Air Force Materiel Command, ANG, Defense Nuclear Agency, NORAD, Air Force, DOE, and/or DOD and I have NO commercial interest and the requested records.

I am researching the contamination of the soil and ground water, with radioactive isotopes, at the former George Air Force Base, CA, "EPA Superfund ID: CA2570024453." The requested documents are necessary to determine the source of the contamination and if a Completed Exposure Pathway(s) (CEP) existed or exist at George AFB and the surrounding community. If a Completed Exposure Pathway(s) can be established the records will be used to petition the Agency for Toxic Substances and Disease Registry (ATSDR) for new Public Health Assessment for George AFB so our friends and families can get medical care and help bring closure to the families who lost their loved ones.

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

1) *The subject of the request.*

This FOIA requests is for *previously unreleased* records that may relate to the radioactive contamination at former George Air Force Base, CA, "EPA Superfund ID: CA2570024453". The requested records are necessary to establish if a "Completed Exposure Pathways" for the radioactive contamination at George AFB existed and will answer the following questions:

- a) If and when did the Air Force (AF) have knowledge that a problem existed and did the AF employees withhold information from the Agency for Toxic Substances and Disease Registry (ATSDR) for its Health Assessment of George AFB?
- b) If required information was omitted/withheld from the CERCLA §120(h) Deed Restrictions.
- c) Did Air Force employees knowingly mislead the ATSDR, regulators, and the public?

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

George Air Force Base had about 14 Installation Restoration Program (IRP) sites including RW-09 a radioactive disposal site located in the SEDA. The SEDA's RW-09 is physically located about ¼ mile upstream of the Drinking Water Supply Wells for George AFB, Adelanto, CA, several 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.*

- a) The release of the unredacted documents is necessary to establish the source, nature, extent, and establish 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.*

- 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) and RW-09, directly to the supply wells for George AFB, Adelanto, private homes, and the former Victor Valley Country Club.
- 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) *The existence and magnitude of a commercial interest.*

- a) 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) *The primary interest in disclosure.*

- 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, in March 2014 it had 456,578 hits, 7,276 visitors, 391,468 page views, and visitors from 23 countries.
- b) I have published dozens of records that I have received through FOIA(s). Over one hundred people have contacted me through [GeorgeAFB.Info](http://www.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.

The primary mission of [GeorgeAFB.Info](http://www.GeorgeAFB.Info), which is the outreach to the hundreds, possibly thousands of people who were potentially injured by the toxic contamination that was at George AFB. The large number of page views, the hundreds of “Self-Reported Health Problems”; dozens of personal accounts about miscarriages, stillbirths, birth defects, and childhood cancers at George AFB demonstrate the successful outreach of [GeorgeAFB.Info](http://www.GeorgeAFB.Info).

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. **If I am denied a "Public Interest Fee Waiver," I will pay "under protest" and I expressly reserve my rights to appeal your decision.**

In closing, I would like to remind you of President Obama's "Presidential Memorandum For Heads of Executive Departments and Agencies."

*"SUBJECT: Freedom of Information Act*

*The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. 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."*

I look forward to receiving the complete and unredacted documents within twenty (20) business days. If you wish to discuss this request, please do not hesitate to contact me at [REDACTED].

Thank you for processing this FOIA request.

Sincerely,

[REDACTED]  
Frank Vera III

Physical address: [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]