



## APPENDIX A: CORRESPONDENCE



CHARLES J. MCCREERY

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e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2684 7150

February 20, 2016

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request that copies of the following documents be provided to me: all permits for ocean dumping issued by EPA pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research, and Sanctuaries Act of 1972, between the dates of April 30, 1973 and May 18, 1983.**

In order to help to determine my status to assess fees, you should know that I am an individual seeking information for personal use and not for a commercial use.

I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Thank you for your consideration of this request.

Sincerely,

Charles J. McCreery



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

March 23, 2016

Mr. Charles J. McCreery

OFFICE OF  
ENVIRONMENTAL INFORMATION

RE: Request Tracking Number EPA-HQ-2016-004592

Dear Mr. McCreery:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) for all permits for ocean dumping issued by EPA pursuant to Section 102 (33 USC § 1412) of the Marine Protection, Research and Sanctuaries Act of 1972, between the dates of April 30, 1973 and May 18, 1983.

We have reviewed your fee waiver justification and based on the information provided, we are denying your request for a fee waiver. You have not expressed a specific intent to disseminate the information to the general public. Accordingly, there is no need for this office to address the remaining prongs of the fee waiver criteria. If the estimated costs exceed \$25.00, the EPA will contact you regarding the cost of processing your request and seek an assurance of payment. They will be unable to process your request until they receive your assurance of payment. Your information request will be processed as expeditiously as possible by EPA's Office of Water.

Under the FOIA, you have the right to appeal this fee category determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: [foia\\_hq@epa.gov](mailto:foia_hq@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your 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 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." If you have any questions, please contact me at (202) 566-1667.

Sincerely,

  
Julia Bunnell  
Acting National FOIA Officer

Julia Bunnell <bunnell.julia@epa.gov>

3/25/2016 8:45 AM

## FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

To c.mccreery@comcast.net <c.mccreery@comcast.net>

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Dear Mr. McCreery,

Thank you for your correspondence regarding your FOIA request and request for a fee waiver. One of the ways in which the agency evaluates the granting of a fee waiver is whether or not the requester has fully articulated the means by which they intend to disseminate the information they are requesting. I appreciate your fuller description below and believe that it fulfills the requirements for a fee waiver. Please consider this a full grant for your waiver. It may take a few days for the grant to show up in FOIAonline, but as of receipt of this correspondence it is officially granted.

Please do not hesitate to write to me or call if you have any additional questions or concerns.

Regards,

Julia

Julia Bunnell  
Acting National FOIA Officer  
Office of Environmental Information  
Office of Information Collection  
US Environmental Protection Agency  
(202) 564-1317

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**From:** Green, LindaE On Behalf Of FOIA HQ  
**Sent:** Thursday, March 24, 2016 3:55 PM  
**To:** Bunnell, Julia <[Bunnell.Julia@epa.gov](mailto:Bunnell.Julia@epa.gov)>  
**Subject:** FW: FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

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**From:** [c.mccreery@comcast.net](mailto:c.mccreery@comcast.net) [c.mccreery@comcast.net]  
**Sent:** Thursday, March 24, 2016 2:54 PM  
**To:** FOIA HQ <[FOIA\\_HQ@epa.gov](mailto:FOIA_HQ@epa.gov)>  
**Subject:** FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

Dear Julia Bunnell:

I am in receipt of your letter, dated March 23, 2016, informing me of your decision to deny my request for fee waiver associated with the above-referenced FOIA.

Although I made the request as an individual, the documents requested are related to, but not integral to, my position as Oceanographer with the Bureau of Ocean Energy Management (BOEM). My role with BOEM is water quality SME overseeing ocean discharges by the oil and gas industry pursuant to NPDES general permits. I contribute to NEPA documents generated by BOEM in support of oil and gas leasing in the Gulf of Mexico OCS. I am responsible for documenting in NEPA for the first time information on ocean dumping of chlorinated hydrocarbons in the Gulf of Mexico in 1973. Please refer to pages 4-16 and 4-17 of the Final Supplemental Environmental Impact Statement for Western Planning Area Lease Sale 248 at <http://www.boem.gov/BOEM-2016-005/>.

The drum dumpsite discussed in the Sale 248 document is in space-use conflict with current oil and gas-related activities. This site is located in the Mississippi Canyon protraction, near and surrounding the Shell Mars and Olympus platforms, and there are pipelines traversing the seafloor in the area. Shallow hazard surveys submitted by industry show sonar targets indicative of drums, and ROV photography confirms the drums. A current proposal before BOEM and BSEE involves installing a new pipeline through an area with a high density of drums, and the contractor proposes to place concrete mats around the drums to form a trestle. I have concerns that this activity could jeopardize the drums leading to potential release of their contents. There is another dumpsite, about 2,000 square miles in area, shown on the NOAA chart labeled "organochlorine waste." The requested records are expected to provide valuable information regarding this dumpsite, which is suspected to contain Agent Orange and/or its manufacturing byproducts (dioxin).

My FOIA also has potential value to historians, since the MPRSA Section 102 permitting program began on May 1, 1973, the day after a large reorganization in the Nixon administration, when William Ruckelhaus left as EPA Administrator and became acting Director of the FBI. Page 11 of a Report to Congress on Hazardous Waste Disposal, dated June 30, 1973 <http://hepis.epa.gov/Exe/ZyPDF.cgi/9101ZVK6.PDF?Dockey=9101ZVK6.PDF>, states that "DoD representatives have advised EPA that all stockpiles of biological warfare agents, including antipersonnel and anticrop agents, have been destroyed." In fact, ocean dumping of chlorinated hydrocarbons, permitted by EPA under Section 102 of the MPRSA, was ongoing at the time the Report was delivered to Congress, and may have continued until Mr. Ruckelhaus returned as EPA Administrator on May 18, 1983.

It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM. Based on this information, I again request a waiver from fees associated with this FOIA request.

Sincerely,

Charles McCreery

CHARLES J. MCCREERY

e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2684 7211

April 12, 2016

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request that copies of the following documents be provided to me: all site assessment and remedial feasibility investigation reports relating to the waste barrel dumpsite in the Mississippi Canyon (Site B) area of the Gulf of Mexico. I request these data in electronic format.**

The dumpsite is associated with Permit #730D008A at the Marine Pollution Control Branch, Ocean and Coastal Protection Division at the USEPA. The site is described on Page 3-166 of the Bureau of Ocean Energy Management (BOEM) Draft Environmental Impact Statement for Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022, available at: <http://www.boem.gov/nepaprocess/#Recent NEPA Documents>.

Although I am making this request as an individual, the documents requested are related to my position as Oceanographer with the BOEM Office of Environment. It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM. The waste barrel dumpsite is considered to pose a potential cumulative impact on water quality with respect to NEPA.

In order to help to determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Sincerely,

Charles McCreery

CHARLES J. MCCREERY

e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2684 7204

April 14, 2016

Freedom of Information Act Request  
National Oceanic and Atmospheric Administration  
Public Reference Facility (SOU1000)  
1315 East-West Highway (SSMC3)  
Room 9719  
Silver Spring, Maryland 20910

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request that copies of the following documents be provided to me: all site assessment and remedial investigation/feasibility study reports relating to the waste barrel dumpsite in the Mississippi Canyon (Site B) area of the Gulf of Mexico. I request these data in electronic format.**

The dumpsite is associated with EPA Permit #730D008A pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972. The site is described on Page 3-166 of the Bureau of Ocean Energy Management (BOEM) Draft Environmental Impact Statement for Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022, available at: <http://www.boem.gov/hepaprocess/#Recent NEPA Documents>. The waste barrel dumpsite is considered to pose a potential cumulative impact on water quality with respect to NEPA, and I am attempting to determine if this site is adequately regulated.

Although I am making this request as an individual, the documents requested are related to my position as Oceanographer with the BOEM Office of Environment. It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM. In order to help to determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Sincerely,

Charles McCreery

CHARLES J. MCCREERY

e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2684 7174

April 15, 2016

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request documentation demonstrating that EPA has notified Congress specifically about the existence of the waste barrel dumpsite in the Mississippi Canyon (Site B) area of the Gulf of Mexico. I request these data in electronic format.**

The dumpsite is associated with EPA Permit #730D008A, dated November 1973, pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972, described on Page 276 of *Assessing Potential Ocean Pollutants* (National Academy of Sciences, 1975, selection attached). The waste barrel dumpsite involved the seafloor deposition of 205,000 barrels of industrial waste, including 55,000 barrels of chlorinated hydrocarbons.

The EPA Report to Congress on Hazardous Waste Disposal, dated June 30, 1973, did not discuss the MPRSA Section 102 ocean dumping program. I have found no evidence that this site was ever reported to Congress. If this is the case, I request this FOIA remain open until the site is reported to Congress, so I can receive the requested documentation.

Although I am making this request as an individual, the documents requested are related to my position as Oceanographer with the Bureau of Ocean Energy Management (BOEM), Office of Environment. It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM.

In order to help to determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Sincerely,

Charles McCreery

Encl.

CHARLES J. MCCREERY

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e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2685 2352

April 18, 2016

Freedom of Information Act Request  
National Oceanic and Atmospheric Administration  
Public Reference Facility (SOU1000)  
1315 East-West Highway (SSMC3)  
Room 9719  
Silver Spring, Maryland 20910

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request that copies of the following documents be provided to me: locations (corner latitude-longitude) of all containerized industrial waste dumpsites permitted under Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972. I also request a list of EPA permit numbers associated with these sites. I request these data in electronic format.**

Although I am making this request as an individual, the documents requested are related to my position as Oceanographer with the BOEM Office of Environment. It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM. In order to help to determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Sincerely,

Charles McCreery



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 21 2016

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Charles J. McCreery

Re: Freedom of Information Act Request – EPA-R6-2016-005884

Dear Mr. McCreery:

This is in response to your request for a Fee Waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), seeking documents regarding site assessment and remedial feasibility investigation reports relating to the waste barrel dump site in the Mississippi Canyon area of the Gulf of Mexico

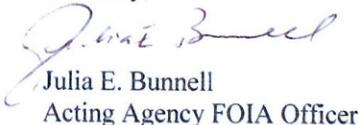
We have reviewed your submission and based on the information provided, we are denying your request for a fee waiver. You have not expressed a specific intent to disseminate the information to the general public. As a result of you failing to meet this criteria, accordingly, there is no need to address the remaining prongs of the fee waiver criteria.

The EPA Region 6 Office will be responding to your information request. You have been placed in the “other” fee category, and will be charged for the costs of search time and duplication, excluding the first two hours of search time and the first 100 pages of duplication. If the estimated costs exceed \$25.00, Region 6 will contact you regarding the cost of processing your request and seek an assurance of payment. They will be unable to process your request until they receive your assurance of payment.

You may appeal this response to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), or E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20001. Your 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 calendar day limit. The appeal letter should include the request number listed above. For quickest possible handling, the appeal letter and its envelope should be marked “Freedom of Information Act Appeal”.

Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R. § 2.107(l), in your appeal. If you have any questions concerning this determination please contact me at (202) 566-1667.

Sincerely,



Julia E. Bunnell  
Acting Agency FOIA Officer



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

April 28, 2016

Via FOIAonline

Mr. Charles J. McCreery

RE: Request Identification Number (RIN): EPA-R6-2016-005884

Dear Mr. Charles J. McCreery:

Thank you for your Freedom of Information (FOIA) request dated April 18, 2016 and received in this office on April 20, 2016, for documents regarding site assessment and remedial feasibility investigation reports relating to the waste barrel dump site in the Mississippi Canyon area of the Gulf of Mexico.

The initial analysis for your request identifies this request will need to be transferred in full to EPA Headquarters FOIA office, they will then task to Marine Pollution Control Branch, Oceans and Coastal Protection Division (OCPD).

The EPA Headquarters office will be responding to you directly, this will also change the FOIA request number to EPA-HQ-2016-005884.

If you have any questions regarding your FOIA request, you may contact the Office of Water (OW) FOIA coordinator, Diane Jones-Coleman at 202-564-0379 or [jones-coleman.diane@epa.gov](mailto:jones-coleman.diane@epa.gov). Please cite your FOIA request tracking number in all communications regarding your request.

Sincerely,

*Leticia Lane*

Leticia Lane

Regional Freedom of Information Act Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 03 2016

May 3, 2016

OFFICE OF  
WATER

Mr. Charles J. McCreery

Re: Freedom of Information Act Request HQ-RIN-004592

Dear Mr. McCreery,

This letter is in reference to your Freedom of Information Act (FOIA) request of March 8, 2016 (HQ-RIN-004592) for all permits issued under section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA 33 USC §1412) during the period April 30, 1973 to May 18, 1983. We recently completed a search and review of documentation in reference to your request and located 39 files from EPA Region 6 in Dallas, Texas, responsive to your FOIA request.

Relevant permits issued under section 102 of the MPRSA may be available at the National Archives and Records Administration (NARA). In order to access files that have been sent to the NARA, please submit a separate FOIA request online through the following portal <https://foiaonline.regulations.gov/foia/action/public/home> and/or contact the FOIA Hotline (phone: 301-837-3642; or email: [foia@nara.gov](mailto:foia@nara.gov)) with any questions.

You may appeal this record response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hg.foia@epa.gov](mailto:hg.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your 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 calendar day limit. The appeal letter should include the FOI listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Subsequent to release of the abovementioned documents to you, the EPA will be closing out this action.

Sincerely,

  
Bill Long  
Acting Division Director  
Oceans and Coastal Protection Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 11, 2016

Mr. Charles J. McCreery

Re: Freedom of Information Act Request EPA-HQ-2016-005884

Dear Mr. McCreery,

This is in response to your Freedom of Information Act (FOIA) request of April 18, 2016, for all site assessment and remedial feasibility investigation reports relating to the waste barrel dumpsite in the Mississippi Canyon (Site B) area of the Gulf of Mexico. I wish to advise you that the Agency has no records responsive to your request.

Relevant permits issued under section 102 of the MPRSA may be available at the National Archives and Records Administration (NARA). In order to access files that have been sent to the NARA, please submit a separate FOIA request online through <https://foiaonline.regulations.gov/foia/action/public/home> and/or contact the FOIA Hotline (phone: 301-837-3642; or email: [foia@nara.gov](mailto:foia@nara.gov)) with any questions.

You may appeal this no records response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your 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 calendar day limit. The appeal letter should include the FOIA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Long".

Bill Long  
Acting Division Director  
Oceans and Coastal Protection Division

CHARLES J. MCCREERY

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e-mail: c.mccreery@comcast.net

CERTIFIED 7015 3010 0002 2685 2314

May 14, 2016

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request copies of all permits and related correspondence for ocean dumping of industrial waste issued by EPA pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research, and Sanctuaries Act of 1972, between the dates of October 23, 1972 and January 20, 1977, which may reside at EPA Regions 1, 2, 3, 4, 9, and 10.**

Although I am making this request as an individual, the documents requested are related to my position as Oceanographer with the Bureau of Ocean Energy Management (BOEM), Office of Environment, where I am a water quality subject matter expert and contribute to NEPA documents for the entire US Outer Continental Shelf area. It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM.

In order to help determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping.

Sincerely,

Charles McCreery

c.mccreery@comcast.net

5/16/2016 1:23 PM

## Re: Freedom of Information Act Request HQ-RIN-004592

To Ryan Gross <gross.ryan@epa.gov> Copy Diane Jones-Coleman <jones-coleman.diane@epa.gov>

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Hello Mr. Gross,

I have completed a quality check of the records that were responsive to FOIA Request HQ-RIN-004592. I have identified 22 pages with scan defects for which I request rescans. The defective pages are listed below and are shown in the attached file.

730D004A  
3/13/74 Letter from DuPont to EPA  
1 table (Nature of Material Dumped)  
Page 1 of 22 see attachment

730D004B  
12/31/74 Letter from DuPont to EPA  
1 table (Times/Locations of Dumping)  
Page 2 of 22 see attachment

730D007A  
12/14/73 Letter from GAF to EPA  
2 tables (Barging Operations Summary)  
Page 3-4 of 22 see attachment

730D007A  
5/6/74 Letter from GAF to EPA  
4 tables (Barging Operations Summary)  
Pages 5-8 of 22 see attachment

730D007B  
11/5/74 Letter from GAF to EPA  
4 tables (Barging Operations Summary)  
Pages 9-12 of 22 see attachment

730D008B  
11/30/73 Letter from Shell to EPA  
1 table (Deep Sea Disposal – Organic Waste Cumulative Disposal)  
Page 13 of 22 see attachment

730D008C  
9/5/74 Letter from Shell to EPA  
2 tables (Deep Sea Disposal – Cumulative Report)  
Pages 14-15 of 22 see attachment

730D008C  
3/6/75 Letter from Shell to EPA  
2 tables (Deep Sea Disposal – Cumulative Report)  
Pages 16-17 of 22 see attachment

730D008D  
2/24/76 Letter from Shell to EPA

2 tables (Deep Sea Disposal – Cumulative Report  
Pages 18-19 of 22 see attachment

730D009  
12/14/73 Letter from Ethyl to EPA  
3 tables  
Pages 21-22 of 22 see attachment

Sincerely,

Charles McCreery

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**From:** [Ryan Gross](#)  
**To:** [c.mccreery](#)  
**Cc:** [Diane Jones-Coleman](#)  
**Sent:** Thursday, May 5, 2016 9:35:09 AM  
**Subject:** RE: Freedom of Information Act Request HQ-RIN-004592

Mr. McCreery,

Good morning. In response to your question below, EPA is not withholding any files related to FOIA request HQ-RIN-004592.

V/R,  
Ryan

Ryan Gross, P.E.  
Environmental Engineer  
US Environmental Protection Agency  
ph. 202-566-1810

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**From:** Jones-Coleman, Diane  
**Sent:** Thursday, May 05, 2016 6:55 AM  
**To:** Long, Bill <[Long.Bill@epa.gov](mailto:Long.Bill@epa.gov)>  
**Cc:** Gross, Ryan <[Gross.Ryan@epa.gov](mailto:Gross.Ryan@epa.gov)>  
**Subject:** FW: Freedom of Information Act Request HQ-RIN-004592

Please see FOIA requester's email attached.

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**From:** [c.mccreery@comcast.net](mailto:c.mccreery@comcast.net) [[c.mccreery@comcast.net](mailto:c.mccreery@comcast.net)]  
**Sent:** Wednesday, May 04, 2016 4:59 PM  
**To:** Jones-Coleman, Diane <[Jones-Coleman.Diane@epa.gov](mailto:Jones-Coleman.Diane@epa.gov)>  
**Subject:** Re: Freedom of Information Act Request HQ-RIN-004592

Dear Mr. Long,

Thank you for your email regarding this FOIA request. I understand that 39 files were located and will be forwarded to me. Can you please tell me if any additional files related to this FOIA Request are being withheld by EPA?

Charles McCreery

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**From:** "jones-coleman diane" <[jones-coleman.diane@epa.gov](mailto:jones-coleman.diane@epa.gov)>  
**To:** "c mccreery" <[c.mccreery@comcast.net](mailto:c.mccreery@comcast.net)>  
**Sent:** Wednesday, May 4, 2016 1:15:16 PM  
**Subject:** Freedom of Information Act Request HQ-RIN-004592

05/04/2016 03:13 PM  
FOIA Request: EPA-HQ-2016-004592

Dear Mr. McCreery,

This letter is in reference to your Freedom of Information Act (FOIA) request of March 8, 2016 (HQ-RIN-004592) for all permits issued under section 102 of the Marine Protection, Research, and Sanctuaries Act (MPRSA 33 USC §1412) during the period April 30, 1973 to May 18, 1983. We recently completed a search and review of documentation in reference to your request and located 39 files from EPA Region 6 in Dallas, Texas, responsive to your FOIA request.

Relevant permits issued under section 102 of the MPRSA may be available at the National Archives and Records Administration (NARA). In order to access files that have been sent to the NARA, please submit a separate FOIA request online through the following portal <https://foiaonline.regulations.gov/foia/action/public/home> and/or contact the FOIA Hotline (phone: 301-837-3642; or email: [foia@nara.gov](mailto:foia@nara.gov)) with any questions.

You may appeal this record response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your 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 calendar day limit. The appeal letter should include the FOI listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Subsequent to release of the abovementioned documents to you, the EPA will be closing out this action.

Sincerely,

Bill Long

Acting Division Director



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
National Ocean Service  
1305 East West Highway  
Silver Spring, Maryland 20910

MAY 24 2016

Mr. Charles McCreery

RE: Freedom of Information Act Request No. 2016-001078

Dear Mr. McCreery:

This is in response to your Freedom of Information Act (FOIA) request of April 18, 2016, in which you requested "locations (corner latitude-longitude) of all containerized industrial waste dump sites permitted under Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972", in addition to "a list of the EPA permit numbers associated with these sites".

Our search of the National Oceanic and Atmospheric Administration (NOAA) records failed to identify any records in our files that would respond to your request.

Based on the above information, this constitutes a denial of your request. You have the right to appeal the denial of this FOIA request. An appeal must be received within 30 calendar days of the date of this response letter by the Assistant General Counsel for Litigation, Employment, and Oversight (Office), Room 5898-C, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to 202-482-2552, or by FOIAOnline, if you have an account in FOIAOnline, at <https://foiaonline.regulations.gov/foia/action/public/home#>.

The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The e-mail, fax machine, FOIAOnline, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine, FOIAOnline, or Office after normal business hours will be deemed received on the next normal business day. If the 30th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

If you have any questions about the way we handled your request, or about our FOIA regulations or procedures, please contact Aida Pettegrue, 240-533-0670.

Sincerely,

A handwritten signature in blue ink that reads "W. Russell Callender".

W. Russell Callender, Ph.D.  
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 25, 2016

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Charles McCreery

RE: Request Tracking Number EPA-HQ-2016-0066787

Dear Mr. Berry:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) for copies of all permits and related correspondence for ocean dumping of industrial waste issued by EPA pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research, and Sanctuaries Act of 1972, between the dates of October 23, 1972 and January 20, 1977, which may reside at EPA Regions 1, 2, 3, 4, 9, and 10.

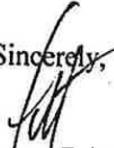
We have reviewed your fee waiver justification and based on the information provided, we are denying your request for a fee waiver. You have not expressed a specific intent to disseminate the information to the general public. As a result of you failing to meet the above criteria, accordingly, there is no need to address the remaining prongs of the fee waiver criteria. The EPA's Office of Water (OW) will be responding to your information request. You have been placed in the "other" fee category and will be charged for the costs of search time and duplication excluding the first two hours of search time and the first 100 pages of duplication. If the estimated costs exceed \$25.00, OW will contact you regarding the cost of processing your request and seek an assurance of payment. They will be unable to process your request until they receive your assurance of payment.

Under the FOIA, you have the right to appeal this fee category determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460 (U.S. Postal Service Only), E-mail: [foia\\_hq@epa.gov](mailto:foia_hq@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20004. Your 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

page 2

consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." If you have any questions, please contact me at (202) 566-1667.

Sincerely,



Larry F. Gottesman  
Chief, FOIA and Privacy Branch

CERTIFIED 7015 3430 0000 6883 0860

May 25, 2016

Ms. Gina McCarthy, EPA Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (1101A)  
Washington, DC 20460

Re: MPRSA Section 102 Ocean Dumping Program

Dear Ms. McCarthy:

I am writing to you regarding ocean dumping pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972. I have been investigating the early days of this program, between October 23, 1972 and January 20, 1977.

Although I am reporting the results of my investigation to you as an individual, this matter is related to my position as Oceanographer with the Bureau of Ocean Energy Management (BOEM), Office of Environment, where I am a water quality subject matter expert and contribute to NEPA documents for the entire US Outer Continental Shelf area. I am responsible for documenting in NEPA the ocean dumping of chlorinated hydrocarbons in the Gulf of Mexico in 1973. Please refer to pages 3-165 and 3-166 of the Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022 Draft Environmental Impact Statement at <http://www.boem.gov/BOEM-2016-018-v1/>.

As a result of Freedom of Information Act Request #EPA-HQ-2016-004592, I obtained EPA Permit 730D008A pursuant to the MPRSA, with effective dates from June 13, 1973 to November 1, 1973, which allowed the seafloor deposition of 205,000 drums of chemical industrial waste, including chlorinated hydrocarbons, in the Mississippi Canyon area of the Gulf of Mexico.

Other permits obtained by the FOIA include 730D002B, 730D004A/B, 730D005, 730D006B, 730D007A/B, 730D008B/C/D/E/F, and 730D009A/B/C/D. All of these permits are available at EPA Region 6. Permit 730D009A/B/C/D allowed the seafloor deposition of 8,700 drums of water-reactive metallic sodium, which poses a potential explosive hazard, in the same area of current oil and gas exploration and development. The ending effective date of Permit 730D009 was June 30, 1977.

Page 11 of a Report to Congress on Hazardous Waste Disposal, dated June 30, 1973 <http://nepis.epa.gov/Exe/ZyPDF.cgi/9101ZVK6.PDF?Dockey=9101ZVK6.PDF>, does not mention the MPRSA Section 102 ocean dumping program. In fact, ocean dumping of chemical industrial waste, permitted by EPA under Section 102 of the MPRSA, was

ongoing at the time the Report was delivered to Congress. Dumping of chemical industrial waste extended past August 30, 1975, the date on which the London Convention came into force.

The juxtaposition of Permit 730D008A with the 1974 Report to Congress on Hazardous Waste Disposal raises suspicion that the early days of the MPRSA Section 102 ocean dumping program were covert, characteristic of the Nixon administration which formed the EPA in 1970 and drafted the MPRSA in 1972.

With knowledge that the ocean dumping program may have been covert, my investigation had to allow for the possibility that the permits were falsified to obscure the material being dumped. The Nixon administration had war waste to dispose after the US pulled out of Vietnam in August 1973, including Agent Orange and its manufacturing byproducts (dioxins). Also, the same companies that made Agent Orange produced DDT, which was banned by EPA on December 31, 1972.

The following information is presented to support my theory that these organochlorine wastes are the contents in drums dumped in the Mississippi Canyon area of the Gulf of Mexico:

Page 11 of the Report to Congress on Hazardous Waste Disposal states, "DoD representatives have advised EPA that all stockpiles of biological warfare agents, including antipersonnel and anticrop agents, have been destroyed." This was later shown to be untrue when EPA began permitting incineration of Agent Orange using the ship, "Vulcanus."

Permit 730D008A allowed disposal of three waste streams: a). Organic Wastes (55,000 drums); b). Digested Sludge (87,500 drums); and c). Spent Caustic (62,500 drums). Digested sludge and spent caustic are unlikely waste streams for ocean disposal due to excessive cost compared to other more environmentally-friendly disposal options. Digested sludge (with no hazardous characteristics) is normally a municipal waste from wastewater treatment plants. Spent caustic is a common waste that is typically neutralized or recycled.

Wastes allowed by Permit 730D008A to Shell Chemical Company were approved for disposal in drums, however, the permit specifies coordinates for a bulk disposal area off Galveston, Texas, not the drum disposal area in Mississippi Canyon.

In a letter from EPA to Shell Chemical Company dated February 12, 1974, EPA issued Permit 730D008C for continued dumping of digested sludge and spent caustic. Disposal of the organics waste stream was specifically not included in the authorization by Permit 730D008C. This permit, effective February 13, 1974 to February 13, 1975, specified that the digested (biological) sludge and spent caustic would be blended. Amendments to Permit 730D008C, effective October 10, 1974 to January 20, 1975, provided that the subject waste would be incinerated on the ship, "Vulcanus." However, Shell Chemical Company continued to provide barging reports showing bulk disposal until March 6, 1975.

In Freedom of Information Act Request #EPA-HQ-2016-005884, I requested site assessment and remedial feasibility studies for the Mississippi Canyon drum disposal site. EPA had no records responsive to the request.

In Freedom of Information Act Request # DOC-NOAA-2016-001078, I requested locations of all containerized industrial waste dumpsites permitted under Section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972. NOAA had no records responsive to the request.

The Mississippi Canyon drum disposal area is the result of a discontinued disposal practice and is not adequately regulated by modern standards adopted by the EPA. The drums on the site represent a substantial threat of release. Organochlorine wastes in the drums, if released, may bioaccumulate or biomagnify in the food chain, potentially affecting the food supply, and may present an imminent and substantial danger to public health or welfare, and to the marine environment. I request that this site be considered for inclusion on the National Priorities List as soon as possible.

By this letter, I am also requesting that the US Senate Committee on Environment and Public Works investigate to determine the full magnitude of this matter. If my theory is correct, there may be 205,000 drums containing dioxins and DDT on the seafloor in the Gulf of Mexico that have resided there for 43 years. Your urgent action is requested.

Sincerely,

Charles McCreery

cc: Senator Jim Inhofe, Majority Office, US Senate Committee  
on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510-6175

Senator Barbara Boxer, Minority Office, US Senate Committee  
on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510-6175

c.mccreery@comcast.net

5/26/2016 11:20 AM

## FOIA Request EPA-WQ-2016-006787 - Appeal of Fee Waiver Denial

To foia hq <foia\_hq@epa.gov> Copy Julia Bunnell <bunnell.julia@epa.gov> • Tanja Crk <crk.tanja@epa.gov> • Ryan Gross <gross.ryan@epa.gov>

Dear Mr. Gottesman,

I am in receipt of your letter, dated May 25, 2016, in which you denied my fee waiver request for the above-referenced FOIA. Your letter states that I failed to meet the criteria for a fee waiver because I did not express a specific intent to disseminate the information to the general public. My FOIA request letter included the following justification:

"It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM." Please be informed that the National Environmental Policy Act (NEPA) is the process by which major federal actions, and the environmental consequences of such, are reported to the public. The Bureau of Ocean Energy Management (BOEM) is the agency responsible for administering leases on the outer continental shelf for oil and gas exploration and development, sand and gravel mining, and siting of renewable energy projects (wind). Information obtained from FOIA Request EPA-WQ-2016-006787 will be used to evaluate identified dumpsites as a potential cumulative impact to water quality, a requirement of NEPA documents.

FOIA Request EPA-WQ-2016-006787 is substantially identical in scope to FOIA Request EPA-HQ-2016-004592, for which Julia Bunnell, EPA Chief of Staff, previously granted a full waiver of fees. The scope of FOIA Request EPA-HQ-2016-004592 was subsequently narrowed by Tanja Crk to see what records existed at Region 6, with the understanding that I would use that information to refocus my request for the other regions. Request EPA-WQ-2016-006787 constitutes following through with the scope of my original request EPA-HQ-2016-004592. This fact alone should be sufficient justification for you to waive fees for EPA-WQ-2016-006787, however, let me take this opportunity to demonstrate how I have used the information obtained from Region 6 for public benefit.

As a result of Freedom of Information Act Request #EPA-HQ-2016-004592, I obtained EPA Permit 730D008A pursuant to the MPRSA, with effective dates from June 13, 1973 to November 1, 1973, which allowed the seafloor deposition of 205,000 drums of chemical industrial waste, including chlorinated hydrocarbons, in the Mississippi Canyon area of the Gulf of Mexico. Permit 730D009A/B/C/D allowed the seafloor deposition of 8,700 drums of water-reactive metallic sodium, which poses a potential explosive hazard. This drum disposal site is in space-use conflict with active oil and gas exploration and development in the Mississippi Canyon area of the Gulf of Mexico. In response, I have implemented a mitigation in Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement systems to warn industry of hazards posed by the drum disposal site.

In Freedom of Information Act Request #EPA-HQ-2016-005884, I requested site assessment and remedial feasibility studies for the Mississippi Canyon drum disposal site. EPA had no records responsive to the request. I therefore conclude that the drum disposal site is not

adequately regulated. Due to the perceived risks of the drum disposal site, including potential impacts to water quality and the food chain from persistent organic pollutants, I have made notification to Gina McCarthy, Administrator, that the site should be considered for inclusion on the National Priorities List.

The Marine Protection, Research and Sanctuaries Act (MPRSA) Section 102 ocean dumping program was not mentioned in a Report to Congress on Hazardous Waste Disposal, dated June 30, 1973 <http://nepis.epa.gov/Exe/ZyPDF.cgi/9101ZVK6.PDF?Dockey=9101ZVK6.PDF>.

In fact, ocean dumping of chemical industrial waste, permitted by EPA under Section 102 of the MPRSA, was ongoing at the time the Report was delivered to Congress. Dumping of chemical industrial waste extended past August 30, 1975, the date on which the London Convention came into force. The early days of the MPRSA Section 102 ocean dumping program were apparently never reported to Congress. In response, I have reported the ocean dumping program and the drum disposal site to Congress (US Senate Committee on Environment and Public Works) by letter dated May 25, 2016 to Gina McCarthy, with copies to Senators Jim Inhofe and Barbara Boxer.

FOIA Request EPA-HQ-2016-004592 identified inconsistencies in Permit 730D008A/B/C, which allowed the seafloor deposition of 205,000 drums in Mississippi Canyon, of which at least 55,000 drums contained chlorinated hydrocarbons. I have presented information to Gina McCarthy and Congress supporting a theory that these drums may contain Vietnam-era war waste (Agent Orange, its manufacturing byproducts, dioxin, and DDT).

I plan to use documents obtained under FOIA Request EPA-WQ-2016-006787 in a similar manner for the public benefit, to identify sites that may pose a risk to human health and the marine environment, to prevent space-use conflicts with other activities on the outer continental shelf, and to recognize hazards to oil and gas activities. EPA should know that, since the drum disposal site has not been regulated by any agency, the oil industry may have placed infrastructure (oil and gas pipelines) in direct contact with potentially-explosive and/or toxic (organochlorine) waste drums.

I request that this email be forwarded to Gina McCarthy for her consideration of this FOIA fee waiver denial appeal.

Sincerely,

Charles McCreery

Ryan Gross <gross.ryan@epa.gov>

5/31/2016 4:32 PM

## RE: Freedom of Information Act Request HQ-RIN-004592

To c.mccreery@comcast.net <c.mccreery@comcast.net> Copy Jessica Franks <franks.jessica@epa.gov>

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Mr. McCreery,

I've attached rescanned versions of the files you requested. If I missed any documents that you requested, please let me know.

V/R,  
Ryan Gross

Ryan Gross, P.E.  
Environmental Engineer  
US Environmental Protection Agency  
ph. 202-566-1810

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**From:** [c.mccreery@comcast.net](mailto:c.mccreery@comcast.net) [mailto:[c.mccreery@comcast.net](mailto:c.mccreery@comcast.net)]  
**Sent:** Monday, May 16, 2016 2:23 PM  
**To:** Gross, Ryan <[Gross.Ryan@epa.gov](mailto:Gross.Ryan@epa.gov)>  
**Cc:** Jones-Coleman, Diane <[Jones-Coleman.Diane@epa.gov](mailto:Jones-Coleman.Diane@epa.gov)>  
**Subject:** Re: Freedom of Information Act Request HQ-RIN-004592

Hello Mr. Gross,

I have completed a quality check of the records that were responsive to FOIA Request HQ-RIN-004592. I have identified 22 pages with scan defects for which I request rescans. The defective pages are listed below and are shown in the attached file.

730D004A  
3/13/74 Letter from DuPont to EPA  
1 table (Nature of Material Dumped)  
Page 1 of 22 see attachment

730D004B  
12/31/74 Letter from DuPont to EPA  
1 table (Times/Locations of Dumping)  
Page 2 of 22 see attachment

730D007A  
12/14/73 Letter from GAF to EPA  
2 tables (Barging Operations Summary)  
Page 3-4 of 22 see attachment

730D007A  
5/6/74 Letter from GAF to EPA  
4 tables (Barging Operations Summary)  
Pages 5-8 of 22 see attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

June 1, 2016

Mr. Charles J. McCreery

Re: Freedom of Information Act Appeal No. EPA-HQ-2016-007050 (Request No. EPA-HQ-2016-006787)

Dear Mr. McCreery:

This letter is being sent to acknowledge receipt of your Freedom of Information Act Appeal received by the Agency on May 26, 2016. Your appeal is being assigned to an attorney in the Office of General Counsel for processing. If you have a question regarding the status of your appeal, please contact me at [blair.shirley@epa.gov](mailto:blair.shirley@epa.gov) so that I may assist you.

Sincerely,

A handwritten signature in blue ink that reads "Shirley Blair".

Shirley Blair  
General Law Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 01 2016

Mr. Charles J. McCreery

OFFICE OF  
GENERAL COUNSEL

Re: Freedom of Information Act Appeal EPA-HQ-2016-007050  
(request EPA-HQ-2016-006787)

Dear Mr. McCreery:

This is the U.S. Environmental Protection Agency's (EPA or Agency) response to your May 26, 2016 fee waiver appeal made under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. On May 14, 2016, you submitted a FOIA request for "copies of permits and related correspondence for ocean dumping of industrial waste issued by EPA pursuant to . . . the Marine Protection, Research, and Sanctuaries Act of 1972 . . ." The permits are dated between 39 and 44 years ago. You also requested a "waiver of all fees for this request" and explained that "[d]isclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of historic ocean dumping."

On May 25, 2016, Mr. Larry Gottesman, Chief, FOIA and Privacy Branch of EPA denied your request for a fee waiver. Mr. Gottesman explained that the Agency denied your fee waiver request because you "have not expressed a specific intent to disseminate the information to the general public."

Your May 26, 2016 appeal of Mr. Gottesman's denial stated that you will use the information obtained from the underlying FOIA request to report ocean dumping "to Congress (US Senate Committee on Environment and Public Work) . . . to Gina McCarthy [and] . . . Senators Jim Inhofe and Barbara Boxer", as you have done with information obtained via past FOIA requests. On June 7 and 27, 2016, you sent emails to EPA that further explained your desire and need for the requested information, but these emails did not specifically address an intent to disseminate the information to the general public. EPA's original appeal response deadline was June 24, 2016. On June 23, 2016, you agreed to grant EPA a one week extension. The new appeal deadline became July 1, 2016.

The Agency evaluates fee waiver requests and appeals on a case-by-case basis. *Judicial Watch, Inc. v. DOJ*, 185 F. Supp. 2d 54, 60 (D.D.C. 2002). Accordingly, I carefully considered your request for a fee waiver, EPA's initial fee waiver denial, your written fee waiver appeal letter and the additional information that you sent to EPA in June 2016. For the reasons set forth below, I conclude that your request and appeal seeking a complete waiver of fees should be, and is denied.

## PUBLIC INTEREST FACTORS

The statutory standard for evaluating fee waiver requests is whether “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government; and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). EPA considers four Elements to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns the operations or activities of the government; (2) whether the disclosure is likely to contribute to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons; and (4) whether the disclosure is likely to contribute significantly to public understanding of government operations or activities. 40 C.F.R. § 2.107(l)(2).

Your request for a fee waiver was denied because you did not meet Element Three. As a result, the FOIA Officer did not evaluate the remaining Elements. I find that denial of a fee waiver was appropriate because you do not meet Element Three.<sup>1</sup>

The third Element considers whether disclosure will likely contribute to the understanding of the subject by the public. 40 C.F.R. § 2.107(l)(2)(iii). “The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requestor.” *Id.* Additionally, “[a] requestor’s expertise in the subject area and ability and intention to effectively convey information to the public will be considered.” *Id.*

You have not met your burden to demonstrate your ability and intention to effectively disseminate the requested information to the general public. You did not explain a specific intent to disseminate the information to the general public, and you failed to offer concrete plans disseminate the information to a reasonably broad audience of persons interested in the subject matter. Instead, you stated that you will use the information obtained from the underlying FOIA request to report ocean dumping “to Congress (US Senate Committee on Environment and Public Work) . . . to Gina McCarthy [and] . . . Senators Jim Inhofe and Barbara Boxer”, but this does not constitute a reasonably broad audience of persons interested in the subject matter. Furthermore, you have not identified any specific increase in public understanding that would result from such dissemination. *See Judicial Watch, Inc. v. DOJ*, 122 F. Supp. 2d 5, 10 (D.D.C. 2000).

You also explained that you intend to use the requested information to conduct research that then might be published in BOEM’s “NEPA documents and white papers.” First, this is speculative. Second, providing the requested information to a third party, who may or may not

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<sup>1</sup> Your submitted information does not meet your burden of demonstrating Elements Two and Four either. However, I do not need to address those issues because you have not satisfied Element Three.

disseminate it, does not meet your burden to demonstrate effective dissemination. This does not demonstrate with the required level of specificity an intent to disseminate the requested information more generally.

I find that the denial of your fee waiver request was appropriate because you did not provide sufficient information to meet the pertinent statutory obligations for Element Three of the public interest requirement. Because you have not met this Element, I do not have to address the remaining public interest requirements. Accordingly, I am denying your fee waiver appeal.

#### CONCLUSION

This letter constitutes EPA's final determination on your May 26, 2016 appeal, EPA-HQ-2016-007050. Pursuant to 5 U.S.C. 552(a)(4)(B), you may obtain judicial review of this determination by filing a complaint in the United States District Court for the district in which you reside or have your principal place of business, or the district in which the records are situated, or in the District of Columbia. Additionally, as part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) within the National Archives and Records Administration was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; e-mail, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, 301-837-1996 or 877-684-6448; and facsimile, 301-837-0348.

Sincerely,

FOR

Kevin Miller  
Assistant General Counsel  
General Law Office

cc: HQ FOI Office  
Mr. Larry Gottesman

7/18/2016

DEPARTMENT OF THE INTERIOR Mail - Attached Image



McCreery, Charles <charles.mccreery@boem.gov>

## Attached Image

5 messages

**N0649-C5235@bsee.gov** <N0649-C5235@bsee.gov>  
To: <charles.mccreery@boem.gov>

Fri, Jul 8, 2016 at 11:26 AM

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3051\_001.pdf  
48K

McCreery, Charles <charles.mccreery@boem.gov>  
To: "Brian Cameron, Jr." <brian.cameronjr@boem.gov>

Fri, Jul 8, 2016 at 2:09 PM

Good afternoon Mr. Cameron,

I am forwarding you results of Freedom of Information Act (FOIA) requests I made as an individual to EPA and NOAA regarding MPRSA Section 102 Ocean Dumping Permits. The records include permits and correspondence responsive to the FOIA Requests that were located at EPA Region 6. These records, together with my personal correspondence with the agencies, are being made available to the public per agreement as part of the FOIA process. These records will be referenced and discussed in Section 3.3.2.3.4 of the Gulf of Mexico OCS Oil and Gas Lease Sales: 2017-2022 Final Environmental Impact Statement. Please ensure these records are preserved in the public domain.

Sincerely,

Charles McCreery

--  
Charles McCreery, CPG  
Oceanographer  
Office of Environment  
Bureau of Ocean Energy Management  
1201 Elmwood Park Blvd., MS GM676E  
New Orleans, LA 70123  
(504) 736-7518

**BOEM**  
BUREAU OF OCEAN ENERGY MANAGEMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

JUL 29 2016

Charles J. McCreery

Dear Mr. McCreery:

I am writing in response to your May 25, 2016 letter to EPA Administrator Gina McCarthy regarding your request to consider the Mississippi Canyon Area in the Gulf of Mexico for potential listing on the National Priorities List (NPL). Your letter was referred to me for a reply since it regards the NPL listing process, which is a matter within my purview.

In your letter you express concern regarding ocean dumping pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972; particularly of alleged dumping of drums containing DDT and dioxins within the Mississippi Canyon Area from 1972-1976. We have reviewed the information you have provided. Due to the complex nature of the site in question and the need for further evaluation, I have forwarded your request to the Mr. Chris Villarreal, Chief of EPA Region 6's Risk and Site Assessment Team, to conduct a Pre-CERCLA Screen (PCS). A PCS is the first step in the Superfund pre-remedial and site assessment process. The PCS helps EPA determine whether the site should be addressed under the federal Superfund program or under another federal, state or tribal cleanup program.

As part of this assessment EPA may coordinate with other federal agencies with potential jurisdiction and determine if additional investigation is needed under CERCLA. If you have any questions or wish to provide additional information, please contact Mr. Chris Villarreal at (214) 665-6758.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Ammon".

Douglas Ammon, Chief  
Site Assessment and Remedy Decisions Branch  
Office of Superfund Remediation and  
Technology Innovation

cc: Chris Villarreal

CERTIFIED 7015 3430 0000 6883 0884

May 9, 2017

Freedom of Information Act Request  
U.S. Army Corps of Engineers  
Galveston District, Corps of Engineers  
P. O. BOX 1229  
Galveston, Texas 77553-1229

Re: Freedom of Information Act Request

Dear FOIA Officer:

A discontinued organochlorine ocean disposal site is located in the Mississippi Canyon protraction of the Gulf of Mexico associated with EPA ocean dumping Permit #730D008 issued to Shell Chemical Company, dated 1973-1977 pursuant to the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972. My mapping indicates over one million drums of organochlorine waste products are located on blocks MC554, MC555, MC556, MC598, MC599, MC600, MC642, MC643, MC644, and surrounding blocks. These drums are believed to contain organochlorine waste products from the manufacturing of Agent Orange at the Rocky Mountain Arsenal in Commerce City, Colorado, and shipped via rail to the Naval Construction Battalion Center in Gulfport, Mississippi. Other drums emplaced at the disposal site pursuant to Permit 730D009 issued to Ethyl Corporation contain water-reactive metallic sodium.

**I request copies of site assessments, remedial investigations, and feasibility studies related to the ocean disposal site associated with EPA Permits 730D008 and 730D009.**

In order to help to determine my status to assess fees, you should know that I am an individual seeking information for public use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because the disposal site is considered a potential source of persistent organic pollutants (POPs) that may be impacting the seafood supply, human receptors, and the environment.

Sincerely,

Charles McCreery

**Request Confirmation****Request Information**

Tracking Number : ***DON-NAVY-2017-006305***

Requester Name : Mr. Charles McCreery

Date Submitted : 05/09/2017

Request Status : Submitted

Description :

Copies of Uniform Hazardous Waste Manifests for rail shipments into the Naval Construction Battalion Center in Gulfport, Mississippi during the period 1975-1976 from the Shell Chemical Company facility at Rocky Mountain Arsenal in Commerce City, Colorado.



DEPARTMENT OF THE ARMY  
GALVESTON DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 1229  
GALVESTON, TEXAS 77553-1229

9 June 2017

SUBJECT: FOIA No. FA-17-0200

Mr. Charles McCreery

Dear Mr. McCreery:

In response to your Freedom of Information Act (FOIA) request of 9 May 2017, received by our office on 22 May 2017, for copies of site assessments, remedial investigations, and feasibility studies related to the ocean disposal site associated with EPA Permits 730D008 and 730D009, please be advised that no records responsive to your FOIA request have been identified at this time.

There is no charge associated with processing your request.

I trust that you will appreciate the consideration upon which this determination is based. However, because your request has resulted in no records, you are advised of your right to appeal this determination through this office, and we will forward it to our Washington Office for processing to the Secretary of the Army (Attn: General Counsel).

Your appeal must be submitted within 90 days of the date of this letter. In your appeal, you must state the basis for your disagreement with the denial and, if the denial includes the withholding of documents, then you should state the justification for release. Your appeal must be made through this office, and should be addressed to: U.S. Army Corps of Engineers, Office of Counsel, FOIA, 2000 Fort Point Road, P.O. Box 1229, Galveston, Texas 77553-1229. Please note your appeal should address the information denied in this response and cannot be used to make a new request for new or additional information.

You are also advised that you may seek dispute resolution services regarding this determination through the FOIA Liaison for the Corps of Engineers (Corps) or the Office of Government Information Services (OGIS). Contact information is as follows:

FOIA Liaison for the Corps:

Emily Green  
US Army Corps of Engineers  
ATTN: CECC-L  
441 G Street, NW  
Washington, DC 20314-1000

Email: [foia-liaison@usace.army.mil](mailto:foia-liaison@usace.army.mil)  
Phone: 202-761-4791

FOIA Liaison for OGIS:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road--OGIS  
College Park, MD 20740-6001

Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Website: <http://ogis.archives.gov>  
Telephone: 202-741-5770 or toll free at 1-877-684-6448  
Fax: 202-741-5759

Should you have any questions or need additional information, you may contact Clark Bartee, Acting FOIA Officer, by phone at 409-766-3199 or email [clark.bartee@usace.army.mil](mailto:clark.bartee@usace.army.mil). Please refer to FOIA No. FA-17-0200 on any future inquiries.

Sincerely,



P. Alex Petty  
Initial Denial Authority  
Galveston District

CERTIFIED 7015 3010 0002 2685 2307

June 19, 2017

U.S. Department of the Interior  
Office of Inspector General  
1849 C Street, NW – Mail Stop 4428  
Washington, D.C. 20240

Re: Whistleblower Protection Disclosure

To Whom it May Concern:

I am making a Disclosure under the Whistleblower Protection Enhancement Act of 2012 in relation to a previous abuse of authority by the Nixon administration that has resulted in current potential risks to environmental safety and public health. This Disclosure involves a drum dumpsite in the Gulf of Mexico, previously unknown to the public, which is believed to contain about 1,424,000 drums of dioxin-contaminated still bottoms. This waste is believed to have been generated during the manufacturing of Agent Orange by Shell Chemical Company at Rocky Mountain Arsenal, a facility operated by the Army Chemical Corps, located in Commerce City, Colorado. I request this information be preserved and made part of the administrative record related to this claim.

I am currently employed by the Bureau of Ocean Energy Management (BOEM), a successor to the Minerals Management Service, and a part of the US Department of Interior. I am an oceanographer and water quality subject matter expert in the New Orleans Office of Environment of BOEM. My duties include review of Exploration Plans and Development Operations Coordination Documents submitted by the oil and gas industry for planned offshore activities. I also conduct research related to water quality in the Gulf of Mexico, and document pertinent findings in National Environmental Policy Act (NEPA) documents. I hold a Position of Public Trust clearance, and am expected to be a “good steward of the environment.” Prior to working at BOEM, I was a licensed professional in the hazardous materials spill cleanup industry, where I managed hazardous waste site investigations for over 20 years.

During the course of my official BOEM duties in Fall, 2014, I learned of a National Academy of Sciences report entitled, *Assessing Potential Ocean Pollutants*, dated 1975. The section starting on Page 267 describes a drum dumpsite in the Gulf of Mexico that was emplaced in 1973. The report describes the dumping of 205,000 barrels of industrial waste, including 55,000 barrels of

synthetic chlorinated hydrocarbons, associated with ocean dumping Permit #730D008. This permit was issued by the Environmental Protection Agency (EPA) to Shell Chemical Company pursuant to the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA). This dumpsite is located in the Gulf of Mexico, about 56 miles south of the Mississippi Delta.

I considered this dumpsite to pose a potential cumulative effect on water quality, and attempted to obtain Permit #730D008 from the EPA through professional interagency contact. In April 2015, I reached out to the EPA Region 6 Ocean Dumping Management Program in Dallas, Texas to request the current regulatory status of the site. I received no response. In October 2015, I reached out to the Compliance Assurance and Enforcement Division of EPA Region 6, requesting the current regulatory status of the site, and asked that my request be forwarded to the CERCLA Superfund group. Again I received no response.

In February 2016, I submitted a Freedom of Information Act (FOIA) request to the EPA headquarters in Washington, D.C. for Permit #730D008 and other MPRSA ocean dumping permits. In May 2016, I received approximately 474 pages of permits and associated barge reports with coordinates of dumping, which had been stored at EPA Region 6. In July 2016, I presented copies of the permits and barge reports to my employer so I could use them as a reference in public NEPA documents.

I was subsequently informed by BOEM Office of Environment management that I had a potential conflict of interest, because the FOIA was made by me personally. I was asked to recuse myself of all duties I had assumed related to the drum dumpsite, including a water quality mitigation I had conceived to avoid space-use conflicts between the dumpsite and oil and gas industry activities. On July 18, 2016, I recused myself of these duties, but continued my investigation as an individual.

I analyzed the ocean dumping permits, and plotted the dumping tracks from the barge reports. From this analysis and further interpretation, I produced the attached chart, entitled *Mississippi Canyon Drum Disposal Site* (McCreery, 2016). Based on the permitted number of drums per barge load (8,000), and the number of loads documented in the barge reports, I estimated that approximately 1,424,000 drums were dumped under Permit #730D008C/D/F in an area of about 225 square miles. Based on the chart, Mississippi Canyon Blocks 853, 854, 855, 897, 898, 899, 941, 942, 943, 985, 986, and 987 are believed to contain the majority of the 1,424,000 drums. Sonar targets representative of the drums are seen on two attached shallow hazard surveys from public information copies of Exploration Plans S-7273 and S-7480.

My research indicates the waste was shipped in 1977 from the Naval Construction Battalion Center (NCBC) Outport facility located at Gulfport, Mississippi. The waste is believed to consist of dioxin-contaminated still bottoms generated as a waste product at the Shell Chemical Company Agent Orange manufacturing facility at Rocky Mountain Arsenal in Commerce City, Colorado. This waste stream, mixed with fuel oil to make it flow, was initially disposed by deep-well injection until 1967, when the practice was stopped due to induced seismicity in the Denver area. The waste is believed to have been containerized during Interim Response

Actions implemented under the Contamination Control Program at Rocky Mountain Arsenal, beginning in 1974. The drums were later moved to the NCBC facility via rail where they were staged and prepared for ocean disposal in the Gulf of Mexico.

As part of my investigation, I attempted to obtain reports that describe waste characteristics and risk assessment of the drum dumpsite, a normal part of any hazardous waste site evaluation for the site to be considered adequately-regulated. I requested the reports from EPA, National Oceanic and Atmospheric Administration (NOAA), and US Army Corps of Engineers (USACE) via FOIA requests. EPA and USACE had no responsive files, and I never received a reply from NOAA. I concluded that the drum dumpsite is not adequately-regulated.

Based on results of my investigation, I believe that the manufacturing of Agent Orange at Rocky Mountain Arsenal by Shell Chemical Company and the associated ocean dumping of dioxin-contaminated still bottoms in the Gulf of Mexico were performed as covert actions to avoid public scrutiny. This is the basis of my allegation of “previous abuse of authority.”

Primary evidence of this allegation includes:

- Dumping of synthetic chlorinated hydrocarbons pursuant to Permit #730D008 was prohibited under Section 102 of the MPRSA due to the persistence and permanence properties of the waste;
- The period of ocean dumping continued until August 1977, in violation of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. This international agreement to stop uncontrolled ocean dumping came into force on August 30, 1975, and the United States was a signatory party;
- The Report to Congress on Hazardous Waste Disposal, dated June 30, 1973, did not discuss the MPRSA Section 102 ocean dumping program. Ocean dumping was in fact taking place on the day the report was delivered to Congress.  
<http://nepis.epa.gov/Exe/ZyPDF.cgi/9101ZVK6.PDF?Dockey=9101ZVK6.PDF>
- The barge reports prepared by Shell Chemical Company show evidence of tampering and falsification, believed to have occurred after-the-fact in the corrupted EPA under the influence of the Nixon administration.

Because the actions were covert, the wastes were not afforded the same standard of care that would have otherwise been used if the waste generation process was public. It is my belief that these covert actions have remained a protected secret involving multiple government agencies until the time of this Disclosure. Unfortunate consequences are believed to have occurred as a result of keeping the dumpsite secret:

- The offshore oil and gas industry has expanded into deep water since 1977 when the dumping ended. Subsea wells, pipelines and other infrastructure related to the oil and

gas industry is now in space-use conflict with the drum dumpsite. Oil and gas activities on the seafloor carry the risk of damage to the drums and the potential inadvertent release of dioxin into the marine environment. Other drums in the dumpsite are known to contain metallic sodium, which is water-reactive and potentially explosive. These drums pose a risk of chain reaction and potential damage to oil and gas infrastructure, specifically pipelines. This is the basis for my allegation of a potential risk to environmental safety.

- The Mississippi Canyon Drum Disposal Site is believed to be a major source of synthetic persistent organic pollutants (POPs) that are ubiquitous in marine fauna of the Gulf of Mexico. POPs have been detected in marine mammals, sea turtles, fish, birds, oysters, and even the plankton. POPs do not break down or get excreted. Concentrations of POPs bioaccumulate up the food chain, with apex predators (including humans) receiving the highest body burdens. POPs are carcinogenic, and are a major concern for the World Health Organization. This is the basis for my allegation of a potential risk to public health via contamination of the seafood supply.

With this Disclosure, I recommend that the nature and extent of contamination from this dumpsite be assessed, including a characterization of risk posed to human health via contamination of the seafood supply. The seafood supply originating from the Gulf of Mexico should be screened for POPs, and the results applied in a human health risk assessment. Finally, the space-use conflict posed by the offshore oil and gas industry should be resolved by protection of the dumpsite as a national marine sanctuary. With respect to this space-use conflict, time is of the essence, since there are current plans to drill within the affected area.

Due to the nature of the site, this work should be performed in a transparent manner with public participation. It is suggested that the work be overseen by the National Academy of Sciences to avoid any possible conflicts of interest with government agencies. Dr. Marcia McNutt, President of the National Academy of Sciences, is copied on this letter. I suggest that the first steps should include an ROV survey of Mississippi Canyon Blocks 853, 854, 855, 897, 898, 899, 941, 942, 943, 985, 986, and 987 and associated sediment pore water testing for dioxin compounds.

Please feel free to contact me for supporting documentation as you begin to validate my claims. That documentation is derived entirely from public information.

Sincerely,

Charles J. McCreery

cc:

Dr. Marcia McNutt  
National Academy of Sciences  
500 Fifth Street, NW  
Washington, DC 20001

Encl.

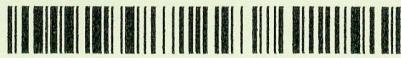
Chart: Mississippi Canyon Drum Disposal Site  
Shallow Hazard Survey, Mississippi Canyon Blocks 762/806 (S-7273)  
Shallow Hazard Survey, Mississippi Canyon Blocks 941/985 (S-7480)

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

USDOI Inspector General  
1849 C. Street, MS 4428  
Washington, DC 20240



9590 9403 0530 5173 6524 00

2. Article Number (Transfer from service label)

7015 3010 0002 2685 2307

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Mary Kendall*  Agent  
 Addressee

B. Received by (Printed Name)

MARY KENDALL

C. Date of Delivery  
6/23/17D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
Insured Mail	
Insured Mail Restricted Delivery (over \$500)	

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt



DEPARTMENT OF THE NAVY  
NAVAL HISTORY AND HERITAGE COMMAND  
805 KIDDER BREESE STREET SE  
WASHINGTON NAVY YARD DC 20374-5060

IN REPLY REFER TO

5720  
Ser HAD/355  
June 28, 2017

Mr. Charles McCreery

Dear Mr. McCreery:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER  
DON-NAVY-2017-006305

This is in response to your Freedom of Information Act (FOIA) request of May 9, 2017 in which you requested copies of uniform hazardous waste manifests for rail shipments into the Naval Construction Battalion Center in Gulfport, Mississippi from the Shell Chemical Company facility at Rocky Mountain Arsenal in Commerce City, Colorado during the period 1975-1976. Your request was received by this office on May 9, 2017 and assigned the case number DON-NAVY-2017-006305.

Your request has been processed in accordance with the Freedom of Information Act (5 U.S.C. § 552), Privacy Act (5 U.S.C. § 552a), Part 701 of Title 32 of the Code of Federal Regulations, the Department of the Navy Freedom of Information Act Program (SECNAVINST 5720.42F), and the Department of the Navy Privacy Act Program (SECNAVINST 5211.5E).

In processing your request, my staff searched the records maintained by the Naval History and Heritage Command; unfortunately, no responsive records were located. Cargo manifests are not permanent records and were not retained.

For the purpose of assessing FOIA processing fees, you have been categorized as an "all other" requester. As such, you are entitled to two hours of search and 100 pages of duplication free of charge, but are responsible for the payment of any search and duplication fees exceeding your free entitlement. In this instance, since the fees do not exceed your free entitlement, there is no fee charge for the processing of your request by this office.

You may contact the analyst who processed your request, Mr. David Ajua at (202) 685-0156 or email: [david.ajua@navy.mil](mailto:david.ajua@navy.mil), as well as our FOIA Public Liaison Ms. Robin Patterson at [DONFOIA-PA@navy.mil](mailto:DONFOIA-PA@navy.mil) for any further assistance and to discuss any aspect of your request.

5720  
Ser HAD/355  
June 28, 2017

If you are not satisfied with the response to this request, you may administratively appeal by writing to:

Department of the Navy  
Office of the Judge Advocate General (Code 14)  
1322 Patterson Avenue SE, Suite 3000  
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within 90 calendar days from the date of this letter to be considered. A statement as to why your appeal should be granted should be included and a copy of this letter should be attached. Both the appeal letter and the envelope should bear the notation, "Freedom of Information Act Appeal."

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



F. J. THOMAS  
By direction

**OIG Referrals <doioigreferrals@doioig.gov>**

8/11/2017 4:11 PM

## **OIG Complaint - OI-HQ-17-0746-R**

To c.mccreery@comcast.net

Good afternoon Mr. McCreery -

This is to inform you that the complaint you recently submitted to our office concerning the dumping of waste in the Gulf of Mexico was received and reviewed by our office. We have determined that the issues raised in your complaint would be better addressed by the U.S. Environmental Protection Agency, Office of Inspector General (EPA/OIG).

With our referral of your complaint to EPA/OIG, we consider our involvement in this matter concluded. Thank you for bringing this very serious concern to our attention.

Should you have any questions about our referral, please feel free to contact our office.

Sincerely,

Arthur Willhite  
Special Agent  
U.S. Department of the Interior  
Office of Inspector General  
Intake Management Unit

## Whistleblower Complaint - Mississippi Canyon Drum Disposal Site

To diane.chisholm@bsee.gov

---

Dear Ms. Chisholm:

This is a formal Whistleblower Complaint related to the Mississippi Canyon Drum Disposal Site located about 60 miles south of the Mississippi delta in the Gulf of Mexico. This Complaint incorporates by reference my letter to the Department of Interior (DOI) Office of the Inspector General (OIG), dated June 19, 2017 and entitled Whistleblower Disclosure. To date, OIG has never responded to that letter, which was sent via Certified Mail and personally received by Mary Kendall, Acting DOI Inspector General. This Complaint also incorporates by reference the Shell Offshore, Inc. Exploration Plan S-7876, dated November 2, 2017.

For the record, I am a water quality subject matter expert located in the Physical and Chemical Sciences Section within the Office of Environment in the Bureau of Ocean Energy Management (BOEM).

Prior to the date of my letter to OIG, I expressed concern to Office of Environment management regarding the Mississippi Canyon Drum Disposal Site, because contaminants released at the site could bioaccumulate in fish and contaminate the seafood supply. These concerns have not been addressed, and management responded by taking away much of my work and limiting my movement around the building, making it impossible to discuss my concerns with other scientists.

This Whistleblower Complaint was triggered by Plan S-7876, which was assigned to me for water quality review and which I reviewed on November 14, 2017. My review concluded with a Request for Information (RFI) that the Barrel Avoidance Plan contained within S-7876 is not protective of water quality for the following reasons:

- After further NEPA review, the Waste Barrel Avoidance/Release Response Plan is not adequate to protect water quality. The drums contain wastes from the manufacture of fungicides and herbicides. This process generates furans and dioxins, which are persistent organic pollutants (POPs) and known carcinogens.
- The Plan specifies a safe standoff distance of 33 feet, and states that many drums have released their contents. Note that sonar surveys of splays indicate typical sediment disturbance occurs up to 2,000 feet from a spudding well. Therefore, any such released waste material within 2,000 feet from a spudding well may be subject to resuspension and become more bioavailable. OSCLA states that geological explorations should not result in pollution or create hazardous or unsafe conditions. Therefore, the safe standoff distance from any barrel should be 2,000 feet.

I discussed my review with my supervisor, and requested a meeting with the Bureau of Safety and Environmental Enforcement (BSEE) Office of Environmental Compliance to address the scientific technical concerns with the Barrel Avoidance Plan. Without any further discussion, my review of S-7876 was deleted in TIMS by Office of Environment management, and replaced with a favorable review.

My specific complaints include the following:

1. BOEM and BSEE are allowing Shell Offshore, Inc. to drill within an unsafe distance from the drums and their released contents, resulting in ejection of dioxin-containing materials approximately 2,000 feet up into the water column, where it is exposed to fish that comprise our seafood supply.
2. The Barrel Avoidance Plan has never been reviewed under NEPA, and has not been disclosed to the public in environmental impact statement reports. This is a violation of NEPA.
3. BOEM and BSEE approval for Shell Offshore, Inc. to drill within the drum field is a violation of OSCLA because it results in pollution and hazardous or unsafe conditions.

This matter should be fully addressed with scientific technical analysis prior to approving S-7876, which includes installation of eight new wells within the drum field. This matter also applies to Shell Offshore, Inc. subsea fields Diemos, West Boreas, Olympus, Mars, King, Princess, Ursa, Kaikias, Crosby, Vito, Power Nap, and Deep Sleep, all of which utilize the Barrel Avoidance Plan in Exploration Plans and Development Operation Coordination Documents.

Finally, please know that I consider this issue to be of National importance, since I believe it has already affected the seafood supply from the Gulf of Mexico. It is critical that this Whistleblower Complaint be addressed as soon as possible by a competent scientific team.

Sincerely,

Charles McCreery

**Alicia Grimaldi <grimaldi.alicia@epa.gov>**

1/16/2018 9:08 AM

## RE: Mass Bay Disposal Site

To Charles McCreery <c.mccreery@comcast.net>

---

Hello Mr. McCreery,

Thank you for your interest in this project. There is a project webpage at: <https://www.epa.gov/ocean-dumping/massachusetts-bay-industrial-waste-site-restoration-project>. Section 3.10 of the Draft Environmental Assessment on the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site (ODMDS) ([link to PDF](#)) contains discussion of the waste containers and the results of the sidescan sonar surveys of the area. Additional sidescan data can be found in the Baseline Seafloor Assessment Survey for the Proposed Expansion of the Massachusetts Bay Disposal Site by the Army Corps of Engineers: <http://www.nae.usace.army.mil/portals/74/docs/DAMOS/TechReports/201.pdf>.

As for MPRSA permits, EPA was the permitting agency for the Industrial Waste Site from 1973 through its closure in 1977. Unfortunately, I have been unable to locate any permits in our archives from that time.

I hope these documents answer your questions, but, if you would like to discuss this further, please do not hesitate to contact me. I will also add you to the distribution list for future project updates.

Thank you!

---

**Alicia Grimaldi**  
Ocean & Coastal Protection  
Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Mail Code: OEP06-01  
Boston, MA 02109  
Tel: (617)918-1806  
Fax: (617)918-0806

---

**From:** Charles McCreery [mailto:[c.mccreery@comcast.net](mailto:c.mccreery@comcast.net)]  
**Sent:** Friday, January 12, 2018 10:41 AM  
**To:** Grimaldi, Alicia <[Grimaldi.Alicia@epa.gov](mailto:Grimaldi.Alicia@epa.gov)>  
**Subject:** Mass Bay Disposal Site

Hi Alicia,

Can you please direct me to public information regarding assessment of the Mass Bay Disposal Site? I am looking for sidescan sonar data that shows the current configuration of drums at the site, and data regarding the structural integrity of the drums with a determination of whether they have released their contents. I also would like to receive copies of the Marine Protection, Research, and Sanctuaries Act permits for the site dated after April 30, 1973 that identify materials disposed at the site. Please add me to your distribution list for public involvement in this site, including any public meetings.

Sincerely,

Charles McCreery

**CHARLES J. MCCREERY**

PO BOX 10314, NEW ORLEANS, LA 70181-0314

c.mccreery@comcast.net

CERTIFIED 7015 3430 0000 6883 0877

February 13, 2018

Arthur A. Elkins, Inspector General  
Environmental Protection Agency  
Office of Inspector General  
1200 Pennsylvania Avenue, N.W. (2410T)  
Washington, DC 20460

**Re: Whistleblower Complaint**

Dear Mr. Elkins:

This is a formal Whistleblower Complaint related to the Mississippi Canyon Drum Disposal Site located about 60 miles south of the Mississippi delta in the Gulf of Mexico. I incorporate by reference my Whistleblower Disclosure, dated June 19, 2017, to the Department of Interior Office of Inspector General, and my Whistleblower Complaint, dated November 22, 2017, to the Bureau of Safety and Environmental Enforcement (BSEE) regarding its jurisdiction over the same site.

For the record, I am a water quality subject matter expert located in the Physical and Chemical Sciences Section within the Office of Environment of the Bureau of Ocean Energy Management in New Orleans.

This matter pertains to Permit 730D008 issued by Environmental Protection Agency (EPA) Region 6 to Shell Chemical Company under Section 102 of the Marine Protection, Research and Sanctuaries Act (MPRSA) between the dates of June 13, 1973 and August 15, 1977. This waste consists of approximately 1,424,000 drums of chlorinated hydrocarbons believed to be dioxin-contaminated still bottoms generated during the manufacture of Agent Orange by Shell Chemical Company at Rocky Mountain Arsenal, a facility operated by the Army Chemical Corps, located in Commerce City, Colorado.

I have the following claims regarding the Drum Disposal Site pertinent to EPA jurisdiction:

1. This waste consists of chemical and biological warfare agents, which Section 102 of the MPRSA specifically prohibits from ocean dumping.
2. Dumping of chlorinated hydrocarbons pursuant to Permit #730D008 was prohibited under Section 102 of the MPRSA due to the persistence and permanence properties of the waste.

3. EPA failed to consider the effects of ocean dumping of this material on human health and welfare, fisheries resources, plankton, fish, shellfish, and marine ecosystems, as required by the MPRSA.
4. The EPA Report to Congress on Hazardous Waste Disposal, dated June 30, 1973, did not discuss the MPRSA Section 102 ocean dumping program. Ocean dumping was in fact taking place on the day the report was delivered to Congress.
5. The permitting of this material was in violation of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. This international agreement to stop uncontrolled ocean dumping came into force on August 30, 1975, and the United States was a signatory party.
6. EPA did not seek public participation prior to permitting of this waste.
7. EPA failed to regulate the site after permitting to monitor ongoing risk to human health and the marine ecosystem, as required by the MPRSA. EPA failed to involve the Department of Commerce (DOC) in conducting this monitoring, as DOC has no records of the site.
8. EPA failed to regulate by transferring site management to the US Army Corps of Engineers (ACE). This site should be a Formerly Used Defense Site (FUDS), and ACE has no records of the site.
9. EPA failed to regulate by transferring authority to DOI. DOI is now allowing the offshore oil industry to molest the site by drilling in close proximity to rusted drums that have released their contents. DOI has no regulatory authority to manage a hazardous waste site under the Outer Continental Shelf Lands Act or the National Environmental Policy Act. This is the subject of my Whistleblower Complaint to DOI, dated November 22, 2017.
10. EPA's failure to regulate the site has resulted in incomplete risk characterization of the seafood supply by the U.S. Department of Health & Human Services.

These findings indicate the MPRSA Section 102 ocean dumping permits issued between 1973 and 1977 were used to illegally dump chlorinated hydrocarbons that were otherwise not allowed to be dumped. There is now a need to assess all MPRSA ocean dumping permits in all EPA regions for the period of 1973-1977, to confirm locations and actual waste types so that the containment caps are properly designed. In the interim, no ocean dump sites associated with the MPRSA permits should be buried, since this action may conceal evidence needed to understand the extent of illegal ocean dumping that was conducted under the MPRSA Section 102 program. Intentional withholding of these permits and barge reports from the public by EPA is now considered to be concealment of evidence.

The Massachusetts Bay Disposal Site (MBDS) is one of these MPRSA ocean dump sites, and EPA has current plans to cover the barrel field with dredge spoil without prior assessment or making the MPRSA ocean dumping permits public. [https://www.epa.gov/sites/production/files/2017-09/documents/draft\\_environmental\\_assessment\\_for\\_mbds\\_w\\_attachments.pdf](https://www.epa.gov/sites/production/files/2017-09/documents/draft_environmental_assessment_for_mbds_w_attachments.pdf)

U.S. Department of Environmental Protection

Office of Inspector General

February 13, 2018

The MBDS is believed to be associated with New Bedford and Gloucester Harbors which are contaminated with chlorinated hydrocarbons. More MPRSA ocean dump sites are believed to exist in Federal waters offshore from other ports and harbors that are contaminated with chlorinated hydrocarbons.

EPA should make all MPRSA Section 102 ocean dumping permits for the period 1973 to 1977 publicly-available; EPA should inventory the actual contents of wastes at each of the disposal sites through analytical testing; EPA should protect the sites from molestation, and ensure they all have proper engineered containment caps after assessment.

Sincerely,

Charles J. McCreery

cc:

Bureau of Safety and Environmental Enforcement  
Employee and Labor Relations Branch  
1201 Elmwood Park Blvd.  
New Orleans, LA 70123

Department of Defense  
Office of Inspector General  
4800 Mark Center Drive  
Alexandria, VA 22350

US Department of Commerce  
Office of Inspector General  
1401 Constitution Avenue, NW  
Washington, DC 20230

U.S. Department of Health & Human Services  
Office of Inspector General  
330 Independence Avenue, SW  
Washington, DC 20201



DEPARTMENT OF HEALTH AND HUMAN SERVICES

## OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



February 21, 2018

Charles J. McCreery  
PO Box 10314  
New Orleans, LA 70181-0314

Dear Mr. McCreery:

Our office received your correspondence dated February 13, 2018 regarding Whistleblower Complaint. Although we appreciate your concerns, the Inspector General of the Department of Health and Human Services has no jurisdiction over the issue you raise.

A review of your correspondence indicates that you already wrote the agency to assist you: Environmental Protection Agency, Office of Inspector General. We hope that your concerns can be satisfactorily resolved.

Sincerely,

Ann C. Wieland  
Director  
Executive Secretariat

**Brianne Jones <bjones@oig.doc.gov>**

3/15/2018 2:31 PM

## **18-0625 Complainant Notification**

To c.mccreery@comcast.net <c.mccreery@comcast.net>

Dear Charles McCreery:

The Department of Commerce (DOC) Office of Inspector General (OIG) has received your correspondence and reviewed the information you provided. We have assigned complaint number 18-0625. After careful consideration, we decided to refer your allegation to the National Oceanic and Atmospheric Administration (NOAA).

If you have any questions or further information, please contact the Hotline at (800) 424-5197 and reference the pin number assigned when you initiated the complaint.

Thank you.

Hotline  
Office of Inspector General  
U.S. Department of Commerce



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF  
THE INSPECTOR GENERAL

March 23, 2018

Mr. Charles J. McCreery  
PO Box 10314  
New Orleans, LA 70181-0314

RE: Hotline Number 2018-0174

Dear Mr. McCreery,

Your letter dated February 13, 2018, to the U.S. Environmental Protection Agency (EPA) Inspector General was forwarded to the EPA, Office of Inspector General (OIG), Hotline.

We assigned EPA OIG Hotline Number 2018-0174, to document receipt of your information. Your letter has been forwarded to the EPA, Criminal Investigations Division. This office will be reviewing your complaint. No further action is planned by the EPA OIG and this Hotline is closed.

The OIG appreciates your interest in protecting human health and the environment. If you have additional questions, please do not hesitate to call me at (202) 566-2476. The address for the Hotline is 1200 Pennsylvania Avenue, NW, MC 2431T, Washington, D.C., 20460.

Sincerely,

A handwritten signature in black ink that appears to read "Clay M. Brown".

Clay M. Brown  
Special Agent, Hotline Manager  
Office of Investigations

**Kelly, Keyla N., OIG DoD <keyla.kelly@dodig.mil>**

4/27/2018 12:24 PM

## DoD Hotline Complaint: 20180427-051105/Closed

To c.mccreery@comcast.net <c.mccreery@comcast.net>

DO NOT REPLY TO THIS EMAIL. THIS EMAIL BOX IS NOT MONITORED.

Dear Charles McCreery:

The Department of Defense (DoD) Hotline received your complaint.

This is in response to your complaint to the DoD Hotline.

In order for the DoD Hotline to initiate an inquiry, it must be determined that:

- \* the matter concerns a substantial violation of Federal law or regulation within the DoD's investigative purview;
- \* the DoD has sufficient facts to warrant initiation of an inquiry; and
- \* the DoD Hotline is the most appropriate agency to take action on the complaint.

Based on a thorough review of the information provided, there does not appear to be sufficient basis for the DoD Hotline to initiate an inquiry.

Please consider reporting your concerns to the U.S. Environmental Protection Agency Office of Inspector General (<https://www.epa.gov/office-inspector-general>) and/or the Committee on Oversight and Government Reform (<https://oversight.house.gov>).

No further action will be taken by the DoD Hotline at this time. We appreciate your bringing this matter to our attention.

Sincerely,

The DoD Hotline Team

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

1/1/2019

Xfinity Connect Recall\_ DoD Hotline Complaint\_ 20180427-051105\_Closed Printout

**Kelly, Keyla N., OIG DoD <keyla.kelly@dodig.mil>**

4/27/2018 12:25 PM

## Recall: DoD Hotline Complaint: 20180427-051105/Closed

To c.mccreery@comcast.net <c.mccreery@comcast.net>

Kelly, Keyla N., OIG DoD would like to recall the message, "DoD Hotline Complaint: 20180427-051105/Closed".

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

1/1/2019

Xfinity Connect Recall\_ DoD Hotline Complaint\_ 20180427-051105\_Closed Printout

**Kelly, Keyla N., OIG DoD <keyla.kelly@dodig.mil>**

4/27/2018 12:27 PM

## Recall: DoD Hotline Complaint: 20180427-051105/Closed

To c.mccreery@comcast.net <c.mccreery@comcast.net>

Kelly, Keyla N., OIG DoD would like to recall the message, "DoD Hotline Complaint: 20180427-051105/Closed".

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

**Kelly, Keyla N., OIG DoD <keyla.kelly@dodig.mil>**

4/27/2018 12:29 PM

## Recall: DoD Hotline Complaint: 20180427-051105/Closed

To c.mccreery@comcast.net <c.mccreery@comcast.net>

Kelly, Keyla N., OIG DoD would like to recall the message, "DoD Hotline Complaint: 20180427-051105/Closed".

This e-mail is from the Office of the Inspector General, Department of Defense, and may contain information that is "Law Enforcement Sensitive" {LES} or "For Official Use Only" {FOUO} or otherwise subject to the Privacy Act and/or legal and or other privileges that restrict release without appropriate legal authority.

CERTIFIED 7015 3430 0000 6883 0907

May 24, 2018

Regional Freedom of Information Officer  
U.S. EPA, Region 1 (OARM01-6)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: Freedom of Information Act Request

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

**I request copies of all permits and related correspondence for ocean dumping of industrial waste issued by EPA Region 1 pursuant to Section 102 (33 U.S.C. § 1412) of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, between the dates of May 1, 1973 and January 20, 1977. I am specifically seeking permits and barging reports for the MPRSA dumpsite located just north of the former Industrial Waste Site (IWS) at Stellwagen Bank.**

For the purpose of assessing fees, I am an individual studying MPRSA permits issued by all EPA regions. One of my objectives is to plot the barging track lines to ascertain the type of vessel used to discharge barrels of industrial waste, which I have found to be historically-significant. These data will be used in a publicly-available report currently in preparation.

Sincerely,

Charles McCreery

[flores.priscilla@epa.gov](mailto:flores.priscilla@epa.gov) <[flores.priscilla@epa.gov](mailto:flores.priscilla@epa.gov)>

6/11/2018 11:07 AM

## Final Disposition, Request EPA-R1-2018-008112

To [c.mccreery@comcast.net](mailto:c.mccreery@comcast.net) <[c.mccreery@comcast.net](mailto:c.mccreery@comcast.net)>

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EPA-R1-2018-008112 has been processed with the following final disposition: Full grant.

Records were released to the public as a result of this request. You may retrieve these records immediately using the following link: [View Records](#). Over the next 2 hours, these records are also being added to FOIAonline's search pages, further enabling you to retrieve these documents associated with your FOIA request at any time.

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- OEP FOIA 2018 008112 Final Resp.pdf (416 KB)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region I – New England  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Sent via FOIAOnline

June 11, 2018

**RE: Freedom of Information Act Request No. EPA-R1-2018-008112**

Dear Mr. McCreery:

This is in response to your Freedom of Information Act request of May 30, 2018, for **Marine Protection, Research & Sanctuaries Act (MPRSA) dumpsite located just north of the former Industrial Waste Site (IWS) at Stellwagen.**

Information responsive to your request has been uploaded to FOIAonline.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 5315, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Due to the limited nature of your request there will be no charge for the processing of it.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Moraff".

Ken Moraff, Director  
Office of Ecosystem Protection

cc: Cris Schena, R1 FOI Officer

CERTIFIED 7015 3430 0000 6883 0914

February 8, 2019

The Honorable Elijah E. Cummings, Chairman  
House Oversight Committee  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Re: Report to Congress: Ocean Dumping of Chlorinated Hydrocarbons under the Marine Protection, Research and Sanctuaries Act of 1972

Dear Mr. Chairman:

Enclosed please find my Report to Congress: Ocean Dumping of Chlorinated Hydrocarbons under the Marine Protection, Research and Sanctuaries Act of 1972. This report includes support documents relative to Whistleblower Complaints to the Environmental Protection Agency and the Department of Interior that I made in 2018 when I was employed as an Oceanographer with the Bureau of Ocean Energy Management.

The Whistleblower Complaints were made in regard to unsafe drilling practices in the offshore Gulf of Mexico. Specifically, the Department of Interior is allowing drilling within a drum disposal site containing wastes from the manufacture of fungicides and herbicides, which I have now interpreted to include dioxin-contaminated still bottoms resulting from the manufacture of Agent Orange prior to and during the Vietnam War.

The Department of Interior is allowing a Barrel Avoidance and Release Response Plan to regulate drilling within the drum site. It is my opinion that the Barrel Avoidance and Release Response Plan is without any regulatory authority and is in violation of the Outer Continental Shelf Lands Act and the Clean Water Act. I consider the drum site to be a major source of persistent organic pollutants that is endangering the Gulf of Mexico seafood supply.

I respectfully submit that Congress should address the critical issue of invalidating the Barrel Avoidance and Release Response Plan at the earliest possible date.

Sincerely,

Charles McCreery

Encl. CD of report and appendices inside back cover.

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Expected Delivery on

MONDAY

11

FEBRUARY  
2019 

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Status

 **Delivered**

February 11, 2019 at 7:20 am  
Delivered, To Agent  
WASHINGTON, DC 20515

[Get Updates](#) 

March 11, 2019

David L. Bernhardt, Secretary  
U.S. Department of the Interior (DOI)  
1849 C Street NW; Washington, DC 20240

**Re: Shell Offshore, Inc. Proposed Power Nap DOCD**

Dear Mr. Bernhardt:

This letter is with regard to the Shell Offshore, Inc. Development Operations Coordination Document (DOCD) for the Power Nap prospect located in Mississippi Canyon Block 943, which is pending approval by BOEM. The pending DOCD is discussed in the enclosed article, "Wake-up call for Power Nap" published March 7, 2019 in Upstream Online.

As you may know, I was previously employed by BOEM and submitted a Whistleblower complaint to DOI on November 22, 2017 about the Mississippi Canyon Drum Disposal Site. On February 11, 2019, I submitted a Report to Congress: Ocean Dumping of Chlorinated Hydrocarbons under the Marine Protection, Research and Sanctuaries Act of 1972 to the House Oversight Committee in support of my complaint. If you have not seen the report, there is a summary posted on my LinkedIn profile at: [linkedin.com/in/charles-mccreery-626a01178](https://www.linkedin.com/in/charles-mccreery-626a01178).

The Power Nap prospect is located within the Mississippi Canyon Drum Disposal Site, as shown on Page 29 of the Report to Congress. Shell Offshore, Inc. has used a Waste Barrel Avoidance and Release Response Plan to help manage space-use conflicts with the drum site to drill discoveries at Kaikias and Power Nap in 2014, Deep Sleep in 2015, and most recently at the Vito field in 2018. The Power Nap DOCD will undoubtedly use the same Waste Barrel Avoidance and Release Response Plan.

I am challenging the use of the Waste Barrel Avoidance and Release Response Plan as part of my Report to Congress. I am alleging that the Waste Barrel Avoidance and Release Response Plan has no regulatory authority and is in violation of provisions of the Outer Continental Shelf Lands Act and the Clean Water Act. I have had no acknowledgement from DOI regarding the Whistleblower complaint, and therefore, I am being forced to bring the issue to a higher level. I had hoped that by now DOI would tell me where I am wrong or begin to abate site conditions

prior to notification of the public. Unfortunately, that opportunity has now elapsed. I authorize WWLTV and other media outlets to release the content of this letter and the summary on my LinkedIn page to the public.

Many people who I previously worked with in the BOEM Department of Environment where DOCDs are reviewed are now aware of my Whistleblower complaint and my Report to Congress. These career professionals, who I respect and consider many to be my friends, should not be burdened by approving the Power Nap DOCD. The matter has risen above the regional office and should now be considered a policy issue to be decided at the highest levels of government. That decision should consider all of the information I have provided, and weigh the consequences of approving the Power Nap DOCD with that knowledge. I wish you all the best in your new appointment.

Sincerely,

Charles McCreery

Encl.

cc: Dr. Walter Cruickshank, Acting Director  
U.S. Bureau of Ocean Energy Management (BOEM)  
1849 C Street NW; Washington, DC 20240

Scott Angelle, Director  
U.S. Bureau of Safety and Environmental Enforcement  
1849 C Street NW; Washington, DC 20240

The Honorable Elijah E. Cummings, Chairman  
House Oversight Committee  
2471 Rayburn House Office Building  
Washington, D.C. 20515

Representative Cedric Richmond  
2<sup>nd</sup> District Louisiana Office  
2021 Lakeshore Dr., Suite 309  
New Orleans, LA 70122

Representative Joseph P. Kennedy, III  
29 Crafts Street, Suite 375  
Newton, MA 02458

Sylvia A. Bellone, Sr. Regulatory Specialist  
Shell Offshore Inc.  
P. O. Box 61933  
New Orleans, LA 70161

David Hammer, Investigator  
WWLTV  
1024 North Rampart Street  
New Orleans, LA 70116



Shell plans: US supermajor files plans to revisit block of Power Nap prospect  
Photo: AP/SCANPIX/

# Wake-up call for Power Nap

First spud scheduled for as soon as September of this year

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Kathrine Schmidt

6 Mar 2019 23:00 GMT    Updated 7 Mar 2019 16:37 GMT

Shell has filed a plan to return to operations at the site of its Power Nap discovery, a 2015 find that is located close to the Vito field that it is currently developing.

The Anglo-Dutch supermajor has filed a new plan for Mississippi Canyon 943 that involves the drilling and completion of up to six wells on the block.

The first spud is planned for 14 September of this year, continuing thereafter with a schedule ranging through 2021.

The drilling site is 65 miles (104 kilometres) offshore in about 4200 feet of water. The plan was filed on 29 January and is still pending approval.

In 2015, then Shell partner Freeport McMoRan said the original Power Nap well was drilled to a total depth of 30,970 feet in 4200 feet of water on MC 943 by the drillship Stena IceMax.

"Wireline logs and core data indicated that the well encountered hydrocarbons in multiple sub-salt Miocene sand packages," said Freeport McMoran, which at that time held a 50% stake.

Following the demise of Freeport McMoRan as an oil and gas operator, Shell now holds 100% of MC 943.

Power Nap has long been talked about as a potential tieback to Vito, the original discovery of which lies two three-mile blocks west and one block south in MC 984.

The Anglo-Dutch supermajor took a final investment decision on Vito in 2018, with first oil planned for 2021.

The project is set to reach peak production of about 100,000 barrels of oil equivalent per day, with a break-even price of less than \$35 per barrel. Estimated recoverable resources are 300 million barrels of oil equivalent.

Shell operates Vito on 63.11% with Equinor on 36.89%.

Shell also has other plans to drill in the area — including a pair of targets just into Atwater Valley — later this year. These wells include Vinyl on AT 64 and Aransas on AT 198 and 154.

In the past, Power Nap has raised unitisation questions, given that Equinor (then Statoil) had drilled its own well targeting the same accumulation on MC 942.

The stance of Equinor, which is also a partner in Vito, towards its Power Nap discovery on MC 942 is unclear.

This block also hosts the Titan production facility originally developed by the now-defunct ATP. Production there was halted in November 2016.

Equinor ultimately took control of the facility after ATP successor company Bennu also failed, and now has a 100% stake in both the shallow and deep rights.

According to US records, production briefly resumed in April of 2018 before being shut in again for some months and then resuming in November.

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