

September 20, 2011

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Harvey, LA 70058 (b)(6) Privacy

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Mrs. Helena Wooden-Aguilar, of OCR's External
Compliance Program
US EPA, Office of Civil Rights
Mail Code 1201A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-1000

Re: Administrative Complaint

Dear Mrs. Helena Wooden-Aguilar:

This letter is a formal complaint against the LDEQ for failing to notify the community of the imminent hazard on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy Tract. I allege that LDEQ violated the requirements of the "Right to Know Act of 1986 – Sec. 370.21" for failing to inform me of this dangerous naturally occurring material (NORM) radioactive contaminant found on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy property. As stated in the article, I am submitting as proof that the LDEQ was informed by Exxon of the radioactive contamination. They also violate the Occupational Safety and Health Act EPCRA Section 311-313.

Furthermore, the LDEQ was informed of the radiation "NORM" and made no attempts to notify the community of the danger of the toxic radiation "NORM" and air omissions chemicals. It is the responsibility of the LDEQ to protect the public health and safety of the community and minimize danger to life or property.

When the EPA removed asbestos material from the side of my property located at (b)(6) Privacy, (b)(7)(C) Enf. Privacy Harvey, LA 70058 on January 9, 1997 the families in the neighborhood were never informed of the urgency of this matter. Also, when my property was being remediated by the EPA, my mother, (b)(6) Privacy, (b)(7)(C) Enf. Privacy asked the workers if there was any radiation being removed and the responded by saying, "No, it is just asbestos and nothing else." Following the cleanup there was only notification of the asbestos put in my mailbox but never was I told of any toxic dump with high levels of radioactive "NORM" materials.

Allegation #1: Right to Know Act of 1986 – Sec. 370-21

MSDS reporting, compliance requirements: The key compliance requirements are: emergency planning, Right-To-Know requirements, reporting requirements, and notification requirements. Emergency Planning: Facilities with extremely hazardous substances in amounts equal to or greater than the amounts shown in 40 C.F.R. 355 are required to notify the state emergency response commission (SERC) and designate a representative to participate to the local emergency planning committee (LEPC).

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) the Emergency Planning and Community Right to Know Act (EPCRA) was enacted by Congress on October 17,

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1986, to protect of the public from chemical emergencies and dangers. It provides for emergency planning, notification, and reporting by facilities that store, manufacture, process, or otherwise handle chemical substances in quantities that are above threshold reportable quantities. The statute calls for disclosure of information to the public so that entities can plan for and responds to chemical emergencies. EPCRA was enacted as a stand-alone provision, Title III, in the Superfund Amendments and Reauthorization Act of 1986 (SARA).

Allegation #2: Reporting: Sections 312

EPCRA requires facilities to submit annual Emergency and Hazardous Chemical Inventory forms (Tier I and II forms) to the state emergency response commission (SERC), the local emergency planning committee (LEPC), and the fire department having jurisdiction over the facility for the chemicals manufactured, processed or to otherwise used in quantities exceeding established minimum threshold values. EO 12856 requires Federal facilities to comply regardless of the facilities SIC code.

Allegation #3: Notification: Section 304

EPCRA establishes spill reporting requirements for facilities that release any extremely hazardous substance listed in 40 C.F.R. 355 or the release of a reportable quantity of a hazardous substance (40 C.F.R. 302).

Allegation #4: Radiation Protection and Control Act 1982 (RPC Act)

Applies in circumstances where such concentrations' of NORM meet the definition of a "radioactive material" in the Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003.

I request that you investigate the substance of my complaint and you can direct any questions to the undersigned if these allegations are found to be valid. Also, if you are in need of additional information you may contact the same at the above listed address.

Thank you for your time and attention concerning these matters.

Very truly yours,

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Via Certified Mail: (b)(6) Privacy, (b)(7)(C) Enf. Privacy