

January 3, 2014

Christine Davis, FOIA Officer
Department of Public Works
2000 14th St. NW, 8th Floor
Washington, DC 20009

Re: FOIA Request

Dear Ms. Davis:

Pursuant to the District of Columbia Freedom of Information Act, D.C. Code §2-532 et seq., the Energy Justice Network and Washington DC Chapter of the Sierra Club ask the Department of Public Works to provide the following public records¹:

- 1) “All documents and memoranda since 1/1/2011 related to the Waste Life-cycle Study under the Sustainable DC Plan, including:
 - a. The final Request for Proposal (RFP) [Solicitation Doc 97300];
 - b. Bids submitted;
 - c. Bid evaluation criteria and documents related to analysis of bids;
 - d. Contract awarded to winning bidder;
 - e. Timeline for completion of study;
 - f. Documents related to plans for public hearings;
 - g. Correspondence related to the study”
- 2) “All documents, proposals and memoranda authored by, or addressed to, management, staff or consultants of the Department of Public Works allowing for any possibility of a waste-to-energy facility (broadly defined to include any thermal treatment) within the District as part of the ‘Waste Life-cycle Study’.”
- 3) “All RFPs, bids, bid evaluation documents and contracts from the most recent contract bidding for each type of waste that the District of Columbia contracts with vendors for hauling and disposal.” It is our intent to obtain the contracts for hauling and disposal for each type of waste handled by the city including but not limited to municipal solid waste, recycling, composting, e-waste, hazardous waste, and construction and demolition waste.
- 4) “All communications since January 1 2013 between DPW and employees or representatives of Prince George’s County or other political jurisdictions considered as potential partners in a regional waste-to-energy facility regarding coordination on regional waste disposal, particularly those relating to studying the possibility of locating a waste-to-energy facility in the District.

¹ For purposes of this request, the term “records” means any and all memoranda, incoming or outgoing correspondence, briefing papers, approvals, sign-offs, budget documents or spreadsheets, permits or licenses, statements of proposed or final agency position, interagency communications, telephone logs, meeting notes or records, faxes or electronic communications such as e-mail transmissions.

- 5) "All communications between DPW and employees or representatives of waste-to-energy vendors, including Covanta, since January 1 2013."
- 6) "All communications between DPW and employees or representatives of the Northeast Maryland Waste Disposal Authority since January 1 2013."
- 7) "All communications between DPW and the DC Mayor's office regarding waste-to-energy since January 1 2013."
- 8) "All communications between DPW and members of DC City Council regarding waste-to-energy since January 1 2013."
- 9) "All records from Fiscal Year 2008 (FY08) to Fiscal Year 2013 (FY13) containing statistics, graphs and databases on the volume and types of municipal solid waste transported to the Ft. Totten transfer station and destination after processing."
- 10) "All records from FY08 and FY13 containing statistics, graphs and databases of the volume and types of municipal solid waste transported to the Benning Road transfer station and destination after processing."
- 11) "All records from FY08 to FY13 containing statistics, graphs and databases of the volume and types of municipal solid waste transported from District of Columbia waste transfer stations to the Covanta Fairfax Energy-from-Waste facility (Covanta Fairfax Facility)."
- 12) "All records from the FY08 to FY13 containing statistics, graphs and databases of the municipal solid waste transported from District of Columbia waste transfer stations to disposal facilities other than the Covanta Fairfax Energy-from-Waste facility (Covanta Fairfax Facility)."
- 13) "List of all private licensed haulers who are allowed to take waste from commercial and multi-tenant housing of four or more units in the city."
- 14) "All records containing lists of disposal facilities that private haulers of commercial and multi-tenant housing of four or more units are allowed to use or have used in FY12."
- 15) "The study referenced by Hallie Clemm at the January 3rd 2013 DC Environmental Network panel, demonstrating that the maximum possible recycling rate for D.C. is around 35 percent." She references the study at 4:00-4:30 in this video documentation of her talk on the panel:
http://www.youtube.com/watch?v=8rms_iaSBDU
- 16) "Any documents that contain figures or data that support statements made by Hallie Clemm and/or William Howland that incineration is less expensive than coal for energy production."
- 17) "Any documents that contain figures or data that support statements made by Hallie Clemm and/or William Howland that incineration is less expensive than landfills for waste disposal."
- 18) "Any documents that contain figures or data that support statements made by Hallie Clemm and/or William Howland that incineration is less polluting than coal for energy production."
- 19) "Any documents that contain figures or data that support statements made by Hallie Clemm and/or William Howland that incineration is less polluting than landfills for waste disposal."
- 20) "Any documents that contain figures or data that document the figure in the Sustainable DC Plan showing that DC generates 800,000 tons/year of waste."

- 21) “Any documents and correspondences related to the Waste Action Plan proposed under the Sustainable DC Plan, including timeline for development and opportunities for public consultation and participation. “
- 22) “Any documents and correspondences related to status of the compost site pilot projects initiated as part of the Sustainable DC Plan.”

If the Department believes the records exist that are responsive to this request, but those records or portions of those records are believed to be exempt from disclosure, please identify the records that are being withheld. Please state the basis for the denial for each record being withheld including statute, regulation or court decision. Please cite that law or case, including the specific section or sections you rely upon, in your written response. In addition, please provide the nonexempt portion of the records.

If the Department does not possess or control these records but knows or believes that another agency, or a private entity subject to the Act, does, please forward this request to the appropriate person and inform us that you have done so.

Energy Justice Network is a nonprofit public interest environmental organization that would use this information to further the public’s knowledge of waste issues in the District of Columbia. The Sierra Club is a nonprofit public interest national grassroots environmental organization. The Washington DC Chapter of the Sierra Club, comprising over 3,600 members and supporters, works to improve and protect the District’s environment and intends to use the requested records to benefit the general public by sharing the records with interested members of the public and community groups. An examination of the relationship between the District of Columbia and waste disposal facilities serving the city and analysis of the city’s waste policies are essential to enhancing public understanding of the future direction of waste management in the city and government operations. Neither Energy Justice Network nor Sierra Club will profit from the use of the records or use them for commercial interests. We ask the department to waive all fees in connection with this FOIA request in accordance with D.C. Code §2-532(b) since the waiver is “in the public interest because furnishing the information can be considered as primarily benefitting the general public.”

If the Department wishes to assess fees, please provide an estimate of those fees and the basis of that estimate. If fees are to be assessed due to a complete or partial denial of this fee waiver request, we ask that no expenses beyond \$50 be incurred without first conferring with us and providing an estimate of the non-waived fees.

A public body making electronic records available must provide the records in any form or format requested, provided that the person requesting the records pays the costs of reproducing the record in that form or format. D.C. Code Ann. § 2-532(a-1). Pursuant to § 2-532(a-1), please provide the documents in searchable, commonly-available electronic formats, such as text or HTML formatted emails, PDF files, CSV spreadsheets or Microsoft Office formats. Files already in any of these formats are requested to be provided in their native formats for ease of use and for minimal burden on DPW staff. Please know that electronic documents that are printed and scanned, making them unsearchable will be deemed a denial of this request and will leave DPW subject to legal appeal. Data originally in database or spreadsheet formats that are converted, making them more difficult to manipulate, will also be deemed denied.

Please provide these documents by email to mike@energyjustice.net and hheineken@gmail.com unless they are too large to be emailed. If files are unusually large, please consult us to arrange the least-cost method for transmitting the files. We will only accept paper copies of files that cannot be made available in readable electronic formats.

Please respond within 15 business days per D.C. Code §2-532(c) to items which can be retrieved within that time frame. Please transmit the materials as they become available, rather than wait for all documents to become available to dispense. If you have any questions regarding this request, please contact us by email or phone as indicated below.

Sincerely,



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/s/ Hana Heineken

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