

NEW MEXICO
ENVIRONMENTAL LAW CENTER

November 29, 2001



By hand delivery:

Gary Clark.
Public Records Officer
Environment Department
Office of the Secretary
P.O. Box 26110
Santa Fe, NM 87502

Re: *In the Matter of the Draft Final Permit for the Triassic Park Waste Disposal Facility U.S.*
EPA No. NM 0001002484, No. HRM 01-02(P)

Dear Mr. Clark:

It is my understanding that under the Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 through 14-2-16 (hereinafter "the Act"), you are the or an official custodian of records for the Hazardous Waste Bureau (hereinafter "HWB") regarding the above-referenced permit. This letter is predicated on this understanding. If you are not the or an official custodian of agency records for the HWB, please inform me as soon as possible of that fact and please indicate in your letter who the official custodian is.

Pursuant to the Act, on behalf of the Conservative Use of Resources and Environment

1405 Luisa Street, Suite 5, Santa Fe, New Mexico 87505
Phone (505) 989-9022 Fax (505) 989-3769 nmelc@nmelc.org

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(hereinafter "the Requesters"), I request that you allow me or another representative of the Requesters to review and copy the following: any documents from Gandy Marley, Inc., or from any representatives of Gandy Marley Inc. (hereinafter "GMI"), and any post-hearing submittals to the Environment Department relating to and including the disclosure statements required by NMSA § 74-4-4.7, any investigative report on GMI or any GMI employee who is reasonably believed to be involved in management activities of the proposed facility, correspondence between the HWB, the Department of Public Safety, and GMI or any representative of GMI regarding the disclosure statement or any investigative report before, during, and after the disclosure statement and any investigative report process.

In addition, I request that you allow me or another representative of the Requesters to review and copy any documents from Gandy Marley, Inc., or from any representatives of Gandy Marley Inc. (hereinafter "GMI") any post-hearing submittals to the Environment Department.

This is an ongoing request for access to any of the above mentioned documents. CURE therefore requests that you notify me of any of the above listed documents the Environment Department receives in the future.

The records covered by this request include, but are not limited to, the complete original or a complete copy if the original is not available, and each nonidentical copy (whether different from the original because of notes made on the copy or otherwise) of all written, recorded, and graphic matter of every kind and description, including drafts as well as final versions of accounts, agreements, analyses, books, bylaws, charters, charts, contracts, correspondence, drawings, photographs, evaluations, films, letters, maps, minutes, mission statements, plans, policies, procedures, recordings, reports, statements, and other computerized, graphic, recorded, symbolic, and written material whether made by electric,

hand, mechanical, microfilm, photographic, or other means, and whether prepared by any agent, employee, office, or contractor of the NMED, or anyone else.

Please note that my name, address and telephone number are:

Heather L. Green,
New Mexico Environmental Law Center
1405 Luisa St., Suite 5
Santa Fe, NM 87505
(505) 989-9022

The Act requires that you must permit inspection of requested public records within fifteen (15) calendar days from the date you receive this request. This time period includes the time to retrieve the document, including from the State Records Center.

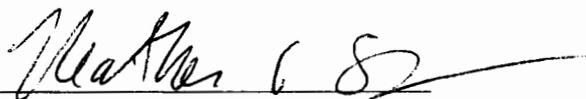
Please note that if you deny this request, we will pursue remedies in a state district court action, and HWB and/or your office may be liable for damages, costs, and reasonable attorney's fees.

If you believe that this request is "excessively burdensome" or "broad" please contact me immediately. I will be glad to work with your office if appropriate to clarify, or, potentially narrow, the request or to discuss a schedule under which you would produce the documents for inspection.

Finally, if it is your intention to charge the Requesters for any "search costs" please notify me of this intention before you undertake any search or incur any such "costs." If that is your intention I will appreciate your providing me with the statutory basis for such a charge and an estimate of what the charge would be.

Thank you for your attention to this matter. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather L. Green", written over a horizontal line.

Heather L. Green,
Staff Attorney

cc: Julia Mullins, Esq.
Steve Pullen
CURE