



Allen, Pam, NMENV

From: Kliphuis, Trais, NMENV
Sent: Thursday, October 04, 2012 1:09 PM
To: Allen, Pam, NMENV
Cc: Maestas, Ricardo, NMENV; Holmes, Steve, NMENV
Subject: FW: Documents

For the record...

-----Original Message-----

From: Kliphuis, Trais, NMENV
Sent: Wednesday, October 03, 2012 3:30 PM
To: Kieling, John, NMENV
Subject: RE: Documents

Earlier yesterday, October 2, 2012 Don Hancock called to ask when the last nonconformance report was sent to NMED. I stated I was having computer problems and did not have an answer but that I would let him know when I got my computer back. I called him back a few hours later and told him we received the last report on September 18, 2012. He requested that I email it to him. I replied that he needed to submit an IPRA. He responded that he was going to meet with Secretary Martin and that this "new policy" would have to change or there would be a very expensive law suit. He also stated that the IPRA process does not work for him because if I sent the document to him as he called, he would receive it immediately and with IPRA it takes several weeks. He stated that the policy is not being implemented consistently throughout the Department. I stated that I was interested to see how the meeting with the Secretary went.

He also accused me of not complying with the recent IPRA because the nonconformance report that he was trying to get a copy of had information related to the IPRA. I responded that that was incorrect and that the report does not have any information related to his IPRA. I verified this morning that this is correct; there is not any information related to the IPRA he submitted.

He then asked me if I had ever provided WIPP with documents without their having to submit an IPRA. I stated that I believed this to be true when related to a permit action. In retrospect, I cannot think of an instance where the Permittees (WIPP) have requested documents from us.

Because of his threat of a lawsuit and accusation of not complying with IPRA, I would like guidance on how to proceed with communications with him. My preference is to only communicate with him in writing.

Trais Kliphuis
WIPP Staff Manager
Hazardous Waste Bureau
New Mexico Environment Department
2905 Rodeo Park Drive E, Building 1
Santa Fe, New Mexico 87505

Office: 505-476-6051
Fax: 505-476-6060
Front Desk: 505-476-6000



-----Original Message-----

From: Don Hancock [mailto:sricdon@earthlink.net]

Sent: Tuesday, October 02, 2012 5:36 PM

To: Kieling, John, NMENV

Cc: Davis, Jim, NMENV; Kliphuis, Trais, NMENV; Maestas, Ricardo, NMENV; Holmes, Steve, NMENV;

Flynn, Ryan, NMENV

Subject: Re: Documents

John,

The document situation seems to be getting worse, so I want to be sure that I understand the policy.

This afternoon, Trais refused to send me the August WIPP summary of nonconformances that she received on September 18. Thus, it appears that public records are now only available if an IPRA request is made.

Is that really the policy?

Trais also confirmed that the permittees do NOT have to file IPRA requests.

So it seems to me that the policy still isn't being implemented consistently. Who has to file IPRA requests to get documents and who does not have to file IPRA requests to get documents?

I continue to hope that this issue can be resolved soon and so it doesn't take lots of time and effort on my part or by several people within NMED.

Thanks.

On 9/14/2012 2:23 PM, Kieling, John, NMENV wrote:

>
> Don,
>
> The NMED Hazardous Waste Bureau has in the past been inconsistent in
> responding to records requests through the Inspection of Public
> Records Act (IPRA). It has always been NMED policy that record
> requests be submitted through the Inspection of Public Records Act
> (IPRA) process. This in no way reduces transparency and provides you
> a protection in gaining the information requested in accordance with
> IPRA.

>
> Thanks,
>
> John Kieling
>
> John E. Kieling, Chief
>
> Hazardous Waste Bureau
>
> New Mexico Environment Department
>
> 2905 Rodeo Park Drive East, Bldg 1
>
> Santa Fe, NM 87505

> (505) 476-6000 (HWB Main)

>

> (505) 476-6030 (fax)

>

> _john.kieling@state.nm.us_

>

> -----Original Message-----

> From: Don Hancock [mailto:sricdon@earthlink.net]

> Sent: Tuesday, September 11, 2012 1:40 PM

> To: Davis, Jim, NMENV; Kieling, John, NMENV

> Subject: Documents

>

> I'm trying to understand what may be a new NMED policy regarding
> document requests. John has some knowledge of my concern, but since I
> believe Jim is involved (and perhaps others), I'm trying to get
> further information about what's going on.

>

> For the past almost 15 years, I have frequently requested copies of
> documents from the Hazardous Waste Bureau related to WIPP, usually via
> email. The requested documents have generally been provided without
> difficulty. In recent years, since NMED receives most WIPP-related
> documents in electronic form, I've received the documents electronically.

>

> That practice has been helpful to me to obtain public documents
> relatively easily and quickly and has not been particularly burdensome
> on NMED personnel, since they can typically just forward me an
> electronic version of the document.

>

> My first notice that something had changed was in early August
> regarding two Waste Stream Profile Forms (WSPFs) that Trais said she
> could not provide to me, except under an IPRA request.

>

> John was away at the time, so I sent him the following email:

>

> From: Don Hancock [mailto:sricdon@earthlink.net]

>

> Sent: Friday, August 03, 2012 5:13 PM

>

> To: Kieling, John, NMENV

>

> Subject: IMPORTANT: Need some assistance

>

> John,

>

> I know that you've been out this week, and you'll likely to have a
> backlog on Monday. But I have an urgent need to understand what seems
> to be a new policy.

>

> For the past 13 years, I've periodically requested WIPP Waste Stream
> Profile Forms and have always gotten them.

>

> Now, Trais understands that they are only available through an IPRA
> request.

>

> That seems contrary to many things, including Secretary Martin's
> regular statements to me and others about improved transparency in

> this administration.

>

> So I want to know if it is a new policy, and if so, who established
> the policy. If you established the new policy, I'd like to understand
> why you want to put me and others and your staff through more work,
> which IPRA requests are. I have no problem in submitting requests to
> you or Trais or whoever by email, so that there's a record of the request.

>

> I also want to get two Waste Stream Profile forms: as submitted in
> June and SR221H-PuOX as revised and resubmitted in the last day or two.

>

> Thanks for your assistance.

>

> Don Hancock

>

> Southwest Research and Information Center

>

> 262-1862

>

> On August 10, John sent the two requested WSPFs with the following
> message:

>

> Don,

>

> Find attached the WIPP Waste Stream Profile forms you requested.

>

> Also, we will let you know in the coming weeks how we will process
> future requests.

>

> Thanks,

>

> John Kieling

>

> In the last almost five weeks I've heard nothing more from John, but I
> have sent Trais emails regarding documents that she's saying she now
> understands are only available under IPRA. As I'd suggested in my
> August 3 email to John, that is a change that's hard to understand.

>

> But in any case, I want to understand what the policy is so that I can
> comply with it or try to get it changed.

>

> Thanks for clarifying what's going on and providing the written
> policy, if there is one.

>