

ENTERED



SUSANA MARTINEZ
Governor

JOHN A. SANCHEZ
Lieutenant Governor

NEW MEXICO
ENVIRONMENT DEPARTMENT

Hazardous Waste Bureau

2905 Rodeo Park Drive East, Building 1
Santa Fe, New Mexico 87505-6303
Phone (505) 476-6000 Fax (505) 476-6030
www.nmenv.state.nm.us



DAVE MARTIN
Secretary

BUTCH TONGATE
Deputy Secretary

THOMAS SKIBITSKI
Acting Director
Resource Protection Division

April 12, 2013

Paul A. Cain
NMCD# 68956
P.O Box 520
Santa Rosa, NM 88435

RE: REQUEST FOR COPIES OF WIPP PERMIT AND RECENT PERMIT MODIFICATION

Dear Mr. Cain:

I received a letter from you requesting "a copy of the permit and the requested modification". The New Mexico Environment Department (NMED) has an Inspection of Public Records Officer, Melissa Y. Mascarenas who processes requests for public records. I have attached to this letter a form that can be mailed to her. Please note that there is a \$0.25 fee per paper page. If you have any questions regarding this process, please contact Melissa Y. Mascarenas at (505) 827-1628.

Please note the permit modification referenced in the public notice was issued on March 13, 2013.

Sincerely,

A handwritten signature in blue ink, appearing to read "Trais Kliphuis".

Trais Kliphuis
WIPP Staff Manager
Hazardous Waste Bureau





**NEW MEXICO ENVIRONMENT DEPARTMENT
INSPECTION OF PUBLIC RECORD REQUEST FORM**

Please fill out the following information:

1. Date: _____
2. Requestor's Name: _____
3. Requestor's Address: _____

4. Phone No.: () _____
5. Email: _____
6. Company Being Represented: _____
7. Address: _____

8. Document or File being requested to be reviewed or copied (please describe the records in sufficient detail to enable Department personnel to reasonably identify & locate the records):

9. NMED Bureau where Document/File can be found (if known): _____

Signature

The cost for copying by NMED is as indicated on Attachment A. Please send this request to:

Melissa Y. Mascareñas
Inspection of Public Records Officer
1190 St. Francis Drive, Ste. N-4050
Santa Fe, New Mexico 87505
fax: (505) 827-1628 or
email: melissa.mascarenas@state.nm.us

ATTACHMENT A

A. Copies of Paper Records: The Public Records Custodian may charge reasonable fees for copying public records, payable in advance, and, upon request, shall provide a receipt. NMSA 1978, § 14-2-9.B. Unless a different fee is otherwise prescribed by law or regulation, the following fees apply to producing copies of paper records.

(1) 8 ½" x 11" - \$0.25 per page

B. Audio tape reproduction: \$2.00 per tape if copied by the Department; if the Department does not have the capability to copy the tape with reasonable audio quality, the Department may charge the cost required to have the tape copied by an outside service.

C. Printed Copies of Records from Department Electronic Information Systems: Information contained in an electronic information system shall be disclosed in printed or typed format upon payment of a reasonable fee. NMSA 1978, §14-3-15.1.A. If an Inspection of Public Records Act request requires searching, manipulating, retrieving or reviewing data from an electronic information system, a fee shall be charged for the service. NMSA 1978, §14-3-15.1.F.

1 For requests resulting in less than 100 pages of records, the Department's reasonable fee shall be the copy cost set forth in Section IX.A. If the Department receives multiple requests from the same or related requestors, the Department may aggregate the requests and charge a fee under Section IX.C.2.

2. For requests of 100 or more pages of records, a reasonable fee shall be the actual staff salary multiplied by the staff time taken to complete the request plus the copy cost set forth in Section IX.A. For requests of 100 pages or more from information systems databases, the Department shall provide an estimate to the requestor and may require a down payment of the estimate before beginning to retrieve records. The Department may charge additional down payments as documents are retrieved and produced.

D. Electronic Format of Electronic Information: If an Inspection of Public Records Act request requires searching, manipulating, retrieving or reviewing data from an electronic information system, a fee shall be charged for the service. NMSA 1978, §14-3-15.1.F. The fee to produce information in electronic format is the actual staff salary multiplied by the staff time taken to complete the request.

E. Prints from digital images: 5" x 7" or 8" x 10" - \$15.00 (ea.).

ATTACHMENT B

**New Mexico Environment Department
Release of Public Information in Electronic Format**

In accordance with the Public Records Act, NMSA 1978, Section 14-3-15.1(C), any person requesting of a public record from the New Mexico Environment Department in any electronic medium (e.g., spreadsheets, GIS layers, database extracts) or database agrees:

1. not to make unauthorized copies;
2. not to use the electronic information for any political or commercial purpose unless the purpose and use is approved in writing by the New Mexico Environment Department;
3. not to use the electronic information for solicitation or advertisement when it contains the name, address or telephone number of any person, unless such use is otherwise specifically authorized by law;
4. not to allow access to the electronic information by any other person unless the use is approved in writing by the New Mexico Environment Department; and
5. to pay a royalty or other consideration to the state of New Mexico as may be agreed upon by the New Mexico Environment Department.

If information contained in the electronic format is searched, manipulated, or retrieved or if an electronic copy is made for any private or nonpublic use, a fee shall be charged by the New Mexico Environment Department. NMSA 1978, §14-3-15.1.F.

Except as authorized by law or rule of the State Commission of Public Records, any person who reveals to any unauthorized person information contained in a computer database or who uses or permits the unauthorized use or access to any computer database is guilty of a misdemeanor, and upon conviction the court shall sentence that person to jail for a definite term not to exceed one year or to payment of a fine not to exceed five thousand dollars (\$5,000) or both. That person shall not be employed by the state for a period of five years after the date of conviction. NMSA 1978, § 14-3-15.1(G).

In order to determine whether the information requested will be used for solicitation, advertisement, political or commercial purpose, please indicate how the information will be used:

I, _____ (print name), have requested information in electronic format from the New Mexico Environment Department, and have read and certify that I comply with the conditions listed above.

Signature

For NMED Use Only

Electronic Information Requested: _____
Format (e.g. database, spreadsheet, map, other) _____
Bureau: _____ Date: _____
Name of Individual Releasing electronic Information: _____