

**Dave McCoy**

**From:** Dave McCoy [dave@radfreenm.org]  
**Sent:** Saturday, April 17, 2010 11:50 AM  
**To:** rmietz@cybermesa.com (rmietz@cybermesa.com)  
**Subject:** FOIA appeals and dirty tricks

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

From: Dave McCoy <dave@radfreenm.org>  
 To: Hyson.Shushona@epamail.epa.gov, Jonathan\_Epstein@bingaman.senate.gov,  
 jackson.lisa@epa.gov  
 Cc: rmietz@cybermesa.com  
 At: 3/24 17:12:39

March 24, 2010  
 Freedom of Information/Privacy Act Officer  
 Office of Inspector General

Dear Ms. Hyson,

Thank you for your email. I don't think a 60-day extension for the Citizen Action Freedom of Information (FOIA) appeal is warranted. This is one very large administrative cover up of the truth that there was never adequate data for making a decision to leave 720,000 cubic feet of radioactive and hazardous waste under a dirt cover and above Albuquerque's drinking water aquifer at the Mixed Waste Landfill. For no valid legal reason, the EPA Office of Inspector General has done everything possible to delay giving Citizen Action the requested documents that investigated this matter. (See attached OIG Appeal).

The EPA OIG 3-man team investigation was complete well over a year ago. The 3-man team Inspector General investigators' (Messrs. Baldinger, Coll and Dare) report and recommendation has been kept secret for over a year because OIG Asst. Director Mr. Wade Najjum wanted to arrive at different results. Mr. Najjum should have allowed an adequate investigation of the issues raised to be reported. Instead, Mr. Najjum chose to narrow the scope of the investigation, rewrite the issues out of existence, hide the documents and cover tracks. Part of the cover up is the refusal to provide the FOIA documents for the investigative report by the 3 man team.

Pertinent to the issues Citizen Action raised were reports written about the defective well monitoring network that are also being kept secret at EPA Region 6. Other reports in our OIG complaint were kept secret by the New Mexico Environment Department (NMED). Citizen Action discovered more than 13,000 pages of public records have been kept secret for over a decade by NMED. 3,700 pages of secret documents were kept secret by NMED about the Los Alamos National Laboratory hazardous waste units.

NMED sued Citizen Action to keep secret a 2006 TechLaw, Inc. contractor report for Mixed Waste Landfill at Sandia National Laboratories. That now released 2006 report by TechLaw, Inc. reveals that the Sandia computer model for modeling contaminant movement beneath the MWL dump was a "Black Box" and recommended against its use. Nevertheless, NMED proceeded to write reports using the bogus model results and assuring the public that contamination would not reach groundwater in a thousand years at the dump.

Apparently, Mr. Najjum isn't interested in the 3-man team recommendation that the NMED report by Mr. William Moats should be sent to the EPA Kerr Laboratory. That recommendation was made before anyone even learned about the "Black Box" analysis that

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Mr. Moats used for NMED to wipe away public concerns about the MWL toxic dump. Mr. Najjum's minimizing the situation is unacceptable. The Moats report should be sent to the EPA Kerr Laboratory for review as was recommended a year ago.

Citizen Action discovered that NMED kept thousands of pages secret about the Mixed Waste dump from the EPA inspector general team during the period of their investigation. The investigators asked for but never received the full file from NMED. What does Mr. Najjum or anybody at EPA OIG intend to do about the OIG inspectors being lied to by NMED and the interference with an ongoing federal investigation that sought the complete records for the Mixed Waste Landfill from the NMED and didn't receive them?

Sincerely,

David B. McCoy, Executive Director  
Citizen Action New Mexico  
POB 4276  
Albuquerque, NM 87196-4276  
505 262-1862  
dave@radfreeenm.org

Cc: Atty. Richard Mietz

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

From: Hyson.Shushona@epamail.epa.gov [mailto:Hyson.Shushona@epamail.epa.gov]  
Sent: Monday, March 22, 2010 9:43 AM  
To: dave@radfreeenm.org  
Subject: FOIA Appeal extension request

Good Day Mr. McCoy,

The purpose of this communication is to request an extension of time to process your appeal. With your permission I am requesting 60 days. Please let me know if you are granting the extension.

Thanks,

Shushona Hyson  
Freedom of Information/Privacy Act Officer  
Office of Inspector General  
202 566-0869 (work)  
202 566-0870 (fax)  
hyson.shushona@epa.gov (e-mail)

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Version: 8.5.437 / Virus Database: 271.1.1/2767 - Release Date: 03/24/10 07:33:00 No virus found in this incoming message. Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.437 / Virus Database: 271.1.1/2767 - Release Date: 03/24/10 07:33:00