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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone (503) 378-4400

December 30, 1987

John M. Stone
31100-0 N.W. Reeder Road
Portland, Oregon 97231-9801

**Re: Request for Public Records Disclosure Order**
**Department of Environmental Quality**

Dear Mr. Stone:

This letter responds to your December 22, 1987 petition for a public records disclosure order. In your petition, which we received on December 23, 1987, you ask the Attorney General to direct the Department of Environmental Quality (DEQ) to disclose the following:

> "1. Pumping records for Bart Matthews (and/or Cove Marinas) holding tank from August 1987 to the present, including dates pumped and volume on each date (WQ-Cove Marina-NWR-WQ-87-161).
>
> "2. Validification that pumping record for chemical toilet facility located on premises is not included in holding tank record.
>
> "3. Statement of who is billed for holding tank pump out (ie. Cove Marina or Bart Matthews)."

We respectfully deny your petition. There is no need to issue a public records order because we are informed that DEQ already has mailed you copies of the records it has in its possession which concern the subject areas of your petition.

Regarding item no. 1 of your petition, DEQ has sent you copies of records dating back to November 18, 1987; DEQ has no similar records dated prior to November 18, 1987.

Regarding items no. 2 and 3, you appear to be asking for information that is beyond the scope of record information maintained by DEQ. Under the Public Records Law, a governmental body is required to disclose non-exempt records that are in its custody or control. A public body is not required to produce records it does not possess.

Respectfully submitted,

James E. Mountain Jr.

JAMES E. MOUNTAIN, JR.
Special Counsel to the
Attorney General

JEM:cm
cc: Michael Huston, Assistant Attorney General
Richard Vopel, Environmental Analyst, Northwest Region, DEQ
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