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DEPARTMENT OF JUSTICE

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September 28, 2011

Mr. Scott J. Mahady
Moore & Associates
96 E Broadway, Suite 7
PO Box 11833
Eugene, OR 97401

Re: Petition for Public-Records Disclosure Order
Oregon Department of Environmental Quality
DOJ File No.: 340-420-GA0090-11

Dear Mr. Mahady:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on September 21, 2011, asks the Attorney General to direct the Oregon Department of Environmental Quality ("DEQ") to provide "2 records that were identified as confidential submissions."

According to the petition, the documentation submitted with it, and information that we obtained from DEQ, your associate requested DEQ's file on C2S Group, LLC, Case No. AQ/AB-WR-08-080 in 2008. DEQ provided the documents in the file to your associate on December 11, 2008, but withheld two documents that it identified as confidential submissions under ORS 192.502(4).

On September 19, 2011, you submitted two requests for public records to DEQ—one to its Medford office and one to its Portland office. The requests again sought the public records connected to Case No. AQ/AB-WR-08-080, as well as the records associated with several other DEQ cases. Specifically, both requests asked for

> The complete public file, records, investigation notes, emails and other file documents and records for the investigation, notices of violations, and enforcement action for asbestos found at 523 NW Troost St., Roseburg, OR, beginning on or about January 2008. This matter involved C2S Group, LLC, the City of Roseburg, Roseburg Urban Sanitary Authority, Steve Croucher, Bryan Smith, Nikki Messenger, Ryan Herinckx, Mike

Skeem, and Jim Thompsons and includes the following DEQ internal identifying case numbers: PEN-WRM-08-0012; AQ-AB-WR 08-081; and AQ-AB-WR 08-082.

After submitting those requests, you spoke by phone with Mr. Bryan Smith at DEQ on or about September 21, 2011. In that telephone call, Mr. Smith told you that DEQ would withhold the same two documents that it withheld in 2008. Thereafter, you submitted the Petition for Public Records Order to the Attorney General, requesting that the Attorney General order DEQ to disclose the two documents withheld in 2008.

DEQ has notified us that on Tuesday, September 27, 2011, it provided you with the two previously-withheld documents after redacting "the name and identifying information of the complainant who contacted DEQ on condition of anonymity" under ORS 192.502(4). In light of DEQ's decision to provide you with the two documents that it previously withheld, we conclude that instant Petition for Public Records Order is moot. If you think that the redactions were not warranted, you may submit a new petition to the Attorney General.

Sincerely,

Mary H. Williams
Deputy Attorney General

MHW:smg/3023765-v1
c: Bryan Smith, DEQ