...TORNEY GENERAL
...STATE OF OREGON

...JAC... ...AU
DEPUTY ATTO... ...RAL



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

October 28, 1991

Quincy Sugarman
OSPIRG
1536 S.E. 11th
Portland, OR 97214

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

Dear Mr. Sugarman:

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. The petition, which we received on October 25, 1991, asks the Attorney General to direct the Department of Environmental Quality (DEQ) to make available for your inspection (1) a list of companies filing notices of toxic use reduction and hazardous waste reduction plan completion with DEQ, and (2) a list of companies legally required to file such notices. For the reasons that follow, part of your petition is now moot, and we deny the remainder.

Agency staff inform us that on or about October 24, 1991, DEQ mailed you the information you requested in item "1" above. Accordingly, that portion of your petition is moot. DEQ staff also have informed us that DEQ has no list that satisfies the second part of your request. The Public Records Law does not require a public body to create records to satisfy a public records request. Attorney General's Public Records and Meetings Manual 3 (1989). Accordingly, we must respectfully deny that aspect of your petition.

Sincerely,

PAMELA L. ABERNETHY
Special Counsel to the
Attorney General

PLA:RDW:lmb/JGG015F8
c: Roy Brower, Manager, Hazardous Waste Reduction & Technical Assistance, Department of Environmental Quality
811 S.W. Sixth, Portland, OR 97204