



March 10, 1999

Ms. Margaret Hoffman  
Director, Environmental Law Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

OR99-0690

Dear Ms. Hoffman:

You ask this office to reconsider our ruling in Open Records Letter No. 98-2651 (1998). Your request for reconsideration was assigned ID# 122650.

The Texas Natural Resources Conservation Commission (the "commission") received a request for all information concerning Texas Farm, Inc.'s truck washing facility. In Open Records Letter No. 98-2651 (1998), we concluded that portions of the documents at issue were excepted from disclosure pursuant to sections 552.107 and 552.111 of the Government Code.

Open Records Letter No. 98-2651 (1998) concludes that the commission may withhold portions of the documents in Exhibit D.1 from disclosure under section 552.107. You inform us that "[t]he commission did not propose to withhold any documents labeled Exhibit D.1," and ask for clarification of the ruling with respect to Exhibit D.1. If you did not intend to raise an exception for Exhibit D.1, then you must release Exhibit D.1 to the requestor.

You have resubmitted documents from Exhibits C and D.2 to this office and provided us with additional arguments as to why portions of these documents should be excepted from disclosure under sections 552.107 and 552.111. A governmental body must explain the reasons why the stated exceptions apply within fifteen business days of receiving the request for information. Gov't Code § 552.301(b). You did not timely submit all your arguments under sections 552.107 and 552.111 in connection with the commission's original request for a ruling. We, therefore, affirm Open Records Letter No. 98-2651 (1998) as it relates to Exhibits C and D.2.

If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Hattaway". The signature is written in black ink and is positioned above the typed name.

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 122650

Enclosures: Submitted documents

cc: Ms. Janet Atwood  
Kelly, Hart & Hallman  
301 Congress Avenue, Suite 2000  
Austin, Texas 78701  
(w/o enclosures)