



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 22, 2010

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2010 PAC 7967

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On June 9, 2010, Mr. Christopher Walker submitted a FOIA request seeking a certified copy of any

permit applications, any exhibits, supplements or supporting materials relating to any subsequent applications, any correspondence between IL EPA, U.S. Steel, and/or its consultants, and any draft or final permits(s) issued by Illinois EPA to U.S. Steel relating to the Granite City Low-Emission Quench Tower.

In its written notice, the IEPA asserts that a document in the requested records referred to as a "Email: Schnep to Romaine" is exempt from disclosure under Section 7(1)(f) of FOIA because the document contains opinions and recommendations in which actions were formulated.

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary" drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

The IEPA's use of the Section 7(1)(f) exemption with regard to the document titled "Email: Schnep to Romaine" is **approved**. We have determined that this email thread constitutes a pre-decisional document in which IEPA's recommendations and opinions were expressed, and in which actions were formulated with regard to a specific facility. In addition, the IEPA has indicated that this document has not been publicly cited by the agency director. Accordingly, the IEPA has met its burden of demonstrating that this document is exempt from disclosure under Section 7(1)(f) of FOIA.

June 22, 2010

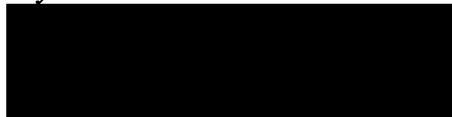
Page 2

The IEPA may issue a partial denial letter directly to Mr. Walker and may release the records to him with the appropriate information redacted. If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc: Christopher Walker
Van Kley & Walker, LLC
137 North Main Street
Suite 316
Dayton, Ohio 45402