



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 8, 2010

Mr. Thomas Reuter
FOIA Officer
Illinois Environmental Protection Agency
102 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

RE: FOIA Pre-Authorization Request – 2010 PAC 8332

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on June 17, 2010 [REDACTED] submitted a FOIA request to the IEPA seeking copies of documents relating to Arlington Plating in Palatine, Illinois.

On July 1, 2010, the IEPA sent a denial letter to [REDACTED] explaining that the Hazardous Ranking System (HRS) score sheets and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) pre-score sheet are exempt from disclosure pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." 5 ILCS 140 7(1)(f).

In its letter, the IEPA argues that (1) the CERLCA pre-score sheet was the scoring package used to determine the site's CERLCA status pursuant to federal law and is a preliminary evaluation utilized by the IEPA to determine threats present at the site and (2) the Draft Preliminary Assessment Scoresheet was used to establish future site assessment or no further site assessment

Determinations

The IEPA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. Our Office has reviewed the documents supplied to us by the IEPA and we have determined that that the CERCLA pre-score sheet and Draft Preliminary Assessment

Scoresheet are deliberative and fall within the scope of Section 7(1)(f). These documents reflect internal research and data and express opinions by the IEPA staff about the site and possible courses of action for the site.

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).


Based on this analysis, the IEPA has met its burden under Section 7(1)(f) and may withhold the CERCLA pre-score sheet and Draft Preliminary Assessment Scoresheet.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

cc:

