

Bender, Bret

From: Gallagher, Sara Gadola
Sent: Thursday, July 15, 2010 3:02 PM
To: 'Reuter, Tom'
Subject: 2010 PAC 8359 -- Pre-Authorization Request

July 15, 2010

Mr. Tom Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
tom.reuter@illinois.gov

Re: 2010 PAC 8359 – Pre-Authorization Request

Dear Mr. Reuter,

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intent to deny disclosure of three documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/7(1)(f). This matter involves a FOIA request submitted by [REDACTED] for records related to the Metal Recycling Systems facility in Blue Island. The IEPA has asserted that a Focused Site Inspection Prioritization (FSIP) document, a Site Priority Recommendation document, and a memorandum concerning a draft plan for further remediation are exempt from disclosure under Section 7(1)(f).

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

IEPA’s use of the Section 7(1)(f) exemption with respect to the documents in question is **approved**. IEPA has asserted that the documents contain evaluator recommendations concerning draft plans for remedial action at the facility. The IEPA has also asserted that none of the documents has been publicly cited or identified by the IEPA’s director. Thus, these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me. This correspondence shall serve to close this matter.

Very truly yours,

Sara Gadola Gallagher
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