



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

August 6, 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 8856

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 July 15, 2010, Ms. Ashley Thompson submitted a FOIA request seeking “any and all record(s), including but not limited to violation(s), assessment(s), project(s), and/or the results of any EPA inspection(s), regarding Midwest Body Corporation, located at 2104 South Central, Paris, IL 61944.

In its written notice, the IEPA asserts that a CERCLA Pre-score package, contained within the requested records, has been withheld from disclosure under Section 7(1)(f) of FOIA.

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 Section 7(1)(f) exemption with regard to the CERCLA pre-score package is **approved**. We have determined that the CERCLA pre-score package is a preliminary document in which opinions and recommendations are expressed, and are relied upon in formulating actions or policies regarding a specific site. Moreover, the IEPA has indicated that none of the withheld documents have been publicly cited by the IEPA’s Director. Accordingly, the IEPA has met its burden of demonstrating that the withheld document is exempt from disclosure under Section 7(1)(f) of FOIA.

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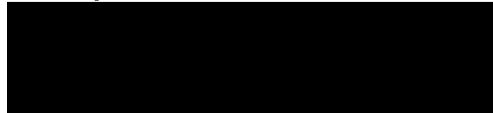
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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc: Ashley L. Thompson
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606