



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

August 9, 2010

Thomas J. Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
102 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Re: Pre-Authorization Request 2010 PAC 8860

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 a certain document as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on July 24, 2010 seeking "...records associated with both Midwest Body Corporation...and Robert Morgan, Inc" in Edgar County. In its written notice, the IEPA asserts that a certain document is exempt under Section 7(1)(f) of FOIA as it contains "a recommendation on establishing priority for further site assessment or no further action." In addition, the IEPA asserts that the document has not been publicly cited by its Director.

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." 5 ILCS 140/7(1)(f).

Determination

The IEPA's proposed use of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified document is approved. We have reviewed the document provided by IEPA and have determined that it consists of a scoring package, which includes opinions and recommendations, which the IEPA asserts have not been publicly cited by the Director of the IEPA. Thus, this document is considered exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, IEPA may issue a partial denial letter withholding the specified document.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

Jessica O'Leary  
Assistant Attorney General

cc:

