



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 11, 2010

Tom Reuter
FOIA Officer (Acting)
Illinois EPA
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: FOIA Pre-Authorization Request - 2010 PAC 8882

Dear Mr. Reuter:

We have reviewed the Illinois EPA's pre-authorization request and associated documents that your office submitted on August 27, 2010. Stacy McCance, on behalf of URS Corporation, submitted a Freedom of Information Act ("FOIA") request to the EPA seeking documents on July 14, 2010. The EPA granted the request in part, but claims that two documents are exempt from disclosure under Section 7(1)(f) of FOIA, 5 ILCS 140/7(1)(f).

We **approve** the use of Section 7(1)(f) to withhold the requested documents.

Section 7(1)(f) 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).

Here, the withheld documents fall within the purview of section 7(1)(f). The first document is an "Executive Summary" memorandum discussing the regulatory status of a potentially environmentally damaged site. The memorandum expresses opinions as to the viability of enforcement actions. The second document is a memorandum addressing the same potentially damaged site, and contains conclusions and recommendations regarding preliminary inspection results and the viability of enforcement actions. The document also recommends particular strategies that should be employed to contain environmental damage.

Both documents are in draft form, and neither has been publicly identified or cited by the head of the EPA. Accordingly, EPA has met its burden of demonstrating that the documents are exempt from disclosure pursuant to Section 7(1)(f) of FOIA.

If you have any questions concerns, please contact me at (312) 814-5044. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Sunil Bhawe
Assistant Attorney General

cc: Stacy McCance
URS Coporation
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Chicago, Illinois 60606

