



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

Lisa Madigan
ATTORNEY GENERAL

September 7, 2010

Mr. Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: Pre-Authorization Request – 2010 PAC 9387
FOIA Requester: [REDACTED]

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 140/1 *et seq.*, as amended.

On July 27, 2010, [REDACTED] submitted a FOIA request to IEPA for information relating to the status, remediation, enforcement, or any action with respect to the Bautsch-Grey Mine.

In its written notice, the IEPA asserts that certain documents contained within the requested records – specifically, CERCLA Pre-Score score sheets from May 18, 2000, June 13, 2001, and January 10, 2002 – have been withheld from disclosure under Section 7(1)(f) of FOIA.

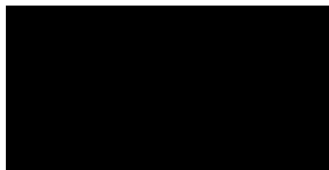
Determination

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 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 the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review, our office has determined that the withheld documents are pre-decisional reports and recommendations regarding the Bautsch-Grey Mine site. Further, the IEPA has indicated that these documents have not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact me directly at (312) 814-5206. This correspondence shall serve to close this matter.

cc:



Sincerely,

Cara Smith
Public Access Counselor

A handwritten signature in cursive script that reads "Amalia Rioja" followed by a stylized monogram or initials.

By: Amalia Rioja
Chief Deputy Public Access Counselor