



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

Lisa Madigan
ATTORNEY GENERAL

August 16, 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 8985

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, [REDACTED] submitted a FOIA request to the IEPA for:

all documents relating to any releases from [National Railway Equipment Company at 300 Ninth Street N., Silvis, IL], including those migrating offsite to soils, surface water or to groundwater, all reports, notices, and correspondence regarding same.

In its written notice, the IEPA asserts that certain documents contained within the requested records, specifically, a CERCLA Pre-score score-sheet and a CERCLA Site Priority Recommendation, 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 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 the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld documents are pre-decisional reports containing recommendations that were relied upon by the IEPA in formulating actions regarding a specific site. Further, the IEPA has indicated that these documents have not been publicly cited

by the Director of 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) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc:

