



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 26, 2011

Mr. Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: FOIA Pre-Authorization Request - 2011 PAC 14178

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) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On February 23, 2011, Ms. Colleen Grey submitted a FOIA request for all records pertaining to Cottage Grove Landfill. In its written notice, IEPA asserts that certain documents, contained within the requested records, are exempt 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." 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

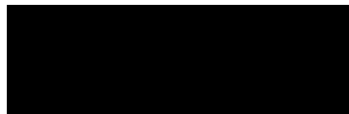
IEPA's use of the exemption in section 7(1)(f) with regards to the withheld documents is **approved**. We have determined that the withheld documents contain opinions and recommendations that IEPA relied upon in its decision-making process regarding specific matters. Further, IEPA has indicated that none of these documents have been publicly cited by

Mr. Thomas Reuter
May 26, 2011
Page 2

the Director of IEPA. As a result, IEPA has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f).

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc: Ms. Colleen Grey
Andrews Engineering Inc
3300 Ginger Creek Drive
Springfield, IL 62711

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