



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 21, 2011

Via Electronic Mail

Mr. Tom Reuter, FOIA Officer
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: FOIA Pre-Authorization Request – 2011 PAC 14715

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 21, 2011, Ms. Erin Grady of Terracon submitted a FOIA request for information on various Illinois sites. In its written notice, IEPA asserts that certain documents regarding American Incineration, Inc., Paxton Landfill Corporation 2 and US Drum Disposal are internal memos, pre-decisional documents and recommendations which are exempt under 7(1)(f).

Section 7(1)(f) of FOIA exempts from inspection and copying "[preliminary drafts, notes, recommendations, memorandum and other records in which opinions are expressed, or policies or actions 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."

DETERMINATION

The IEPA's use of the exemption in section 7(1)(f) to withhold the internal documents regarding American Incineration, Inc., Paxton Landfill Corporation 2 and US Drum Disposal is **approved**. We have concluded that the withheld documents constitute pre-decisional

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materials, internal memos and preliminary documents in which opinions are expressed and are being utilized by the IEPA in formulating an action regarding specific matters. IEPA asserts that these documents have not been publicly cited or identified by IEPA's Director. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under section 7(1)(f).

If you have any questions, please contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.

Very truly yours,



AMANDA M. LUNDEEN
Assistant Attorney General
Public Access Bureau

AL: tf

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cc: Ms. Erin Grady
TERRACON
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Chicago, IL 60661