



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  
[REDACTED]

RE: FOIA Pre-Authorization Request – 2011 PAC 14827

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 April 6, 2011, [REDACTED] of Terracon submitted a FOIA request for LUST technical and fiscal information on various Illinois sites. In its written notice, IEPA asserts that a certain document regarding Keller Oil Company is an internal memo which is 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 memo regarding Keller Oil Company is **approved**. We have concluded that the withheld document is an internal memo in which opinions are expressed and are being utilized by the IEPA in formulating an action regarding a specific matter. IEPA asserts that this document has not been publicly cited

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or identified by IEPA's Director. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld document is 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 *AL*  
Assistant Attorney General  
Public Access Bureau

AL: tf

14827 preauth al 71f memo sa

cc: [REDACTED]  
TERRACON  
11600 Lilburn Park Road  
St. Louis, MO 63146