



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 20, 2011

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

Re: FOIA Pre-Authorization Request – 2011 PAC 14828

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 under 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). IEPA is seeking to redact pre-decisional recommendations from the responsive documents.

On April 6, 2011, Ms. Stephanie Clemons of IMTT submitted a FOIA request to IEPA for RCRA Audit report records pertaining to the IMTT Illinois Lemont Facility. In its written notice, IEPA asserts that portions of one document contained within the requested records are pre-decisional recommendations and those portions 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." 5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

IEPA's use of section 7(1)(f) to withhold the information is **approved**. After review, our office has determined that the withheld information is pre-decisional and contains recommendations for policy or action formulation. Further, IEPA has indicated that this

Mr. Thomas Reuter
June 20, 2011
Page 2

document has not been publicly cited by the Director of IEPA. Accordingly, IEPA has met its initial burden of demonstrating that the withheld information is exempt from disclosure under section 7(1)(f) of FOIA.

If you have any questions or would like to discuss this matter, please contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Very truly yours,

A solid black rectangular redaction box covering the signature of Rebecca Riddick.

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

14828 pre-auth al 71f prelim draft sa

cc: Ms. Stephanie Clemons
IMTT
13589 Main Street
Lemont, IL 60439