



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

Lisa Madigan
ATTORNEY GENERAL

June 29, 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 6356

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 March 11, 2010, the IEPA received a FOIA request from [REDACTED] seeking a copy of the IEPA's records concerning C.L. Hale Septic Cleaning located in Will County. In its written notice, the IEPA asserts that certain 'Preliminary Assessments' score-sheets, contained within the requested records, 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 Section 7(1)(f) exemption with regard to the withheld 'preliminary assessments' score-sheets contained in the requested records is **approved**. We have determined that the withheld score-sheets are preliminary documents in which opinions and recommendations were expressed and were relied upon by the IEPA in formulating actions or policies concerning a specific site. Therefore, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the IEPA may issue a partial denial letter directly to [REDACTED] and may release the records to her with the appropriate information redacted. If you have any questions or concerns,

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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:

