



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

July 13, 2011

Mr. Tom Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

RE: FOIA Pre-Authorization Request – 2011 PAC 15186

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 2010)).

On May 3, 2011, Ms. Christine Karlovitz, of Carlson Environmental, requested records relating to two facilities in Cook County. In its written notice, IEPA asserts that four of the responsive documents are pre-decisional and contain recommendations, and are therefore exempt under section 7(1)(f).

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 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**

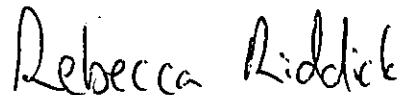
IEPA's use of the exemption in section 7(1)(f) to withhold the four documents is **approved**. IEPA's notice states that these documents are pre-decisional in nature and present recommendations. Further, IEPA asserts that the documents have not been publicly cited or identified by the Director. Therefore, we have determined that IEPA has met its initial burden to withhold the four documents under section 7(1)(f).

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Accordingly, IEPA may issue a partial denial letter directly to Ms. Karlovitz and release the non-exempt documents to her, if it has not already done so.

If you have any questions, please contact Andres Acosta at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

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RR:aa

cc: Ms. Christine Karlovitz  
Carlson Environmental  
65 East Wacker Place, Ste 801  
Chicago, IL 60601