



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 9, 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 15671

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 April 5, 2011, [REDACTED] of Shaw Environmental, Inc. submitted a FOIA request for information on various Illinois sites. In its written notice, IEPA asserts that certain documents regarding Brockman Landfill and Carus Disposal Area 2 are internal memos, pre-decisional documents and recommendations and handwritten notes which are exempt under 7(1)(f). IEPA is also asserting that the HRS Scoring Package, Preliminary Assessment Executive Summary and Bid Package Review Notes 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 Brockman Landfill and Carus Disposal Area 2 is **approved**. We have concluded that the withheld documents constitute pre-decisional materials, internal memos and

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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).

In addition, the IEPA's use of the exemption in section 7(1)(f) to withhold the HRS Scoring Package, Preliminary Assessment Executive Summary and Bid Package Review Notes is **approved**. We have concluded that these withheld documents are preliminary in nature and are used only as recommendations for corrective action by the IEPA. 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

15671 preauth al 71f memo prelim report sa

cc:

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Shaw Environmental, Inc.
1607 E. Main Street, Suite E
St. Charles, IL 60174