



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 2, 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 15644

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 23, 2011, Ms. Kathy Memmos, of the U.S. Environmental Protection Agency, requested records relating to the Blue Island Phenol facility in Cook County. In its written notice, IEPA asserts that two 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 two 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 documents under section 7(1)(f).

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Accordingly, IEPA may issue a partial denial letter directly to Ms. Memmos 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 by: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

15644 preauth al 71f prelim draft sa

RR:aa

cc: Ms. Kathy Memmos
U.S. Environmental Protection Agency
77 W Jackson Blvd.
Chicago, IL 60604