



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 15692

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, Mr. Ryan Haney, of Sand Creek Consultants, requested records relating to the Crop Production Services facility in Logan County. In its written notice, IEPA asserts that 24 of the total 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 24 documents is **approved**. IEPA's notice states that these documents – comprised of memoranda, emails, assessments and proposals – are pre-decisional in nature and contain 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 Mr. Haney 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 biz: AA

REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

15692 preauth al 71f prelim draft sa

RR:aa

cc: Mr. Ryan Haney
Sand Creek Consultants
151 Mill Street
P.O. Box 218
Amherst, WI 54406