



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

Lisa Madigan  
ATTORNEY GENERAL

July 13, 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 6720

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 17, 2010, [REDACTED] submitted a FOIA request to the IEPA, seeking information regarding NPDES IL0076317 and IL0048691. In its written notice, the IEPA asserts that certain documents, 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 documents is **approved**. We have determined that the withheld documents include certain memorandum and drafts in which opinions, and recommendations were expressed and were relied upon by the IEPA in formulating actions relating to various matters. Further, the IEPA has indicated that none of the withheld documents have been publicly cited by the IEPA’s Director. Accordingly, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

July 13, 2010

Page 2

If you have any questions or concerns, 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:

