



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

Lisa Madigan
ATTORNEY GENERAL

June 24, 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 8003

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 May 27, 2010, Ms. Kathryn Long submitted a FOIA request seeking a copy of all documents relating to a specific site, "including but not limited to permits, modifications to permits, and groundwater monitoring reports."

In its written notice, the IEPA asserts that certain parts of the requested records have been withheld from disclosure pursuant to Section 7(1)(f) of FOIA because these withheld documents contain preliminary drafts, recommendations, memoranda and other documents in which opinions are expressed, or policies or actions are formulated.

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."

Determination

The IEPA's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld records are preliminary documents in which opinions and recommendations were expressed and were relied upon by the IEPA in formulating actions relating to a specific matter. The IEPA has also indicated that that none of these documents have been publicly cited by the IEPA's Director. Hence, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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Accordingly, the IEPA may issue a partial denial letter directly to Ms. Long and may release the records to her with the appropriate information redacted.

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: Kathryn Long
Schiff Hardin LLP
One Westminster Place
Lake Forest, Illinois 60045