



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 25, 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 8041

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 26, 2010, Mr. George Cartwright submitted a FOIA request seeking a copy of any information related to chemical or petroleum releases at or near a specific site. In its written notice, the IEPA asserts that certain memoranda contained within the requested records have been withheld from disclosure under Section 7(1)(f) of FOIA.

**Determinations**

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 the Section 7(1)(f) exemption with regard to the withheld memoranda is **approved**. We have determined that the withheld memoranda are preliminary documents in which opinions and recommendations were expressed and were relied upon by the IEPA in formulating actions or policies on various matters. Further, the IEPA has indicated that the memoranda have not been publicly disclosed or identified by the IEPA’s Director. Hence, the IEPA has met its burden of demonstrating that the withheld memoranda are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the IEPA may issue a partial denial letter directly to Mr. Cartwright and may release the records to him with the appropriate information redacted.

June 25, 2010

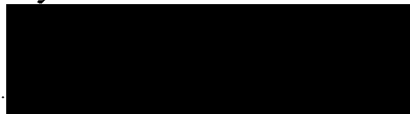
Page 2

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: George Cartwright  
Stantec  
446 Eisenhower Lane North  
Lombard, Illinois 60148