



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 8042

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 June 2, 2010, the IEPA received a FOIA request from Ms. Jessica Gorom, seeking a copy of any "environmental citations and/or violations that have been assessed against subject property [400 Green Bay Road, Zion, IL 60099] and/or surrounding properties." 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.

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 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.

June 24, 2010

Page 2

Accordingly, the IEPA may issue a partial denial letter directly to Ms. Gorom 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: Jessica Gorom
Environmental Scientist
URS Corporation
200 Orchard Ridge Drive
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Gaithersburg, MD 20878