



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 20, 2010

Mr. Thomas Reuter  
FOIA Officer  
Illinois Environmental Protection Agency  
102 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794

RE: FOIA Pre-Authorization Request – 2010 PAC 8471

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on July 2, 2010, Mr. Randal Bodnar on behalf of Civil and Environmental Consultants, Inc. submitted a FOIA request to the IEPA seeking copies of documents relating to the Sumner County landfill and Wayne County landfill.

On July 2, 2010, the IEPA sent a denial letter to Mr. Bodnar explaining that three memoranda relating to the Wayne County landfill are exempt from disclosure pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." 5 ILCS 140 7(1)(f).

**Determinations**

The IEPA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. Our Office has reviewed the documents supplied to us by the IEPA and we have determined that that the memoranda are pre-decisional in nature and fall within the scope of Section 7(1)(f).

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).