



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 30, 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 8603

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 July 8, 2010, Mr. Rod Washausen of WSI Incorporated submitted a FOIA request seeking the complete file relating to 504 Maple, Brighton, Illinois 62012. In its written notice, the IEPA asserts that certain documents of the requested records are exempt from disclosure pursuant to Section 7(1)(f) of FOIA because these documents contain preliminary drafts, recommendations, memoranda or 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." 5 ILCS 140/7(1)(f).

**Determination**

The IEPA's use of the exemption in Section 7(1)(f) with regard to the withheld documents is approved. We have reviewed the records at issue and 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

July 30, 2010  
Page 2

from disclosure under Section 7(1)(f) of FOIA.

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

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Amalia Rioja  
Chief Deputy Public Access Counselor

cc: Mr. Rod Washausen  
WSI Incorporated  
P.O. Box 263  
Valmeyer, Illinois 62295