

## Acosta, Andres

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**From:** Gallagher, Sara Gadola  
**Sent:** Friday, August 06, 2010 11:26 AM  
**To:** 'Reuter, Tom'  
**Cc:** [REDACTED]  
**Subject:** 2010 PAC 8766 -- Pre-Authorization Request

August 6, 2010

Mr. Tom Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
[tom.reuter@illinois.gov](mailto:tom.reuter@illinois.gov)

Re: 2010 PAC 8766 – Pre-Authorization Request

Dear Mr. Reuter,

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intent to deny disclosure of two documents as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/7(1)(f). This matter involves a FOIA request submitted by [REDACTED] for records related to the Illinois Power Town Gas Plant Facility in Champaign. The IEPA has asserted that two documents related to the site's referral to a Contamination Evaluation Group (CEG) are exempt from disclosure under Section 7(1)(f).

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

### Determination

IEPA's use of the Section 7(1)(f) exemption with respect to the documents in question is **approved**. IEPA has asserted that the documents involve an internal discussion of the rationale for referring the site to the CEG. The IEPA has also asserted that neither of the documents has been publicly cited or identified by the IEPA's director. Thus, these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Should you have questions or concerns, please feel free to contact me. This correspondence shall serve to close this matter.

Very truly yours,

**Sara Gadola Gallagher**  
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