

## Bender, Bret

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**From:** Gallagher, Sara Gadola  
**Sent:** Friday, August 06, 2010 12:45 PM  
**To:** 'Reuter, Tom'  
**Cc:** [REDACTED]  
**Subject:** 2010 PAC 8767 -- 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 8767 – 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 a memorandum 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 LUST incident at the Van Packer Company in Bureau County. The IEPA has asserted that a memorandum involving the site's referral to a Contamination Evaluation Group (CEG) is 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 memorandum in question is **approved**. The memorandum in question discusses site referral in the context of formulating groundwater remediation objectives for the site, and is pre-decisional in nature. The IEPA has also asserted that the memorandum has not been publicly cited or identified by the IEPA's director. Thus, the memorandum is 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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