



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 9, 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 8854

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 2, 2010, [REDACTED] submitted a FOIA request to IEPA for records concerning Northwestern Steel and Wire facility located at 121 Wallace Street, Sterling, IL. In its written notice, the IEPA asserts that a document, within the requested records, referred to as "CEG BOL Referral Memo" has 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 "CEG BOL Referral Memo" is **approved**. We have determined that the withheld memorandum contains recommendations that were relied upon by the IEPA in implementing actions or policies regarding a specific issue. The IEPA has also indicated that this memorandum has not been publicly cited the Director of IEPA. Accordingly, the IEPA has met its burden of demonstrating that the "CEG BOL Referral Memo" is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This letter shall serve to close this matter.