



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 12, 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 8858

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 22, 2010, [REDACTED] submitted a FOIA request to IEPA seeking specific records concerning the City of South Beloit STP. In its written notice, the IEPA asserts that a document within the requested records, referred to as "Memo: Callaway to Gunnarson," 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 "Memo: Callaway to Gunnarson" is **approved**. We have determined that the withheld document is a pre-decisional document that was relied upon by the IEPA in implementing an action or policy regarding a specific issue. Also, the IEPA has indicated that this document has not been publicly cited by the Director of IEPA. Accordingly, the IEPA has met its burden of demonstrating that the "Memo: Callaway to Gunnarson" is exempt from disclosure under Section 7(1)(f) of FOIA.

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

August 12, 2010
Page 2

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc:

