



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
102 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Pre-Authorization Request 2010 PAC 8859

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 a certain document as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on July 20, 2010 seeking records associated with Peoria Tube Forming Corporation in Woodford County. In its written notice, the IEPA asserts that a certain document is exempt under Section 7(1)(f) of FOIA as it is "...a pre-decisional and deliberative enforcement document." In addition, the IEPA asserts that the document has not been publicly cited by its Director.

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." 5 ILCS 140/7(1)(f).

Determination

The IEPA's proposed use of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified document is approved. We have reviewed the document provided by IEPA and have determined that it consists of a memo containing opinions and recommendations submitted to the IEPA for consideration, which the IEPA asserts has not been publicly cited by the Director of the IEPA. Thus, this document is considered exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, IEPA may issue a partial denial letter withholding the specified document.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Jessica O'Leary
Assistant Attorney General

cc:

