OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 1, 2010

Mr. Thomas Reuter
Freedom of Information Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62974-9276

Dear Mr. Reuter:

RE: FOIA Pre-Approval Request – 2010 PAC 9110

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of six of the documents requested by Burns and McDonnell pursuant to Section 7(1)(f) of the Freedom of Information Act. Burns and McDonnell had requested documents related to the site of a Roadway Express trucking facility in Chicago Heights. The IEPA asserts that six pertinent documents are exempt from disclosure under Section 7(1)(f) of FOIA. Section 7(1)(f) exempts from disclosure "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies and actions are formulated." 5 ILCS 140/7(1)(f). .

As a result of our review, we have determined that it is appropriate to decline to disclose the documents in question under Section 7(1)(f) because they constitute preliminary drafts, notes, recommendation, and/or memoranda in which opinions are expressed or policies or actions are formulated. Therefore, the request to assert the exemption under Section 7(1)(f) for the documents in question is hereby approved and further inquiry into this matter is not warranted.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence

will serve to close the matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [redacted]
John Schmidt
Assistant Attorney General

cc: Ms. Rebekah Schulenberg
Burns and McDonnell
1431 Opus Place
Suite 400
Downers Grove, Illinois 60515