



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

August 23, 2010

Mr. Thomas Reuter
FOIA Officer
Illinois Environmental Protection Agency
102 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794

RE: FOIA Pre-Authorization Request – 2010 PAC 9191

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et. seq.*, as amended.

Specifically, on August 10, 2010, [REDACTED] on behalf of [REDACTED] submitted a FOIA request to the IEPA seeking copies of records relating to the Phillips-Thom landfill in Montgomery, Illinois.

On August 19, 2010, the IEPA submitted a pre-authorization request with this Office explaining that a 1995 site priority recommendation is exempt from disclosure pursuant to Section 7(1)(f), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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." 5 ILCS 140 7(1)(f).

Determinations

The IEPA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. This Office has reviewed the memorandum by the IEPA relating to the landfill and we have determined that that the document is a preliminary evaluation of the site by the IEPA and contains recommendation about a possible course of action with respect to the Comprehensive, Environmental, Compensation, and Liability Act (CERCLA).


Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, the IEPA has met its burden under Section 7(1)(f) and may withhold the documents in question.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



Matthew C. Rogina
Assistant Public Access Counselor

cc:

