



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

Lisa Madigan
ATTORNEY GENERAL

September 1, 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 9227

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 14, 2010, [REDACTED] submitted a FOIA request to the IEPA seeking information "relating to the entire former Kettle River Creosote site including the site controlled by [REDACTED] [REDACTED]. In its written notice, IEPA asserts that certain documents contained within the requested records have 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." 5 ILCS 140/7(1)(f).

The IEPA's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld documents are pre-decisional memoranda and recommendations that were relied upon by IEPA in its decision making process regarding a specific facility. Further, IEPA has indicated that none of these documents have been publicly cited by the Director of IEPA. Accordingly, IEPA has met its burden of establishing that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

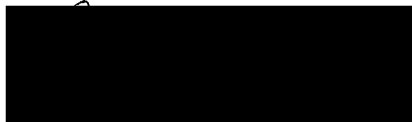
If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437. This correspondence shall serve to close this matter.

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Sincerely,

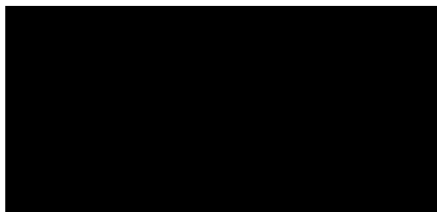
Cara Smith
Public Access Counselor

By:

A black rectangular redaction box covering the signature of Tola Adewola.

Tola Adewola
Assistant Public Access Counselor

cc:

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