



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 18, 2011

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request — 2011 PAC 12833

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency 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 February 3, 2011, Albert Ettinger of the Sierra Club submitted a FOIA request to IEPA, seeking records concerning NPDES permit limits applicable to wastewater treatment plants. In its written notice, the IEPA asserts that certain responsive documents are exempt 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 exemption in Section 7(1)(f) with regard to the withheld documents is approved. We have determined that these documents are all either preliminary documents, memoranda or contain recommendations that the IEPA relied on in order to formulate actions. The IEPA has also indicated that these documents have not been publicly cited the Director of IEPA. Accordingly, the IEPA has met its burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

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Sincerely,

Rebecca Riddick by: AA

Rebecca Riddick
Assistant Public Access Counselor

cc: Albert Ettinger
Sierra Club
53 W. Jackson #1664
Chicago, IL 60604

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