



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 24, 2011

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

RE: Pre-Authorization Request – 2011 PAC 12995
Requester: [REDACTED]

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 as exempt under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On January 20, 2011, [REDACTED] requested records relating to two facilities in Momence. In its written notice dated March 7, 2011, IEPA asserts that two of the responsive documents are exempt from disclosure under Section 7(1)(f).

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 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).

Determination

Based on IEPA’s detailed description of these documents, we have determined that IEPA’s use of the exemption in Section 7(1)(f) with regard to these documents is approved. These documents contain recommendations and are used by IEPA in formulating actions. IEPA asserts that these documents have not been publicly cited or identified by IEPA’s Director. Thus, IEPA has sustained its initial burden of showing that these two documents are exempt from disclosure under Section 7(1)(f).

IEPA
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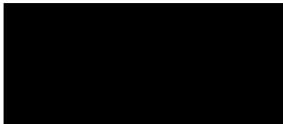
Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



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