



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 20, 2010

Mr. Thomas J. Reuter
FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2010 PAC 7872

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intent to deny disclosure of certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). IEPA's written notice relates to a FOIA request from Mr. Daniel Flynn for records related to the Herrin Municipal Landfill Facility. IEPA has asserted that three documents – review notes for a draft permit and two internal memoranda discussing potential courses of action concerning regulatory non-compliance – are exempt from disclosure under Section 7(1)(f) of FOIA.

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”, as long as the document is not cited or publicly identified by the head of the public body. 5 ILCS 140/7(1)(f).

Determination


The IEPA's use of the exemption in Section 7(1)(f) is approved. The three documents in question reflect internal notes and discussion that was intended to aid the IEPA in formulating final decisions on regulatory matters. Additionally, none of the documents has been publicly cited or identified by the head of the IEPA. Should you have questions or concerns, please call our office at 1-877-299-FOIA (3642). This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

cc: Mr. Daniel Flynn
Rapps Engineering Applied Science
821 South Dirkin Drive
Springfield, Illinois 62704-1313

By:


Sara Gadola Gallagher
Deputy Public Access Counselor