



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 21, 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 7873

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 Courtice Bowman of Courtice/Grason for records related to the Mervis Iron & Supply facility in Springfield. IEPA has asserted that four documents – a draft compliance notice and three 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).

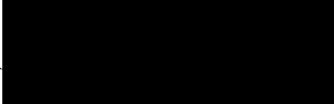
Determinations

The IEPA's use of the exemption in Section 7(1)(f) is approved. The four 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: Courtice Bowman  
Courtice/Grason  
9 North Hamilton  
Sullivan, Illinois 61951

By:   
Sara Gadola Gallagher  
Deputy Public Access Counselor