



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

Lisa Madigan
ATTORNEY GENERAL

June 28, 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 8085

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 June 8, 2010, the IEPA received a FOIA request from [REDACTED] seeking a copy of any "environmental citations and/or violations that have been assessed against subject property [8826 West Route 24, Mapleton, IL 61547] and/or surrounding properties." In its written notice, the IEPA asserts that certain 'Preliminary Assessment' 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."

The IEPA's use of the Section 7(1)(f) exemption with regard to the withheld 'Preliminary Assessment' documents is **approved**. We have determined that the withheld documents contained opinions and recommendations that the IEPA relied on in formulating actions or policies on various matters. Further, the IEPA has indicated that the withheld documents have not been publicly cited by the IEPA's Director. Hence, the IEPA has met its burden of demonstrating that the withheld 'Preliminary Assessment' documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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Accordingly, the IEPA may issue a partial denial letter directly to [REDACTED] and may release the records to her with the appropriate information redacted. 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.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]

Tola Adewola
Assistant Public Access Counselor

[REDACTED]