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 8087

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 10, 2010, [redacted] submitted a FOIA request seeking information concerning Chatham Gas Station at 300 N. Main Street, Chatham, IL 62629. In its written notice, the IEPA asserts that a certain memorandum contained within the requested records has 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 memorandum contained within the requested records is **approved**. We have determined that the memorandum contains opinions and recommendations which were relied upon by the IEPA in implementing actions relating to a specific matter. The IEPA has also indicated that the memorandum has not been publicly cited or identified by the IEPA's Director. Hence, the IEPA has met its burden of demonstrating that the withheld memorandum is exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, the IEPA may issue a partial denial letter directly to [redacted] and may release the records to him 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:

Tola Adewola
Assistant Public Access Counselor