



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

September 1, 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 9070

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 July 14, 2010, Ms. Emily Holmes submitted a FOIA request to IEPA seeking information regarding the Silvis Site located at [REDACTED] in Silvis, Illinois, dating from 1980 through the present.

In its written notice, IEPA asserts that certain 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.” 5 ILCS 140/7(1)(f).

The IEPA’s use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld documents are pre-decisional memoranda and recommendations that were relied upon by IEPA in its decision making process regarding a specific facility. Further, IEPA has indicated that none of these documents have been publicly cited by the Director of IEPA. Accordingly, IEPA has met its burden of establishing that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

September 1, 2010

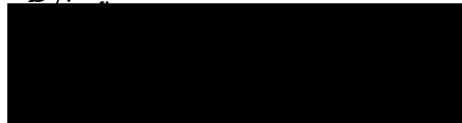
Page 2

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

cc: Emily N. Holmes  
Clausen Miller  
10 S. LaSalle Street  
Chicago, IL 60603