



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

Lisa Madigan
ATTORNEY GENERAL

September 16, 2010

Thomas Reuter
Acting FOIA Coordinator
Illinois Environmental Protection Agency
1021 N. Grand Ave. East
P.O. Box 19276
Springfield, IL 62794-9276

RE: Pre-Authorization Request – 2010 PAC 9596
Requester: Heidi Radke

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 as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). The IEPA's written notice relates to a FOIA request from Ms. Heidi Radke for records relating to a facility called Land and Lakes at 21488 North Milwaukee Avenue in Deerfield, Illinois. The IEPA asserts that one of the responsive records is 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 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).

Determination

The IEPA's use of the exemption in Section 7(1)(f) with regard to the withheld record is approved. This record includes preliminary notes and recommendations made to the IEPA, and those recommendations were used to formulate actions. The IEPA asserts that this record has never been publicly cited or identified by the Director of the IEPA. Thus, it is exempt from disclosure under Section 7(1)(f) of FOIA.

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Should you have questions or concerns, please feel free to contact Sarah Kaplan at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

A black rectangular redaction box covering the signature of Amalia Rioja.

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Heidi Radke
URS Corporation
100 S Wacker Drive, Suite 500
Chicago, IL 60606

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