



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

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Via Electronic Mail

Tom Reuter
Illinois EPA, FOIA Officer
tom.reuter@illinois.gov

RE: Pre-Authorization Request 2011SPAC-12430

Dear Mr. Reuter :

We have received the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information under subsection 7(1)(f) of the Freedom of Information Act (FOIA).

Mark Rouleau of Rouleau Law Office submitted a FOIA request to the IEPA seeking a chemical listing for the C.L. Hale Septic Site and any results for neighboring ground water well testing. In its written notice, the IEPA asserts that certain documents 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, 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 documents is approved. We have determined that the withheld documents all contain preliminary assessments and recommendations that were subject to revision before being accepted. These documents were used by IEPA to formulate actions. IEPA asserts that none of these documents have been publicly cited or identified by IEPA's Director. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f).

If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,

Amanda Lundeen

Amanda M. Lundeen
Assistant Public Access Counselor

cc: Mark Rouleau
Rouleau Law
rouleau-law@comcast.net

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