



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 30, 2011

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request — 2011 PAC 12944

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency 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 January 4, 2011, Margie Lathrop of V3 Companies submitted a FOIA request to IEPA, seeking records concerning a NIKE, C-70 site. In its written notice, the IEPA asserts that certain responsive documents are pre-decisional documents or drafts and/or contain recommendations. IEPA seeks to withhold these records 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 exemption in Section 7(1)(f) with regard to the withheld documents is approved. We have determined that these documents are all either preliminary documents, drafts, memoranda or contain recommendations that the IEPA relied on in order to formulate actions. The IEPA has also indicated that these documents have not been publicly cited the Director of IEPA. Accordingly, the IEPA has met its burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

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Sincerely,

Rebecca Riddick by: AA
Rebecca Riddick
Assistant Public Access Counselor

cc: Margie Lathrop
V3 Companies
7325 Janes Ave.
Woodridge, IL 60517

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