



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

Lisa Madigan
ATTORNEY GENERAL

October 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 9807

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 7, 2010, Mr. Richard Forbes submitted a FOIA request to IEPA seeking a copy of all documents contained in IEPA's files for 6 specific public water supply facilities. In its written notice, IEPA asserts that a draft document, contained within the requested records, is exempt 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."

IEPA's use of Section 7(1)(f) exemption with regard to the draft document is **approved**. We have determined that the draft document is a preliminary document containing opinions and recommendations that IEPA relied upon in its decision making process regarding a specific matter. Moreover, IEPA has indicated that this document has not been publicly cited by the Director of IEPA. Accordingly, IEPA has met its burden of demonstrating that the withheld document is exempt from disclosure under Section 7(1)(f) of FOIA.

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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: Richard Forbes
Waterborne Environmental, Inc
605 Covered Bridge Rd
Glenarm, IL 62536