



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

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

RE: Pre-Authorization Request – 2011 PAC 13421
Requester: Adam Zakroczymski, Stateline Environmental Consulting Services

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 under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On January 25, 2011, Mr. Adam Zakroczymski requested records relating to a landfill in Joliet, Illinois. In its written notice dated April 7, 2011, IEPA asserts that certain of the responsive documents are exempt from disclosure under Section 7(1)(f).

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

Based on our review of the documents IEPA intends to withhold, we have determined that IEPA’s use of the exemption in Section 7(1)(f) with regard to these documents is approved. These documents consist of handwritten notes and other preliminary documents that contain opinions and recommendations, and these documents were used by IEPA in formulating its actions. IEPA asserts that these documents have not been publicly cited or identified by IEPA’s Director. Thus, IEPA has sustained its initial burden of showing that these documents are exempt from disclosure under Section 7(1)(f).

Illinois Environmental Protection Agency
April 14, 2011
Page 2 of 2

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

Sincerely,

A black rectangular redaction box covering the signature of Sarah Kaplan.

Sarah Kaplan
Assistant Public Access Counselor

cc: Adam Zakroczymski
Stateline Environmental Consulting Services
635 Needlegrass Parkway
Antioch, IL 60002

13421 preauth at 71f prelim draft sa