



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 13, 2010

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

Re: Pre-authorization request – 2010 PAC 6334

Dear Mr. Reuter:

We have received the Illinois Environmental Protection Agency's (IEPA) request for pre-authorization to withhold records requested by Edward Maher under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Mr. Maher requested copies of records regarding Sand Park Landfill in Loves Park. The IEPA asserted that two records are exempt pursuant to Section 7(1)(f) because they contain recommendations that preceded final decisions.

The IEPA's request to withhold the records pursuant to Section 7(1)(f) is *approved*. Section 7(1)(f) 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). We have reviewed the records and determined that both are pre-decisional in nature.

Additionally, there is no indication that the records have been publicly cited by the director of the IEPA. Therefore, the IEPA has met its initial burden of demonstrating that the records are exempt under Section 7(1)(f).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:



Steve Silverman
Assistant Public Access Counselor

cc: Atty. Edward Maher
2601 Reid Farm Road
Rockford, IL 61114

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