



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

Lisa Madigan
ATTORNEY GENERAL

October 12, 2010

Mr. Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: Pre-Authorization Request – 2010 PAC 9592
FOIA Requester: Siraa Smadi – Anderson Environmental Consulting

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 140/1 *et seq.*, as amended.

On August 24, 2010, Mr. Siraa Smadi submitted a FOIA request to IEPA for information relating to LUST Technical, SRP Technical, FOS, compliance, permits, and ground water for the Powell-Duffryn Terminals from January 1, 1970, until August 24, 2010. In its written notice, the IEPA asserts that certain documents contained within the requested records are pre-decisional documents and 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 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.”

The IEPA’s use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review, our office has determined that the withheld documents are pre-decisional, draft reports and recommendations regarding the Powell-Duffryn Terminals. Further, the IEPA has indicated that these documents have not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact Rebecca Riddick at (312) 814-2138.
This correspondence shall serve to close this matter.

Sincerely,

cc: Mr. Siraa Smadi
Anderson Environmental Consulting
6655 Main Street
Suite 110
Downers Grove, IL 60516

Cara Smith
Public Access Counselor

Amalia Rioja / RSR

By: Amalia Rioja
Chief Deputy Public Access Counselor

9592 pre-auth al 7(1)(f) prelim draft sa