



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 18, 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 13410
Requester: Katherine Hodge

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 February 8, 2011, Katherine Hodge submitted a FOIA request to IEPA seeking records related to Buerkett 31st Street Landfill. In its written notice, IEPA asserts that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA. 5 ILCS 140/7(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 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." *Id.*

Determination

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 pre-decisional, deliberative, and contain recommendations on which IEPA relied in formulating actions. IEPA has indicated that these documents have not been publicly cited by the Director of IEPA. Therefore, IEPA has met its

initial burden of demonstrating that the withheld documents are exempt under Section 7(1)(f).

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.

Sincerely,

Sarah Kaplan b4EK

Sarah Kaplan
Assistant Public Access Counselor

cc: Katherine Hodge
Hodge Dwyer & Driver
3150 Roland Avenue
Springfield, Illinois 62705

13410 pre-auth at 7(1)(f) prelim draft sa