



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 2011

Mr. Thomas Reuter
FOIA Officer
Illinois Environmental Protection Agency
tom.reuter@illinois.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 13492

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on January 25, 2011, Ms. Leeann Kruszynski, on behalf of ATC Associates, submitted a FOIA request to the IEPA seeking copies of Bureau ID No. ILD311701503.

On April 11, 2011, the IEPA submitted a pre-authorization request with this Office explaining that certain memoranda relating to the Site Remediation Program are exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

Determinations

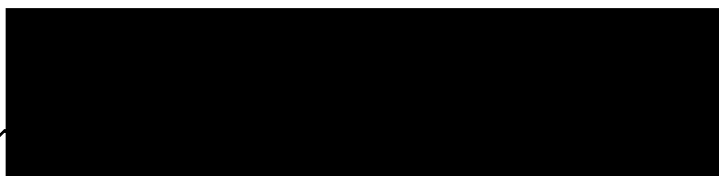
The IEPA's request for approval of its decision to withhold the memoranda pursuant to Section 7(1)(f) is approved. This Office has reviewed the memoranda by the IEPA relating to the facility and we have determined that these documents contain preliminary recommendations and opinions about certain sites and properly fall within the scope of Section 7(1)(f)

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, the IEPA has met its initial burden under Section 7(1)(f) and may withhold the documents in question.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc: Leeann Kruszyniksi
419 Eisenhower Lane South
Lombard, IL 60148

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