



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

Lisa Madigan
ATTORNEY GENERAL

April 21, 2011

Via Electronic Mail

Tom Reuter
Illinois EPA, FOIA Officer
tom.reuter@illinois.gov

RE: Pre-Authorization Request 2011 PAC 13490

Dear Mr. Reuter :

We have received the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to deny disclosure of certain information under Section 7(1)(f) of the Freedom of Information Act (FOIA).

██████████ of Terracon submitted a FOIA request to the IEPA seeking information relating to various sites in Belvidere, Illinois. In its written notice, the IEPA asserts that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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." 5 ILCS 140/7(1)(f).

Determination

The IEPA's use of the exemption in Section 7(1)(f) with regard to the withheld documents is approved. We have determined that the withheld documents are internal memos that have been limited to review of IEPA personnel. The documents are pre-decisional in nature and contain conclusions and recommendations. IEPA asserts that none of these documents have been publicly cited or identified by IEPA's Director. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f).


If you have any questions, please feel free to contact Tammy Friedewald at (217) 558-1926.
This correspondence shall serve to close this matter.

Sincerely,



Amanda M. Lundeen
Assistant Public Access Counselor

cc:


Terracon
650 W. Lake St., Ste. 420
Chicago, IL 60661

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