



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 19, 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 13494

Dear Mr. Reuter:

We have received from the Illinois Environmental Protection Agency (IEPA) a notice of 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 4, 2011, Richard O'Brien submitted a FOIA request seeking records relating to the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois. IEPA requested pre-authorization to withhold certain records 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 assertion that the records are exempt under Section 7(1)(f) is approved. We have reviewed the records and determined that they are pre-decisional in nature and contain recommendations that IEPA used to formulate actions. IEPA has indicated that the Director of IEPA has not publicly cited these documents. Therefore, we conclude that IEPA has sustained its initial burden of demonstrating that the records are exempt from disclosure under Section 7(1)(f).

If you have any questions, please feel free to contact me at (312) 814-6756. This letter shall serve to close this matter.

Sincerely,

STEVE SILVERMAN BYEK

Steve Silverman
Assistant Public Access Counselor

cc: Richard O'Brien
300 W Adams St # 1200
Chicago, IL 60606-5176