



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 27, 2010

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2010 PAC 10308

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 a record pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA).

On October 6, 2010, Ms. Margaret Panatera submitted a FOIA request to IEPA seeking a copy of all RCRA files concerning Intermatic Inc., located at 7777 Winn Road, Spring Grove, IL, from 2000 to 2010. In its written notice, IEPA asserts that a specific memorandum within the requested records, referred to as "Memo: Lucas/Salch to Munie," has been withheld from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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 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."

IEPA's use of the Section 7(1)(f) exemption with regard to the "Memo: Lucas/Salch to Munie" is **approved**. We have determined that the withheld memorandum is a preliminary document containing opinions that IEPA relied upon in its decision-making process regarding a specific matter. Moreover, IEPA has indicated that this memorandum has not been publicly cited or identified by the Director of IEPA. Accordingly, IEPA has met its burden of demonstrating that the withheld memorandum is exempt from disclosure under Section 7(1)(f) of FOIA.

October 27, 2010

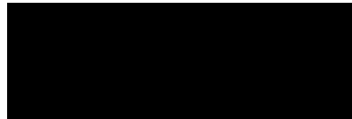
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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Margaret Panatera
Huff and Huff Inc.
915 Harger Road
Suite 330
Oak Brook, IL 60523

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