



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

Lisa Madigan  
ATTORNEY GENERAL

October 29, 2010

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

Re: Pre-Authorization Request – 2010 PAC 10197  
FOIA Requester: Benchmark Environmental Services – Ms. Alison Rosenberg

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 September 21, 2010, Ms. Alison Rosenberg submitted a FOIA request to IEPA for LUST Technical, SRP Technical, FOS, compliance, permits, and ground water records for the Aero Plating Works in Chicago.

In its written notice, the IEPA asserts that two documents contained within the requested records are pre-decisional and have been withheld from disclosure under Section 7(1)(f) of FOIA.

**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 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.”

The IEPA’s use of the Section 7(1)(f) exemption with regard to the two withheld documents is **approved**. After review, our office has determined that the withheld documents are preliminary notes and recommendations. Further, the IEPA has indicated that these documents have not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions or concerns, please feel free to contact Rebecca Riddick at (312) 814-2138. This correspondence shall serve to close this matter.

cc: Benchmark Environmental Services  
Attn: Ms. Alison Rosenberg  
P.O. Box 824  
Antioch, IL 60002

Sincerely,

Cara Smith  
Public Access Counselor

*Amalia Rioja /RSK*

By: Amalia Rioja  
Chief Deputy Public Access Counselor