



**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 10306
FOIA Requester: Conestoga-Rovers and Associates – Matthew Lazaric

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 30, 2010, Mr. Matthew Lazaric submitted a FOIA request to IEPA for all files regarding the Bodine Electric facility at 2500 West Bradley Place 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 to withhold the two referenced documents is **approved**. After review, our office has determined that the withheld documents are preliminary analysis 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 our office at (312)793-0024. This correspondence shall serve to close this matter.

10306 pre-auth al 71c prelim draft sa

Sincerely,

cc: Mr. Matthew Lazaric
Conestoga-Rovers and Associates
8615 W. Bryn Mawr Ave.
Chicago, IL 60631

Cara Smith
Public Access Counselor

By: 
Amalia Rioja
Chief Deputy Public Access Counselor

10306 pre-auth al 71c prelim draft sa

500 South Second Street, Springfield, Illinois 62706 • (217) 782-1090 • TTY: (217) 785-2771 • Fax: (217) 782-7046
100 West Randolph Street, Chicago, Illinois, 60601 • (312) 814-3000 • TTY: (312) 814-3374 • Fax: (312) 814-3806
1001 East Main, Carbondale, Illinois 62901 • (618) 529-6400 • TTY: (618) 529-6403 • Fax: (618) 529-6416