



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 1, 2010

Mr. Thomas Reuter
Freedom of Information Act Officer
Illinois Environmental Protection Agency
Tom.Reuter@illinois.gov

RE: FOIA Pre-Authorization Request - 2010 PAC 6241

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on March 5, 2010, Mr. Justin Beasley, on behalf of CH2M Hill, submitted a FOIA request to the IEPA seeking copies of information relating to the Kearney Company in Summit, Illinois.

On March 11, 2010, the IEPA submitted a Pre-Authorization Request to this Office asserting that two documents relating to the Kearney Company are exempt from disclosure pursuant to Section 7(1)(f) (5 ILCS 140/7(d)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

Determinations

The IEPA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. This Office has reviewed the two documents supplied to us by the IEPA and we have determined that the documents are preliminary in nature and contain recommendations about a possible course of action with respect to the Kearney Company.

Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).


Based on this analysis, the IEPA has met its initial burden under Section 7(1)(f) and may withhold the documents in question.

Should you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

cc: Justin Beasley
CH2M HILL
Justin.beasley@ch2m.com