



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

May 6, 2011

Tom Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

RE: FOIA Pre-Authorization Request – 2011 PAC 13891

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 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 26, 2011, Mr. Kevin Craver requested records relating to groundwater issues and to a particular facility in Ringwood, Illinois (FOIA File 2011-5454). In its written notice, IEPA asserts that one of the responsive documents, a draft evaluation report, is exempt under section 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 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.”

**DETERMINATION**

IEPA’s use of the exemption in section 7(1)(f) to withhold the draft report is **approved**. IEPA’s notice states that this document is a draft that is subject to review before it is finalized, and IEPA asserts that the draft report has not been publicly cited or identified by the Director. Therefore, we have determined that IEPA has met its initial burden to demonstrate that the draft report is exempt under section 7(1)(f).

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Accordingly, IEPA may issue a partial denial letter directly to Mr. Craver and release the non-exempt documents to him, if it has not already done so.

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN  
Assistant Attorney General  
Public Access Bureau

cc: Kevin Craver  
Northwest Herald  
7717 South Route 31  
Crystal Lake, Illinois 60014