



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 8, 2010

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
102 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Pre-Authorization Request – 2010 PAC 10444

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 documents as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Megan Klevze submitted a FOIA request on October 15, 2010 seeking all records available for the IMTT Facility located at 13589 Main Street, Lemont, Illinois. In its written notice, the IEPA asserted that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) because they contain recommendations and opinions and are pre-decisional in nature.

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

The IEPA’s proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified documents is approved. We have reviewed the documents provided by the IEPA and have determined that they consist of memoranda and draft documents containing recommendations and opinions, which the IEPA asserted have not been publicly cited by its Director. Therefore, the IEPA has met its burden of demonstrating that the specific documents are exempt from disclosure under Section 7(1)(f) of FOIA.


Accordingly, the IEPA may issue a partial denial letter withholding the specified documents.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 

 Jessica O'Leary
Assistant Attorney General

cc: Megan Klevze
Environ International Corporation
4350 N. Fairfax Drive, Suite 300
Arlington, Virginia 22203

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