



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
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2010 PAC 10451

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).

Specifically, on October 7, 2010, Mr. Thomas Lentzen submitted a FOIA request to IEPA, seeking a copy of all IEPA's files concerning Burlington Northern Railroad Facility, located at 685 McClure Road, Aurora, IL. In its written notice, IEPA asserts that certain documents, contained within the requested records, have been withheld from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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 or actions 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." *Id.*

IEPA's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. We have determined that the withheld documents contain opinions and recommendations that IEPA relied upon in its decision-making process regarding a specific matter. Further, IEPA has indicated that none of these documents have been publicly cited by the Director of IEPA. As such, IEPA has met its burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Thomas Lentzen
EMR, Inc
16W251 S. Frontage Road
Suite 30
Burr Ridge, IL 60527

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