



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

November 16, 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 10307
FOIA Requester: Environmental Consulting Group – Robert Johnson

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 October 18, 2010, Mr. Robert Johnson submitted a FOIA request to IEPA for LUST technical, LUST fiscal, SRP technical, SRP fiscal, FOS, compliance, permits, and ground water records regarding the Bodine Electric facility at 2500 West Bradley Avenue in Chicago for the period of January 1, 1900, until October 18, 2010.

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.”

10307 pre-auth at 71c prelim draft sa

The IEPA's use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review, our office has determined that the withheld documents contain preliminary analyses 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 me at (312)814-1497. This correspondence shall serve to close this matter.

Sincerely,

cc: Mr. Robert Johnson
Environmental Consulting Group
411 S. Wells
Suite 700
Chicago, IL 60607

Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor