



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 16, 2010

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

RE: Pre-Authorization Request — 2010 PAC 10448

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).

On October 12, 2010, Bob Brod of Hyde Environmental, Inc. submitted a FOIA request to IEPA, seeking documents pertaining to site ID# 1610700009. In its written notice, the IEPA asserts that six documents pertaining to that site are exempt 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 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." 5 ILCS 140/7(1)(f).

The IEPA's use of the exemption in Section 7(1)(f) with regard to these six documents is approved. After reviewing these documents, we have determined that these documents fall within the definition of Section 7(1)(f). The IEPA has also indicated that these documents have not been publicly cited the Director of IEPA. Accordingly, the IEPA has met its burden of demonstrating that these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

November 16, 2010
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Cara Smith
Public Access Counselor

By:

Amalia Rioja by: AA

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Mr. Bob Brod
Hyde Environmental, Inc.
20700 Watertown Rd.
Waukesha, WI 53186

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