



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

November 12, 2010

Thomas Reuter  
Acting FOIA Coordinator  
Illinois Environmental Protection Agency  
1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276

RE: Pre-Authorization Request – 2010 PAC 10529  
Requester: Robert Rogers, P.E.

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 as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On October 6, 2010, Mr. Robert Rogers submitted a request for "any technical documents containing analytical data collected from" certain sites relating to Mr. Rogers' proposed rail-to-trail conversion project. The IEPA asserts that certain of the responsive records are exempt from disclosure under Section 7(1)(f) of FOIA.

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." 5 ILCS 140/7(1)(f).

**Determination**

We have determined that the IEPA's use of the exemption in Section 7(1)(f) with regard to these documents is approved. These documents contain recommendations and were used to formulate actions. The IEPA asserts that these records have not been publicly cited or identified by the Director of the IEPA. Thus, the IEPA has met its initial burden of showing that these records are exempt from disclosure under Section 7(1)(f).

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Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Sarah Kaplan  
Assistant Public Access Counselor

cc: Robert Rogers, P.E.  
Bodine Environmental Services, Inc.  
3430 Constitution Drive, Suite 115  
Springfield, IL 62711

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