



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
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2010 PAC 10532

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 a record pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA).

Specifically, on October 25, 2010, Ms. Amanda Kimmel, on behalf of Lisa Stone, submitted a FOIA request to IEPA, seeking a copy of all IEPA's files concerning Land & Lakes #5 Landfill, located at 21488 N. Milwaukee Avenue, Deerfield, IL 60015. In its written notice, IEPA asserts that a certain memorandum, contained within the requested records, has 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 memorandum is **approved**. We have determined that the withheld memorandum is a preliminary document containing opinions that IEPA relied upon in its decision-making process regarding a specific matter. Moreover, IEPA has indicated that this memorandum has not been publicly cited or identified by the Director of IEPA. As such, IEPA has met its initial 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: Amanda Kimmel
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