



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

November 17, 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 10642

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 15, 2010, Ms. Lara Hoffman submitted a FOIA request to IEPA, seeking a copy of all IEPA's files concerning an impoundment or landfill at the John Deere foundry in Silvis, Illinois. 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 specific matters. Further, IEPA has indicated that none of these documents have been publicly cited 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.

November 17, 2010

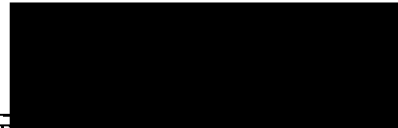
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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.  
This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

A solid black rectangular redaction box covering the signature of Tola Sobitan.

Tola Sobitan  
Assistant Public Access Counselor

cc: Lara Hoffman  
EPS Environmental  
7237 W. Devon Avenue  
Chicago, Illinois 60631

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