



**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
102 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Pre-Authorization Request – 2010 PAC 10643.

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 certain document as exempt under Section 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

David McArdle submitted a FOIA request on October 19, 2010 seeking information pertaining to the Oakgrigsby Plant #2 Facility located at 200 E. Crystal Lake Avenue, Crystal Lake, Illinois. In its written notice, the IEPA asserted that a certain document is exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) because it contains recommendations and opinions.

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

The IEPA’s proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified document is approved. We have reviewed the document provided by the IEPA and have determined that it consists of an email containing recommendations and opinions, which the IEPA asserted has not been publicly cited by its Director. Therefore, the IEPA has met its burden of demonstrating that the specific document is exempt from disclosure under Section 7(1)(f) of FOIA.


Accordingly, the IEPA may issue a partial denial letter withholding the specified document.

If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

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Assistant Attorney General

cc: David W. McArdle
Zukowski Rogers Flood and McArdle
50 Virginia Street
Crystal Lake, Illinois 60014

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