



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 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 10792
Requester: Kathleen Kennedy, Partner Environmental

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 28, 2010, Ms. Kathleen Kennedy requested information regarding Seneca Tank Farm. 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. Based on the IEPA’s detailed summary of its basis for asserting the exemption, we conclude that these documents are drafts subject to revision and contain opinions and recommendations. 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:

A solid black rectangular box redacting the signature of Sarah Kaplan.

Sarah Kaplan
Assistant Public Access Counselor

cc: Kathleen Kennedy
Partner Environmental
1104 West Columbia Ave, Apt. 2N
Chicago, IL 60626

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