



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 30, 2010

Mr. Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

Re: Pre-Authorization Request – 2010 PAC 10828
FOIA Requester: WTVO-TV – Mark Stevens

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 pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On November 3, 2010, Mr. Mark Stevens submitted a FOIA request to IEPA for the wastewater compliance records, wastewater inspection report, wastewater sampling results and wastewater complaints from October 10, 2008, through October 10, 2010, regarding the Traditions South Dairy facility in Stockton.

In its written notice, the IEPA asserts that three documents contained within the requested records are pre-decisional or draft documents and have been withheld from disclosure under Section 7(1)(f) of FOIA.

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 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.”

The IEPA’s use of the Section 7(1)(f) exemption with regard to the withheld documents is **approved**. After review, our office has determined that the withheld documents contain recommendations and pre-decisional comments. Additionally, two of the withheld documents are drafts subject to further revision. Further, the IEPA has indicated that these documents have not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

10828 pre-auth al 71c prelim draft sa

If you have any questions or concerns, please feel free to contact me at (312)814-2138. This correspondence shall serve to close this matter.

Sincerely,

cc: Mr. Mark Stevens
WTVO-TV
1917 N. Meridian Rd.
Rockford, IL 61103

Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor