



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 15, 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 11204
FOIA Requester: Eimer Stahl Klevorn & Solberg LLP - Shelly Geppert

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 October 21, 2010, Ms. Shelly Geppert submitted a FOIA request to IEPA for “all documents related to any (1) reported or suspected leaking underground storage tanks; and (2) environmental investigation, monitoring and/or remediation activities at locations listed below.” She listed 27 sites, located in Wood River and Bethalto.

In its written notice, the IEPA asserts that 10 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 are memos, draft, and pre-decisional documents that contain recommendations and opinions. 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.

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If you have any questions or concerns, please feel free to contact me at (312)814-8413. This correspondence shall serve to close this matter.

Sincerely,

cc: Ms. Shelly Geppert
Eimer Stahl Klevorn & Solberg LLP
224 S. Michigan Ave.
Suite 1100
Chicago, IL 60604

Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor