



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 20, 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 11339
FOIA Requester: Michael J. Smoron – Zukowski, Rogers, Flood & McArdle

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 5, 2010, Mr. Michael J. Smoron submitted a FOIA request to IEPA for "all correspondence to and from (1) [REDACTED]; (2) [REDACTED]; (3) BCP Realty, LLC; or (4) Circle Land Co. regarding any chemical plume associated with Rohm and Haas in Ringwood, Illinois."

In its written notice, the IEPA asserts that 16 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 preliminary and draft documents which contain comments, 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.

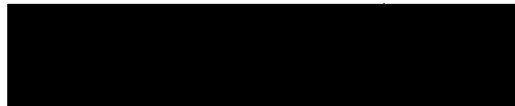
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If you have any questions or concerns, please feel free to contact me at (312)814-8413. This correspondence shall serve to close this matter.

Sincerely,

cc: Mr. Michael J. Smoron
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, IL 60014

Cara Smith
Public Access Counselor



By: Rebecca Riddick
Assistant Public Access Counselor