



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 22, 2010

Illinois Environmental Protection Agency
Tom Reuter, FOIA Officer
1021 North Grand Avenue East
PO Box 19276
Springfield, IL
62794-9276

Re: Pre-authorization request – 2010 PAC 11341

Dear Mr. Reuter:

We have reviewed a request by the Illinois Environmental Protection Agency (IEPA) for pre-authorization to withhold records requested by Thomas Daggett under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Mr. Daggett requested records related to environmental contamination at Cadie Auto Salvage, 1451 McKinley Avenue, Belvidere, IL. IEPA requested pre-authorization to redact one record pursuant to Section 7(1)(f) (5 ILCS 140/7(1)(f)).

Section 7(1)(f) exempts from inspection and copying “[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 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).

The request to withhold the record pursuant to Section 7(1)(f) is **approved**. We have reviewed a copy of the record in question and determined that it is pre-decisional in nature. IEPA has asserted that the record has not been publicly cited by the director of IEPA. Therefore, IEPA has met its initial burden of demonstrating that the record is exempt under Section 7(1)(f).

IEPA intends to withhold additional records pursuant to an unspecified provision of Section 7 (5 ILCS 140/7)). Because advance approval by the Public Access Counselor is not required for the

assertion of exemptions other than Section 7(1)(c) and Section 7(1)(f), we make no determination at this time regarding any other exemptions.

This letter shall serve to close this file. If you have any questions, please feel free to contact me at 312-814-6756 or ssilverman@atg.state.il.us.

Sincerely,

Cara Smith
Public Access Counselor

By:

Steve Silverman
Assistant Public Access Counselor

cc: Daggett Law Firm
Attn. Thomas Daggett
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Chicago, IL 60601