



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 27, 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 11443  
FOIA Requester: Mr. Scott McSorley – Carlson Environmental Inc.

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 17, 2010, Mr. Scott McSorley of Carlson Environmental Inc. submitted a FOIA request to IEPA for LUST Technical, LUST Fiscal, SRP Technical, SRP Fiscal, FOS, Compliance, Permits, and Ground Water records from January 1, 1990, until November 16, 2010, pertaining to Esselte Meto in Bedford Park.

In its written notice, the IEPA asserts that a document contained within the requested records is a memoranda that contains a preliminary opinion and has 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 document is **approved**. After review, our office has determined that the withheld document is pre-decisional in nature. Further, the IEPA has indicated that this document has not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld document is exempt from disclosure under Section 7(1)(f) of FOIA.

11443 pre-auth at 71c prelim draft sa

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. Scott McSorley  
Carlson Environmental Inc.  
65 E. Wacker Pl.  
Suite 801  
Chicago, IL 60601

Cara Smith  
Public Access Counselor



By: Rebecca Riddick  
Assistant Public Access Counselor