



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

December 22, 2010

Thomas J. Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
102 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

Re: Pre-Authorization Request – 2010 PAC 11342

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

Sara Scardina submitted a FOIA request to the IEPA on November 5, 2010 seeking records associated with Facility IDs 0316005885, 0316070022, 0316040023, and 0316085749. In its written notice, the IEPA asserted that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) because they are preliminary in nature and subject to revision.

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[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 shall not be exempt when the record is publicly cited and identified by the head of the public body.”

Determination

The IEPA’s proposed application of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of the specified documents is approved. We have reviewed the documents provided by the IEPA and have determined that they are preliminary evaluations of environmental threats containing opinions and recommendations, which the IEPA asserted have not been publicly cited by its Director. Therefore, the IEPA has met its burden of demonstrating that the specific documents are exempt from disclosure under Section 7(1)(f) of FOIA.


Accordingly, the IEPA may issue a partial denial letter withholding the specified documents.

If you have any questions, please feel free to contact me at (312) 814-1003 or [joleary@atg.state.il.us](mailto:joleary@atg.state.il.us). This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Jessica O'Leary  
Assistant Attorney General

cc: Sara Scardina  
Gabriel Environmental Services  
1421 N. Elston Avenue  
Chicago, Illinois 60642