



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

January 3, 2011

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 6482

Dear Mr. Reuter:

We have reviewed a request by the Illinois Environmental Protection Agency (IEPA) for pre-authorization to withhold records requested by Jennifer Storipan under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. Ms. Storipan requested records regarding the former Chemetco plant in Madison County. IEPA requested pre-authorization to withhold various records 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).

**Determination**

The request for pre-authorization to withhold the records pursuant to Section 7(1)(f) is **approved**. We have reviewed copies of the records, which mostly consist of IEPA internal memoranda and assessments of environmental conditions. Those records are pre-decisional in nature and contain opinions and recommendations related to enforcement action. There is no indication that the records were publicly cited and identified by the head of the public body. Accordingly, IEPA has sustained its burden of demonstrating that the records are exempt from disclosure under Section 7(1)(f).

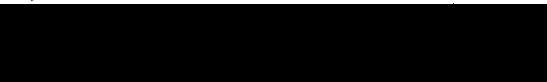
The records in question also include a few interagency memoranda and a draft of a recommendation for final action. Those records are pre-decisional in nature, and contain opinions and recommendations related to enforcement action. There is no indication that the records were publicly cited and identified by the head of the public body. Therefore, IEPA has sustained its burden of demonstrating that the records are exempt from disclosure under Section 7(1)(f).

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](mailto:ssilverman@atg.state.il.us).

Sincerely,

Cara Smith  
Public Access Counselor

By:

A solid black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman  
Assistant Public Access Counselor

cc: Jennifer Storipan  
Legal Consultant  
65 Livingston Avenue  
Roseland, NJ 07068