



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 25, 2011

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

RE: Pre-Authorization Request – 2011 PAC 11963
Requester: Robert McCoppin, Chicago Tribune

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 as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On January 4, 2011, Mr. Robert McCoppin of the Chicago Tribune requested "the US EPA's response to IEPA's Nov. 1 proposal regarding CAFOs, and the IEPA's response in turn." In its written notice dated January 19, 2011, IEPA asserts that the only responsive document that IEPA possesses is exempt from disclosure under Section 7(1)(f) of FOIA.

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 or actions 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


We have determined that IEPA's use of the exemption in Section 7(1)(f) with regard to this document is approved. This document is a draft that contains handwritten recommendations from the US EPA to IEPA regarding proposed changes to IEPA's plan. This document is subject to review and revision before it is finalized, and IEPA asserts that this document has not been publicly cited or identified by IEPA's Director. Thus, IEPA has met its initial burden of showing that this document is exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By:



Sarah Kaplan
Assistant Public Access Counselor

cc: Robert McCoppin
Chicago Tribune
by electronic mail: rmccoppin@tribune.com

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