



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 28, 2011

Thomas J. Reuter
Acting FOIA Officer
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

RE: Pre-Authorization Request – 2011 PAC 11944

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 Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on November 9, 2010, Mr. Kenneth Liss, on behalf of Andrews Engineering, Inc., submitted a FOIA request to IEPA, seeking a copy of all “comments, internal Illinois EPA communications, telephone records, etc, concerning the public hearing process for the Wheeling Landfill certification of completion of post closure care.” In its written notice, IEPA asserts that certain information contained within a memorandum, responsive to the FOIA request, has been withheld from disclosure under Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)).

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 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.” *Id.*

IEPA’s use of the Section 7(1)(f) exemption with regard to the withheld information is **approved**. We have determined that the withheld information consist of opinions and recommendations solicited and utilized by IEPA in its decision-making process regarding a specific matter. Moreover, IEPA has indicated that this memorandum has not been publicly cited or identified by IEPA’s Director. As such, IEPA has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(f) of FOIA.

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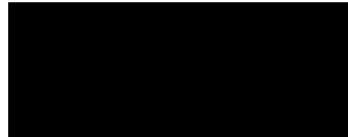
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If you have any questions or concerns, please feel free to contact me directly at (312) 814-6437.
This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By:



Tola Sobitan
Assistant Public Access Counselor

cc: Kenneth W. Liss, P.E.
Andrews Engineering, Inc
3300 Ginger Creek Drive
Springfield, Illinois 62711

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