



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 28, 2010

Mr. Thomas Reuter
FOIA Officer
Illinois Environmental Protection Agency
tom.reuter@illinois.gov

RE: FOIA Pre-Authorization Request - 2011 PAC 12001

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency (IEPA) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on December 1, 2010, Mr. Frank Skiba, on behalf of Enhesa Inc., submitted a FOIA request to the IEPA seeking copies of information relating to the Honeywell Plant 4 and Freeport Municipal Landfill facilities in Freeport.

On January 19, 2011, the IEPA submitted a pre-authorization request with this Office explaining that one undated document relating to the Freeport Municipal Landfill facility is exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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."

Determinations

The IEPA's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. This Office has reviewed the memoranda by the IEPA relating to the

facility and we have determined that the document is a draft document that properly falls within the scope of Section 7(1)(f).

Additionally, there is no evidence that this document has been publicly cited and identified by the head of the public body. 5 ILCS 140/7(1)(f).

Based on this analysis, the IEPA has met its initial burden demonstrating that this document is exempt under Section 7(1)(f) and may withhold the document in question.

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja
Acting Public Access Counselor

By: [REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Frank Skiba
Enhesa Inc.
1411 K St. NW, Suite 503
Washington, D.C. 20005

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