OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 31, 2011

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

RE: FOIA Pre-Authorization Request – 2010 PAC ~~6882~~ 6785

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 March 25, 2010, Mr. Eric Lecuyer, on behalf of the City of Crystal Lake, submitted a FOIA request to the IEPA seeking periodic progress reports and/or compliance reports associated with the on-going site remediation project for the Precision Twist Drill Company.

On April 9, 2010, the IEPA submitted a Notice of Intent to Deny with this Office explaining that three documents relating to the site remediation are 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 company and we have concluded that the documents contain preliminary opinions and recommendations about the project.

Additionally, there is no evidence that these documents have 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 in demonstrating that these documents are exempt under Section 7(1)(f) and may withhold the documents 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. Victor Ramirez
City of Crystal Lake
100 W. Woodstock Street
Crystal Lake, IL 60039-0597

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