



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

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency 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 24, 2010, Mr. Grant Antoline, on behalf of Champaign County Health Care Consumers, submitted a FOIA request to the IEPA seeking copies of certain correspondence between the IEPA and other agencies regarding the Champaign, Illinois Manufactured Gas Plant.

On April 15, 2010, the IEPA submitted a Notice of Intent to Deny with this Office explaining that five documents relating to the plant 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

IEPA's request for approval of its decision to withhold the information pursuant to Section 7(1)(f) is approved. This Office has reviewed the memoranda that the IEPA seeks to withhold and we have concluded that the documents consist of drafts together with documents that express preliminary opinions and recommendations about the plant. Accordingly, these documents properly fall within the scope of Section 7(1)(f).

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 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: 


Matthew C. Rogina
Assistant Public Access Counselor

cc: Mr. Grant Antoline
Champaign County Health Care Consumers
44 E. Main St., Suite 208
Champaign, Illinois 61820

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