



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 4, 2011

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

RE: Pre-Authorization Request — 2011 PAC 12067

Dear Mr. Reuter:

We have received and reviewed the written notice from the Illinois Environmental Protection Agency of its intention to deny disclosure of certain information pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f).

On January 17, 2011, Johannah Drerup of The Collins Law Firm submitted a FOIA request to IEPA, seeking records related to the Land and Lakes Wheeling Landfill and a November 1, 2010 Memorandum of Agreement between the IEPA and the U.S. Environmental Protection Agency. In its written notice, the IEPA asserts that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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." 5 ILCS 140/7(1)(f).

The IEPA's use of the exemption in Section 7(1)(f) with regard to the withheld documents is approved. We have determined that these documents are all either preliminary documents, memoranda or contain recommendations that the IEPA relied on in order to formulate actions. The IEPA has also indicated that these documents have not been publicly cited by the Director of the IEPA. Therefore, the IEPA has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(f).

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877)

February 4, 2011
Page 2

299-3642. This correspondence shall serve to close this matter.

Sincerely,

A solid black rectangular redaction box covering the signature area.

Amalia Rioja
Acting Public Access Counselor

cc: Ms. Johannah Drerup
The Collins Law Firm
1770 N. Park Street
Suite 200
Naperville, IL 60563

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