



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 10, 2011

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

RE: Pre-Authorization Request – 2011 PAC 12266
Requester: Alison Young, USA Today

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 as exempt from disclosure under Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(f). On January 25, 2011, Ms. Alison Young of USA Today requested records containing information about whether certain sites have been evaluated, tested or remediated for contamination from lead smelting. In its written notice dated February 3, 2011, IEPA asserts that certain of the responsive documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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 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).

Determination

Based on IEPA’s detailed description of the withheld records, we have determined that IEPA’s use of the exemption in Section 7(1)(f) with regard to these records is approved. These records contain preliminary assessments and recommendations that were subject to revision before being accepted. These documents were used by IEPA to formulate actions. IEPA asserts that none of these documents has been publicly cited or identified by IEPA’s Director. Thus, IEPA has met its initial burden of showing that these documents are exempt from disclosure under Section 7(1)(f).

Should you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc: Alison Young
USA Today
by email: ayoung@usatoday.com

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