



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 15, 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 12083
Requester: Lorraine Shelton

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 pursuant to Section 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On November 29, 2010, [REDACTED] submitted a FOIA request to IEPA seeking records related to Cross Brothers, LPC and Cross Brothers Pail Recycling. In its written notice, IEPA asserts that certain documents are exempt from disclosure under Section 7(1)(f) of FOIA. 5 ILCS 140/7(1)(f).

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." *Id.*

Determination

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 pre-decisional, deliberative, or contain recommendations that IEPA relied on in order to formulate actions. IEPA has indicated that these

documents have not been publicly cited by the Director of IEPA. Therefore, IEPA has met its initial burden demonstrating that the withheld documents are exempt under Section 7(1)(f).

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:



12083 pre-auth at 7(1)(f) prelim draft sa