



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

February 18, 2011

Mr. Thomas J. Reuter  
Acting FOIA Officer  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794

Re: Pre-Authorization Request – 2011 PAC 12362  
FOIA Requester: Ms. Alison Hayden – Hodge Dwyer & Driver, Attorneys at Law

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 January 19, 2011, Ms. Alison Hayden of Hodge Dwyer & Driver, Attorneys at Law submitted a FOIA request to IEPA for LUST Technical, SRP Technical, Permit Application, Compliance VN, and Ground Water records pertaining to the Caterpillar Inc. Plant in Mapleton.

In its written notice, the IEPA asserts that four (4) documents contained within the requested records are pre-decisional and have been withheld 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 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.”

The IEPA’s use of the Section 7(1)(f) exemption with regard to the withheld document is **approved**. After review, our office has determined that the withheld documents are pre-decisional, are ones in which policies or actions were formulated, and contain recommendations. Further, the IEPA has indicated that these documents have not been publicly cited by the Director of the IEPA. Accordingly, the IEPA has met its initial burden of demonstrating that the withheld documents are exempt from disclosure under Section 7(1)(f) of FOIA.

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If you have any questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

A solid black rectangular redaction box covering the signature of Rebecca Riddick.

Rebecca Riddick  
Assistant Public Access Counselor

cc: Alison Hayden  
Hodge Dwyer & Driver, Attorneys at Law  
3150 Roland Ave.  
Springfield, IL 62705