



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 23, 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 12365
Requester: Valerie Dougados, Pioneer Environmental Services, LLC.

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 4, 2011, Ms. Valerie Dougados, Project Manager for Pioneer Environmental Services, LLC, requested records relating to a specified address in Naperville. In its written notice dated February 10, 2011, IEPA asserts that one of the responsive documents is 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 our review of the withheld document, we have determined that IEPA’s use of the exemption in Section 7(1)(f) with regard to this document is approved. This document is a draft that was used to formulate IEPA’s actions, and this draft was subject to revision before being released. IEPA asserts that this document has not been publicly cited or identified by IEPA’s Director. Thus, IEPA has met its initial burden of showing that this document is 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: Valerie Dougados
Project Manager
Pioneer Environmental Services, LLC
700 North Sacramento Boulevard, Suite 101
Chicago, IL 60612