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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

SALINE COUNTY LANDFILL,)
 Petitioner,)
 v.)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
 Respondent.)

PCB No. 04-117
(Permit Appeal)

NOTICE

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

Brian E. Konzen
Lueders, Robertson & Konzen, LLC
1939 Delmar Avenue
P.O. Box 732
Granite City, IL 62040-0735

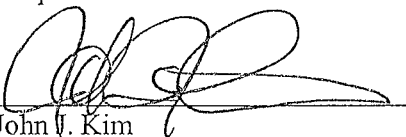
Carol Sudman, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue, East
P.O. Box 19274
Springfield, IL 62797-9274

Rod Wolfe, State's Attorney
Saline County State's Attorney Office
Saline County Courthouse
10 East Poplar Street
Harrisburg, IL 62946

PLEASE TAKE NOTICE that I have today filed with the office of the Clerk of the Pollution Control Board a MOTION FOR ORDER OF PROTECTION AND PRIVILEGE LOG, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John V. Kim
Assistant Counsel
Special Assistant Attorney General
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
217/782-9143 (TDD)
Dated: February 27, 2004

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**BEFORE THE POLLUTION CONTROL BOARD
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SALINE COUNTY LANDFILL, INC.,)
 Petitioner,)
 v.)
ILLINOIS ENVIRONMENTAL) PCB No. 04-117
PROTECTION AGENCY,) (Permit Appeal)
 Respondent.)

MOTION FOR ORDER OF PROTECTION AND PRIVILEGE LOG

NOW COMES the Respondent, the Illinois Environmental Protection Agency ("Illinois EPA"), by one of its attorneys, John J. Kim, Assistant Counsel and Special Assistant Attorney General, and hereby presents the Hearing Officer with the following motion for order of protection for documents from disclosure and accompanying privilege log. In support of this motion for order of protection, the Illinois EPA provides as follows.

1. The documents listed in the privilege log are all communications between attorneys representing the Illinois EPA (either in-house Illinois EPA attorneys with Special Assistant Attorney General ("SAAG") appointments from the Illinois Attorney General's Office ("Illinois AGO") or an attorney with the Illinois AGO) and other attorneys representing the Illinois EPA or the permit reviewers employed by the Illinois EPA.

2. As such, the documents are either attorney-client privileged communications or attorney work product prepared in anticipation of litigation. None of the documents has been disseminated to the general public, and all were generated either as part of the internal review process of the Illinois EPA or as an opinion/position provided by the Illinois AGO to the Illinois EPA.

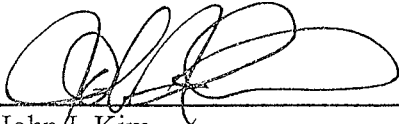
3. For these reasons, and the reasons more specifically provided below, the Illinois EPA seeks an order of protection from the Hearing Officer, deeming that the documents be withheld from disclosure.

4. Privilege Log (Documents below are provided only to Hearing Officer for in-camera review):

<u>Exhibit #</u>	<u>Document description</u>	<u>Justification for protection from disclosure</u>
1.	3/10/03 letter	Correspondence from Tom Davis of Illinois AGO to Joyce Munie of Illinois EPA's permit section; contains Illinois AGO's interpretation of past Illinois Pollution Control Board ("Board") decision and application to review of permit application subject of present appeal.
2.	5/15/03 letter	Correspondence from Tom Davis to Joyce Munie; contains Illinois AGO's interpretation of past Board decision and application to review of permit application subject of present appeal.
3.	6/11/03 letter	Correspondence from Tom Davis to Scott Phillips of Illinois EPA's Division of Legal Counsel; contains Illinois AGO's interpretation of past Board decision and application to review of permit application subject of present appeal.
4.	11/21/03 e-mail	Electronic mail from Dan Merriman, Illinois EPA attorney (with SAAG appointment), to Joyce Munie; contains Mr. Merriman's interpretation of past Board decision and application to review of permit application subject of present appeal.
5.	11/26/03 memo	Memorandum from John Kim, Illinois EPA attorney (with SAAG appointment), to Joyce Munie; contains history of permit review and past Illinois EPA interpretations of Illinois Environmental Protection Act ("Act").
6.	12/4/03 letter	Correspondence from Tom Davis to John Kim; contains Illinois AGO's interpretation and application of Section 39.2(f) of the Act (415 ILCS 5/39.2(f)) to review of permit application subject of present appeal.
7.	12/4/03 memo	Memorandum from John Kim to Joyce Munie; summarizes 12/4/03 letter from Tom Davis.

5. For the reasons stated herein, the Illinois EPA hereby respectfully requests that the Hearing Officer enter an order of protection, preventing the above-described documents from disclosure through discovery in the present appeal.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent



John J. Kim
Assistant Counsel
Special Assistant Attorney General
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217/782-5544
217/782-9143 (TDD)
Dated: February 27, 2004

This filing submitted on recycled paper.

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on February 27, 2004, I served true and correct copies of a MOTION FOR ORDER OF PROTECTION AND PRIVILEGE LOG, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a U.S. mail drop box located within Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

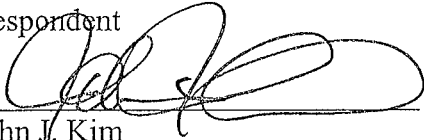
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