

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 1975


ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-112  
 )  
 )  
 THE METROPOLITAN SANITARY DISTRICT )  
 OF GREATER CHICAGO, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

The Hearing Officer pursuant to Rule 308(g) of the Procedural Rules, referred Respondent's Motion objecting to the withholding of documents from discovery by Complainant. After review of the documents filed by Respondent in support of its Motion and Complainant in Opposition to the Motion, the Board finds that a limited attorney-client privilege exists between Agency attorneys and the Agency where the Attorney General has authorized such Agency attorneys to represent the Agency before the Board. Therefore, we direct that Respondent deliver to the Hearing Officer those documents characterized as subject to the attorney-client privilege or the work product exemption. Therefore, the Agency is directed to deliver those documents in question to the Hearing Officer. The Hearing Officer shall then rule upon the application of the privilege.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 18<sup>th</sup> day of September, 1975 by a vote of 3-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board