

ILLINOIS POLLUTION CONTROL BOARD

July 8, 2004

SUTTER SANITATION, INC. and)	
LAVONNE HAKER,)	
)	
Petitioners,)	
)	
v.)	PCB 04-187
)	(Permit Appeal - Land)
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

HEARING OFFICER ORDER

On June 4, 2004, respondent filed a motion for order of protection and privilege to prevent disclosure of two documents. The first document is a legal memorandum from Kyle Davis, an attorney employed by respondent, to Joyce Munie of respondent's permit section. The second document is a legal memorandum from John Kim, the attorney presently representing respondent, to Joyce Munie and Sallie Springer of respondent's permit section. The memoranda contain legal interpretations of the statutes relevant to this appeal, and advise the permit section how to proceed.

Respondent argues that the documents are attorney-client privileged communications and attorney work product prepared in anticipation of litigation. According to respondent, the documents have not been disseminated to the general public. Petitioner did not respond to motion.

For the reasons set forth by respondent, the motion is granted.

IT IS SO ORDERED.



Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
sudmanc@ipcb.state.il.us

