

ILLINOIS POLLUTION CONTROL BOARD
July 30, 1992

THE GRIGOLEIT COMPANY, an)	
Illinois Corporation,)	
)	
Petitioner,)	
)	PCB 90-135
v.)	(Trade Secret)
)	(Also see PCB 92-110)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On July 20, 1992, The Grigoleit Company (Grigoleit) filed a Statement of Justification in response to a June 4, 1992 Board Opinion and Order. That Board Order is repeated in its entirety as follows:

1. Because no timely determination by the Agency was made in this matter:
2. The Material Safety Data Sheets (MSDSs) shall continue to remain confidential. If, however, within 45 days, Grigoleit fails to take action pursuant to paragraph 3, the documents will be subject by Board Order to placement in the public domain and this case will be dismissed.
3. If, within 45 days of the date of this order Grigoleit, pursuant to Section 120.201 of the Act, and with particular reference to Section 120.201(a)(3), either submits a Statement of Justification for the claim or, alternatively, a claim with a limited waiver, this case will be dismissed and the matter will be dealt with as a new case in a newly docketed proceeding before the Board. However, Grigoleit need not resubmit the documents which are in the Board's possession which the Board has previously found are properly marked.
4. The Board will retain jurisdiction in this matter.

In that Grigoleit has elected to file a Statement of Justification within the 45 day time limit contained in para. 3 of the above order, the Board:

0135-0115

1. Directs that the MSDSs continue to remain confidential;
2. Dismisses this case;
3. Directs that the Statement of Justification as well as the MSDSs be placed in a new docket, as a new case, PCB 92-110; and,
4. Relinquishes jurisdiction in this matter.

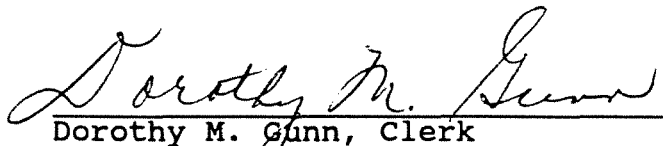
The Board emphasizes that by this action it in no manner is ruling on the sufficiency of the Statement of Justification.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041, provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Castenada v. Illinois Human Rights Commission (1989), 132 Ill.2d 304, 547 N.E.2d 437).

B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 30th day of July, 1992, by a vote of 6-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board