

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1982

IN THE MATTER OF:)
)
RULES FOR IDENTIFYING AND PROTECTING) R81-30
TRADE SECRET INFORMATION, AMENDMENTS)
TO CHAPTER 1: PROCEDURAL RULES)

ORDER OF THE BOARD (by I. Goodman):

On January 14, 1982, the hearing officer in this proceeding issued an order clarifying the nature of the proposed regulation and the scope of the proceeding. To resolve any ambiguity as to the scope of this proceeding, the Board hereby affirms the hearing officer order.

This rulemaking is mandated by Section 7.1(b) of the Environmental Protection Act (Act) which states:

"The Board shall adopt regulations under Title VII of this Act which prescribe: (1) procedures for determining whether articles represent a trade secret; and (2) procedures to protect the confidentiality of such articles. All such regulations shall be considered substantive regulations for purposes of Section 28 of this Act."

As the hearing officer order states, "These regulations are procedural in nature and are considered 'substantive' only for purposes of Section 28 of the Act which provides for public hearings." This ruling is consistent with a straight forward reading of Section 7.1(b) and is hereby affirmed. The provisions of Section 26 applicable to procedural regulations, coupled with Section 28 procedures, control in this proceeding. Therefore, separate economic hearings and a formal impact study are not required for the Board's determination. Relevant economic issues may be addressed at the scheduled hearings.

The Board hereby affirms the hearing officer order of January 14, 1982.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4th day of February, 1982 by a vote of 7-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board