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June 13, 2000

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JUN 16 2000

IN THE MATTER OF:

REVISION OF THE ILLINOIS POLLUTION CONTROL BOARD'S
PROCEDURAL RULES: 35 ILLINOIS ADMINISTRATIVE CODE Part 130

STATE OF ILLINOIS
Pollution Control Board

DOCKET NUMBER R00-20

P.C. #14


Regarding Section 130.210 Standards for Illinois Environmental Protection Agency Determination on what represents a trade secret, I would like to see a standard by which "competitive value" should be judged. Section 3.48 of the Environmental Protection Act defines "trade secret" as "the whole or any portion or phase of any scientific or technical information, design, process (including a manufacturing process), procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value." The term "competitive value" is not defined.

In Section 130.216, the Illinois Pollution Control Board has added language which specifies how appeals of Illinois Environmental Protection Agency and Illinois Department of Natural Resources trade secret determinations can be made to the Illinois Pollution Control Board.

I am pleased that the Pollution Control Board has specified in Section 130.404 the information which an application for non-disclosure must contain. But I believe that the definition of "non-disclosable information" is potentially unfamiliar to the majority of the public. I would like to see the Pollution Control Board develop a glossary of definitions or other format of explanatory material which would include a definition of "non-disclosable information" to assist the general public in differentiating that term from "trade secrets."

I thank the Illinois Pollution Control Board for the opportunity for public comment on Docket Number R00-20.

Very truly yours,

Cathy Busto

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