

ILLINOIS POLLUTION CONTROL BOARD

September 4, 1975

THE SHERWIN-WILLIAMS COMPANY,)
)
 Petitioner,)
)
 vs.) PCB 75-268
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

On August 27, 1975 Petitioner filed a Motion which requests that the entire record to be filed by the Agency in this proceeding be designated "not subject to disclosure" pursuant to Board Procedural Rule 107. Petitioner further requests that hearing in this matter be continued until October 6, 1975. Petitioner states that it is currently the sole domestic manufacturer of para-cresol and that contained in numerous places throughout the record there is certain proprietary information which constitutes a trade secret and concerns secret and confidential manufacturing procedures and raw material inputs, production rates, product mixes, by-product production and reaction conditions which cannot be publicly disclosed without great competitive injury to the Sherwin-Williams Company. Petitioner states that the record should be given confidential status and that Petitioner should not be required to proceed with a public hearing until the Board has determined the confidentiality of the record.

The Board is satisfied that the Motion should be allowed at least on a temporary basis. The record has not been filed and we would prefer not to give a permanent confidential status to the record until we have had an opportunity to review it. However, there is sufficient basis in the record for allowing the Motion until the Board has had an opportunity to review the record.

It is Ordered that the entire record to be filed by the Agency in this proceeding shall be designated "not subject to

disclosure" and shall be retained in the records of the Illinois Pollution Control Board under the provisions of Procedural Rule 107. The record shall be so designated "not subject to disclosure" until further Order of the Board. The hearing which had previously been scheduled for September 5, 1975 shall be continued, and shall be rescheduled by the Hearing Officer in the usual manner but not earlier than October 6, 1975.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted the 4th day of September 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board