

ILLINOIS POLLUTION CONTROL BOARD
January 5, 1989

MONSANTO COMPANY,)
)
Petitioner,)
)
v.) PCB 88-206
) Docket A
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

In Monsanto Company v. EPA, PCB 88-206B, Monsanto Company ("Monsanto") filed a December 30, 1988 petition for variance from Section 215.966, 35 Ill. Adm. Code 215.966 (1988), of the Board's Air Pollution rules. Monsanto claimed four narrow items of information as trade secrets not subject to Section 7 disclosure. See Ill. Rev. Stat. ch. 111 1/2, par. 1007 (1988). Accompanying that petition was a Statement of Justification. See 35 Ill. Adm. Code 120.201(a)(3) & 120.202 (1988).

The Board has reviewed the Monsanto petition for variance as submitted to the Board, the claimed trade secret information contained therein, and Monsanto's Statement of Justification in light of Sections 120.103, 120.201, and 120.202 of its Identification and Protection of Trade Secrets rules. The Board has not received a request for the claimed information nor any objection to the claims. See Sections 120.103 & 120.210.

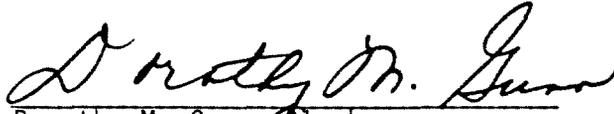
The Board determines the claimed items of information are subject to protection as confidential information. The Board will protect this information pursuant to Part 120, Subpart C of Title 35 of the Illinois Administrative Code, until such a time as it receives official notification of a final order by a reviewing body which reverses this determination, or until such time as PCB 88-206B proceeding has terminated and Monsanto has requested the return of all copies of the variance petition containing the subject information.

ORDER

The Board hereby orders the Clerk of the Board to protect these articles pursuant to Subpart C of 35 Ill. Adm. Code 120, and to mark these items with the word "DETERMINED" pursuant to 35 Ill. Adm. Code 120.310.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 54 day of January, 1988, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board