

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 vs.) PCB 75-34
)
PETTIBONE CORPORATION,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Henss):

Complainant has filed "Motion for Leave to File an Interlocutory Appeal from the Order of the Hearing Officer". The Motion is accompanied by a document entitled "Interlocutory Appeal". At issue are certain discovery interrogatories which had been propounded by the Complainant to the Respondent and a request by Complainant for the right to inspect certain documents in possession of Respondent.


It appears to the Board that Interrogatories No. 3, No. 33 and No. 34 are proper. Those Interrogatories ask for the identity of persons charged with the care and possession of the Respondent's financial records; a list of the type of financial record kept by Respondent in the normal course of business; and identity of profit and loss statements from January 1, 1972 to the present. We believe that Interrogatories No. 27, No. 28, No. 35 and No. 39 ask for information which is not at this time at issue in the case, is immaterial and in some cases, is confidential. The Hearing Officer properly sustained objections to those Interrogatories. The request for the right to inspect documents is too broad. Complainant requests all periodic financial reports to the Respondent relating to the operation of the subject facility from 1970 to the present. We will sustain the Hearing Officer in his ruling as to that request for inspection. Presumably

Complainant could phrase a more specific request after receiving an answer to Interrogatory No. 3.

It is ordered that Respondent answer Interrogatories No. 3, No. 33, and No. 34 on or before July 21, 1975 and to that extent the order of the Hearing Officer is reversed. The order of the Hearing Officer is sustained with regard to Interrogatories No. 27, No. 28, No. 35, No. 39 and Complainant's request for inspection of "all periodic financial reports to Respondent relating to operation of the subject facility from 1970 to the present".

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted the 10th day of July, 1975 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board