

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1972

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 71-364
)
 VILLAGE OF AUGUSTA AND DENNIS)
 FOOD COMPANY)
)
 Respondents.)

OPINION AND ORDER ON APPLICATION FOR NON-DISCLOSURE
(by Mr. Parker):

Dennis Food Company, one of the Respondents, has filed an application for non-disclosure pursuant to Rules 107 (b) and (c) of the Pollution Control Board of "the balance sheets and profit and loss statements for Dennis Food Company for the year 1971 and the year 1972 to date, and all statements, estimates, contracts or other documents referring to the cost of the furnishing, equipping and installing of the in-plant treatment facility by Corporation Company for which the permit of the Environmental Protection Agency was issued". The application contends that the Dennis Food Company business "is highly competitive and an unfair advantage to its competitors would be given should such information become subject to disclosure."

The documents which are the subject of the application for non-disclosure have not been shown to the Board, and the application for non-disclosure does not specify which of the statutory exceptions to the public disclosure requirement is relied upon. The application does not state whether the information is considered to constitute a trade secret, whether it is considered to be "privileged", or whether it relates to "secret manufacturing processes or confidential data" as specified in Section 7 (a) of the Environmental Protection Act and Rule 107 (b) (1), (2) and (4). The application moreover does not contain the information required by Rule 107 (c). Neither is any affidavit or other verified statement presented in support of the application.

We must accordingly deny the application for non-disclosure because it fails to satisfy the requirements of the statute and the relevant regulations thereunder. This denial is without prejudice to Petitioner's later submission of an amended application conforming to the requirements of the Act and Rules and consistent with this and other opinions and orders of the Board (for example see Olin Corp. v. EPA, PCB 72-253, decisions dated August 10, 1972 and September 6, 1972, EPA v. Mystik Tape, PCB72-180, decision dated September 6, 1972, EPA v. Benj. Harris and Company, PCB 72-49, decision dated September 6, 1972, and EPA v. Peabody Coal Company, PCB 72-328, decision dated October 17, 1972).

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order on Application for Non-Disclosure was adopted by the Board on the 8th day of November, 1972, by a vote of 5 to 0.

Christan L. Moffett