

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1973

ALLIED CHEMICAL)
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 v.) PCB 73-382
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

Motion of Allied Chemical filed September 5, 1973 asks for a "Not Subject to Disclosure" designation of its Exhibit No. 2 enclosed with its variance petition.

Petitioner alleges that its "processes employed in many respects constitutes trade secrets and concern manufacturing processes which are proprietary and confidential in nature; and the public disclosure of which would result in irreparable loss, damage or injury to the petitioner herein."

In accordance with prior Board rulings on matters of this nature the petitioner must under Procedural Rule 107(c) show the existence of a trade secret and the fact that the manufacturing processes are and have been treated as confidential. The Board will issue a "Conditional Non-Disclosure" designation for Exhibit No. 2 but petitioner must within 35 days submit a showing sufficient to meet the requirements of the Act and the Procedural Rules. See EPA v. Village of Augusta and Dennis Food Company, 6 PCB 135; Olin Corporation v. EPA, 5 PCB 131; EPA v. Mystik Tape, 5 PCB 363, EPA v. Benjamin Harris and Company, 5 PCB 351; EPA v. Peabody Coal Company, 5 PCB 711.

ORDER

1. Petitioner shall within 35 days from date of this Opinion submit materials sufficient to show the existence of trade secrets and proprietary and confidential manufacturing processes and the fact that they are and have been treated as confidential. The submission shall be made by an officer of the company authorized to speak for the company in these matters.

2. Exhibit No. 2 of the petition shall receive a "Conditional Non-Disclosure" designation and be so treated for 35 days from this date.

IT IS SO ORDERED.

Mr. Odell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of September, 1973 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board