

ILLINOIS POLLUTION CONTROL BOARD
March 9, 1989

INDIAN REFINING COMPANY AND)	
OPA REFINING AND MARKETING, INC.,)	
(FORMERLY TEXACO REFINING AND)	
MARKETING, INC.),)	
)	
Petitioner,)	
)	
v.)	PCB 88-178
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Anderson):

On January 19, 1989, the Board issued an Order in this proceeding in which the parties were directed to advise it by January 30, 1989, of the status of one of several volumes of the Agency record in this permit denial appeal, entitled "Exhibit J: Confidential Documents". Specifically, the Board noted its inability to determine whether this volume contains documents which were either claimed to be trade secrets pursuant to 35 Ill. Adm. Code Part 120, or claimed to be "confidential" on some other basis. The Agency's statement was filed on February 3, 1989.

Noting that although the Agency had responded on this issue, the Petitioner had not, the Board on February 23, 1989, issued an Order requiring Petitioner to provide the Board within 10 days (March 6, 1989) such information as is ordered by the Board's Order of January 19, 1989. The Board stated that should Petitioner fail to so respond, the Board would consider imposing appropriate sanctions upon Petitioner pursuant to 35 Ill. Adm. Code Part 107, including dismissal of this cause of action.

On March 6, 1989, the firm of Feldman and Wasser filed its Entry of Appearance in this proceeding together with a Motion to Substitute Parties. It asserts that on December 28, 1988, Petitioner Texaco Refining and Marketing, Inc. (Texaco) sold 100% of the stock of Indian Refining Company to OPA Refining and Marketing, Inc. (OPA), and should thus be substituted as the real party in interest for Texaco.

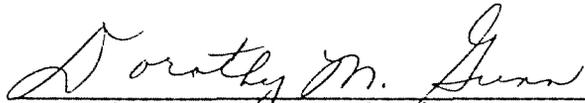
OPA's motion is granted. In consideration of the substitution of parties and in view of Petitioners' waiver of decision date to December 1, 1989, the Board also extends the

time for Petitioners to provide the Board the information as was ordered by the Board's Order of January 19, 1989. The Board therefore today orders Petitioners to provide such information no later than March 20, 1989.

In the interim the Board will continue to accord Exhibit J trade secret protection.

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 9th day of March, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board