

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1988

SIMKINS INDUSTRIES, INC.,            )  
  )  
                  Petitioner,        )  
  )  
                  v.                    )                    PCB 88-121  
  )  
ILLINOIS ENVIRONMENTAL            )  
PROTECTION AGENCY,                )  
  )  
                  Respondent.        )

ORDER OF THE BOARD (by B. Forcade):

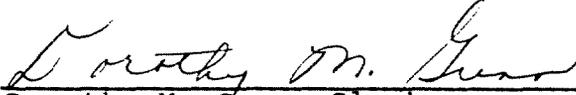
The Board has redocketed this proceeding to allow full exploration of the matters raised in Simkins' motion for reconsideration in PCB 87-181. However, the documents presently on file do not meet the format and procedural requirements for a new variance petition. Simkins is directed to file an amended petition for variance which meets the requirements of 35 Ill. Adm. Code 104. Unless an amended petition is filed within 45 days of the date of this Order, this matter will be subject to dismissal.

The Board received Simkins document with certain information blacked out of the public files with a stamp of trade secret. The Clerk's office recieved a full and complete copy and that material remains under lock and key, protected from public disclosure. In asserting confidentiality, Simkins claims that the material represents a portion of a business plan which is secret and that the economic information has competitive value.

The Board directs the parties to Allaert Rendering Company v. Illinois Pollution Control Board, 414 N.E.2d 497 (3rd Dist. 1980) and Slager v. Illinois Pollution Control Board, 421 N. E. 2d 929 (First District, 1981). The Board orders that not later than August 30, 1988, the Parties brief whether any of the material claimed as confidential in this proceeding is income and earnings data that is "in issue" within the language of the First District Opinion, and whether such information may be maintained as confidential.

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 4th day of August, 1988, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board