

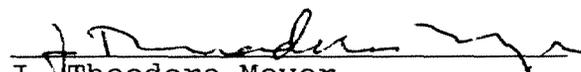
ILLINOIS POLLUTION CONTROL BOARD  
April 25, 1991

SEXTON ENVIRONMENTAL )  
SYSTEMS, INC., )  
 )  
Petitioner, )  
 )  
v. ) PCB 91-4  
 ) (Permit Appeal)  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

CONCURRING OPINION (by J. Theodore Meyer):

I agree with the majority's conclusion that special condition #29 of the permit issued by the Illinois Environmental Protection Agency to Sexton Environmental Services should be stricken. However, I concur to express my concerns in two areas. First, I continue to be wary of cases (such as this one) involving trade secret claims. Unlike the judiciary, Board members apparently do not have any type of immunity or "malpractice" insurance coverage. The State should either grant immunity or agree to defend individual Board members should a party sue the Board on a trade secret determination. Second, I am bothered by the implication in this decision that the Board will not address the recycling issue at this time simply because the waste is destined for an out-of-state landfill.

For these reasons, I concur.

  
J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 29<sup>th</sup> day of April, 1991.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board