

ILLINOIS POLLUTION CONTROL BOARD  
July 25, 1991

THE GRIGOLEIT COMPANY,                    )  
an Illinois Corporation,                    )  
  )  
    Petitioner,                            )  
  )  
    v.                                        )  
  )  
ILLINOIS ENVIRONMENTAL                    )  
PROTECTION AGENCY,                        )  
  )  
    Respondent.                            )

  )                    PCB 90-135  
  )                    Trade Secret

ORDER OF THE BOARD (by J. Anderson):

On July 1, 1991 the Environmental Protection Agency ("Agency") filed a Motion to file the Record Instanter. Grigoleit has not filed a response. The motion to file instanter is hereby granted.

There is one additional matter that needs to be discussed today. On July 19, 1991, the hearing exhibits in this matter were filed with the Board. Those documents have all remained in the Clerk's security files since filing, and are subject to the security protocols adopted by the Board in RES 86-2 In the Matter of: Designation of Personnel Authorized to Have Access to "Trade Secret" Material in Accordance with 35 Ill. Adm. Code 120, (February 6, 1986). The transcript indicates (R. 16, 55,57) that certain portions of the exhibits are subject to a confidentiality claim by Grigoleit. The transcript seems to indicate that only parts of joint exhibit #2 are subject to such claim.

Because of the unusual manner in which this proceeding arose, the claimed documents are not marked as required by Board regulations. The Board is therefore unable to determine precisely which portions of which exhibits may be released to the public record. The Board therefore orders that Grigoleit provide the Clerk of the Board with a written listing of those exhibits which may be released to the public files and a list of those exhibits which may not be released. For each exhibit which may not be released to the public record Grigoleit must provide a copy of such exhibit with all of the confidential material deleted. The document should clearly show which portions of which pages have been deleted as confidential. This expurgated version of the exhibit will then be placed in the public files. Grigoleit may make arrangements with the Clerk to view the Exhibits as needed.

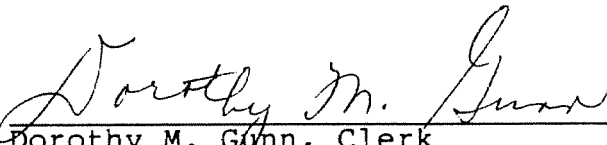
The documents in the confidential files are as follows:

Cover letter from the Hearing Officer.....1 page  
 Petitioner's Exhibit #1.....1 page  
 Petitioner's Exhibit #2.....1 page  
 Petitioner's Exhibit #3.....1 page  
 Petitioner's Exhibit #4.....3 pages  
 Petitioner's Exhibit #5.....1 page  
 Petitioner's Exhibit #6.....1 page  
 Joint Exhibit #1.....31 pages  
 Joint Exhibit #2.....approx 276 pages  
 Respondent's Exhibit #1.....15 pages

The Board will require Grigoleit to file its written listing with the Clerk and the expurgated version of any exhibits not later than August 6, 1991.

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 25<sup>th</sup> day of July, 1991, by a vote of 5-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board