

ILLINOIS POLLUTION CONTROL BOARD  
April 6, 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 responsive statement was filed on February 3, 1989. The Agency does not request that Exhibit J be excluded from the Board's public inspection files.

Noting that the Petitioner had not filed a responsive statement, the Board on February 23, 1989, issued a second Order, requiring Petitioner to respond within 10 days (March 6, 1989).

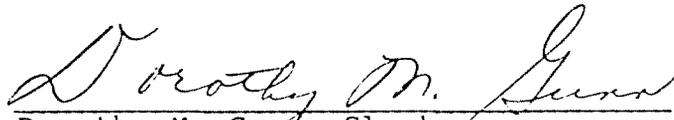
On March 6, 1989, the firm of Feldman and Wasser filed its Entry of Appearance in this proceeding together with a Motion to Substitute Parties, which motion was granted by the Board on March 9, 1989. No mention was made by OPA or by Feldman and Wasser of the Board's information request in this matter. However, in consideration of the substitution of parties and counsel, and in view of Petitioners' waiver of decision date to December 1, 1989, the Board again extended the time for the Petitioners to provide the Board the requested information, to March 20, 1989.

In spite of the foregoing repeated requests from this Board, and despite having been contacted personally by a Board assistant on this matter, there has been no formal response from OPA's

legal counsel on this issue. Therefore, unless a formal response is received from OPA by Monday, April 17, 1989, this docket will be dismissed, and the Clerk will be directed to make appropriate arrangements for returning Exhibit J materials to Petitioner.

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 6<sup>th</sup> day of April, 1989, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board