

ILLINOIS POLLUTION CONTROL BOARD
May 3, 1984

OUTBOARD MARINE)
)
 Petitioner,)
)
 v.) PCB 84-26
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY, and)
 AMERICAN TOXIC DISPOSAL, INC.,)
)
 Respondents.)

INTERIM ORDER OF THE BOARD (by J. Anderson):

On April 23, 1984, Respondent the Illinois Environmental Protection Agency (Agency) filed an Application for Non-Disclosure pursuant to Sec. 101.107(c) of the Board's Procedural Rules. On May 2, 1984, Respondent, American Toxic Disposal, Inc., (ATD) filed a Motion for Extension of Time until June 1, 1984 to file its Answer to the Petitioner's Amended Petition, rather than twenty-one days from the Board's April 5, 1984 order.

The Agency's Application for Non-Disclosure is dismissed as being filed under an inapplicable rule. PCB 84-26, as well as Petitioner's original request to the Agency, was filed pursuant to the Board's recently adopted Procedures for Identifying and Protecting Trade Secrets, 35 Ill. Admin. Code Part 120. These are the exclusive procedures applicable in this case.

Under these procedures, an Application for Non-Disclosure of a trade secret transmitted as a part of the record from the Agency is not necessary. (See Sections 120.315 and 120.320.) As the Board stated in its Order of April 5, 1984:


"The trade secret article in question will be handled by the Board pursuant to the applicable Part 120 procedures." (p. 2.) (Emphasis added.)

As stated in that Order, a Motion for Non-Disclosure is necessary if the party wants any additional materials, i.e. the pleadings, transcripts and exhibits involved in the appeal, to be kept secure from public access.

ATD's motion for extension of time until June 1, 1984 is granted.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3RD day of May, 1984 by a vote of 6-0.



Christan L. Moffett Clerk
Illinois Pollution Control Board