

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1978

PEOPLE OF THE STATE OF ILLINOIS AND)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainants,)
)
v.) PCB 77-162
)
WATTS TRUCKING SERVICE, INC.,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

On September 14, 1978, Respondent Watts Trucking Service, Inc. (Watts) filed a Motion for Reconsideration of the Board's September 7, 1978, Order. On September 18, 1978, the Environmental Protection Agency (Agency) filed an Opposition to Motion for Reconsideration and Request for Clarification. The September 7 Board Order granted Watts' Application for Non-Disclosure as to all items in its Application except Item 1(a), which was information on Watts' total income. The Board also ordered that the stamped material be disclosed to representatives of the Agency and the Attorney General's office "if necessary in their preparation of the case."


The Board hereby denies Watts' Motion for Reconsideration. Rule 107(b)(5) provides that income and earnings data shall be kept confidential only when not an issue in the proceeding. Respondent Watts' total income is relevant to Section 33(c) of the Act and is therefore an issue in the proceeding. As to the disclosure to representatives of the Agency and the Attorney General's office, the Board orders that representatives working on the case be permitted to examine the material only at the Board's office, that no copying be allowed, and that such information be kept strictly confidential by those examining it.

Finally, the Agency requests that the Board clarify its phrase "if necessary in their preparation of the case." It is the Board's intent that all the material stamped "Not Subject to Disclosure" be disclosed to representatives of the Agency and Attorney General's office involved in preparation of the case as such representatives deem it necessary, subject to the conditions described in the paragraph above.

IT IS SO ORDERED.

Mr. Nels E. Werner dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 21ST day of September, 1978 by a vote of 3-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board