

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-38
)
 JOYCE E. FRYE and WATTS TRUCKING)
 SERVICE, INC.,)
)
 Respondents.)

ORDER OF THE BOARD (by Mr. Goodman):

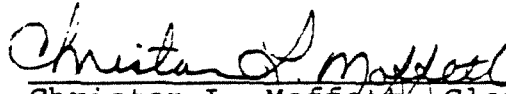
On September 15, 1978, Respondents filed a Motion for Reconsideration of the Board's September 7 Order. In its Order, the Board granted Respondents' Application for Non-Disclosure and ordered Respondents to answer certain interrogatories. Respondents argue that the Board's Order was internally inconsistent because, on the one hand, it granted confidentiality to information on net profit and loss but, on the other, ordered answers to interrogatories on that same subject. The Board disagrees. Respondents' answer to Interrogatory No. 14 was to object and their answer to the Request for Production of Documents No. 3 was that they would "make available for inspection...non-confidential and non-secret documents..." The Board finds that a responsive answer to the interrogatory and request for production would be that the answers are contained in the materials stamped "Not Subject to Disclosure." However, as the interrogatory and request now stand, they have not been answered. We deny Respondents' Motion for Reconsideration.

Complainant has also filed a Request for Clarification of the Board's Order. In clarification, the Board orders that the materials Subject to the non-disclosure Order be disclosed to representatives of the Agency and Attorney General's office involved in the case as such representative deem it necessary. However, the Board orders that such representatives inspect the materials only at the Board's office, that no copying of the materials be allowed, that the information be kept strictly confidential by those inspecting it, and that, if any of the materials are needed at the hearing in this matter, the related portions of the hearing be held in closed session.

IT IS SO ORDERED.

Mr. Nels Werner dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 4th day of October, 1978 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board