

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

INDIAN REFINING COMPANY)
AND 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 statement was filed on February 3, 1989.

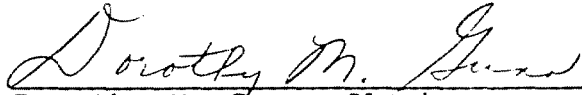
The Board observes with some concern that although the Agency has responded on this issue, Petitioner has not responded as of the Board's meeting of this date, February 23, 1989. The Board has, per its Order of January 19, accorded the subject documents protection as trade secrets to date, although that Order indicated that such protection was assured only to its February 2, 1989 meeting.

The Board does not take lightly either the necessity for properly protecting confidential information or the necessity for insisting upon timely compliance with its Orders. The Board therefore today orders Petitioner to provide the Board within 10 days hereof such information as is ordered by the Board's Order of January 19, 1989. Should Petitioner fail to so respond, the Board will, in making its determination, consider imposing appropriate sanctions upon Petitioner pursuant to 35 Ill. Adm. Code Part 107, including dismissal of this cause of action.

In the interim the Board will continue to accord Exhibit J trade secret protection.

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 23rd day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board