**Section 2175.300 Files Open to Reasonable Inspection**

a) The Clerk will maintain files containing all information submitted to or produced by the Board or any of its members relating to matters within the Board's jurisdiction. The files will include: pleadings, motions, notices, minutes, transcripts, exhibits, orders and opinions, proposed and adopted regulations, the Environmental Register and other Board releases, business records, and informal complaints.

b) Under the Illinois State Records Act, the Clerk will maintain for five years all documents submitted by the parties in adjudicatory cases and participants in rulemakings [5 ILCS 160]. After five years, the documents will be archived as directed by the Illinois State Archives and will be maintained by the Board. Documents archived for the Board's record are subject to destruction unless the parties or participants request that the documents be returned at the closure of the five year period. Over-sized exhibits that are not capable of being microfilmed will be returned to the parties or participants at their request or destroyed.

c) All files, records, and data, other than personnel files, are maintained by the Clerk's Office and are available from the Clerk of the Board, in the Board's Chicago office. Most of these materials are also available through the Board’s Website (see Section 2175.310), where they may be viewed, searched, and downloaded. These materials include:

1) Documents filed in an adjudicatory case or a rulemaking, including appearances, pleadings, exhibits, motions, transcripts of hearings, and public comments;

2) Opinions and orders of the Board;

3) Documents published by the Board for use by the general public, such as the Environmental Register.

d) The files, records, and data of the Board are open to reasonable public inspection and copying in the Board's Chicago office, except for information exempted under Section 7 of FOIA [5 ILCS 140/7], including information that constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communication between or among the Board and staff; draft orders and opinions and orders; and technical unit memoranda.

e) The Board has adopted procedural rules at 35 Ill. Adm. Code 130 to establish the procedures to be followed by any person to obtain protection for trade secrets and other non-disclosable information as described in Section 7 of the Act [415 ILCS 5/7]. (See 35 Ill. Adm. Code 130.)

(Source: Amended at 46 Ill. Reg. 9973, effective May 26, 2022)