

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1986

CLASSIC FINISHING CO., INC.,)
)
 Petitioner,)
)
 v.) PCB 84-174
) Docket C
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Anderson):

By Order of January 9, 1986, the Board established this Docket C for the purpose of requesting and adjudicating justification of the trade secret claim made regarding the entirety of Exhibits 4 and 5 introduced at the December 27 hearing in the Docket B variance proceeding. Classic filed an incorrectly marked justification on January 28, errors in which were corrected by a supplemental filing on January 30, 1986.

The Board's request for justification specifically asked Classic to address whether the Environmental Protection Act's "Section 7(c) public availability requirement applies to the emission's data in Exhibit 5, pp. 1 and 3". In response, Classic has withdrawn the claim as to certain information on these pages; in an unnumbered attachment to the January 28 filing, which consists of three pages stamped "trade secret" immediately following the certification by John Tinnon, Classic has submitted a "suggested arrangement of the limited materials subject to public disclosure" (January 30 filing, p. 3). Classic then asserts and explains why the balance of the material should be afforded trade secret protection, particularly given the Board's finding concerning similar information in PCB 84-174, Docket A (Order of February 7, 1985).

As to pp. 1-3 of Exhibit 5, the Board finds Classic's "suggested arrangement" of this disclosable material acceptable, and will order Classic to file clean, unstamped copies of these pages for entry into the public file. The Board finds that the balance of Exhibits 4 and 5 are trade secrets or other confidential material within the meaning of the Act and Part 120 for the reasons asserted, by Classic, and will order the Clerk to continue to give them the required protection.

Finally, the Board notes that the Docket B variance proceeding is now ripe for decision, and will be handled as expeditiously as is practicable.



This Opinion constitutes the Board's findings of fact and conclusions as law in this matter.

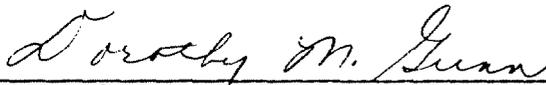
ORDER

1) Within 14 days of the date of this Order, Classic shall file copies of the cover page and pages 1 and 3 of Exhibit 5 for entry into the public record, consistent with the foregoing opinion.

2) Exhibits 4-5 as submitted at the December 27, 1985 hearing in PCB 85-174, Docket B and any copies thereof submitted in this docket are determined to constitute trade secrets. The Board hereby orders the Clerk of the Board to continue to protect these articles as trade secrets pursuant to Subpart C of 35 Ill. Adm. Code 1120, and to mark these items with the word "DETERMINED" pursuant to 35 Ill. Adm. Code 120.310.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of February, 1986, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

