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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

January 21, 2015

IN THE MATTER OF:)
)
 PETITION OF APEX MATERIAL)
 TECHNOLOGIES, LLC FOR AN ADJUSTED)
 STANDARD FROM PORTIONS OF 35) AS 15-2
 ILL. ADM. CODE 807.104 AND 810.103,) (Adjusted Standard - Land)
 OR, IN THE ALTERNATIVE, A FINDING)
 OF INAPPLICABILITY)
)
)

ORIGINAL

HEARING REPORT

On January 7, 2015, a hearing in the above-captioned matter was held at the offices of the Village of Bolingbrook, Board Room, 375 W. Briarcliff Road Bolingbrook, Illinois, 60440. Attorneys Daniel R. Lavoie and Michael J. Tenuto appeared and participated on behalf of the petitioner, Apex Material Technologies, LLC (Apex). Attorney Michelle M. Ryan, appeared and participated on behalf of the Illinois Environmental Protection Agency (Agency).

Preliminary Matters

It is noted that on August 8, 2014, Apex filed as part of its petition a Trade Secret Claim Letter, in accordance with 35 Ill. Adm. Code 130, claiming that Exhibits C, E and F are trade secrets. On December 29, 2014, and in response to the Board's technical questions, Apex filed another Trade Secret Letter making a claim for trade secret protection of the entirety of its responses to technical questions 5, 12, 13, 14 15(b) and 22; certain portions of its responses to technical questions 3(c), 6, 15(a), 16, 17 and 18; and the entirety of Exhibits 2, 3, 4, 6, 7, 8 and 12. The above-claimed trade secrets will remain protected from public disclosure subject to the Board's ultimate decision.

When questions regarding these claimed trade secrets arose at the hearing, the Agency and members of the public exited the hearing room and the doors were closed. The only people remaining in the hearing room were personnel and attorneys of Apex, Board Member Jerome O'Leary and personnel of the Illinois Pollution Control Board. Notice was posted on the doors. The court reporter transcribed the closed proceedings on a separate transcript. The transcript from the closed proceedings will remain protected from public disclosure subject to the Board's ultimate decision. At the conclusion of the closed proceedings the hearing room doors were opened.

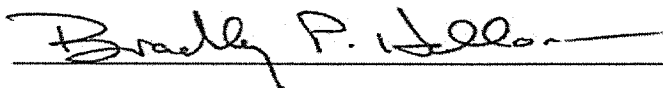
Exhibits

No exhibits were offered at the hearing.

Briefing Schedule

A briefing schedule was discussed and agreed to at the hearing. Apex's post-hearing brief is due to be filed on or before February 2, 2015. The Agency's post-hearing brief is due to be filed on or before February 17, 2015. Apex's reply, if any, is due to be filed on or before February 24, 2015. Public comment is due to be filed on or before January 29, 2015.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

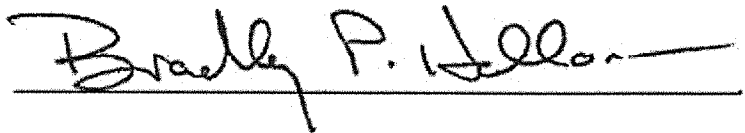
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Hearing Officer
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on January 21, 2015, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on January 21, 2014:

John T. Therriault
 Illinois Pollution Control Board
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