

ILLINOIS POLLUTION CONTROL BOARD
December 6, 1984

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

ORDER OF THE BOARD (by J. Anderson):

On November 21, 1984, Classic filed a petition for variance from 35 Ill. Adm. Code 215.204(c). The petition was accompanied by an assertion that Appendices C through H thereto constitute trade secrets or other confidential business information protected from disclosure under Sections 7 and 7.1 of the Act.

As authorized by 35 Ill. Adm. Code 120.215(a), the Board hereby requests Classic to justify its claim pursuant to Section 120.202. Pursuant to Section 120.102 the Board requests Classic to specifically address the question as to whether the Section 7(c) public availability requirement applies to the appendices containing plant emissions data (see Pet., p. 3-4).

As the trade secret determination involves a decision separate from that required in the variance proceeding, and as the two decisions do not share a common timetable, the Board will create separate dockets within the PCB 84-174 number. The trade secret proceeding will hereinafter be known as PCB 84-174, Docket A, and the variance proceeding as PCB 84-174 Docket B. The parties are requested to designate the appropriate docket on all pleadings.

As to the Docket B variance petition itself, although hearing was waived, the matter must be set for hearing, as grant of the requested relief would require an amendment to the State Implementation Plan under the Clean Air Act. The Board construes the Docket A trade secret assertion, paragraph III, as waiving the 90 day variance decision deadline of Section 38(a) for a period equal to the time provided in Part 120 for Board determination of Classic's trade secret claim, plus 10 working days. Given this limited waiver, hearing need not be scheduled or held until Board determination of Classic's claim.

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 6th day of December, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board