

ILLINOIS POLLUTION CONTROL BOARD
December 27, 1984

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

ORDER OF THE BOARD (by J. D. Dumelle):

On December 19, 1984 Classic Finishing Co. (Classic) filed a Request in this proceeding for a 10 day extension of the time for submittal of the Statement of Justification requested by the Board on December 6, 1984. Section 120.220 provides that the Board may extend the time period for this submission "by a second period of 10 working days if, within the first 10 day period, the owner demonstrates that the extension is necessary to complete the Statement of Justification and submits a request for an extension."

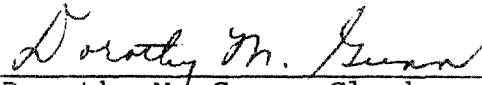
Classic argues in its Request that due to the "press of business" and the "holidays" they have been unable to complete the Statement of Justification within the original 10 days. Noting that in this case there will be no foreseeable harm to the public from granting this extension, the Board will grant this extension although the very general statement of "necessity" in this Request does not compel this finding. The Statement of Justification shall be considered timely if submitted no later than January 9, 1985.

The claimed trade secret material involved here was appropriately submitted pursuant to Section 120.201 and 120.203 with a limited waiver of the statutory deadline for any Board decision which may be delayed due to a subsequent justification and determination process. Section 120.203 provides "that such waiver shall extend the deadline for decision for a period equal to the period by which the decision is delayed due to the subsequent justification and determination process plus 10 working days." In this case, the subsequent justification and determination process has resulted in a delay in the scheduling of the mandatory hearing. This was necessary because although the IEPA and the Board may have access to this material, the public does not. The Board notes that it is at least in part for the benefit

of the public that hearings are required in variance proceedings. The delay in the hearing will result in a delay in the Board's ability to render a decision in this matter. Therefore, the Board decision period is extended by a time equal to the time between the date of receipt of the request from the Board (December 10, 1984) and the date by which the Statement of Justification is submitted to the Board (on or before January 9, 1985) plus 10 working days. Depending on when the Statement of Justification is actually submitted, the Board notes that its decision deadline in Docket B of this proceeding is extended by 20-30 working days pursuant to Section 120.203 and the waiver in this proceeding.

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 37th day of December, 1984 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board