

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1985

CLASSIC FINISHING CO., INC.,)
)
 Petitioner,)
)
 v.)
)
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

PCB 84-174
Docket A

ORDER OF THE BOARD (by J. Anderson):

On November 21, 1984, Classic Finishing Co., Inc. (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 Section 7 and 7.1 of the Act. On December 6, 1984, the Board requested pursuant to 35 Ill. Adm. Code 120.215(a) that Classic justify its claim in accordance with the procedures in Section 120.202, specifically addressing the question as to whether Section 7(c) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1983, ch. 111½, par. 1007(c)) applies to the appendices containing plant emission data. On January 9, 1985, Classic filed a document entitled "Justification of Claim of Trade Secrets and Other Confidential Business Information" (Justification).

Under 35 Ill. Adm. Code 120.225, the Board is allowed 10 working days from the date of receipt of a complete statement of justification (or until January 24, 1985) to determine whether the articles in question represent trade secrets. Rule 35 Ill. Adm. Code 120.225 further provides:

"This time period may be extended for a second period of 10 working days if, within the first 10 day period, the agency [in this case the Board] demonstrates that the extension is necessary to make the determination pursuant to Section 120.230 and notifies the owner and requester of the extension."

Due to the fact that this claim and the subsequently submitted Justification raise a number of questions of law which have not previously been considered by this Board, the Board finds that it is necessary to extend its decision period an additional 10 working days (or until February 7, 1985).

The Clerk of the Board is hereby ordered to provide notification of this extension to Classic by telephone today, and in addition to send copies of this Order to all parties.

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 24th day of January, 1985 by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board