

ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
NOVEMBER 19, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #90-148, B & M Steel Service Center, by a vote of 6-1. R.C. Flemal dissented. (GTG)

An Opinion and Order was adopted in #90-149, Straders Logging & Lumber Mill, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #92-81, James Lynch, by a vote of 6-1. J.C. Marlin dissented. (JTM)

An Opinion and Order was adopted in #92-95, People of the State of Illinois v. Simplex, Inc., by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #92-130, Olin Corporation, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #92-146, People of the State of Illinois v. Greyhound Lines, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

An Opinion and Order was adopted in #92-147, People of the State of Illinois v. F & B Manufacturing Company, by a vote of 6-1. J. Theodore Meyer dissented. (JCM)

In R91-3, R92-9, Safe Drinking Water Act Update, USEPA Regulations (July 1, 1990 through January 31, 1991), and Phase I Corrections, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

In R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), USEPA Correction of October 30, 1992, an Order was adopted by a vote of 7-0. (JA)

In R92-21, Amendments to the New Source Review Rules, 35 Ill. Adm. Code, Part 203, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 7-0. (GTG)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: ##92-65, Brian Hayes; 92-66, Greg Hammel; 92-67, Mike Budd; 92-68, Envotech Illinois; 92-69, Robert Robey.

An Order directing the parties to file a status report on or before February 1, 1993, was adopted in #AS 90-5, R. Lavin & Sons, by a vote of 7-0. (RCF)

An Order directing the parties to file a status report no later than January 15, 1993, was adopted in #90-135, The Grigoleit Company, by a vote of 7-0. (JA)

An Order granting Complainants' motion to withdraw its October 29, 1992 pleading and denying Respondent, Discovery South Group's, motion to reset the last allowable hearing date, was adopted in #90-146, Village of Matteson, by a vote of 7-0. (BF)

No action was taken on Complainant's Stipulation of Facts in response to an October 29, 1992 Board Order in #90-187, Herman Prescott.

An Order directing the parties to file an updated status report on or before February 22, 1993, was adopted in #90-196, Heico Incorporated, by a vote of 7-0. (JCM)

An Order directing the parties to submit another status report to the Board on or before January 5, 1993, was adopted in #91-87, Olin Corporation, by a vote of 7-0. (JCM)

Petitioner's motion to withdraw was granted in #91-137, Amoco Oil Company, by a vote of 7-0. (JTM)

Complainants' motion for voluntary dismissal was granted in #91-154, Carrell & Mary Bates, by a vote of 7-0. (BF)

Petitioner's motion to compel was granted in #91-243, Smith Oil Company, by a vote of 7-0. (GTG)

An Order directing the parties to file status reports to be received by the Board no later than January 15, 1993, was adopted in #92-23, The Grigoleit Company, by a vote of 7-0. (JA)

Agency motion for leave to file its Response Brief Instanter was granted in #92-98, Reichhold Chemicals, by a vote of 7-0. (JA)

An Order directing the parties to file status reports to be received by the Board no later than January 15, 1993, was adopted in #92-110, The Grigoleit Company, by a vote of 7-0. (JA)

An Order granting Petitioner's motion to continue and directing the parties to file status reports to be received by the Board no later than January 15, 1993, was adopted in #92-110, The Grigoleit Company, by a vote of 7-0. (JA)

Agency motion for leave to file its Response Brief Instanter was granted in #92-111, Russell L. Bacon, by a vote of 7-0. (JA)

Petitioner's motion to file a Stipulation of Facts Executed in Counterpart was granted in #92-118, Ideal Heating Company, by a vote of 7-0. (JTM)

Agency motion to file the Supplemental Record Instantner was granted in #92-122, F & R Enterprises, by a vote of 7-0. (GTG)

Agency motion to file the Recommendation Instantner was granted in #92-134, Lone Star Industries, by a vote of 7-0. (BF)

An Order granting Petitioner's Motion for Stay of all the conditions set forth in the Agency's August 27, 1992 letter of denial and the requirements of 35 Ill. Adm. Code Part 725 until the resolution of the permit review proceeding, was adopted in #92-140, Motor Wheel Corporation, by a vote of 7-0. (BF)

Agency motion to extend the time in which to file its Recommendation was granted until February 8, 1993, in #92-143, Dietzgen Corporation, by a vote of 7-0. (GTG)

An Order granting the Agency's motions to allow the filing of the Record and Supplemental Record Instantner was adopted in #92-152, State Bank of Whittington, by a vote of 7-0. (MN)

An Order granting interested persons until December 3, 1992 to file responses to the comments received, was adopted in R90-1(D), Toxic Air Contaminants List, Styrene, by a vote of 7-0. (JCM)

These cases were discussed and ordered held to December 3, 1992 for further discussion or possible decision: ##AS 91-6, Dart Container Corporation; AC 91-55 (Docket A & B), Vernon Abert; AC 92-51 (Docket A & B), John & Nina McCullum; 92-78, Amoco Chemical; 92-92, North Shore Sanitary District.

This regulatory matter was discussed and ordered held to December 3, 1992 for further discussion or possible decision: R91-20, Potentially Infectious Medical Waste, Proposed Rule, First Notice, Opinion and Order.

In new cases these actions were taken by a vote of 7-0: ##92-119, Yolonda Price v. South Shore Villa Condominiums and Quality Management Service, Inc., proceedings dismissed because the Board does not have jurisdiction over the matter, **Order by J.C. Marlin**; 92-164, People of the State of Illinois v. Berniece Kershaw, Darwin Dale Kershaw and Darrell Kershaw, d/b/a Kershaw Mobile Home Park, hearing mandatory; 92-165, Reichhold Chemicals, Inc. v. EPA, accepted for hearing and Petitioner's motion to stay was denied, **Order by B. Forcade**; 92-166, Marathon Oil Company (Robinson Refinery) v. EPA, accepted for hearing, **Order by R.C. Flemal**; 92-167, BF Goodrich Company (Henry Facility) v. EPA, accepted for hearing, **Order by J.C. Marlin**; 92-168, Edwards-Etherton Oil Company, Inc. v. EPA, accepted for hearing, **Order by J.C. Marlin**; 92-169, Daniel Lorden and Helen Lorden v. Sheridan South Condominium Association, et al., held for **Duplicitous/Frivolous Determination**; 92-170, Talley Defense Systems, Inc. v. EPA, accepted for hearing and Petitioner's motion to appear as counsel

Pro Hac Vice was granted, **Order by R.C. Flemal**; 92-171, Phillips 66 Company, a Division of Phillips Petroleum Company v. EPA, accepted for hearing, **Order by M. Nardulli**; 92-172, Olin Corporation (Winchester Division) v. EPA, accepted for hearing and Petitioner's motion for leave to appear was granted, **Order by M. Nardulli**; 92-173, Illico Independent Oil Company (Westville/Apollomart) v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 92-174, Alice Zeman, Tony Berlin, Richard Zilka, Michael Turlek, and Kevin Green v. Village of Summit and West Suburban Recycling and Energy Center, Inc., accepted for hearing and consolidated with PCB 92-177, **Order by J. Anderson**; 92-175, Olin Corporation (East Alton Facilities) v. EPA, accepted for hearing and Petitioner's motion for leave to appear was granted, **Order by R.C. Flemal**; 92-176, Central Can Company v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 92-177, Donna Quilty v. Board of Trustees and Mayor of the Village of Summit and West Suburban Recycling and Energy Center, Inc., **consolidated with PCB 92-174**; 92-178, John and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClarien, Cove Development Company, Thomas O'Brien and Gary Lakin, **Held for Duplicitous/Frivolous Determination**; 92-179, Cabot Corporation (Tuscola Facility) v. EPA, additional information requested, **Order by J. Anderson**; 92-180, We-Shred-It, Inc. v. EPA, additional information requested, **Order by J.C. Marlin**; 92-181, Commonwealth Edison (Dresden Generating Station) v. EPA, Provisional Variance granted, **Order by J.C. Marlin**; R92-21, Amendments to the New Source Review Rules, 35 Ill. Adm. Code, Part 203 (**See Decisions Agenda**).

These Administrative Citations were received by the Board: ##92-74, EPA v. Envotech-Illiois, Inc.; 92-75, EPA v. Morris Carraway; 92-76, County of Madison v. Duane Arnold; 92-77, Sangamon County v. McCabe Packing Company; 92-78, Sangamon County v. Phillip Pennington; 92-79, Sangamon County v. Lee Hsueh; 92-80, County of Madison v. Lakeside Roofing Company; 92-81, County of St. Clair v. First Baptist Church of Cahokia; 92-92, EPA v. Carl Green.

No action was taken in these amended Adjusted Standards: ##92-4, Detroit Diesel Corporation; 92-6, C.J. Goodall Tire Company; 92-11, Navistar International Transportation; 92-12, Cummins Engine Company.

Minutes of the October 29, 1992 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to December 3, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 19th day of November, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
NOVEMBER 19, 1992 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

- 90-148 B & M Steel Service (GTG)

- 90-149 Straders Logging & Lumber (GTG)

- 92-81 James Lynch (JTM) (due)

- 92-95 People of the State of Illinois v. Simplex, Inc.
(JCM) (Stip)

- * 92-130 Olin Corporation (JCM) (due 12/17)

- 92-146 People of the State of Illinois v. Greyhound Lines,
Inc. (JCM) (Stip)

- 92-147 People of the State of Illinois v. F & B
Manufacturing Company (JCM) (Stip)

- R91-3) Safe Drinking Water Act Update, USEPA Regulations
R92-9) (July 1, 1990 through January 31, 1991), and Phase
I Corrections, Adopted Rule, Final Order, Opinion
and Order (JA)

- R92-10 RCRA Update, USEPA Regulations (January 1, 1992
through June 30, 1992), USEPA Correction of October
30, 1992, Order (JA)

- R92-21 Amendments to the New Source Review Rules, 35 Ill.
Adm. Code, Part 203, Proposed Rule, First Notice,
Opinion and Order (GTG)

*** INDICATES VARIANCE OR PERMIT APPEAL**

AC DECISIONS:

92-65 Brian Hayes _____
92-66 Greg Hammel _____
92-67 Mike Budd _____
92-68 Envotech Illinois _____
92-69 Robert Robey _____

MOTIONS:

AS 90-5 R. Lavin & Sons - Agency status report in response to August 13, 1992 Board Order (11/13), Petitioner's status report in response to August 13, 1992 Board Order (11/16) (RCF)

RES 92-2 Clean Air Act Rulemaking Procedures - Agency motion for reconsideration (11/13) (JTM)

90-135 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3), Agency response to Petitioner's motion for reconsideration (9/14), Petitioner's response to October 29, 1992 Board Order (11/16) (JA)

90-146 Village of Matteson - Complainant's withdrawal of motion to reopen evidentiary hearings (10/29), Complainant's withdrawal of October 29, 1992 pleading (11/4), Respondent Discovery South Group's motion to reset last allowable hearing date (11/12), Complainant's response to Respondents' motion to reset last allowable hearing date (11/12) (BF)

90-182 Ronald & Susan Tex - motion suggesting death of Respondent S. Scott Coggeshall (11/9) (GTG)

90-187 Herman W. Prescott - Complainant's Stipulation of Facts in response to October 29, 1992 Board Order (11/13) (RCF)

MOTIONS: (Cont'd)

- 90-196 Heico Incorporated - Agency motion for leave to file status report instanter in response to July 30, 1990 Board Order (11/13)(JCM)
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- 91-84 Indian Refining - Petitioner's status report in reponse to August 13, 1992 Board Order (11/16) (RCF)
-
- 91-87 Olin Corporation - joint status report in response to July 30, 1992 Board Order (11/2)(JCM)
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- 91-137 Amoco Oil Company - Petitioner's status report update in response to October 1, 1992 Board Order and motion to withdraw petition for review (11/16) (JTM)
-
- 91-154 Carrell & Mary Bates - Complainants' motion for voluntary dismissal (10/29)(BF)
-
- 91-243 Smith Oil Company - Petitioner's motion to compel (10/19)(GTG)
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- 92-23 The Grigoleit Company - Agency status report in response to October 29, 1992 Board Order (11/16), Petitioner's response to October 29, 1992 Board Order and motion to continue (11/16)(JA)
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- 92-98 Reichhold Chemicals - Agency motion for leave to file response brief instanter (11/13)(JA)
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- 92-110 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3), Petitioner's response to October 29, 1992 Board Order (11/16)(JA)
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- 92-111 Russell L. Bacon - Agency motion for leave to file Response Brief Instanter (11/16)(JA)
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- 92-118 Ideal Heating Company - Petitioner's motion to file Stipulation of Facts Executed in Counterpart (11/16)(JTM)
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MOTIONS: (Cont'd)

- 92-122 F & R Enterprises - Agency motion to file Agency Supplemental Record Instanter (11/2) (GTG)
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- 92-134 Lone Star Industries - Agency motion to file Recommendation Instanter (11/9) (BF)
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- 92-140 Motor Wheel Corporation - Petitioner's motion to stay (9/30) (BF)
-
- 92-143 Dietzgen Corporation - Agency motion to extend time to file Agency Recommendation (10/30) (GTG)
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- 92-152 State Bank of Whittington - Agency motion to file Record Instanter (10/30), Agency motion to file Supplemental Record Instanter (11/18) (MN)
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- 92-156 Citizens Against Regional Landfill - Respondent Waste Management's motion to strike section 1 of the Petition (11/10) (BF)
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- R90-1 Toxic Air Contaminants List--Styrene - Board Order (D) (JCM)
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DISCUSSIONS:

- AS 91-6 Dart Container Corporation (JCM)
- AC 91-55 Vernon Abert (JCM)
(A & B)
- AC 92-51 John & Nina McCullum (JCM)
(A & B)
- * 92-78 Amoco Chemical (JA) (due 12/17)
- * 92-92 North Shore S.D. (JCM) (due 12/17)

REGULATORY DISCUSSIONS:

R91-20 Potentially Infectious Medical Waste, Proposed Rule, First Notice, Opinion and Order (RCF)

NEW CASES:

92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. (See also Complainant's response to September 3, 1992 Board Order filed 9/25; Respondent's response to September 3, 1992 Board Order filed 10/14) (JCM)

92-164 People of the State of Illinois v. Berniece Kershaw, Darwin Dale Kershaw and Darrell Kershaw d/b/a Kershaw Mobile Home Park

92-165 Reichhold Chemicals, Inc. v. EPA (See also Petitioner's motion to stay filed 10/29) (BF)

92-166 Marathon Oil Company (Robinson Refinery) v. EPA (RCF)

92-167 BF Goodrich Company (Henry Facility) v. EPA (JCM)

92-168 Edwards-Etherton Oil Company, Inc. v. EPA (JCM)

92-169 Daniel Lorden and Helen Lorden v. Sheridan South Condominium Association, et al. (See also Respondents' motion to dismiss filed 11/10) (MN)

92-170 Talley Defense Systems, Inc. v. EPA (See also Petitioner's motion to appear as counsel pro hac vice filed 11/4) (RCF)

92-171 Phillips 66 Company, a Division of Phillips Petroleum Company v. EPA (MN)

NEW CASES: (Cont'd)

- 92-172 Olin Corporation (Winchester Division) v. EPA (See also Petitioner's motion for leave to appear filed 11/5) (MN) _____
- 92-173 Illico Independent Oil Company (Westville/ Apollomart) v. EPA (JTM) _____
- 92-174 Alice Zeman, Tony Berlin, Richard Zilka, Michael Turlek, and Kevin Green v. Village of Summit and West Suburban Recycling and Energy Center, Inc. (JA) _____
- 92-175 Olin Corporation (East Alton Facilities) v. EPA (See also Petitioner's motion for leave to appear filed 11/9) (RCF) _____
- 92-176 Central Can Company v. EPA (JTM) _____
- 92-177 Donna Quilty v. Board of Trustees and Mayor of the Village of Summit and West Suburban Recycling and Energy Center, Inc. (See also PCB 92-174) (JA) _____
- 92-178 John Zarlenga and Jean Zarlenga v. Partnership Concepts, Howard Edison, Bruce McClairien, Cove Development Company, Thomas O'Brien and Gary Lakin _____
- 92-179 Cabot Corporation (Tuscola Facility) v. EPA _____
- 92-180 We-Shred-It, Inc. v. EPA (JCM) _____
- 92-181 Commonwealth Edison (Dresden Generating Station) v. EPA (Provisional Variance) (JCM) _____
- R92-21 Amendments to the New Source Review Rules, 35 Ill. Adm. Code, Part 203 (SEE DECISIONS AGENDA) _____

NEW AC CASES:

- 92-74 EPA v. Envotech-Illinois, Inc. _____
- 92-75 EPA v. Morris Carraway _____
- 92-76 County of Madison v. Duane Arnold _____
- 92-77 Sangamon County v. McCabe Packing Company _____
- 92-78 Sangamon County v. Phillip Pennington _____
- 92-79 Sangamon County v. Lee Hsueh _____
- 92-80 County of Madison v. Lakeside Roofing Company

- 92-81 County of St. Clair v. First Baptist Church of
Cahokia _____
- 92-82 EPA v. Carl Green _____

AMENDED ADJUSTED STANDARDS:

- 92-4 Detroit Diesel Corporation (filed 11/10) (See also
Petitioner's motion to request implementation of
Agency Recommendations filed 11/10) (JA)

- 92-6 C.J. Goodall Tire Company (filed 11/17) (GTG)

- 92-11 Navistar International Transportation (filed
11/10) (See also Petitioner's motion to request
implementation of Agency Recommendations filed
11/10) (JA) _____
- 92-12 Cummins Engine Company (filed (11/10) (See also
Petitioner's motion to request implementation of
Agency Recommendations filed 11/10) (JA)

MINUTES:

October 29, 1992 _____

PENDING CASES ASSIGNED:

85-95 Citizens Utilities Company (JA) (Appellate Court Remand)

* 85-166 Citizens Utilities Company (JTM) (open waiver)

86-1 City of Peru CSO (JTM)

86-2 City of LaSalle CSO (JTM)

86-4 City of Morris CSO (RCF)

89-44) Moline Corporation (BF)

89-87)

* 89-171 Pekin Energy Company (MN) (open waiver)

* 89-177 CWM Chemical Services (JTM) (open waiver)

AS 90-4 Granite City (JTM)

* 90-31 R. Lavin & Sons, Inc. (RCF) (due 6/17)

90-137 Laidlaw Waste Systems (JTM) (Appellate Court Remand) (JTM)

90-146 Village of Matteson (BF)

90-170 Goose Lake Association (JA)

90-182 Ronald & Susan Tex (GTG)

90-187 Herman Prescott (RCF)

AS 91-3 Peoria Disposal (MN)

AS 91-9 City of East Moline (RCF) (due 1/21)

AS 91-11 Illinois-American Water Company (RCF) (open waiver)

AS 91-12 Illinois-American Water Company (RCF) (open waiver)

AS 91-13 City of Rock Island (RCF) (due 6/17)

* 91-17 B.F. Goodrich Corporation (RCF) (due 3/25)

91-30 Susan Curtis & Marcy Diesing (JCM)

AC 91-45 Rochelle Disposal Service (JCM)

91-50 Karl & Helen Christ (MN)

AC 91-55 Vernon Abert (JCM)

* 91-56 Douglas Furniture (JA) (due 2/4)

* 91-75 Community Consol. School Dist. No. 15 (BF) (open waiver)

* 91-86 Raymond & Mary Moore (JA) (due 3/25)

91-157 The Grigoleit Company (JA)

91-183 Thomas & Barbara Sneed (JTM)

91-194 Residents of Cedarville (BF)

91-195 Scott A. & Karen Thomas (BF)

* 91-202 Sherex Chemical Company (MN) (due 4/8)

* 91-262 The Pumper, Inc. (GTG) (due 2/25)

AC 92-3(B) Dennis Grubaugh (GTG)

AS 92-3 Jefferson Smurfit (GTG)

AS 92-4 Detroit Diesel Corporation (JA)

AC 92-5(B) Ronald & Retha Rawe (BF)

AS 92-6 C.J. Goodall Tire Company (GTG)

AS 92-7 Illinois Power Company (BF)

AS 92-8 Cabot Corporation (JA)

AS 92-9 Conversion Systems, Inc. (JA)

AS 92-10 Southern Illinois Power (BF)

* 92-10 Kelly Williamson Company (BF) (due 2/4)

PENDING CASES ASSIGNED: (Cont'd)

* 92-23 The Grigoleit Company (JA) (due 4/22)
92-26 Dale & Deborah Dettlaff (BF)
AC 92-33 James Alexander (MN)
AC 92-41 Lakewood Homes (BF)
AC 92-48(B) Delmar Donley (GTG)
AC 92-55 John & Nina McCullum (JCM)
AC 92-64 City of Rochelle (JCM)
92-74 Kenneth & Cynthia Metvier (JTM)
* 92-88 Southern Park Food (BF) (due 12/17)
* 92-90 Robertson-Ceco (GTG) (open waiver)
* 92-98 Reichhold Chemicals (JA) (due 12/17)
* 92-104 Roger Malkey (RCF) (due 3/25)
* 92-105 Weyerhaeuser Company (JCM) (open waiver)
* 92-111 Russell L. Bacon (JA) (due 12/17)
92-117 IEI Barge Services (RCF) (open waiver)
* 92-118 Ideal Heating Company (JTM) (open waiver)
92-119 Yolanda Price (JCM)
* 92-120 Amerock Corporation (JTM) (due 12/17)
92-121 Minesota Mining & Manufacturing (JA)
* 92-122 F & R Enterprises (GTG) (due 1/21)
* 92-123 Chemrex, Inc. (JA) (due 2/4)
* 92-124 Mercantile Bank of St. Louis (BF) (due 12/17)
* 92-125 Mercantile Bank of St. Louis (BF) (due 12/17)
* 92-126 Safety-Kleen Corporation (MN) (open waiver)
92-127 City of Des Plaines et al. (RCF)
* 92-131 Laidlaw Waste Systems (MN) (due 1/7)
* 92-132 LeRoy Brown & Sons (GTG) (due 1/7)
* 92-134 Lone Star Industries (BF) (due 2/4)
* 92-136 Safety-Kleen Corporation (MN) (open waiver)
78* 92-140 Motor Wheel Corporation (BF) (due 1/21)
92-142 Illinois Power Company (GTG)