

**ILLINOIS POLLUTION CONTROL BOARD**

**MINUTES OF REGULAR BOARD MEETING  
MAY 19, 1994 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Manning announced that the Board would be reconvening at 2:00 p.m. to consider the matter of PCB 90-24, Rock-Ola Manufacturing Company, and thereafter asked the Clerk of the Board for a roll call. All Board Members answered present.

An Opinion and Order was adopted in #AS 91-9, City of East Moline, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #91-195, Scott and Karen Thomas, by a vote of 4-2. Messrs. R.C. Flemal and J. Theodore Meyer dissented. (ED)

An Opinion and Order was adopted in #93-25, People of the State of Illinois v. D & B Refuse Service, Inc., by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #94-44, City of Havana, by a vote of 5-0. C.A. Manning abstained and J. Theodore Meyer concurred. (GTG)

An Opinion and Order was adopted in #94-99, Village of Mapleton, by a vote of 6-0. (ED)

An Opinion and Order was adopted in #94-108, People of the State of Illinois v. Amoco Oil Company, by a vote of 6-0. J. Theodore Meyer concurred.

In R94-14, Categories of Insignificant Activities or Emission Levels at a CAAPP Source (Amendments to 35 Ill. Adm. Code 201 and 211), a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (ED)

Default Orders were adopted in these Administrative Citations by a vote of 6-0: ##94-18, EPA v. Harold Molen; 94-19, Carl and Mary Lingo.

An Order denying the Respondent's motion to file its petition for review instanter, was adopted in #AC 94-11, ESG Watts, by a vote of 6-0. (CAM)

An Order denying the Respondent's motion to file its petition for review instanter, was adopted in #AC 94-12, ESG Watts, by a vote of 6-0. (CAM)

An Order denying the Respondent's motion to file its petition for review instanter, was adopted in #AC 94-13, ESG Watts, by a vote of 6-0. (CAM)

An Order denying the Respondent's motion to file its petition for review instanter, was adopted in #AC 94-15, ESG Watts, by a vote of 6-0. (CAM)

An Order granting the Agency's motion to dismiss Respondent, Orville Bartels, was adopted in #AC 94-24, Frank Blair, by a vote of 6-0. (CAM)

Complainant's motion to dismiss was granted in #AC 94-27, Stephen and Wilma Bileck, by a vote of 6-0. (CAM)

An Order granting the Petitioner's motion for voluntary dismissal, was adopted in #AS 91-10, Cabot Corporation, by a vote of 6-0. (RCF)

An Order granting the Agency's motion to withdraw and substitute appearance and motion for an extension of time until May 23, 1994, to file its response to the petition, was adopted in #AS 93-4, Conversion Systems, by a vote of 6-0. (MCF)

An Order granting the Agency's motion to withdraw and substitute appearance and motion for an extension of time until May 23, 1994, to file its response to the petition, was adopted in #AS 93-5, Conversion Systems, by a vote of 6-0. (MCF)

An Order setting the matter for hearing pursuant to a joint motion for modification of a June 3, 1993 Board Order, was adopted in #83-150, Archer Daniels Midland, by a vote of 6-0. (CAM)

An Order granting the Petitioner's motion to dismiss without prejudice, was adopted in #91-160, General Motors Corporation, by a vote of 6-0. (CAM)

An Order denying the Petitioner's motion for stay, was adopted in #92-166, Marathon Oil Company, by a vote of 6-0. (RCF)

An Order directing the parties to file a status report on or before August 23, 1994 in the event the appeal has not been dismissed, was adopted in #92-175, Olin Corporation, by a vote of 6-0. (RCF)

An Order granting the Petitioner's motion for an extension of the briefing schedule until July 11, 1994, was adopted in #92-212, Pekin Metro Landfill, by a vote of 6-0. (MCF)

An Order granting the Petitioner's motion for an extension of the briefing schedule until July 11, 1994, was adopted in #93-1, Pekin Metro Landfill, by a vote of 6-0. (MCF)

An Order accepting the Petitioner's status report and directing the parties to file with the Board and the Hearing Officer, an additional status report indicating the status of any ongoing negotiations between the Petitioner and the Respondent on or before

July 22, 1994, was adopted in #93-17, Southern California Chemical Company, by a vote of 6-0. (RCF)

An Order directing the parties to submit status reports to be received by the Board and the Hearing Officer no later than June 24, 1994, was adopted in ##93-45, -46, St. Louis Auto Shredding, by a vote of 6-0. (RCF)

An Order directing the parties to file status reports on or before June 6, 1994, and advising the parties that failure to file the status report as ordered may subject the matter to dismissal, was adopted in #93-77, Highland Park School District #108, by a vote of 6-0. (ED)

An Order directing the Petitioner to file an updated status report on or before August 1, 1994, in the event the appeal has not previously been dismissed, was adopted in #93-99, LTV Steel Company, by a vote of 6-0. (ED)

An Order directing the parties to show cause no later than June 8, 1994, why the matter should not be dismissed since there are no pending issues to be decided by the Board, was adopted in #93-111, Bocker Chevrolet Company, by a vote of 6-0. (RCF)

An Order directing the Petitioner to file a status report on or before June 6, 1994, and advising the Petitioner that failure to file the status report as ordered may subject the matter to dismissal, was adopted in #93-138, Safety-Kleen Corporation, by a vote of 6-0. (ED)

An Order granting the Complainant, Joseph A. Schrantz' motion for leave to file his reply brief instanter, was adopted in #93-161, Joseph Schrantz et al., by a vote of 6-0. (CAM)

An Order granting the motion to withdraw as counsel for the Respondents, was adopted in #93-248, John Prior and Industrial Salvage, Inc., by a vote of 6-0. (GTG)

An Order granting the Petitioner's and the Respondent's agreed motion for leave to supplement the record on appeal and an agreed motion to amend the Stipulation of Facts, was adopted in #93-255, Lindsay-Klein Chevrolet-Olds, Inc, by a vote of 6-0. (CAM)

An order granting the Agency's motion to file the record instanter, was adopted in #94-82, H.C.T.K., Inc. by a vote of 6-0. (JTM)

An Opinion and Order granting the Petitioner's motion for summary judgment, was adopted in #94-118, Ike Buick-Nissan, Ltd., by a vote of 6-0. (CAM)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-124, Boncosky Oil Company, by a vote of 6-0. (JTM)

An Order granting the Respondent's motion for an extension of time until May 24, 1994, to file the Agency Record, was adopted in #94-131, Daubs Landfill, by a vote of 6-0. (RCF)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-136, Elmhurst-Chicago Stone, by a vote of 6-0. (CAM)

An Order staying the matter until June 30, 1994, and directing the parties to file an additional status report with the Clerk of the Board and the Hearing Officer on or before June 3, 1994, was adopted in R90-1(B), Toxic Air Contaminant List, Environmental Effects Consideration (35 Ill. Adm. Code Part 232), by a vote of 6-0. (CAM)

An Order staying the matter until June 30, 1994, and directing the parties to file an additional status report with the Clerk of the Board and the Hearing Officer, on or before June 3, 1994, was adopted in R90-1(C), Toxic Air Contaminant List, Reporting Requirements (35 Ill. Adm. Code Part 232), by a vote of 6-0. (CAM)

An Order staying the matter until July 21, 1994, and advising the parties that any motions to dismiss, withdraw, or other appropriate motions the parties want the Board to consider must be received by the Board by July 8, 1994, was adopted in R90-1(D), Toxic Air Contaminant List, Styrene, by a vote of 6-0. (CAM)

These cases were discussed and held to June 2, 1994 for further discussion or possible decision: ##93-122, EMRO Marketing Company; 93-158, Wheaton Park District; AS 94-7, Rhone-Poulenc Basic Chemicals; 94-55, Myrtle Landwehrmeir.

This regulatory matter was discussed and held to June 2, 1994 for further discussion or possible decision: R93-27, Groundwater Protection, proposed Rule, Second Notice, Opinion and Order.

By a vote of 6-0, this Amended Petition was accepted for hearing, and the 120-day decision timeclock restarted with its filing: #94-80, Gunite Corporation. (CAM)

In new cases, these actions were taken by a vote of 6-0: ##94-146, Dorothy L. Hoffman v. City of Columbia, held to June 2, 1994 Board Meeting; 94-147, Capital Asset Corporation and Industrial Investors Limited Partnership v. EPA, **accepted for hearing**; 94-148, Chemical Waste Management, Inc. v. EPA, **accepted for hearing**; 94-149, People of the State of Illinois v. Celotex Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of

the parties request for relief from the hearing requirement and the Board will reserve ruling on the request until after the statutory 21 day notice has passed; 94-150, Angela M. White v. Terry & Billie VanTine and Schneider National Transport, Inc., **held for duplicitous/frivolous determination**; 94-151, Brandis Aircraft v. EPA, accepted for hearing; 94-152, Madison Avenue Venture v. EPA, **accepted for hearing**; 94-153, Waste Management of Illinois, Inc. v. EPA, **accepted for hearing**; R94-14, Categories of Insignificant Activities or Emission Levels at a CAAPP Source (Amendments to 35 Ill. Adm. Code 201 and 211), **See Decisions Agenda.**

Because Petitions for Review were received, these Administrative Citations will be set for hearing: ##AC 94-20, County of DuPage v. Waste Management of Illinois; 94-21, EPA v. Dennis W. Gaebel.

These Administrative Citations were accepted by the Board ##94-30, EPA v. The City of Freeport; 94-31, Montgomery County, Illinois v. Envotech, Illinois, Inc.; 94-32, Sangamon County v. Stephen Bileck, Jr. and Lisa Bileck.

#### ADDENDUM

By a vote of 6-0, the Office of the State Fire Marshal was ordered to file the record in #94-106, Sheridan Towers Partnership, no later than May 24, 1994. (McF)

A provisional variance was granted in new case #94-154, City of Greenfield v. EPA, by a vote of 6-0. (CAM)

Minutes of the May 5, 1994 Board Meeting were approved by a vote of 6-0.

Motion to adjourn by G. Tanner Girard, seconded by J. Theodore Meyer carried by a vote of 6-0, and the meeting was adjourned until 2:00 p.m.

#### P.M. SESSION

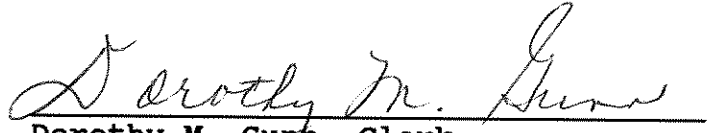
Chairman Manning reconvened the meeting at 2:00 p.m. All Board Members were present.

Dr. Flemal's motion to reconsider, and to vacate a set for hearing order adopted in #PCB 94-151, Brandis Aircraft v. EPA, in the a.m. session, seconded by E. Dunham, carried by a vote of 6-0. The Petitioner's motion to withdraw its appeal as moot was granted, and the proceedings were dismissed by a vote of 6-0.

All other matters not disposed of as listed were ordered held to June 2, 1994 for possible consideration.

There being no further business, the meeting was adjourned at 2:05 p.m.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 2<sup>nd</sup> day of June, 1994, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MAY 19, 1994 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

MOTIONS:

94-106     Sheridan Towers Partnership - Board order (McF)

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NEW CASES:

94-154     City of Greenfield v. EPA (Provisional Variance)  
(CAM)\_\_\_\_\_

**ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
MAY 19, 1994 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.**

**DECISIONS:**

- \* 90-24 Rock-Ola Manufacturing (GTG) (due)  
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- AS 91-9 City of East Moline (RCF)  
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- 91-195 Scott and Karen Thomas (ED)  
\_\_\_\_\_
- 93-25 People of the State of Illinois v. D & B Refuse  
Service, Inc. (RCF) (Stipulation)  
\_\_\_\_\_
- \* 94-44 City of Havana (GTG) (due)  
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- \* 94-99 Village of Mapleton (ED) (due 7/21)  
\_\_\_\_\_
- 94-108 People of the State of Illinois v. Amoco Oil  
Company (Stipulation)  
\_\_\_\_\_
- R94-14 Categories of Insignificant Activities or Emission  
Levels at a CAAPP Source (Amendments to 35 Ill.  
Adm. Code 201 and 211), Proposed Rule, First  
Notice, Opinion and Order (ED)  
\_\_\_\_\_

**AC DEFAULT ORDERS:**

- 94-18 EPA v. Harold Molen \_\_\_\_\_
- 94-19 Carl and Mary Lingo \_\_\_\_\_

**\* INDICATES VARIANCE OR PERMIT APPEAL**



MOTIONS:

- AC 93-49 Patrick Cheak - Complainant's Motion to Dismiss Administrative Citation (5/2) (Note: Default Order entered November 18, 1993) (CAM)
- 
- AC 94-7 Gerald Baltzell - Motion to Reconsider March 31, 1994 Default Order (See Respondent's letter filed with the Board on 4/20)
- 
- AC 94-11 ESG Watts - Respondent's Petition for Review and Motion to file Instanter (5/5) (Note: Default Order adopted at April 21, 1994 Board Meeting), Complainant's Response to Motion to File Petition for Review Instanter (5/10) (CAM)
- 
- AC 94-12 ESG Watts - Respondent's Petition for Review and Motion to file Instanter (5/5) (Note: Default Order adopted at May 5, 1994 Board Meeting), Complainant's Response to Motion to File Petition for Review Instanter (5/10) (CAM)
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- AC 94-13 ESG Watts - Respondent's Petition for Review and Motion to file Instanter (5/5) (Note: Default Order adopted at May 5, 1994 Board Meeting), Complainant's Response to Motion to File Petition for Review Instanter (5/10) (CAM)
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- AC 94-15 ESG Watts - Respondent's Petition for Review and Motion to file Instanter (5/5) (Note: Default Order adopted at May 5, 1994 Board Meeting), Complainant's Response to Motion to File Petition for Review Instanter (5/10) (CAM)
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- AC 94-24 Orville Bartels & Frank Blair - Agency Motion to Dismiss Respondent Orville Bartels (5/13) (CAM)
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- AC 94-27 Stephen and Wilma Bileck - Complainant's Motion to Dismiss (5/12) (CAM)
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- AS 91-10 Cabot Corporation - Petitioner's Motion of Voluntary Dismissal (5/10) (RCF)
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**MOTIONS: (Cont'd)**

- AS 93-4      Conversion Systems - Agency Motion to Withdraw and Substitute Appearance and Motion for Extension of Time to File Agency Response (5/3) (McF)
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- AS 93-5      Conversion Systems - Agency Motion to Withdraw and Substitute Appearance and Motion For Extension of Time to File Agency Response (5/3) (McF)
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- AS 94-7      Rhone-Poulenc Basic Chemicals - Petitioners' Motion for Decision (5/5) (RCF)
- 
- 83-150      Archer Daniels Midland - Joint Motion for Modification of June 3, 1993 Board Order (4/29) (CAM)
- 
- 91-86      Raymond and Mary Moore - Petitioners' Status Report in Response to December 16, 1993 Board Order (2/15), Petitioners' Supplemental Status Report (2/28), Petitioners' Motion for Partial Summary Judgment (3/15) (McF)
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- 91-160      General Motors Corporation - Petitioner's Motion to Dismiss Without Prejudice (5/16) (CAM)
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- 92-166      Marathon Oil Company - Petitioner's Motion for Stay Pending Appeal (4/27) (RCF)
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- 92-175      Olin Corporation - Joint Status Report in Response to January 6, 1994 Board Order (5/12) (RCF)
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- 92-212      Pekin Metro Landfill - Petitioner's Motion for Extension of Briefing Schedule (5/16) (McF)
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- 93-1      Pekin Metro Landfill - Petitioner's Motion for Extension of Briefing Schedule (5/16) (McF)
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- 93-17      Southern California Chemical - Petitioner's Status Report in Response to February 17, 1994 Board Order (5/9) (RCF)
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**MOTIONS:** (Cont'd)

- 93-45) St. Louis Auto Shredding - Petitioner and  
93-46) Respondent's Status Report in Response to March 31,  
1994 Board Order (5/9) (RCF)
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- 93-77 Highland Park School District #108 - Status Report  
Order (ED)
- 
- 93-99 LTV Steel Company - Petitioner's Status Report in  
Response to February 3, 1994 Board Order (5/13) (ED)
- 
- 93-111 Bocker Chevrolet - Petitioner's Motion to Continue  
(See Hearing Officer letter filed May 16, 1994)  
(RCF)
- 
- 93-138 Safety-Kleen Corporation - Status Report Order (ED)
- 
- 93-161 Joseph A. Schrantz et al. - Complainants' Motion  
for Leave to File Reply Brief Instanter (5/5)  
(CAM)
- 
- 93-248 John Prior - Motion to Withdraw as Counsel (5/5)  
(GTG)
- 
- 93-255 Lindsay-Klein Chevrolet-Olds - Agreed Motion for  
Leave to Supplement Record on Appeal and Agreed  
Motion to Amend Stipulation of Facts (5/10) (CAM)
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- 94-51 Rodney B. Nelson, III - Motion to Reconsider April  
21, 1994 Board Order (4/25), Addendum to Motion to  
Reconsider April 21, 1994 Board Order (4/29), Waste  
Management's Response to Rodney Nelson's Motion for  
Reconsideration (5/2), Petitioner's Second Addendum  
to Motion to Reconsider (5/11) (CAM)
- 
- 94-82 H.C.T.K., Inc. - Agency Motion to File Record  
Instanter (5/6) (JTM)
- 
- 94-118 Ike Buick-Nissan, Ltd. - Petitioner's Motion for  
Summary Judgment (4/22), Agency's Response to  
Petitioner's Motion for Summary Judgment (5/3) (CAM)
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**MOTIONS:** (Cont'd)

- 94-124 Boncosky Oil Company - Agency Motion to File Record  
Instanter (5/4) (JTM) \_\_\_\_\_
- 94-131 Daubs Landfill - Motion for Extension of Time to  
File Record (5/11) (RCF)  
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- 94-136 Elmhurst-Chicago Stone - Agency Motion to File  
Record Instanter (5/11) (CAM)  
\_\_\_\_\_
- R90-1(B) Toxic Air Contaminant List, Environmental Effects  
Status Report Order (CAM)  
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- R90-1(C) Toxic Air Contaminant List, Reporting Requirements  
Status Report Order (CAM)  
\_\_\_\_\_
- R90-1(D) Toxic Air Contaminant List, Styrene - Styrene  
Information and Research Center's Motion to  
Continue (5/6) (CAM)  
\_\_\_\_\_

**DISCUSSIONS:**

- \* 93-122 EMRO Marketing Company (ED) (due 6/2) \_\_\_\_\_
- \* 93-158 Wheaton Park District (CAM) (due 6/2) \_\_\_\_\_
- AS 94-7 Rhone-Poulenc Basic Chemicals (RCF) \_\_\_\_\_
- \* 94-55 Myrtle Landwehrmeir (ED) (due 6/2) \_\_\_\_\_

**REGULATORY DISCUSSIONS:**

- R93-27 Groundwater Protection, Proposed Rules, Second  
Notice Opinion and Order (RCF)  
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**AMENDED PETITIONS:**

94-80        Gunite Corporation (filed 4/18) (CAM)

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**NEW CASES:**

94-146        Dorothy L. Hoffman v. City of Columbia (See  
Respondent's Motion to Dismiss filed 5/11)

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94-147        Capital Asset Corporation and Industrial Investors  
Limited Partnership v. EPA

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94-148        Chemical Waste Management, Inc. v. EPA

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94-149        People of the State of Illinois v. Celotex  
Corporation (See Motion for Relief from Hearing  
Requirement filed 5/12)

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94-150        Angela M. White v. Terry & Billie VanTine and  
Schneider National Transport, Inc. (See  
Respondents' Motion for Extension of Time to  
Respond to Formal Complaint filed 5/16)

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94-151        Brandis Aircraft v. EPA

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94-152        Madison Avenue Venture v. EPA

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94-153        Waste Management of Illinois, Inc. v. EPA

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R94-14        Categories of Insignificant Activities or Emission  
Levels at a CAAPP Source (Amendments to 35 Ill.  
Adm. Code 201 and 211), Proposed Rule, First  
Notice, Opinion and Order (SEE DECISIONS AGENDA)

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**AC APPEALS:**

94-20        County of DuPage v. Waste Management of Illinois

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**AC APPEALS:** (Cont'd)

94-21 EPA v. Dennis W. Gaebel\_\_\_\_\_

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**NEW AC CASES:**

94-30 EPA v. City of Freeport\_\_\_\_\_

94-31 Montgomery County, Illinois v. Envotech, Illinois,  
Inc.\_\_\_\_\_

94-32 Sangamon County v. Stephen Bileck, Jr. and Lisa  
Bileck\_\_\_\_\_

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**NEW ADJUSTED STANDARDS:**

AS 94-9 Petition of the City of Springfield, Illinois,  
Office of Public Utilities for an Adjusted Standard  
from 35 Ill. Adm. Code Section 302.208(e)

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AS 94-10 Petition of Envirite Corporation for Revised  
Adjusted Standard from 35 Ill. Adm. Code 721  
Subpart D

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**MINUTES:**

May 5, 1994\_\_\_\_\_