

## ILLINOIS POLLUTION CONTROL BOARD

### MINUTES OF REGULAR BOARD MEETING APRIL 18, 1996 CHICAGO, ILLINOIS - 10:30 A.M.

After calling the meeting to order, Board Member J. Theodore Meyer welcomed the public and staff to the meeting. Thereafter, the Clerk was asked for a roll call and all Board Members answered present except Chairman C. Manning, who was in Springfield due to other Board related business, and Board Member M. McFawn, who was out of town speaking at a national seminar on behalf of the Board.

Minutes of the April 4, 1996 Minutes were approved by a vote of 5-0.

In R95-17, Safe Drinking Water Act Update, USEPA Amendments (January 1 through June 30, 1995), a Proposal for Public Comment, Proposed Opinion and Order, was adopted by a vote of 5-0. **(RCF)**

In R96-12, Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995), a Proposal for Public Comment, Proposed Opinion and Order, was adopted by a vote of 5-0. **(ED)**

An Order accepting the joint status report in response to a January 18, 1996 Board Order, granting the motion for extension of stay until July 10, 1996, and directing the parties to file status reports, either jointly or separately, no later than July 10, 1996, was adopted in #AS 94-5, Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR, by a vote of 5-0. **(JTM)**

No action was taken by the Board on an amended petition filed in response to a February 15, 1996 Board Order in #AS 96-7, Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b).

An Order accepting the Stipulation and Proposal for Settlement in the amount of \$18,000.00, was adopted in #95-175, People of the State of Illinois v. Polymer Color, Inc., by a vote of 5-0. **(JTM)**

A Default Order finding that the respondent violated Section 21(p)(1) of the Illinois Environmental Protection Act and assessing a \$500.00 penalty, was adopted in #AC 96-39, IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara and Madalyn O'Hara, by a vote of 5-0.

An Order closing the docket since the Perry County Board of Commissioners accepted the withdrawal of the Petitioner's siting application, was adopted in #92-131, C.O.A.L. (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc., Perry County Board of Commissioners, by a vote of 5-0. **(GTG)**

An Order granting the respondent's motion for an extension of time until June 10, 1996 to file its brief, was adopted in #94-146, Dorothy L. Hoffman v. City of Columbia, Illinois, by a vote of 5-0. **(JY)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion for relief from hearing requirement, was adopted in #95-106, People of the State of Illinois v. Claude F. Perry and Martha Perry, by a vote of 5-0. **(RCF)**

An Order granting the petitioner's voluntary motion to dismiss its petition for variance, was adopted in #95-161, S&C Electric Company v. IEPA, by a vote of 5-0. **JY**

An Agency motion for an extension of time to file the record in #96-57, Coles County Landfills (Laidlaw Waste Systems, Inc.) v. IEPA, was referred to the hearing officer for disposition.

An Order granting the Agency's motion to file the record instanter, was adopted in #96-64, City of Auburn v. IEPA, by a vote of 5-0. **(RCF)**

An Order granting the Agency's motion for waiver of requirements, was adopted in #96-108, Allied Tube & Conduit Corporation v. IEPA, by a vote of 5-0. **(RCF)**

An Order granting the Agency's motion for an extension of time until 30 days prior to the date of a scheduled hearing in the matter to file the record, and directing the assigned hearing officer to establish the filing date of the Agency record when scheduling the hearing, was adopted in #96-138, Stepan Company v. IEPA, by a vote of 5-0. **(GTG)**

An Order granting the Agency's motion for waiver of requirements, was adopted in #96-158, Frederick Cooper Lamps, In. v. IEPA.

An Order granting a joint motion for an extension of time until April 26, 1996 in which to file the recommendation, was adopted in #96-174, The Knapheide Manufacturing Company v. IEPA, by a vote of 5-0. **(JTM)**

An Order granting the Agency's motion for an extension of time until 30 days prior to the date of a scheduled hearing in the matter to file the record, and directing the assigned hearing officer to establish the filing date of the Agency record when scheduling the hearing, was adopted in #96-176, Steve's Mobil Service v. IEPA, by a vote of 5-0. **(RCF)**

An Order granting the Agency's motion for an extension of time until 30 days prior to the date of a scheduled hearing in the matter to file the record, and directing the assigned hearing officer to establish the filing date of the Agency record when scheduling the hearing, was adopted in #96-177, Royer Oil Company, Inc. v. IEPA, by a vote of 5-0. **(JY)**

An Order granting the Agency's motion for an extension of time until 30 days prior to the date of a scheduled hearing in the matter to file the record, and directing the assigned hearing officer to establish the filing date of the Agency record when scheduling the hearing, was adopted in #96-178, Alexander/Franklin Community Unit School District #1 v. IEPA, by a vote of 5-0. **(GTG)**

An Order granting the Agency's motion for an extension of time until May 11, 1996 in which to file the Agency recommendation, was adopted in #96-193, W.R. Grace & Company-Connecticut v. IEPA, by a vote of 5-0. **(JTM)**

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing requirement, was adopted in #96-211, People of the State of Illinois v. Classic Mold Company, Inc., and Larry Caldron, by a vote of 5-0.

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of a motion to request relief from hearing requirement, was adopted in #96-212, People of the State of Illinois v. Egyptian Community School District Unit #5, by a vote of 5-0.

An Order accepting the joint status report in response to a February 1, 1996 Board Order and, directing the parties to file status reports, or a joint status report, on or before June 3, 1996, was adopted in #90-215, Spraying Systems Company v. IEPA, by a vote of 5-0. **(ED)**

An Order granting the respondent's motion for an extension of time until June 14, 1996 in which to file an answer to the complaint, was adopted in #96-186, Mr. & Mrs. Don Williams, Mr. & Mrs. Thomas Morris & Mr. and Mrs. Peter Bizios v. Schaumburg Park District, by a vote of 5-0. **(ED)**

This case was held for an Agency recommendation: #96-213, Edelstein Water Coop v. IEPA.

A mandatory hearing will be held in #96-214, People of the State of Illinois v. Brass Foundry Company, Inc..

An Order accepting the matter for hearing, was adopted in #96-215, Illinois State Toll Highway Authority v. IEPA, by a vote of 5-0. **(GTG)**

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before June 9, 1996, the Board will dismiss the docket as unnecessary, and advising the petitioner that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #96-216, Richard Johnson v. IEPA, by a vote of 5-0. **(GTG)**

An Order extending the 35-day appeal period, reserving the docket for any appeal which may be filed by the petitioner, noting that in the event that the petitioner fails to file an appeal on or before June 6, 1996, the Board will dismiss the docket as unnecessary, and advising the petitioner

that a \$75.00 filing fee will be required at such time as the petitioner files a petition, was adopted in #96-217, Jewel Food Stores, Inc. v. IEPA, by a vote of 5-0. (GTG)

These cases were discussed and held for further discussion or possible decision: ##AS 96-1, Petition of Illinois Power Company (Baldwin Power Plant) for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill. Adm. Code 304.105 Regarding the Parameter Boron; 95-150, Marathon Oil Company v. IEPA; 96-154, Village of Oswego v. IEPA.

**ADDENDUM**

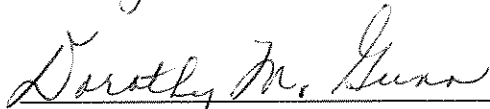
An Order accepting the parties' stipulation to dismiss and closing the docket in the matter, was adopted in #91-206, Clayton Chemical Company v. IEPA, by a vote of 5-0. (JTM)

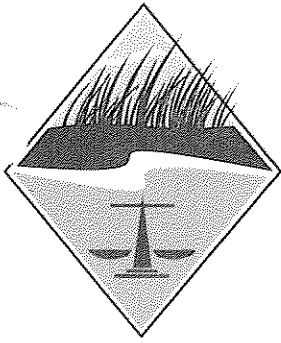
This case was held for an Agency recommendation: #96-218, Mobil Oil Corporation v. IEPA.

All other matters not disposed of as listed were held.

Moved and seconded, with a vote of 5-0, the meeting was adjourned at 11:16 a.m..

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 2nd day of May, 1996, by a vote of 4-0.

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



# ILLINOIS POLLUTION CONTROL BOARD

James R. Thompson Center ♦ Suite 11-500 ♦ 100 West Randolph Street ♦ Chicago, Illinois 60601  
312-814-3620 ♦ Fax 312-814-3669

GOVERNOR  
Honorable Jim Edgar

**REGULAR MEETING AGENDA  
APRIL 18, 1996 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.**

**ADDENDUM**

CHAIRMAN  
Claire A. Manning  
Springfield

**CASES TO BE SET FOR HEARING AND OTHER  
CASE PROCESSING ORDERS OR MATTERS**

MEMBERS  
Emmett E. Dunham II  
Elmhurst

91-206

Clayton Chemical Company v. IEPA -  
Stipulation to Dismiss (4/16)

(JTM)

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

96-218

Mobil Oil Corporation v. IEPA - Hold for  
Agency Recommendation - No Order

Marifi McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge

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**SPRINGFIELD OFFICE**

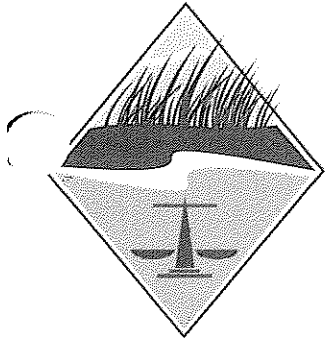
600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
217-524-8500  
Fax 217-524-8508

**SATELLITE OFFICES**

110 South State  
Jerseyville, Illinois 62052  
618-498-9802  
Fax 618-498-5934

148 North Third Street  
P.O. Box 505  
DeKalb, Illinois 60115  
815-753-1904  
Fax 815-753-1970





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Honorable Jim Edgar



CHAIRMAN  
Claire A. Manning  
Springfield

MEMBERS  
Emmett E. Dunham II  
Elmhurst

Ronald C. Fernald  
DeKalb

G. Tanner Girard  
Grafton

Marilyn McFawn  
Inverness

J. Theodore Meyer  
Chicago

Joseph C. Yi  
Park Ridge



SPRINGFIELD OFFICE  
600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
217-524-8500  
Fax 217-524-8508

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Fax 815-753-1970



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## AGENDA APRIL 18, 1996 CHICAGO, ILLINOIS CONFERENCE ROOM 9-040 10:30 a.m.

### Announcements

*The Pollution Control Board welcomes the public to this open meeting. During the meeting itself, only the Board members or staff that are recognized by the Chairman are allowed to speak. If you have any questions about anything that occurred at the meeting, please feel free, after the meeting, to direct your questions to any one of the many staff members in attendance.*

*Appearance of an item on the agenda does not guarantee that the Board will take action on that item, since the Board may decide to hold the item over for additional review and action at a later meeting. Dates of future meetings of the Board appear on the last page of this agenda. Thank you for your interest.*

### Roll Call

### Minutes

April 4, 1996

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## REGULATIONS AND ADJUSTED STANDARDS

R95-17	<u>Safe Drinking Water Act Update, USEPA Amendments (January 1 through June 30, 1995)</u> - Proposal for Public Comment, Proposed Opinion and Order	(RCF)
R96-12	<u>Pretreatment Update, USEPA Regulations (July 1, 1995 through December 31, 1995)</u> - Proposal for Public Comment, Proposed Opinion and Order	(ED)
AS 94-5	<u>Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 218 Subpart RR</u> - Joint Status Report in Response to January 18, 1996 Board Order and Request for Extension of Stay (4/15)	(JTM)
AS 96-7	<u>Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305(b)</u> - Amended Petition in Response to February 15, 1996 Board Order (4/1)	(ED)
AS 96-9	<u>Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code Part 814</u> - (See <b>Petitioner's Request for Waiver of the Requirement to File Ten Copies of Petitioner's Exhibit 13</b> filed (4/1) - Hold for Certificate of Publication - No Order	(RCF)

## DECISIONS

95-175	<u>People of the State of Illinois v. Polymer Color, Inc.</u> - Stipulation	(JTM)
PCB 96-22	<u>Mr. Lew D'Souza and Mrs. Patricia D'Souza v. Mr. Richard Marraccini and Mrs. Joanne Marraccini</u>	(JY)

## ADMINISTRATIVE CITATIONS

AC 96-39     IEPA v. M.K. O'Hara Construction, Inc., Kenneth O'Hara, and Madalyn O'Hara - Default Order

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## MOTIONS

92-131     C.O.A.L (Citizens Opposed to Additional Landfills) v. Laidlaw Waste Systems, Inc. and Perry County Board of Commissioners - Board Order     (GTG)

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94-146     Dorothy L. Hoffman v. City of Columbia, Illinois - Respondent's Motion for Extension of Time to File Brief (4/4)     (JY)

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95-106     People of the State of Illinois v. Claude F. Perry and Martha Perry - Motion for Relief from Hearing Requirement (4/4)     (CAM)

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95-161     S & C Electric Company v. IEPA - Petitioner's Voluntary Motion to Dismiss Petition for Variance (4/8)     (JY)

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## MOTIONS (Cont'd)

- 96-52      Raleigh Realty Corporation v. IEPA - Petitioner's Motion for Summary Judgment, and Motion to File a Reply Brief in the Event the Agency Files a Response to Petitioner's Motion for Summary Judgment (3/11), Agency's Response to Petitioner's Motion for Summary Judgment and Agency's Motion for Summary Judgment, Agency's Motion to File Agency's Response to Petitioner's Motion for Summary Judgment and Agency's Cross-Motion for Summary Judgment in Excess of Fifteen Pages (3/27), Petitioner's Motion to Strike the Agency's Response Brief and Cross-Motion for Summary Judgment, Motion to File a Reply Brief in Excess of 15 Pages in Length, and Petitioner's Reply Brief in Support its Motion for Summary Judgment (4/3), Agency's Motion to Consolidate with PCB 96-102 (4/5), Agency's Response to Petitioner's Motion to Strike the Agency's Response Brief and Cross-Motion for Summary Judgment, Agency's Objection to Petitioner's Motion to File its Reply Brief in Excess of Fifteen Pages and Agency's Motion to Strike the Petitioner's Reply Brief in Support its Motion for Summary Judgment, Agency's Motion to Strike the Petitioner's Motion to Strike the Agency's Response and Cross-Motion for Summary Judgment and any Response filed by the Petitioner in Response to the Agency's Cross-Motion for Summary Judgment, Agency's Request to File Response to Petitioner's Reply Brief, Agency's Motion to File Agency's Response to Petitioner's Reply Brief in Support of its Motion for Summary Judgment in Excess of Fifteen Pages, and Agency's Response to the Petitioner's Reply Brief in Support of its Motion for Summary Judgment (4/12), Petitioner's Motion to Deny the Agency's Motion to Consolidate (4/15) (JTM)
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- 96-53      David and Susi Shelton v. Steven and Nancy Crown - Respondents' Motion to Dismiss the Proceeding and Memorandum in Support of Motion to Dismiss (4/2), Complainants' Response to Respondents' Motion to Dismiss (4/3) (GTG)
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- 96-57      Coles County Landfills (Laidlaw Waste Systems, Inc. v. IEPA - Agency Motion for Extension of Time to File Agency Record (4/12) (CAM)
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**MOTIONS (Cont'd)**

96-64      City of Auburn v. IEPA - Agency Motion to File Record      (RCF)  
Instanter (4/10)

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96-85      The County of Kane, Illinois and Waste Management of Illinois, Inc. v. IEPA - Petitioners' Motion to Reconsider or Clarify February 1, 1996 Opinion and Order (3/6), Agency's Response to Petitioner's Motion to Reconsider or Clarify (3/20), City of Geneva's Response to Petitioner's Motion for Reconsideration or Clarification (3/20), Petitioners' Motion to Strike Geneva's Response to Motion to Reconsider or Clarify (3/28)      (CAM)

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96-102      Kathe's Auto Service Center v. IEPA - Agency's Motion for Summary Judgment (4/5), Petitioner's Cross-Motion for Summary Judgment, Petitioner's Response Brief to the Agency's Motion for Summary Judgment, and Petitioner's Combined Motion to File its Cross-Motion for Summary Judgment and Response Brief in Excess of Fifteen Pages, Stay the Agency's Motion for Summary Judgment, and Adopt the Petitioner's Motion to Deny the Agency's Motion to Consolidate PCB 96-52 with PCB 96-102 (4/15)      (JY)

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96-108      Allied Tube & Conduit Corporation v. IEPA - Agency Motion for waiver of Requirements (4/15)      (McF)

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96-138      Stepan Company v. IEPA - Agency Motion for Extension of Time to File Agency Record (4/12)      (GTG)

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**MOTIONS (Cont'd)**

96-143	<u>People of the State of Illinois v. Michel Grain Company, Inc., d/b/a Michel Fertilizer, and Caryle Michel</u> - Respondents' Motion for Leave to File Instant Motion to Dismiss Complainant's Complaint and Memorandum in Support of Motion to Dismiss (2/6), Complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint and Memorandum in Support of Motion to Dismiss (2/15), Respondents' Reply to Complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint and Respondents' Motion for Leave to File reply to complainant's Objection to Respondents' Motion for Leave to File Instant Motion to Dismiss Complaint (2/27), Complainant's Motion to Strike Respondents' Motion for Leave to File Reply (3/7)	(CAM)
96-158	<u>Frederick Cooper Lamps, Inc. v. IEPA</u> - Agency's Motion for Waiver of Requirements (4/3)	(McF)
96-174	<u>The Knapheide Manufacturing Company v. IEPA</u> - Joint Motion for Extension of Time in Which to File Agency Recommendation (4/5)	(JTM)
96-176	<u>Steve's Mobil Service v. IEPA</u> - Agency Motion for Extension of Time to File Agency Record (4/12)	(RCF)
96-177	<u>Royer Oil Company, Inc. v. IEPA</u> - Agency Motion for Extension of Time to File Agency Record (4/12)	(JY)
96-178	<u>Alexander/Franklin Community Unit School District #1 v. IEPA</u> - Agency Motion for Extension of Time to File Agency Record (4/12)	(GTG)
96-193	<u>W.R. Grace &amp; Company-Connecticut v. IEPA</u> - Agency Motion for Extension of Time in Which to File Agency Recommendation (4/12)	(JTM)

## MOTIONS (Cont'd)

96-194      The D.B. Hess Company, Inc. v. IEPA - Agency's Motion to Dismiss (4/4)      (McF)

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96-211      People of the State of Illinois v. Classic Mold Company, Inc., and Larry Caldrone - Motion to Request Relief from Hearing Requirement (4/4)      (CAM)

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96-212      People of the State of Illinois v. Egyptian Community School District Unit #5 - Motion for Relief from Hearing Requirement (4/8)      (CAM)

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## CASES TO BE SET FOR HEARING AND OTHER CASE PROCESSING ORDERS OR MATTERS

90-215      Spraying Systems Company v. IEPA - Joint Status Report in Response to February 1, 1996 Board Order (4/8)      (ED)

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96-179      Gilbert & Lenda Marshall v. Danny Ligenfelter, individually and as President of Central Illinois Dirt Riders Association - Hold for Duplicitous/Frivolous Determination      (ED)

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96-186      Mr. & Mrs. Don Williams, Mr. & Mrs. Thomas Morris, and Mr. & Mrs. Peter Bizios v. Schaumburg Park District - (See Respondent's Motion to Extend Time to Answer and to delay the Setting of a Hearing filed 4/3) - Hold for Duplicitous/Frivolous Determination      (ED)

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96-206      Anne Shepard, James Verhein and Jerold Leckman v. Northbrook Sports Club - (See Respondent's Motion to Dismiss as Frivolous filed 4/9) - Hold for Duplicitous/Frivolous Determination      (CAM)

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**CASES TO BE SET FOR HEARING AND OTHER  
CASE PROCESSING ORDERS OR MATTERS (Cont'd)**

96-213      Edelstein Water Coop v. IEPA - Hold for Agency  
Recommendation

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96-214      People of the State of Illinois v. Brass Foundry Company, Inc. -  
Hearing Mandatory - No Order

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96-215      Illinois State Toll Highway Authority v. IEPA - Accept for  
Hearing Order

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96-216      Richard Johnson v. IEPA - Joint 90-Day Extension Request      (CAM)  
(4/15)

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96-217      Jewel Food Stores, Inc. v. IEPA - Joint 90-Day Extension      (CAM)  
Request

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**CASES PENDING DECISION**

AS 96-1      Petition of Illinois Power Company (Baldwin Power Plant) for an      (RCF)  
Adjusted Standard from 35 Ill. Adm. Code 302.208 and 35 Ill.  
Adm. Code 304.105 Regarding the Parameter Boron

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PCB 95-150   Marathon Oil Company v. IEPA      (JY)

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PCB 96-154   Village of Oswego v. IEPA (due 5/2)      (McF)

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**ADJOURNMENT**

**LIST OF NEW CASES FILED SINCE MARCH 7, 1996 BOARD MEETING**

96-211	People of the State of Illinois v. Classic Mold Company, Inc., and Larry Caldron
96-212	People of the State of Illinois v. Egyptian Community School District Unit #5
96-213	Edelstein Water Coop v. IEPA
96-214	People of the State of Illinois v. Brass Foundry Company, Inc.
96-215	Illinois State Toll Highway Authority v. IEPA
96-216	Richard Johnson v. IEPA
96-217	Jewel Food Stores, Inc. v. IEPA

**REGULAR BOARD MEETING SCHEDULE FOR THE REMAINDER OF FY 96**

May 2  
May 16

June 6  
June 20

**NOTE: All Board Meetings will be held in Conference Room 9-040 unless otherwise noted**

**REGULAR BOARD MEETING SCHEDULE FOR THE FIRST HALF OF FY97**

July 18

August 1  
August 15

September 5  
September 19

October 3  
October 17

November 7  
November 21

December 5  
December 19

**NOTE: All Board Meeting will be held in Conference Room 9-040 unless otherwise noted**