

**MINUTES OF REGULAR BOARD MEETING  
APRIL 23, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #88-98, IBP, Inc., by a vote of 7-0. (BF)

An Opinion and Order was adopted in #AC 89-224(B), John Vander, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #91-203, Export Packaging, by a vote of 7-0. (MN)

An Order dismissing the proceedings upon Petitioner's motion to dismiss, was adopted in #91-233, L.D. Redmer Screw Products, by a vote of 7-0. (BF)

In R89-14(C), Groundwater Quality Standards, a Proposed Rule, Second First Notice, Proposed Opinion and Order was adopted by a vote of 7-0. (RCF)

Default Orders were adopted in these Administrative Citations by a vote of 7-0: #92-14, Browning Ferris Industries; 92-16, Harold Hillebrenner; 92-17, Robert and Virginia Connelly; 92-18, Lincoln/Logan Landfill, Inc.; 92-19, Lincoln/Logan Landfill, Inc.

Respondent's motion for reconsideration of a January 23, 1992 Board Opinion and Order was denied, and Agency motion for leave to file response instanter was granted in #AC 89-215(A), Omer Thomas, by a vote of 7-0. (BF)

A Supplemental Opinion and Order was adopted in #AS 91-1, Keystone Steel and Wire, by a vote of 7-0. (JA)

An agreed motion to extend the time in which the Petitioner may reply to the Agency's response to its amended petition for adjusted standard, was granted until May 29, 1992, and the hearing shall be scheduled on or before June 29, 1992 and held on or before August 29, 1992 or the petition in #AS 91-6, Dart Container Corporation, will be subject to dismissal. The vote was 7-0. (JCM)

An Order advising the parties that the Board does not believe that holding a public hearing is necessary at this time and that the Board will proceed to decision in the matter, was adopted in #AS 91-7, Sanitary District of Decatur, by a vote of 7-0. (GTG)

By a vote of 7-0, Petitioner's motion to stay proceedings was granted amicus curiae, the 35th District Environmental Task Force's motion for leave to file its response instanter was granted, and the Petitioner was ordered by the Board to file status reports every 90 days. Failure to file these reports, or any indication that there is intentional delay in the review process, will result in further Board action in #89-177, CWM Chemical Services. (JTM)

By a vote of 7-0, Petitioner's motion for reconsideration was granted and upon reconsideration, the Board vacated its April 9, 1992 Order, ordered a stay of the proceedings until August 1, 1992, and directed the parties to file a status report with the Board to be received by the Board no later than August 1, 1992, in ##90-164, -165, Riverside Laboratories, Inc. (MN)

By a vote of 7-0, a joint motion to reconsider and vacate an April 9, 1992 Board Order was granted and the parties were ordered to file a status report to be received by the Board no later than June 15, 1992, in #90-196, Heico Incorporated. B. Forcade concurred. (MN)

By a vote of 7-0, a joint motion to extend the hearing date was granted, the Board reconsidered and vacated its April 9, 1992 Order setting the matter for hearing, directed the parties to submit a status report to be received by the Board no later than June 15, 1992, and if the Petitioner chooses to waive the Board's decision deadline for a suitable period, the hearing officer was authorized to schedule the hearing for the week of August 24, 1992 as requested by the parties in #90-215, Spraying Systems Company. (MN)

An Order granting a stay of proceedings until August 1, 1992, and directing that the parties file an additional status report with the Board to be received by the Board no later than August 1, 1992, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 7-0. (MN)

Agency motion for leave to file recommendation instanter was granted in #91-113, Department of the Army, by a vote of 6-1. J. Theodore Meyer dissented. (BF)

An Order staying the proceedings for 90 days, directing the parties to file another status report with the Board to be received by the Board no later than August 1, 1992, and advising the Agency that it may renew its request, if necessary, for an extension of time in which to file its recommendation, when the next status report is filed, was adopted in #91-176, M & D Flexographic Printers, by a vote of 7-0. (MN)

By a vote of 7-0, the Respondent was directed to provide to the Board, no later than May 18, 1992, copies of the releases for damages which it refers to in its motion to dismiss, and to explain, in the context of the Environmental Protection Act, the relevancy of the releases to the enforcement action before the Board in #91-194, Residents of Cedarville. (JA)

Agency motion to file the record instanter was granted in #91-200, Borden Chemicals & Plastics, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion for leave to amend the petition for hearing was denied as moot in #92-1, Russell L. Bacon, in light of the Board's dismissal of the action. (MN)

An Order accepting the matter for hearing, advising Petitioner that the Board will take its motion for sanctions with the case-in-chief, denying the Agency's motion to dismiss Petitioner's motion for sanctions, and as a result, Petitioner's motion for stay becomes moot, was adopted in #92-23, The Grigoleit Company, by a vote of 7-0. (JA)

A joint motion to allow the filing of status reports in lieu of hearing in #90-214, Quantum Chemical, was ordered held to May 7, 1992 for possible consideration.

Agency motion for summary judgment in #91-202, Sherex Chemical Company, was ordered held to May 7, 1992 for possible consideration.

These cases were discussed and held to May 7, 1992 for further discussion or possible decision: ##90-135, The Grigoleit Company; 90-148, B & M Steel Service Center; 90-149, Straders Logging and Lumber Mill; 91-86, Raymond and Mary Moore; 91-136, Don Bolender 91-223, Waste Hauling; 92-9, Platolene 500, Inc.

These regulatory matters were discussed and held to May 7, 1992 for further discussion or possible decision: R89-15, Underground Injection; R90-1, Toxic Air Contaminants; R92-1, RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Proposal for Public Comment, Proposed Opinion and Order.

In amended petitions these actions were taken by a vote of 7-0: ##AS 92-2, We-Shred-It, Inc., accepted for hearing; 92-23, The Grigoleit Company, **See Motions Agenda.**

In new cases these actions were taken by a vote of 7-0: ##92-27, Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm, **held for duplicitous/frivolous determination**; 92-48, Bruce Nesbitt v. The 100 Bellevue Place Condominium Association, **held for duplicitous/frivolous determination**; 92-54, ESG Watts, Inc. (Andalusia/Watts Landfill) v. EPA, accepted for hearing, **Order by B. Forcade**; 92-55, Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois, Intergovernmental Solid Waste Disposal Association, XL Disposal Corporation, J.M. Jones, Company and Duke and Associates, accepted for hearing, **Order by B. Forcade**; 92-56, Laraway Recycling and Disposal Facility v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-57, City of Wood River v. EPA, provisional variance granted, **Order by J.C. Marlin**; 92-58, City of Lincoln v. EPA, provisional variance granted, **Order by J.C. Marlin.**

These Administrative Citations were accepted by the Board:

##92-26, County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc.; 92-27, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-28, Logan County Health Department v. Lincoln/Logan Landfill, Inc.; 92-29, County of Ogle v. Richard Haan, Jr.; 92-30, Sangamon County v. The Illinois National Bank of Springfield, a/k/a First of America Trust Company as Trust Number 894-6418-002, and Ray Landers; 92-31, St. Clair County v. City of Centreville.

This new Adjusted Standard was filed with the Board and was ordered held to May 7, 1992 for possible consideration: #AS 92-3, Jefferson Smurfit Corporation.

Minutes of the April 9, 1992 Board Meeting were approved by a vote of 7-0.

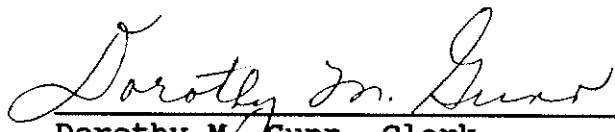
Minutes of the April 16, 1992 Special Board Meeting were approved by a vote of 4-0. Drs. G. Tanner Girard, R.C. Flemal and J.C. Marlin abstained.

An Order directing the parties to file another status report with the Board to be received by the Board no later than 60 days from the date of the entry of the Order in the event no settlement agreement has been previously filed, was adopted in #90-161, Columbia Quarry Company, by a vote of 7-0. (MN)

A provisional variance was granted in new case #92-59, City of Charleston v. EPA, by a vote of 7-0. (JCM)

All other matters not disposed of as listed were ordered held to May 7, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 5th day of May, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
APRIL 23, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

MOTIONS:

90-161     Columbia Quarry Company - Status Report in  
            response to February 6, 1992 Board Order  
            (4/10) (MN)

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NEW CASES:

92-59     City of Charleston v. EPA (Provisional  
            Variance) (JCM)

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**FINAL AGENDA**  
**APRIL 23, 1992 CHICAGO, ILLINOIS**  
**CONFERENCE ROOM 9-040**  
**10:30 A.M.**

**DECISIONS:**

	88-98	IBP, Inc. (BF)	_____
AC	89-215 (B)	Omer Thomas (BF)	_____
AC	89-224 (B)	John Vander (MN)	_____
	90-200	Vito Zivoli (JCM)	_____
AC	91-31 (A & B)	Randall Loveless (JCM)	_____
*	91-203	Export Packaging (MN) (due)	_____
*	91-233	L.D. Redmer Screw Products (BF) (due)	_____
	R89-14 (C)	Groundwater Quality Standards, Proposed Rule, Second First Notice, Proposed Opinion and Order (RCF)	_____

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**AC DECISIONS:**

92-14	Browning Ferris Industries	_____
92-16	Harold Hillebrenner	_____
92-17	Robert & Virginia Connelly	_____
92-18	Lincoln/Logan Landfill, Inc.	_____
92-19	Lincoln/Logan Landfill, Inc.	_____

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**\* INDICATES VARIANCE OR PERMIT APPEAL**

**MOTIONS:**

- AC 89-215 (A) Omer Thomas - Respondent's motion for reconsideration of January 23, 1992 Opinion and Order (2/27), Agency motion for leave to file instanter statement of costs and response in opposition to Respondent's motion for reconsideration (3/23), Respondent's motion to file reply instanter (3/26), Respondent's objection to affidavit of costs (4/6) (BF)
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- AC 91-32 Rochelle Disposal Services - Respondent's motion to strike and dismiss (4/7), Complainant's motion to strike and dismiss Respondent's motion to strike and dismiss (4/15), motion and argument for summary judgment by Rochelle Disposal Service (4/15), Complainant's response to Respondent's motion and argument for summary judgment (4/22) (JCM)
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- AC 91-45 Rochelle Disposal Service - Respondent's motion for leave to file instanter a motion to dismiss (4/6), Repondent's motion for leave to supplement instanter prior motion to dismiss (4/8), Complainant's motion to strike and dismiss Respondent's motion to strike and dismiss (4/9), Complainant's motion to strike and dismiss Respondent's motion for leave to file instanter (4/15), motion for permission to reply to Complainant's motion to strike and dismiss Respondent's motion (4/15), Complainant's response to Respondent's motion and argument for summary judgment (4/22) (Note: the Respondent did not file a motion and argument for summary judgment in this case)
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- AS 91-1 Keystone Steel and Wire - Petitioner's motion for modification of February 6, 1992 opinion and order (3/12), Agency response to Petitioner's motion for modification (3/27), Petitioner's motion for leave to file and reply (4/7) (JA)
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- AS 91-6 Dart Container Corporation - agreed motion to extend the time in which Petitioner may reply to the Agency's response to amended petition for adjusted standard (4/10) (JCM)
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**MOTIONS: (Cont'd)**

- AS 91-7      Sanitary District of Decatur - Board Order (GTG)
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- 89-177      CWM Chemical Services - Petitioner's motion to stay proceedings (3/23), Respondents' response to Petitioner's motion to stay proceedings (4/13), motion for leave to file response of 35th District Environmental Task Force Instanter (4/16) (JTM)
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- 90-164      Riverside Laboratories - Petitioner's motion to reconsider April 9, 1992 Board Order (4/15) (MN)
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- 90-165      Riverside Laboratories - Petitioner's motion to reconsider April 9, 1992 Board Order (4/15) (MN)
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- 90-189      Modine Manufacturing Company - Petitioner's status report in response to February 6, 1992 Board Order (4/3)
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- 90-196      Heico Incorporated - joint motion to reconsider and joint motion to vacate April 9, 1992 Board Order (4/16) (MN)
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- 90-214      Quantum Chemical - joint motion to allow the filing of status reports in lieu of hearing (4/20)
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- 90-215      Spraying Systems Company - joint motion to extend hearing date (4/20)
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- 91-53      Enamelers and Japanners - Status Report in response to April 9, 1992 Board Order (4/21)
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- 91-84      Indian Refining Limited Partnership - joint status report in response to January 9, 1992 Board Order and agreed motion for stay of proceedings (4/10)
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- 91-113      Department of the Army - Agency motion for leave to file Recommendation Instanter (4/17) (BF)
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**MOTIONS: (Cont'd)**

- 91-176     M & D Flexographic Printers - Agency status report  
in response to February 6, 1992 Board Order
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- 91-194     Residents of Cedarville - Respondent's motion to  
dismiss (3/27)
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- 91-200     Borden Chemicals & Plastics - Agency motion for  
leave to file answer instanter (4/20)
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- 91-202     Sherex Chemical Company - Agency motion for summary  
judgment (4/20)
- 
- 92-1        Russell L. Bacon - Petitioner's motion for leave to  
amend the petition for hearing (4/16), Agency  
response in opposition to Petitioner's motion to  
amend their petition (4/20) (MN)
- 
- 92-23       The Grigoleit Company - Petitioner's third motion  
for sanctions and other relief (2/11), Petitioner's  
motion for stay (2/11), Agency motion to dismiss  
Petitioner's motion for sanctions and other relief  
(3/5), Petitioner's response to Agency motion to  
dismiss Petitioner's third motion for sanctions and  
other relief (3/13) (See aslo Amended Petitions) (JA)
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- 92-42       Burwell Oil Service - Petitioner's motion to  
supplement record (4/9)
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**DISCUSSIONS:**

- 90-135     The Grigoleit Company (JA)
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- 90-148     B & M Steel Service Center (GTG)
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- 90-149     Straders Logging & Lumber Mill (GTG)
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- \* 91-86     Raymond & Mary Moore (JA) (due 9/3)
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- 91-136     Don Bolender (JA)
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**DISCUSSIONS: (Cont'd)**

- \* 91-223 Waste Hauling (JTM) (due 5/7)\_\_\_\_\_
  - \* 92-9 Platolene 500, Inc. (BF) (due 5/7)\_\_\_\_\_
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**REGULATORY DISCUSSIONS:**

- R89-15 Underground Injection (MN)\_\_\_\_\_
  - R90-1 Toxic Air Contaminants List, Proposed Rule, Second Notice, Opinion and Order (JCM)  
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  - R92-1 RCRA Update, USEPA Regulations (July 1, 1991 through December 31, 1991), Proposal for Public Comment, Proposed Opinion and Order (JA)  
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**AMENDED PETITIONS:**

- AS 92-2 We-Shred-It (filed 4/10)\_\_\_\_\_
  - 92-23 The Grigoleit Company (filed 4/15) (See also Motions) (JA)  
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**NEW CASES:**

- 92-27 Richard J. Pecka and Janice M. Pecka v. Skylarks Remote Control Airplane Club and John Crown, Golden Oaks Farm, Respondent John Crown's motion to strike and dismiss complaint (3/2), Skylarks Remote Control Airplane Club's answer to formal complaint (3/12), Complainants' rebuttal to answer to formal complaint (3/23), Complainants' response to threshold issue (4/9), Skylarks Remote Control Airplane Club's motion to extend time to file response (4/16), Respondent Skylarks Remote Control Airplane Club's response to March 26, 1992 Board Order (4/20), Respondent John Crown (Golden Oaks Farm) Memorandum in response to March 26, 1992 Board Order (4/21)\_\_\_\_\_

**NEW CASES: (Cont'd)**

- 92-48      Bruce Nesbitt v. The 100 Bellevue Place Condominium Association (See also Respondent's motion to dismiss filed 4/9; Complainant's motion for leave to file opposition to Respondent's motion to dismiss on or before April 22, 1992 filed 4/16 and Complainant's Memorandum in opposition to Respondent's motion to dismiss filed 4/22)
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- 92-54      ESG Watts, Inc. (Andalusia/Watts Landfill) v. EPA (BF)
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- 92-55      Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois, Intergovernmental Solid Waste Disposal Association, XL Disposal Corporation, J.M. Jones, Company and Duke and Associates (See also cross-appeal from ruling of hearing officer filed 4/20) (BF)
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- 92-56      Laraway Recycling and Disposal Facility v. EPA (Provisional Variance) (JCM)
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- 92-57      City of Wood River v. EPA (Provisional Variance) (JCM)
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- 92-58      City of Lincoln v. EPA (Provisional Variance) (JCM)
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- AC    92-26      County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. (See also Complainant's motion for leave to amend caption of Administrative Citation filed 4/6; Petition for Review, motion to strike and dismiss filed by Rochelle Disposal Service 4/15 and Complainant's response to Respondent's motion to strike and dismiss filed 4/22)
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- AC    92-27      Logan County Health Department v. Lincoln/Logan Landfill, Inc.
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- AC    92-28      Logan County Health Department v. Lincoln/Logan Landfill, Inc.
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- AC    92-29      County of Ogle v. Richard Haan, Jr.
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**NEW CASES:** (Cont'd)

AC 92-30 Sangamon County v. The Illinois National Bank of  
Springfield, a/k/a First of America Trust Company  
as Trust Number 894-6418-002, and Ray Landers

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AC 92-31 St. Clair County v. City of Centreville\_\_\_\_\_

AS 92-3 Jefferson Smurfit Corporation\_\_\_\_\_

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**MINUTES:**

April 9, 1992 \_\_\_\_\_

April 16, 1992 (Special Board Meeting)\_\_\_\_\_

PENDING CASES ASSIGNED:

	85-140	Citizens Utilities Company (MN)
*	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)
	86-161	Elizabeth Street Foundry (RCF)
*	88-193	General Motors (BF) (open waiver)
	89-44)	Moline Corporation (BF)
	89-87)	
*	89-171	Pekin Energy Company (MN) (open waiver)
*	89-177	CWM Chemical Services (JTM) (open waiver)
*	90-31	R. Lavin & Sons, Inc. (RCF) (due 12/17)
	90-53	Industrial Fuels (Appellate Court Remand) (JA)
	90-108	Joseph B. & Pamela J. Stratton (JTM)
	90-135	The Grigoleit Company (JA)
*	90-143	Ohio Grain Company (GTG) (open waiver)
	90-146	Village of Matteson (BF)
	90-170	Goose Lake Association (JA)
	90-182	Ronald E. & Susan Tex (MN)
AS	91-3	Peoria Disposal (MN)
AS	91-7	Sanitary District of Decatur (GTG)
AS	91-9	City of East Moline (RCF) (due 9/3)
AS	91-10	Cabot Corporation (JA)
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 8/13)
*	91-17	B.F. Goodrich Corporation (RCF) (due 8/13)
	91-30	Susan Curtis & Marcy Diesing (JCM)
AC	91-31	Randall Loveless (JCM)
AC	91-34	William S. Popejoy (JTM)
*	91-75	Community Consol. School Dist. No. 15 (BF) (open waiver)
*	91-83	Village of Lincolnwood (MN) (open waiver)
*	91-113	Dept. of the Army (BF) (open waiver)
*	91-118	City of Braidwood (MN) (due 5/21)
	91-153	Clyde R. Dace (JA)
	91-157	The Grigoleit Company (JA)
	91-193	Park Crematory, Inc. (JCM)
*	91-205	Fred & Cynthia Strube (BF) (due 5/21)
*	91-237	Laidlaw Environmental Services (RCF) (due 6/25)
*	91-238	Laidlaw Environmental Services (RCF) (due 6/25)
*	91-243	Smith Oil Company of Kankakee (GTG) (due 7/30)
*	91-256	Gallatin National Company (JA) (due 6/4)
*	91-260	Capital Asset Corporation (BF) (due 7/9)
*	92-10	Kelly Williamson Company (BF) (due 6/4)
*	92-18	Village of Glasford (JTM) (due 5/21)
*	92-23	The Grigoleit Company (JA) (due 6/4)
*	92-25	Land and Lakes Company (MN) (due 6/4)
*	92-31	City of Roodhouse (JA) (due 6/4)
	92-37	ARO Ready Mix (JCM)