

ILLINOIS POLLUTION CONTROL BOARD

MEETING MINUTES



JUNE 3, 1999 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.

ANNOUNCEMENTS

Chairman Manning welcomed members of the public and staff to the meeting.

ROLL CALL

The Clerk of the Board called the roll. All Board Members were present.

APPROVAL OF MINUTES

Minutes of the May 20, 1999 meeting were approved by a vote of 7-0.

RULEMAKINGS

| | | |
|---------------|---|----------------|
| R99-8 | <u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - No action taken.</u> | R, Water |
| R99-18 | <u>In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 - The Board denied the Illinois Environmental Protection Agency's motion to strike the supplementary comments of National Oil Recyclers Association and Lenz Oil.</u> | 7-0 R, Land |

ADJUDICATORY CASES (CONTINUED)

ADMINISTRATIVE CITATIONS

AC 99-46 County of LaSalle v. Knights of the Altar, International c/o Joe DeSilvestro - The Board accepted an administrative citation against this LaSalle County respondent.

AC 99-47 IEPA v. City of Sesser - The Board accepted an administrative citation against this Franklin County respondent.

AC 99-48 IEPA v. Rodney Wynn - The Board accepted an administrative citation against this Marion County respondent.

AC 99-49 IEPA v. American Disposal Services of Illinois, Inc. - The Board accepted an administrative citation against this Livingston County respondent.

AC 99-50 IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - The Board accepted an administrative citation against these Livingston County respondents.

ADJUDICATORY CASES

Provisional Variances

PCB 99-179 Oakbrook Maintenance Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this DuPage County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). 7-0
RCRA-V

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters

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|------------|--|---------------------------|
| PCB 95-119 | <u>West Suburban Recycling and Energy Center v. IEPA</u> - The Board ordered the Illinois Environmental Protection Agency to issue air and land permits to the petitioner consistent with the Illinois Appellate Court First District mandate issued May 13, 1999, in <u>West Suburban Recycling and Energy Center, L.P. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board</u> , 1-96-3923, 1-96-4399 (consolidated), slip op. (1st Dist. November 16, 1998). | 7-0 P-A, L&A |
| PCB 95-125 | | |
| PCB 96-164 | <u>CGE Ford Heights, L.L.C. v. IEPA</u> - No action taken. | T-C, Appeal |
| PCB 96-242 | <u>American Roofing & Repair Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility. | 7-0 UST-FRD |
| PCB 97-103 | <u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - No action taken. | L&W-E |
| PCB 97-147 | <u>People of the State of Illinois v. J.D. Plating Works, Inc.</u> - The Board granted respondent's motion for extension of time to file a response to the motion for summary judgment. | 7-0 RCRA, W-E |
| PCB 99-122 | <u>Central C&D Recycling, Inc. v. IEPA</u> - No action taken. | P-A, Land |
| PCB 99-142 | <u>American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners</u> - The Board found that the allegations in this matter were not duplicitous or frivolous, denied respondent's motion to dismiss and accepted this citizen's Resource Conservation Recovery Act enforcement action involving a Cook County facility for hearing. | 7-0 RCRA-E Citizens |

ADJUDICATORY CASES (CONTINUED)

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| PCB 99-145 | <u>Hobert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold</u> - The Board found that the allegations in this matter were not duplicitous, dismissed the alleged violation of Section 23 of the Illinois Environmental Protection Act (Act) (415 ILCS 5/23) as frivolous, denied respondent's motion to dismiss, and accepted this citizen's noise enforcement action involving a Cook County facility for hearing. The complainants were ordered to file an amended complaint with the Clerk of the Board by June 25, 1999. | 7-0 N-E, Citizens |
| PCB 99-151 | <u>Land-O-Sun Dairies, L.L.C. v. IEPA</u> - The Board granted petitioner's motion for admission <i>pro hac vice</i> . | 7-0 P-A, Water |
| PCB 99-159 | <u>Mater Dei High School v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Clinton County facility. | 7-0 UST-Appeal 90-Day Ext. |
| PCB 99-161 | <u>Village of Dorchester, Illinois v. IEPA</u> - The Board held for the Illinois Environmental Protection Agency recommendation this petition for a public water supply variance involving a Macoupin County facility. | PWS-V |
| PCB 99-162 | <u>Kelly-Mac Partners v. Robertson-CECO Corporation</u> - The Board held for a later duplicitous/frivolous determination this citizens' underground storage tank enforcement action involving a Cook County facility. | UST-E, Citizens |
| PCB 99-164 | <u>Ayers Oil Company v. IEPA</u> - No action taken. | UST-FRD 90-Day Ext. |
| PCB 99-167 | <u>Vonco Products, Inc. v. IEPA</u> - The Board accepted for hearing this air variance request involving a Lake County facility. | 7-0 A-V |

ADJUDICATORY CASES (CONTINUED)

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| PCB 99-170 | <u>Bema Film Systems, Inc. v. IEPA</u> - The Board accepted for hearing this air variance request involving a DuPage County facility. | 7-0 A-V |
| PCB 99-171 | <u>Harbor Motors v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility. | 7-0 UST-FRD 90-Day Ext. |
| PCB 99-172 | <u>Remote Services, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a McLean County facility. | 7-0 UST-FRD 90-Day Ext. |
| PCB 99-173 | <u>Z-Frank Oldsmobile, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility. | 7-0 UST-Appeal 90-Day Ext. |
| PCB 99-174 | <u>Village of Oak Lawn v. IEPA</u> - The Board dismissed this request for a 90-day extension as moot because on May 25, 1999, the Board received petitioner's petition for review, which was docketed as PCB 99-177. | 7-0 UST-FRD 90-Day Ext. |
| PCB 99-175 | <u>Prairie Central Co-Op v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Livingston County facility. | 7-0 UST-FRD 90-Day Ext. |
| PCB 99-176 | <u>C&J Auto Parts, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility. | 7-0 UST-Appeal 90-Day Ext. |
| PCB 99-177 | <u>Village of Oak Lawn v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. | 7-0 UST-FRD |

ADJUDICATORY CASES (CONTINUED)

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| PCB 99-178 | <u>Stahly Cartage Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility. | 6-1 Girard dissented UST-FRD |
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CASES PENDING DECISION

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| R99-14 | <u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - Proposed Rule, Dismissal Order | Girard R, Land |
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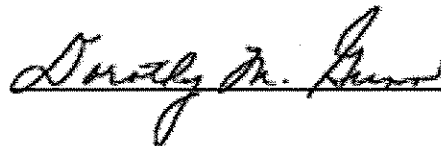
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| R99-15 | <u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1998 through December 31, 1998)</u> - Adopted Rule, Final Order, Opinion and Order | Kezelis R, Land |
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| PCB 98-2 | <u>ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County Board</u> (due 7/30) | Hennessey P-C-F-S-R |
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ADJOURNMENT

Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 10:50 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, hereby certify that the above minutes were approved this 17th day of June 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

MEETING AGENDA



JUNE 3, 1999 CHICAGO OFFICE
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. Thank you for your interest.

ROLL CALL

APPROVAL OF MINUTES

May 20, 1999

RULEMAKINGS

| | | |
|--------------|---|--|
| R99-8 | <u>In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141 - Proposed Rule, Second Notice, Opinion and Order</u> | Girard Manning Melas R, Water |
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RULEMAKINGS (CONTINUED)

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| R99-18 | <u>In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809 - Agency Motion to Strike Supplementary Comments of National Oil Recyclers Association and Lenz Oil (5/13)</u> | Melas R, Land |
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ADJUSTED STANDARDS

ADMINISTRATIVE CITATIONS

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| AC 99-46 | <u>County of LaSalle v. Knights of the Altar, International c/o Joe DeSilvestro - Accept Case - No Order</u> | Manning |
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| AC 99-47 | <u>IEPA v. City of Sesser - Accept Case - No Order</u> | Manning |
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| AC 99-48 | <u>IEPA v. Rodney Wynn - Accept Case - No Order</u> | Manning |
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| AC 99-49 | <u>IEPA v. American Disposal Services of Illinois, Inc. - Accept Case - No Order</u> | Manning |
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| AC 99-50 | <u>IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - Accept Case - No Order</u> | Manning |
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ADJUDICATORY CASES

Decisions

Provisional Variances

Since the Board must decide provisional variances within forty-eight hours of their filing, any provisional variances filed prior to this meeting will be included here.

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| PCB 99-179 | <u>Oakbrook Maintenance Company v. IEPA - Provisional Variance</u> | Manning RCRA |
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ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters

Additional motions on the following cases filed prior to this meeting may be included here.

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|-------------------|---|------------------------|
| PCB 95-119 | <u>West Suburban Recycling and Energy Center v. IEPA</u> - Remand Order | Flemal P-A, L&A |
| PCB 95-125 | | |
| PCB 96-164 | <u>CGE Ford Heights, L.L.C. v. IEPA</u> - Agency Motion to Dismiss (3/18), Petitioner's Motion to File Instantly its Answer to the Agency's Motion to Dismiss (5/3) | Manning T-C, Appeal |
| PCB 96-242 | <u>American Roofing & Repair Company v. IEPA</u> - Petitioner's Motion to Dismiss Petition (5/26) | Flemal UST-FRD |
| PCB 97-103 | <u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&S Petroleum Products, Peter Anest, an individual f/d/b/a S&S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Millstream Service, Inc.</u> - Third Party Respondents William Anest and Peter Anest's Motion to Dismiss and Memorandum in Support of Motion to Dismiss (4/8), Respondents Charles and Josephine Abraham and Millstream Service, Inc.'s Response to Third Party Respondents William and Peter Anest's Motion to Dismiss the First Amended Cross-Complaint (5/10), Respondents William and Peter Anest's Motion for Leave to File Reply to Response to Motion to Dismiss Instantly (5/24) | Manning L&W-E |
| PCB 97-147 | <u>People of the State of Illinois v. J.D. Plating Works, Inc.</u> - Complainant's Motion for Summary Judgment (5/3), Respondent's Motion for Extension of Time to File a Response to Motion for Summary Judgment (5/18) | Melas RCRA, W-E |
| PCB 99-122 | <u>Central C&D Recycling, Inc. v. IEPA</u> - Petitioner's Motion for Sanctions (5/13), Agency Motion for Leave to File Administrative Record Instantly (5/24), Agency Motion to Strike and Alternative Response to Petitioner's Motion for Sanctions (5/26) | Hennessey P-A, Land |

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

| | | |
|------------|---|--------------------------------------|
| PCB 99-142 | <u>American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners - (See Respondent's Motion to Dismiss filed 5/13 and Complainant's Response to Motion to Dismiss filed 5/19)</u> Duplicitous/Frivolous Determination Order | Girard RCRA-E Citizens |
| PCB 99-145 | <u>Hobert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold - (See also Respondent's Motion to Dismiss filed 4/8) -</u> Duplicitous/Frivolous Determination Order | McFawn N-E, Citizens |
| PCB 99-151 | <u>Land-O-Sun Dairies, L.L.C. v. IEPA - Petitioner's Motion for Admission Pro Hac Vice for Ronald R. Stuff (5/20)</u> | Melas P-A, Water |
| PCB 99-159 | <u>Mater Dei High School v. IEPA - Joint Request for 90-Day Extension of Appeal Period (5/6) - Order</u> | Manning UST-Appeal 90-Day Ext. |
| PCB 99-161 | <u>Village of Dorchester, Illinois v. IEPA - Hold for Agency Recommendation - No Order</u> | Flemal PWS-V |
| PCB 99-162 | <u>Kelly-Mac Partners v. Robertson-CECO Corporation - (See Motion for Admission Pro Hac Vice on Behalf of Respondent filed 5/26 and Complainant's Stipulation of Extension of Time filed 5/28) - Awaiting Duplicitous/Frivolous Determination</u> | Kezelis UST-E, Citizens |
| PCB 99-164 | <u>Ayers Oil Company v. IEPA - Petitioner's Request for 90-Day Extension of Appeal Period (5/14) - Awaiting Agency Notification</u> | UST-FRD 90-Day Ext. |
| PCB 99-167 | <u>Vonco Products, Inc. v. IEPA - Accept for Hearing Order</u> | Girard A-V |

ADJUDICATORY CASES (CONTINUED)

Motions and Other Matters (Continued)

| | | |
|-------------------|--|--------------------------------------|
| PCB 99-170 | <u>Bema Film Systems, Inc. v. IEPA</u> - Accept for Hearing Order | Kezelis A-V |
| PCB 99-171 | <u>Harbor Motors v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/20) - Order | Manning UST-FRD 90-Day Ext. |
| PCB 99-172 | <u>Remote Services, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/20) - Order | Manning UST-FRD 90-Day Ext. |
| PCB 99-173 | <u>Z-Frank Oldsmobile, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/24) - Order | Manning UST-Appeal 90-Day Ext. |
| PCB 99-174 | <u>Village of Oak Lawn v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/24) - Order | Manning UST-FRD 90-Day Ext. |
| PCB 99-175 | <u>Prairie Central Co-Op v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/25) - Order | Manning UST-FRD 90-Day Ext. |
| PCB 99-176 | <u>C&J Auto Parts, Inc. v. IEPA</u> - Joint Request for 90-Day Extension of Appeal Period (5/25) - Order | Manning UST-Appeal 90-Day Ext. |
| PCB 99-177 | <u>Village of Oak Lawn v. IEPA</u> - Accept for Hearing Order | Manning UST-FRD |
| PCB 99-178 | <u>Stahly Cartage Company v. IEPA</u> - Accept for Hearing Order | Manning UST-FRD |

CASES PENDING DECISION

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|---------------|--|-------------------|
| R99-14 | <u>In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Proposed Rule, Dismissal Order</u> | Girard R, Land |
|---------------|--|-------------------|

| | | |
|---------------|---|--------------------|
| R99-15 | <u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - Adopted Rule, Final Order, Opinion and Order</u> | Kezelis R, Land |
|---------------|---|--------------------|

| | | |
|-----------------|---|------------------------|
| PCB 98-2 | <u>ESG Watts, Inc. (Sangamon Valley Landfill) v. Sangamon County Board (due 7/30)</u> | Hennessey P-C-F-S-R |
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OTHER ITEMS

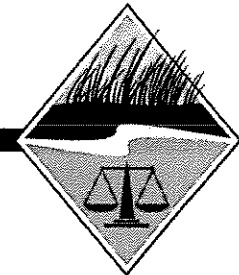
ADJOURNMENT

CASE TYPE CODES:

| | | | |
|-------|--|-----------------|--|
| 3d P | Third Party Action | A-C | Administrative Citation |
| A-E | Air Enforcement | A-S | Adjusted Standard |
| A-V | Air Variance | CSO | Combined Sewer Overflow Exception |
| GW | Groundwater | HW Delist | RCRA Hazardous Waste Delisting |
| L-E | Land Enforcement | L-S-R | Landfill Siting Review |
| L-V | Land Variance | MW | Medical Waste (Biological Materials) |
| N-E | Noise Enforcement | N-V | Noise Variance |
| P-A | Permit Appeal | PWS-E | Public Water Supply Enforcement |
| PWS-V | Public Water Supply Variance | R | Regulatory Proceeding |
| RCRA | Resource Conservation and Recovery Act proceeding (hazardous waste only) | S0 ₂ | S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f)) |
| SWH-E | Special Waste Hauling Enforcement | SWH-V | Special Waste Hauling Variance |
| T | Thermal Demonstration Rule | T-C | Tax Certifications |
| T-S | Trade Secrets | UST-Appeal | Underground Storage Tank Corrective Action Appeal |
| UST-E | Underground Storage Tank Enforcement | UST-FRD | Underground Storage Tank Fund Reimbursement Determination |
| W-E | Water Enforcement | W-V | Water Variance |
| WWS | Water-Well Setback Exception | | |

ILLINOIS POLLUTION CONTROL BOARD

NEW CASE LISTING



NEW CASES FILED SINCE MAY 20, 1999 BOARD MEETING

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|------------|--|
| AC 99-46 | County of LaSalle v. Knights of the Altar, International c/o Joe DeSilvestro |
| AC 99-47 | IEPA v. City of Sesser |
| AC 99-48 | IEPA v. Rodney Wynn |
| AC 99-49 | IEPA v. American Disposal Services of Illinois, Inc. |
| AC 99-50 | IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb |
| PCB 99-167 | Vonco Products, Inc. v. IEPA |
| PCB 99-170 | Bema Film Systems, Inc. v. IEPA |
| PCB 99-171 | Harbor Motors v. IEPA |
| PCB 99-172 | Remote Services, Inc. v. IEPA |
| PCB 99-173 | Z-Frank Oldsmobile, Inc. v. IEPA |
| PCB 99-174 | Village of Oak Lawn v. IEPA |
| PCB 99-175 | Prairie Central Co-Op v. IEPA |
| PCB 99-176 | C&J Auto Parts, Inc. v. IEPA |
| PCB 99-177 | Village of Oak Lawn v. IEPA |
| PCB 99-178 | Stahly Cartage Company v. IEPA |
| PCB 99-179 | Oakbrook Maintenance Company v. IEPA |

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1999

| | |
|--------------|--------------|
| May 6 * | September 9 |
| May 20 | September 23 |
| June 3 | October 7 ** |
| June 17 | October 21 |
| July 8 | November 4 * |
| July 22 | November 18 |
| August 5 *** | December 2 |
| August 19 * | December 16 |

- * These Board Meetings will be in the Board's Springfield Office
600 S. Second Street, Suite 403, Hearing Room
- ** This Board Meeting will be in Conference Room 2-025. All other
Board Meetings in Chicago will be in Conference Room 9-040
- *** This Board Meeting will be in Room N-505 at the State of Illinois
Building, 160 N. LaSalle Street