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ILLINOIS POLLUTION CONTROL BOARD

**MINUTES OF REGULAR BOARD MEETING
MARCH 25, 1993 CHICAGO, ILLINOIS**

After calling the meeting to order, Chairman Marlin announced that this would be Board Assistant, Karen Rosenwinkel's, last Board meeting prior to her resignation, and recognized the presence of the Fox River Valley Group's attendance at the meeting. All Board Members were present save M. Nardulli who is ill.

An Opinion and Order was adopted in #AS 92-6, C.J. Goodall Tire Company, by a vote of 6-0. (GTG)

An Opinion and Order was adopted in #AC 92-41(Dockets A & B), Lakewood Homes & Development Company, Inc., by a vote of 6-0. (BF)

An Opinion and Order was adopted in #AC 92-51 (Docket B), John and Nina McCullum, by a vote of 6-0. (JCM)

An Opinion and Order was adopted in #AC 92-78 (Dockets A & B), Philip Pennington, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #92-179, Cabot Corporation, by a vote of 6-0. (GTG)

An Opinion and Order was adopted in ##92-198, -201, Village of McCook, by a vote of 6-0. (JTM)

In R91-20, Potentially Infectious Medical Waste, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 6-0. (RCF)

In R92-18, Contingency Plan Update (USEPA Rules through December 31, 1992), an extension of time Order was adopted by a vote of 6-0. (JA)

In R93-9, Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Non-attainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218 and 219, a Proposed Rule, First Notice, Opinion and Order was adopted by a vote of 6-0. (BF)

A Default Order was adopted in this Administrative Citation by a vote of 6-0: #93-5, Julius Corsini.

By a vote of 6-0, Complainant's motion to dismiss Respondents Charles and Nancy Fuchs was granted, and unless already paid, Respondents Troy and Judith Curley, were ordered to pay a penalty of \$500.00 within one year of the date of the entry of the Order, in #AC 92-32, Charles and Nancy Fuchs. (JTM)

An Order staying the proceedings until April 26, 1993, and directing the Petitioner to file a status report with the Board on or before April 26, 1993, was adopted in #AS 88-2, Stepan Company, by a vote of 6-0. (JCM)

Petitioner's motion for rehearing and/or reconsideration and motion for leave to file a supplement to its motion for rehearing and/or reconsideration, was denied in #AS 91-3, Peoria Disposal Company, by a vote of 6-0. (JA)

An Order granting the parties' motion for stay, as well as the Agency's motion for an extension of time to file its response, and directing the parties to file an updated status report, and the Agency to file its response to the petition on or before October 1, 1993, was adopted in #AS 92-1, Stiffel Company, by a vote of 6-0. (JCM)

Petitioner's motion to withdraw was granted in #AS 92-9, Conversion Systems, Inc., by a vote of 6-0. (JA)

An Order requesting the Petitioner to file an amended petition on or before May 31, 1993, or the matter may be subject to dismissal, was adopted in #93-1, Quantum Chemical Corporation, by a vote of 6-0. (JCM)

An Order denying the Agency's motion to dismiss and Petitioner's motion to vacate closure plan approval and remand consideration of the pending permit modification or other relief, granting the Petitioner's motion for leave to file a reply to the Agency's response, granting the Petitioner's motion for stay until July 23, 1993, in the hope that the parties will come to an agreement and be able to dismiss the appeal, advising the parties that if an agreement cannot be reached the case will be set for hearing, and directing the parties to file a status report with the Board on or before June 1, 1993, was adopted in #89-30, Olin Corporation, by a vote of 6-0. J. Anderson concurred. (JCM)

An Order granting the Petitioner's motion to continue, and directing the parties to file status reports to be received by the Board no later than May 3, 1993, was adopted in #90-135, The Grigoleit Company, by a vote of 6-0. (JA)

An Order granting Respondent, World Music Theatre's, motion for reconsideration, and upon reconsideration, reaffirming the Board's February 25, 1993 Opinion and Order, was adopted in #90-146, Village of Matteson, by a vote of 6-0. (BF)

Board Member J. Theodore Meyer presented a draft Order in #91-53, Enamelers & Japanners. Motion to amend by J. Anderson and seconded by R.C. Flemal, carried by a vote of 5-1, with J. Anderson, R.C. Flemal, B. Forcade, G. Tanner Girard, and J.C. Marlin for it and

J. Theodore Meyer against it. The Order was then adopted by a vote of 5-1. J. Theodore Meyer dissented. (JA)

Petitioner's motion to dismiss was granted in #91-56, Douglas Furniture, by a vote of 5-0. B. Forcade abstained. (JA)

Petitioner's motion to dismiss was granted in #91-71, Douglas Furniture, by a vote of 5-0. B. Forcade abstained. (JA)

An Order directing the parties to provide written status reports to be received by the Board no later than May 21, 1993, was adopted in #91-84, Indian Refining Limited Partnership, by a vote of 5-0. B. Forcade abstained. (RCF)

An Order directing the parties to file another status report on or before April 26, 1993, was adopted in #91-94, Safety-Kleen Corporation, by a vote of 6-0. (JCM)

An Order accepting the status report, granting the motion to continue, and directing the parties to file status reports to be received by the Board no later than May 3, 1993, was adopted in #91-157, The Grigoleit Company, by a vote of 6-0. (JA)

An Order denying the Petitioner's motion to continue, advising the parties that the Board will reconsider this ruling provided that the Petitioner provides a waiver of the June 30, 1993 decision deadline, which shall be received by the Board no later than April 8, 1993, and further advising the Petitioner, that if it chooses not to provide a waiver, it shall inform the Hearing Officer by April 10, 1993, whether or not it wishes to proceed to hearing, was adopted in #92-23, The Grigoleit Company, by a vote of 6-0. (JA)

An Order granting the Petitioner's motion to continue, and directing the parties to file status reports to be received by the Board no later than May 3 1993, was adopted in #92-110, The Grigoleit Company, by a vote of 6-0. (JA)

By a vote of 6-0, Petitioner's motion for reconsideration was granted, and upon reconsideration, the Board affirmed its January 21, 1993 Opinion and Order in #92-131, Citizens Opposed to Additional Landfill. (JCM)

Agency motion for leave to file the Agency Record Instanter was granted in #92-165, Reichhold Chemicals, by a vote of 6-0. (BF)

Agency motion for an extension of time to file the Agency Record was granted until June 22, 1993 in #92-176, Central Can Company, by a vote of 6-0. (JTM)

Agency motion to file the Agency Record Instanter was granted in #93-12, H & H Towin-Phillips 66, by a vote of 6-0. (JTM)

Agency motion for an extension of time to file the Agency's Recommendation was granted through April 2, 1993 in #93-13, Village of Forreston, by a vote of 6-0. (JCM)

An Order advising the Respondent that a waiver of the decision deadline is not required in an enforcement action, was adopted in #93-25, D & B Refuse Service, by a vote of 6-0. (RCF)

Agency motion to file the Agency Record Instantly was granted in #93-30, Heitzler Services, by a vote of 6-0. (JA)

An Order granting the Agency's motion to extend the time to file the Agency Record Instantly and then granting the Agency until April 19, 1993 to file the Agency Record, was adopted in #93-35, Chemical Waste Management, by a vote of 6-0. (RCF)

Agency motion to file the Agency Record Instantly was granted in #93-39, Kewanee Community Unit School, by a vote of 6-0. (JTM)

By a vote of 6-0, Petitioner's motion for an expedited hearing was granted in #93-41, Village of Bellwood, consistent with available resources, time constraints, and case deadlines. (JCM)

Petitioner's motion to dismiss was granted, and the docket was closed in #93-47, Belleville/Jacqueline Brown, by a vote of 6-0. (BF)

These cases were discussed and held to April 8, 1993 for further discussion or possible decision: ##AS 90-4, Granite City Division of National Steel; AS 91-6, Dart Container Corporation; 91-30, Susan Curtis & Marcy Diesing; 91-202, Sherex Chemical Company.

In amended petition #92-180, We Shred It, Inc., these actions were taken by a vote of 6-0: the amended petition was accepted and the 120 day decision timeclock restarted with its filing, County of Christian's motion to intervene was granted, and petition was accepted for hearing. (JTM)

Chairman Marlin then introduced and welcomed Don Brown, who was recently hired as a paralegal at the Board.

In new cases these actions were taken by a vote of 6-0: ##93-43, Leonard F. Wolst v. Pepperidge Farm, Inc., Respondent's motion for an extension of time to file a motion to dismiss was granted until March 31, 1993, and held for duplicitous/frivolous determination, **Order by G.T. Girard**; 93-44, James M. Tonne and Jeanine F. Tonne v. Leamington Foods, Board determined that the matter is not duplicitous or frivolous and accepted the matter for hearing, **Order by J. Anderson**; 93-52, Eugene Daly, Jane Schmit, Carl Williams, South Cook County Environmental Action Coalition v. Village of Robbins, and Robbins Resource Recovery Company, accepted for hearing and consolidated with PCB 93-54, **Order by G.T. Girard**;

93-53, Suburban Trust & Savings Bank, Trust No. 4160 v. EPA, proceedings were dismissed as untimely filed, **Order by J.C. Marlin**; 93-54, Citizens For a Better Environment v. Village of Robbins and Robbins Resource Recovery Company, accepted for hearing and consolidated with PCB 93-52, **Order by G.T. Girard**; 93-55, Clarendon Hills Bridal Center (Learsi & Company, Inc.) v. EPA, accepted for hearing, **Order by J.Anderson**; 93-56, People of the State of Illinois v. World Color Press, Inc., hearing mandatory; 93-57, People of the State of Illinois v. Illinois Ayers Oil Company, hearing mandatory; 93-58, People of the State of Illinois v. L. Keller Oil Properties, Inc., hearing mandatory; 93-59, People of the State of Illinois v. Freedom Oil Company, hearing mandatory; 93-60, Industrial Salvage, Inc. and John Prior v. EPA, Petitioner's motion to consolidate with PCB 93-61 granted and accepted for hearing, **Order by R.C. Flemal**; 93-61, Industrial Salvage, Inc. and John Prior v. EPA, Petitioner's motion to consolidate with PCB 93-60 granted and accepted for hearing, **Order by R.C. Flemal**; 93-62, Kerr-McGee Coal Corporation v. EPA, provisional variance granted, **Order by J.C. Marlin**; 93-63, Quebecor Printing v. EPA, provisional variance granted, **Order by J.C. Marlin**; R93-9, Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Non-attainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218, and 219, **See Decisions Agenda**; R93-10, RCRA Subtitle D Amendments, **Docket Reserved**.

These Administrative Citations were received by the Board:
 ##93-10, County of Jackson v. Daniel Eaton; 93-11, EPA v. Charles E. and Mary E. Jones.

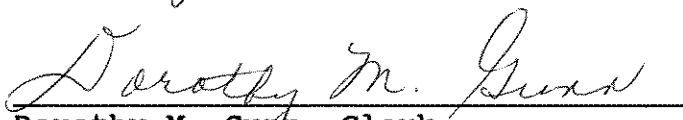
An Order requesting additional information was adopted in Amended Adjusted Standard #92-13, Alumax, Inc., by a vote of 6-0. (BF)

An Order requesting additional information was adopted in new Adjusted Standard #93-2, Borden Chemicals and Plastics, by a vote of 6-0. (BF)

Minutes of the March 11, 1993 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed were ordered held to April 8, 1993 for possible consideration.

I, Dorothy M. Gunn, hereby certify that the above Minutes were approved this 8th day of April, 1993, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 25, 1993 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

AS	92-6	C.J. Goodall Tire Company (GTG)	
AC	92-41 (A & B)	Lakewood Homes & Development Company, Inc. (BF)	
AC	92-51 (B)	John and Nina McCullum (JCM)	
AC	92-78 (A & B)	Philip Pennington (RCF)	
*	92-179	Cabot Corporation (GTG) (due)	
*	92-198) 92-201)	Village of McCook (JTM) (due)	
	R91-20	Potentially Infectious Medical Waste, Proposed Rule, Second Notice, Opinion and Order (RCF)	
	R92-18	Contingency Plan Update (USEPA Rules through December 31, 1992), Extension of Time Order (JA)	
	R93-9	Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218 and 219, Proposed Rule, First Notice, Opinion and Order (BF)	

AC DECISIONS:

93-5	Julius Corsini	
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*** INDICATES VARIANCE OR PERMIT APPEAL**

MOTIONS:

- AC 91-45 (A & B) Rochelle Disposal Service - Respondent's motion to reconsider January 7, 1993 Opinion and Order (2/8) (JCM)
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- AC 92-32 Charles & Nancy Fuchs - Respondents' response to March 11, 1993 Board Order (3/22), Complainant's motion for Default Judgment (3/22), Complainant's motion to dismiss Complaint as to Respondents Charles and Nancy Fuchs (3/22) (JTM)
-
- AC 92-37 (B) Gerald B. Miller - letter/motion to clarify (2/22), Complainant's motion to reconsider February 4, 1993 Board Order (3/12), Respondent's motion for stay of Orders (3/15), Complainant's response to Respondent's motion for stay of Orders (3/22) (BF)
-
- AS 88-2 Stepan Company - status report in response to February 25, 1993 Board Order (3/23) (JCM)
-
- AS 91-3 Peoria Disposal Company - motion for rehearing and/or reconsideration (3/15), motion for leave to file supplement to motion for reconsideration and/or rehearing (3/22), joint response to motion for rehearing and or reconsideration (3/22) (JA)
-
- AS 92-1 Stiffel Company - joint status report and request for stay (2/8), Agency response to February 25, 1993 Board Order and motion Instanter for extension of time within which to respond to petition (3/8) (JCM)
-
- AS 92-9 Conversion Systems, Inc. - Petitioner's motion to withdraw (3/17) (JA)
-
- AS 93-1 Quantum Chemical Corporation - Board Order (JCM)
-
- 83-150 Archer Daniels Midland - joint motion for modification of final order (3/16) (JCM)
-
- 85-140 Citizens Utilities - Petitioner's motion for rehearing (11/18) (JA)
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MOTIONS: (Cont'd)

- 89-30 Olin Corporation - Agency status report in response to December 17, 1992 Board Order and motion for dismissal (1/15), Petitioner's objection to Agency motion for dismissal and motion to vacate closure plan approval and for remand of consideration of pending permit modification request or other relief (1/19), Agency response to Petitioner's objection and motion to vacate (3/16), Petitioner's motion to strike or motion for leave to file a reply to the Agency's response (3/24) (JCM)
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- 90-135 The Grigoleit Company - joint status report in response to January 21, 1993 Board Order and motion to continue (3/16) (JA)
-
- 90-146 Village of Matteson - Respondents' motion for reconsideration or in the alternative motion for stay pending appeal (3/12), Complainant's motion to modify February 25, 1993 Board Order (3/23) (BF)
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- 91-53 Enamelers & Japanners - joint motion to reconsider the Board's February 25, 1993 Order of Dismissal (3/15) (JTM)
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- 91-56 Douglas Furniture - Petitioner's motion to dismiss (3/15) (JA)
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- 91-71 Douglas Furniture - Petitioner's motion to dismiss (3/15) (GTG)
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- 91-84 Indian Refining Limited Partnership - Petitioner's status report in response to February 4, 1993 Board Order (3/16), Agency status report in response to February 4, 1993 Board Order (3/19) (RCF)
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- 91-94 Safety-Kleen Corporation - Petitioner's status report in response to February 25, 1993 Board Order (3/23) (JCM)
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- 91-157 The Grigoleit Company - joint status report in response to February 25, 1993 Board Order and motion to continue (3/24) (JA)
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MOTIONS: (Cont'd)

- 92-23 The Grigoleit Company - joint status report in response to January 21, 1993 Board Order and motion to continue (3/16)(JA) _____
- 92-80 Lake County Forest Preserve - motion to quash subpoena filed by Dan Indeliato and American States Insurance Company (12/9), Complainant's response to motion to quash and cross motion for rule to show cause (3/2), American States Insurance Company's Memorandum in support of its motion to quash and response to February 25, 1993 Board Order (3/8) (JTM) _____
- 92-110 The Grigoleit Company - joint status report in response to January 21, 1993 Board Order and motion to continue (3/16)(JA) _____
- 92-131 Citizens Opposed to Additional Landfill - Petitioner's motion for rehearing/reconsideration (3/1), Respondent Laidlaw Waste Systems' response to Petitioner's motion to reconsider (3/12)(JCM) _____
- 92-132 Leroy Brown & Sons - Petitioner's motion for reconsideration and/or rehearing (3/15)(GTG) _____
- 92-134 Lone Star Industries - Agency motion to file Agency Recommendation in response to Petitioner's Amended Variance Petition Instanter (3/22)(BF) _____
- 92-164 Berniece Kershaw - Complainant's motion for summary judgment (2/17)(GTG) _____
- 92-165 Reichhold Chemicals - Agency motion for leave to file the Agency Record Instanter (3/15)(BF) _____
- 92-176 Central Can Company - Agency motion to extend time to file the Agency Record (3/16)(JTM) _____
- 92-204 Bill Kibler Development Corporation - Respondents' motion to reconsider February 25, 1993 Order (3/23)(JTM) _____

MOTIONS: (Cont'd)

- 93-12 H & H Towing-Phillips 66 - Agency motion to file Agency Record Instanter (3/12)(JTM)
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- 93-13 Village of Forreston - Agency motion for extension of time to file Agency Recommendation (3/11)(JCM)
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- 93-25 D & B Refuse Service - Complainant's motion for waiver of deadline for final Board action (3/18) (RCF)
-
- 93-28 RTC Industries - Agency motion for summary judgment and Memorandum of Law in support of motion for summary judgment (3/19)(BF)
-
- 93-30 Heitzler Services - Agency motion to file Agency Record Instanter (3/15)(JA)
-
- 93-34 Chemical Waste Management - Agency motion to dismiss (3/5), Petitioner's motion for clarification of permit conditions and motion to consolidate with PCB 93-35 (3/5)(GTG)
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- 93-35 Chemical Waste Management - Petitioner's petition for stay (2/19), Petitioner's response to February 25, 1993 Board Order and motion to consolidate with PCB 93-34 (3/5), Agency motion to extend time to file Record and response (3/24), Agency motion to extend time to file Record and Respond to Petitioner's motion Instanter (3/24)(RCF)
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- 93-39 Kewanee Community Unit School - Agency motion to file Agency Record Instanter (3/15)(JTM)
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- 93-41 Village of Bellwood - Petitioner's motion for expedited hearing (3/12)(JCM)
-
- 93-45) St. Louis Auto Shredding - Agency motion to dismiss
93-46) portion of petition for lack of subject matter jurisdiction (3/22)(RCF)
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MOTIONS: (Cont'd)

93-47 Belleville/Jacqueline Brown - Petitioner's motion to withdraw petition (3/24) (BF)

93-51 Village of Sauget - G.J. Leasing Company's motion to dismiss and Memorandum of Law in support of its motion to dismiss (3/24) (JTM)

DISCUSSIONS:

AS 90-4 Granite City Division of National Steel (JTM)

AS 91-6 Dart Container Corporation (JCM) _____

91-30 Susan Curtis & Marcy Diesing (JCM) _____

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

AMENDED PETITIONS:

92-180 We Shred It, Inc. (filed 3/15) (See also County of Christian's motion to intervene filed 3/2) (JTM)

NEW CASES:

93-43 Leonard F. Wolst v. Pepperidge Farm, Inc. (See also Respondent's motion for extension of time to file motion to dismiss 3/12) (GTG)

93-44 James M. Tonne and Jeanine F. Tonne v. Leamington Foods (JA) _____

93-52 Eugene Daly et al. v. Village of Robbins, and Robbins Resource Recovery Company (Consolidated; See PCB 93-54) (GTG)

93-53 Suburban Trust & Savings Bank Trust No. 4160 v. EPA (JCM) _____

NEW CASES: (Cont'd)

- 93-54 Citizens For A Better Environment v. Village of Robbins and Robbins Resource Recovery Company (Consolidated; See PCB 93-52) (GTG)
-
- 93-55 Clarendon Hills Bridal Center (Learsi & Company, Inc.) v. EPA (JA)
-
- 93-56 People of the State of Illinois v. World Color Press, Inc. (JCM)
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- 93-57 People of the State of Illinois v. Illinois Ayers Oil Company (JCM)
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- 93-58 People of the State of Illinois v. L. Keller Oil Properties, Inc. (JCM)
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- 93-59 People of the State of Illinois v. Freedom Oil Company (JCM)
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- 93-60 Industrial Salvage, Inc. and John Prior v. EPA (See Petitioner's motion to consolidate with PCB 93-61 filed 3/19) (RCF)
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- 93-61 Industrial Salvage, Inc. and John Prior v. EPA (See Petitioner's motion to consolidate with PCB 93-60 filed 3/19) (RCF)
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- 93-62 Kerr-McGee Coal Corporation v. EPA (Provisional Variance) (JCM)
-
- R93-9 Omnibus Cleanup of the Volatile Organic Material RACT Rules Applicable to Ozone Nonattainment Areas: Amendments to 35 Ill. Adm. Code Parts 203, 211, 218, and 219 (BF) (SEE DECISIONS AGENDA)
-
- R93-10 RCRA Subtitle D Amendments (DOCKET RESERVED)
-

NEW AC CASES:

- 93-10 County of Jackson v. Daniel Eaton
-
- 93-11 EPA v. Charles E. and Mary E. Jones
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AMENDED ADJUSTED STANDARDS:

92-13 Alumax, Inc. (filed 3/8) (BF) _____

NEW ADJUSTED STANDARDS:

93-2 Petition of Borden Chemicals and Plastics Operating
Limited Partnership for an Adjusted Standard from
35 Ill. Adm. Code 302.208 (BF)

93-3 Petition of Douglas Furniture of California for an
Adjusted Standard from 35 Ill. Adm. Code 218.204
(JA) _____

MINUTES:

March 11, 1993 _____