

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
NOVEMBER 18, 1993 CHICAGO, ILLINOIS

After calling the meeting to order, Chairman Manning announced the reappointment of Dr. Ronald C. Flemal to the Board, and introduced and welcomed newly appointed Board Members Emmett Dunham and Marili McFawn. Mr. Dunham and Ms. McFawn abstained from participating in either the decision or discussion of any matter on the Agenda. All other Board Members were present.

An Opinion and Order was adopted in #92-180, We-Shred-It, Inc., by a vote of 5-0. (JTM)

An Opinion and Order was adopted in #AS 93-2, Borden Chemicals & Plastics, by a vote of 5-0. (GTG)

In R93-8, Uno-Ven Site-Specific, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 5-0. (JTM)

Default Orders were adopted in these Administrative Citations by a vote of 5-0: ##93-46, Robert Waldron; 93-47, Richard Wallace; 93-48, Raymond & Pamela Carter; 93-49, Patrick Cheak; 93-50, Peter Rapacz; 93-51, Peter Rapacz.

A Default Order was adopted in this Administrative Citation by a vote of 5-0: #AC 93-39, Clinton Landfill. (MN)

An Order granting the Petitioner's motion to stay, and directing the parties to file a status report with the Board and Hearing Officer no later than February 10, 1994, which shall include the date of the expected resolution of the matter, was adopted in #91-49, LTV Steel Company, by a vote of 5-0. (RCF)

An Order directing the parties to file an additional status report to be received by the Board no later than December 18, 1993, was adopted in #91-122, Condecor, Inc., by a vote of 5-0. (GTG)

An Order directing the parties to file status reports with the Board no later than January 10, 1994, which should indicate how the parties intend to proceed considering the Board's decision in AS 93-2 this date, and should provide a date for the completion of the matter, was adopted in #91-200, Borden Chemicals & Plastics, by a vote of 5-0. (GTG)

An Order directing the parties to file an updated status report on or before December 27, 1993, was adopted in #92-23, The Grigoleit Company, by a vote of 5-0. (CAM)

An Order directing the Complainant to file its motion for summary judgment or a status report explaining why the motion could not be filed, on or before January 18, 1994, was adopted in #92-67,

Escast, Inc., by a vote of 5-0. (RCF)

By a vote of 5-0, the Board on its own motion, directed the parties to either file the finally-executed settlement agreement or, a status report regarding the settlement negotiations on or before December 27, 1993. Additionally, the Board, also on its own motion, extended the hearing until December 27, 1993, in #92-84, Berkshire Furniture Company. (CAM)

Petitioner's motion to withdraw its petition for review was granted in #92-101, Shell Oil Company, by a vote of 5-0. (MN)

An Order directing the Clerk of the Board to cause publication of the required newspaper notice of the parties' request for relief from hearing, and advising the parties' that the Board will reserve ruling on its request until after the statutory 21 day notice has passed, was adopted in #92-191, People of the State of Illinois v. PPG Industries, Inc., by a vote of 5-0. (CAM)

An Order granting the Agency's motion for summary judgment solely as it pertains to the issue of the replacement of concrete, and denying the Agency's motion for summary judgment as it pertains to the removal of concrete at the site, and directing that the matter proceed to hearing in accordance with the Order and the hearing schedule established by the Hearing Officer, was adopted in #92-200, Ron's Interstate Sunoco, by a vote of 5-0. (RCF)

Petitioner's motion for a further extension of the briefing schedule was granted until January 12, 1994, in #92-212, Pekin Metro Landfill, by a vote of 5-0. (CAM)

Petitioner's motion for a further extension of the briefing schedule was granted until January 12, 1994, in #93-1, Pekin Metro Landfill, by a vote of 5-0. (CAM)

Petitioner's motion to dismiss was granted in #93-39, Kewanee Community Unit School District, by a vote of 5-0. (JTM)

An Order directing the parties to submit status reports to be received by the Board and the Hearing Officer no later than December 16, 1993, was adopted in ##93-45, -46, St. Louis Auto Shredding, by a vote of 5-0. (RCF)

Petitioner's motion for summary judgment was denied in #93-73, J & M Plating, by a vote of 5-0. (RCF)

An Order directing the Petitioner to submit a complete status report to the Board on or before December 27, 1993, and directing the Agency to file a status report also on or before December 27, 1993, was adopted in #93-77, Highland Park School District #108, by a vote of 5-0. (CAM)

An Order directing the Petitioner to file an updated status report on or before February 1, 1994, in the event the appeal has not previously been dismissed, was adopted in #93-99, LTV Steel Company, by a vote of 5-0. (CAM)

Petitioner's motion to dismiss was granted in #93-123, Earl Luster Trust, by a vote of 5-0. (RCF)

An Order granting the Agency's motion for an extension of time until on or before January 31, 1994, to file the Agency Recommendation unless the case is otherwise resolved or dismissed, was adopted in #93-139, The Ensign-Bickford Company, by a vote of 5-0. (CAM)

An Order dismissing and closing the docket pursuant to Petitioner's stipulation of settlement and dismissal, was adopted in #93-156, LaSalle National Bank T/U/T 46099, by a vote of 5-0. (JTM)

An Order granting the Agency's motion to file an Amended Recommendation instanter, was adopted in #93-164, Village of North Aurora, by a vote 5-0. (MN)

Complainant's motion for an extension of time to reply was granted until November 22, 1993, in #93-186, Emco Chemical Distributors, by a vote of 5-0. (RCF)

Petitioner's motion to cancel hearing and stay the proceedings was granted, and the Board directed the Petitioner to file within sixty days, either an amended petition or a request that the stay be extended for a time certain in R93-13, General Motors Corporation, by a vote of 5-0. (CAM)

These cases were discussed and ordered held to December 2, 1993 for further discussion or possible decision: ##AC 92-50(B), Lincoln/Logan Landfill; 93-92, People of the State of Illinois v. Elkay Manufacturing Company; 93-135, City of Springfield; 93-184, People of the State of Illinois v. American National Can Company; 93-188, People of the State of Illinois v. The Segerdahl Corporation.

These regulatory matters were discussed and ordered held to December 2, 1993 for further discussion or possible decision: R92-17, U.S. Army Corps River Dredging, Proposed Rule, Second Notice, Proposed Opinion and Order; R93-11, Smaller Source Permit Rules, Adopted Rule, Final Order, Opinion and Order; R93-16, RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), Proposal for Public Comment.

In amended petition #93-183, Edgewater Beach Apartments, these actions were taken by a vote of 5-0: accepted for hearing and the 120 day decision timeclock was restarted with its filing. (MN)

In new cases these actions were taken by a vote of 5-0: ##93-171, Leo G. Fore et al. v. Midstate Kart Club, parties given leave until November 30, 1993 to file affidavits in support of the statements contained in Respondent's motion to dismiss and Complainant's response to the motion to dismiss, **Order by M. Nardulli**; 93-192, The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association, the parties were directed to file documents with the Board no later than December 9, 1993, addressing whether the matter is duplicitous, **Order by M. Nardulli**; 93-204, Mark and Jeanne Doruff, et al. v. Bloomingdale Elementary School District 13 and FGM, Inc., **held for duplicitous/frivolous determination**; 93-213, Texaco Refining and Marketing, Inc. (Lockport Plant) v. EPA, accepted for hearing, **Order by J. Theodore Meyer**; 93-214, People of the State of Illinois v. Handy & Harman, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board will reserve ruling on the request until after the statutory 21 day notice has passed, **Order by C.A. Manning**; 93-215, Marvin Damron v. EPA and Tomahawk Group, Inc., additional information requested, **Order by G. Tanner Girard**; 93-216, People of the State of Illinois v. Aluminum Coil Anodizing Corporation, Clerk of the Board directed to cause publication of the required newspaper notice of the parties' request for relief from hearing, and the Board will reserve ruling on the request until after the statutory 21 day notice has passed, **Order by C.A. Manning**; 93-217, The Hertz Corporation v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-218, Delta Sonic Carwash Systems, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-219, Frank Service, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-220, Seneca Corporation, Moutray's Amoco v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-221, Naval Training Center Great Lakes, United States Department of the Navy v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-222, Martin Oil Marketing, Ltd. v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-223, SuperAmerica Group, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 93-224, T.M.L. Associates, Inc., d/b/a Amoco Food Shop The Crossing, provisional variance granted, **Order by C.A. Manning**; 93-225, People of the State of Illinois v. Parkview Metal Products, Inc., hearing mandatory; 93-226, Dimitri's Auto Service v. EPA, accepted for hearing, **Order by J. Theodore Meyer**.

In new Administrative Citations, these actions were taken by a vote of 5-0: ##93-57, EPA v. Wesley Simpson, accepted by the Board; 93-58, Board dismissed the petition for review for lack of jurisdiction since the administrative citation had not been filed with the Board, **Order by C.A. Manning**.

Hearings were authorized in these Administrative Citation Appeals: ##93-30, Ray Landers; 93-42, Norman Clark.

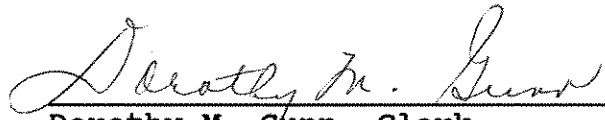
This regulatory matter was discussed and ordered held to December 2, 1993 for further discussion or possible decision: R93-10, RCRA Subtitle D Amendments.

New case #93-227, Village of Princeville v. EPA, was held for an Agency Recommendation.

Minutes of the November 4, 1993 Board Meeting were approved by a vote of 5-0.

All other matters not disposed of as listed were ordered held to December 2, 1993 for possible consideration.

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 December, 1993, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
NOVEMBER 18, 1993 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

ADDENDUM

REGULATORY DISCUSSION:

R93-10 RCRA Subtitle D Amendments (GTG)

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NEW CASES:

93-227 Village of Princeville v. EPA

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ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
NOVEMBER 18, 1993 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

**DECISIONS:**

*	92-180	We-Shred-It, Inc. (JTM) (due)
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AS	93-2	Borden Chemicals & Plastics (GTG)
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	93-182	People of the State of Illinois v. Hybrid Service Company (CAM) (Stipulation)
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	93-185	People of the State of Illinois v. Owens-Brockway Glass Container, Inc. (CAM) (Stipulation)
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	93-187	People of the State of Illinois v. Solar Corporation (CAM) (Stipulation)
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	93-189	People of the State of Illinois v. Graftek Press, Inc. (CAM) (Stipulation)
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	R93-8	Uno-Ven Site-Specific, Proposed Rule, Second Notice, Opinion and Order (JTM)
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	R93-14	RACT for Major Sources Emitting VOM's in the Chicago Nonattainment Area: 25 Tons, Proposed Rule, Second Notice, Opinion and Order (JTM)
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**\* INDICATES VARIANCE OR PERMIT APPEAL**

**AC DEFAULT ORDERS:**

93-46 Robert Waldron \_\_\_\_\_  
93-47 Richard Wallace \_\_\_\_\_  
93-48 Raymond & Pamela Carter \_\_\_\_\_  
93-49 Patrick Cheak \_\_\_\_\_  
93-50 Peter Rapacz \_\_\_\_\_  
93-51 Peter Rapacz \_\_\_\_\_

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**MOTIONS:**

AC 93-39 Clinton Landfill - Respondent's Withdrawal of  
Petition for Review and Respondent's Motion to  
Amend Administrative Citation (11/9) (MN)  
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AC 93-52 Randall Rowe & Craig Linton - Complainant's Motion  
to Dismiss a Respondent (11/15) (CAM)  
\_\_\_\_\_

90-148 Carl & Alice Madoux - Complainants' Motion for  
Clarification of November 19, 1992 Board Order  
(11/3) (GTG) \_\_\_\_\_

91-49 LTV Steel Company - Petitioner's Amended Status  
Report in Response to August 5, 1993 Board Order  
and Agreed Motion for Stay (11/4) (RCF)  
\_\_\_\_\_

91-122 Condecor, Inc. - Joint Status Report in Response to  
October 21, 1993 Board Order (11/12) (GTG)  
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91-200 Borden Chemicals and Plastics - Status Report Order  
(GTG) \_\_\_\_\_

92-23 The Grigoleit Company - Petitioner's Status Report  
in Response to September 23, 1993 Board Order  
(11/10), Agency Motion to file Status Report in  
Response to September 23, 1993 Board Order  
Instanter (11/16) (CAM)  
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**MOTIONS: (Cont'd)**

- 92-67      Escast, Inc. - Complainant's Status Report in Response to September 23, 1993 Board Order (11/15), Respondent's Status Report in Response to September 23, 1993 Board Order (11/16) (RCF)
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- 92-84      Berkshire Furniture Company - Board Order (CAM)
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- 92-101     Shell Oil Company - Petitioner's Motion to Withdraw Petition for Review (11/16) (MN)
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- 92-191     PPG Industries - Complainant's Motion to Waive Hearing Requirement and Motion for Expedited Review (11/16) (CAM)
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- 92-200     Ron's Interstate Sunoco - Agency Motion for Summary Judgment and Memorandum of Law in Support of Motion for Summary Judgment (11/5), Petitioner's Motion to file Instanter and Memorandum of Law in Opposition to the Agency's Motion for Summary Judgment (11/15) (RCF)
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- 92-212     Pekin Metro Landfill - Petitioner's Motion for Further Extension of Briefing Schedule (11/15) (See also September 23, 1993 Board Order) (CAM)
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- 93-1        Pekin Metro Landfill - Petitioner's Motion for Further Extension of Briefing Schedule (11/15) (See also September 23, 1993 Board Order) (CAM)
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- 93-39      Kewanee Community Unit School District - Petitioner's Motion to Dismiss (11/5) (JTM)
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- 93-45)     St. Louis Auto Shredding - Joint Status Report in  
93-46)     Response to October 21, 1993 Board Order (11/15) (RCF)
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- 93-60)     Industrial Salvage - Petitioner's Motion for the  
93-61)     Production of Documents Deemed Priviledged (11/17) (11/17) (RCF)
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MOTIONS: (Cont'd)

- 93-73 J & M Plating - Petitioner's Motion for Summary Judgment (11/3), Agency Response to Petitioner's Motion for Summary Judgment (11/12) (RCF)
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- 93-77 Highland Park School District #108 - Petitioner's Status Report in Response to October 21, 1993 Board Order (11/10) (CAM)
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- 93-99 LTV Steel Company - Petitioner's Status Report in Response to September 23, 1993 Board Order (11/15) (CAM)
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- 93-104 Griffin Service - Respondent's Motion for Summary Judgment (11/12) (MN)
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- 93-106 Illinois Landfills - City of Hoopston's Motion for Reconsideration of September 23, 1993 Board Order (10/25), Illinois Landfills' Motion for Reconsideration of September 23, 1993 Board Order (10/27) (JTM)
- 
- 93-114 Browning-Ferris Industries - Joint Motion for Reconsideration and/or Rehearing (11/10) (CAM)
- 
- 93-123 Earl Luster Trust - Petitioner's Voluntary Motion to Withdraw Petition for Review (11/12) (RCF)
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- 93-139 The Ensign-Bickford Company - Agency Motion to Extend Time to File Agency Recommendation (11/2) (CAM)
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- 93-156 LaSalle National Bank - Stipulation of Settlement and Dismissal (11/9) (JTM)
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- 93-164 Village of North Aurora - Agency Motion to File Amended Variance Recommendation Instantly (11/16) (MN)
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- 93-177 SuperAmerica Group - Agency Motion to File Agency Record Instantly (11/9) (RCF)
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**MOTIONS:** (Cont'd)

- 93-186 Emco Chemical Distributors - Respondent's Motion to Dismiss Count VIII of the Complainant's Complaint and to Strike Certain Allegations of Counts XVI - XX Relating to Tank Truck Loading Operations (10/28), Complainant's Motion for Extension of Time to Reply (10/29) (RCF)
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- 93-190 Municipal Solid Waste Landfills - Agency Motion to Stay Board Consideration (11/12) (GTG)
- 
- R90-1 Toxic Air Contaminants List - Styrene Information (D) and Research Center's Motion to Stay (11/12) (CAM)
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- R93-13 General Motors Corporation - Petitioner's Motion to Cancel Hearing and Stay Proceedings (11/12) (CAM)
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**DISCUSSIONS:**

- AC 92-50 Lincoln/Logan Landfill (JTM) \_\_\_\_\_  
(B)
- 93-92 People of the State of Illinois v. Elkay Manufacturing Company (CAM) (Stipulation)
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- \* 93-135 City of Springfield (MN) (due 12/16) \_\_\_\_\_
- 93-184 People of the State of Illinois v. American National Can Company (CAM) (Stipulation)
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- 93-188 People of the State of Illinois v. The Segerdahl Corporation (CAM) (Stipulation)
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**REGULATORY DISCUSSIONS:**

- R92-17 U.S. Army Corps River Dredging, Proposed Rule, Second Notice, Proposed Opinion and Order (RCF)
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**REGULATORY DISCUSSIONS:** (Cont'd)

- R93-11 Smaller Source Permit Rules, Adopted Rule, Final Order, Opinion and Order (RCF)
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- R93-16 RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), Proposal for Public Comment (RCF)
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**AMENDED PETITIONS:**

- 93-183 Edgewater Beach Apartments (filed 11/5) (MN)
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**NEW CASES:**

- 93-171 Leo G. Fore et al. v. Midstate Kart Club (See also Respondents' Motion to Dismiss filed 10/12; Complainant's Response to October 7, 1993 Board Order filed 11/5) (MN)
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- 93-192 The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association (MN)
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- 93-204 Mark and Jeanne Doruff, et al. v. Bloomingdale Elementary School District 13 and FGM, Inc. (See also Respondents' Motion to Dismiss Complaint as Frivolous and Memorandum in Support of Motion to Dismiss filed 11/4; Respondent FGM's Motion to Dismiss Formal Complaint filed 11/10) (CAM)
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- 93-213 Texaco Refining and Marketing, Inc. (Lockport Plant) v. EPA (JTM)
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- 93-214 People of the State of Illinois v. Handy & Harman (See also Agreed Motion to Request Relief from Hearing Requirement filed 11/10) (CAM)
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- 93-215 Marvin Damron v. EPA and Tomahawk Group, Inc. (GTG)
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**NEW CASES:** (Cont'd)

- 93-216 People of the State of Illinois v. Aluminum Coil Anodizing Corporation (See also Agreed Motion to Request Relief from Hearing Requirement filed 11/16) (CAM)  
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- 93-217 The Hertz Corporation v. EPA (Provisional Variance) (CAM)  
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- 93-218 Delta Sonic Carwash Systems, Inc. v. EPA (Provisional Variance) (CAM)  
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- 93-219 Frank Service, Inc. v. EPA (Provisional Variance) (CAM)  
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- 93-220 Seneca Corporation, Moutray's Amoco v. EPA (Provisional Variance) (CAM)  
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- 93-221 Naval Training Center Great Lakes, United States Department of the Navy v. EPA (Provisional Variance) (CAM)  
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- 93-222 Martin Oil Marketing, Ltd. v. EPA (Provisional Variance) (CAM)  
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- 93-223 SuperAmerica Group, Inc. v. EPA (Provisional Variance) (CAM)  
\_\_\_\_\_
- 93-224 T.M.L. Associates, Inc., d/b/a Amoco Food Shop The Crossing (Provisional Variance) (CAM)  
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- 93-225 People of the State of Illinois v. Parkview Metal Products, Inc. (MN)  
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- 93-226 Dimitri's Auto Service v. EPA (JTM)  
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**NEW AC CASES:**

- 93-57 EPA v. Wesley Simpson  
\_\_\_\_\_
- 93-58 Williamson County Solid Waste Office v. Jim Jobe (See Respondent's Petition for Review filed 11/16) (CAM)  
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**AC APPEALS:**

93-30      Ray Landers (See letter filed September 7, 1993)

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93-42      Norman Clark (See letter filed September 23, 1993)  
(CAM)

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93-45      Rita Hefley (See letter filed October 19, 1993)

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**AMENDED ADJUSTED STANDARDS:**

93-8      Akzo Chemicals, Inc. (filed 11/12) (GTG)

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**MINUTES:**

November 4, 1993

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