

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING
MARCH 3, 1994 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #92-200, Ron's Interstate Sunoco, by a vote of 6-0. (RCF)

An Opinion and Order was adopted in #93-151, Mobil Oil Corporation, by a vote of 6-0. (JTM)

An Adopted Rule, Final Order, Opinion and Order was adopted in R93-24, Amendments to the Rules for Clean Air Act Permit Appeals and Hearings Pursuant to Specific Rules 35 Ill. Adm. Code Parts 105 and 106, by a vote of 6-0. (GTG)

An Order granting the Agency's motion to dismiss Respondent Craig Linton, and unless already paid, directing Respondent Randall Rowe, to pay within 30 days of the date of the entry of the order, a \$500.00 penalty, was adopted in #AC 94-3, Randall Rowe, by a vote of 6-0. (CAM)

An Order extending the stay of the matter until June 23, 1994, directing the Petitioner to file an updated status report either on or before June 16, 1994, or within 14 days after the USEPA publishes the final rule, which should indicate whether the rule is finally promulgated by USEPA (if applicable, the date of the published final rule), whether Petitioner's adjusted standard docket before the Board continues to be necessary, whether additional status reports are desirable, and advising the Petitioner that an extension of the stay should be requested if one is required, was adopted in #AS 91-8, Petition of Reynolds Metal Company, by a vote 6-0. (CAM)

An Order accepting the status report, directing the parties to file an additional status report either on or before Monday, July 25, 1994, or within 14 days after the final Part B permit is issued, whichever comes first, and granting Amy L. Wachs, leave to appear before the Board, was adopted in #89-30, Olin Corporation, by a vote of 6-0. (CAM)

An Order granting the motion to release the large exhibits, directing the Respondent, Laidlaw Waste Systems, to make arrangements with the Clerk's office for transfer of those large exhibits, and noting that Laidlaw Waste Systems shall bear any costs of release of the exhibits, was adopted in #90-137, Richard Worthen et al., by a vote of 6-0. (JTM)

An Order granting the Petitioner's motions to stay and to file instant its status report in response to a November 18, 1993

Board Order, and directing the parties to file a status report with the Board and the Hearing Officer no later than May 6, 1994, was adopted in #91-49, LTV Steel Company, by a vote of 6-0. (RCF)

An Order granting the motion to release the large exhibits, directing the Respondent, Laidlaw Waste Systems, to make arrangements with the Clerk's office for transfer of those large exhibits, and noting that Laidlaw Waste Systems shall bear any costs of release of the exhibits, was adopted in #91-106, Richard Worthen et al., by a vote of 6-0. (JTM)

An Order accepting the status report, and directing the parties to file a status report with the Board to be received by the Board no later than April 20, 1994, was adopted in #91-122, Condecor, Inc., by a vote of 6-0. (GTG)

An Order accepting the status report, granting the Petitioner's request for a stay until August 1, 1994, and directing the parties to file a status report to be received by the Board no later than August 1, 1994, was adopted in #91-197, Cabot Corporation, by a vote of 6-0. (GTG)

An Order construing the Petitioner's motion for stay as a motion to withdraw the motion to dismiss, granting the motion to withdraw the motion to dismiss, and advising the Petitioner that if an additional waiver of the decision deadline or a motion to dismiss is not received by the Board prior to March 21, 1994, the matter would be subject to dismissal at the Board's March 31, 1994 meeting, was adopted in #91-202, Sherex Chemical Company, by a vote of 6-0. (ED)

By a vote of 6-0, the Board, on its own motion, entered a stay in the proceedings until August 15, 1994, and advised the parties that if they wished to proceed to hearing, the Petitioner may file a motion to lift the stay and schedule a hearing in #91-219, General Motors Corporation, Powertrain Division. (CAM)

An Order directing that a status report or the stipulation and proposal for settlement be filed no later than March 24, 1994, was adopted in #92-67, Escast, Inc., by a vote of 6-0. (RCF)

An Order directing the Petitioner to file another status report with the Clerk of the Board and the assigned Hearing Officer on or before August 19, 1994, discussing the progress in the matter, extending the stay in the matter until September 2, 1994, and directing the Petitioner to promptly advise the Board if the Appellate Court reaches a decision in Armstead, which involves similar issues, was adopted in #92-105, Weyerhaeuser Company, by a vote of 6-0. (CAM)

An Order directing the parties to file an additional status report to be received by the Board no later than March 15, 1994, was

adopted in #92-196, Safety-Kleen Corporation, by a vote of 6-0.
(GTG)

An Order directing the parties to submit an additional status report to be received by the Board by June 1, 1994, was adopted in #93-16, Beloit Corporation, by a vote of 6-0. (GTG)

Because the status report filed by the Petitioners on February 24, 1994, was not responsive to the Board's February 3, 1994 Order, an Order directing the Petitioners to show cause, on or before March 24, 1994, why an order dismissing the proceedings should not be entered for lack of prosecution, was adopted in #93-29, 5566 Building Partnership, by a vote of 6-0. (CAM)

An Order directing the Complainants to show cause, by April 15, 1994, why the matter should not be dismissed for want of prosecution, and advising the parties that failure to comply with the order may result in the matter being dismissed at the Board's April 21, 1994 Meeting, was adopted in #93-44, James and Jeanine Tonne, by a vote of 6-0. (ED)

An Order directing the parties to submit status reports to be received by the Board and the Hearing Officer no later than March 18, 1994, was adopted in #93-45, -46, St. Louis Auto Shredding, by a vote of 6-0. (RCF)

An Order directing the Petitioner to file a status report with the Board by April 15, 1994, was adopted in #93-137, Safety-Kleen Corporation, by a vote of 6-0. (ED)

An Order directing the Petitioner to pay to the Board, within 30 days of the date of the entry of the Order, the amount of \$431.36 to reimburse the Board for hearing costs incurred by the Board, was adopted in #93-138, Safety-Kleen Corporation, by a vote of 6-0.
(ED)

An Order denying the Agency's motion for reconsideration of a December 16, 1993 Board Order, was adopted in #93-159, Perma-Treat of Illinois, by a vote of 4-2. M. McFawn and C.A. Manning dissented. (GTG)

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 the Board will reserve ruling on the parties request until after the statutory 21 day notice has passed, was adopted in #93-225, Parkview Metal, by a vote of 6-0. (CAM)

An Order granting the joint motion to dismiss and closing the docket, was adopted in #93-230, Village of Hodgkins, by a vote of 6-0. (CAM)

An Order accepting the joint stipulation of settlement, directing

the Agency to reimburse the Petitioner for corrective action costs, and closing the docket, was adopted in #93-264, Nu-Tecsyn Corporation, by a vote of 6-0. (CAM)

An Order granting the Agency's motion for waiver from compliance with Section 101.103 that requires that an original and nine (9) copies to be filed, and allowing the Agency to file an original and four (4) copies, was adopted in #94-43, American Tree Service, by a vote of 6-0. (CAM)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-49, Ted Horton Chevrolet, by a vote of 6-0. (ED)

An Order granting the Petitioner's motion to consolidate, was adopted in #93-232, -94-53, David Geuther et al., by a vote of 6-0. (JTM)

An Order granting the Agency's motion to file the record instanter, was adopted in #94-55, Myrtle Landwehrmeier, by a vote of 6-0. (ED)

These cases were discussed and ordered held to March 17, 1994 for further discussion or possible decision: ##92-80, Lake County Forest Preserve District; 93-195, City of Herrin.

These regulatory matters were discussed and ordered held to March 17, 1994 for further discussion or possible decision: R93-27, Groundwater Protection: Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620), Proposed Rule, First Notice, Opinion and Order; R93-29, Regulation of Landscape Waste Compost Facilities (35 Ill. Adm. Code 830 - 832), Proposed Rule, First Notice, Opinion and Order.

In new cases these actions were taken by a vote of 6-0: ##94-2, Anne Shepard, James Verhein, and Jerold Leckman v. Northbrook Sports Club, and Village of Hainesville, Complainant's motion for an extension of time to respond to Respondents motion to dismiss the complaint was granted until April 4, 1994 and the Board reserved judgment on all other pending motions and requests, **Order by G. Tanner Girard**; 94-72, Laidlaw Waste Systems (Madison), Inc. v. EPA, additional information requested, **Order by C.A. Manning**; 94-73, People of the State of Illinois v. KNI Corporation and Knomark, Inc. Clerk of the Board directed to cause publication of the required newspaper notice of the parties request for relief from hearing and the Board reserved ruling on the parties request until after the statutory 21 day notice has passed, **Order by C.A. Manning**; 94-74, People of the State of Illinois v. Glen Fearneyhough, d/b/a Beardstown Lumber & Ready Mix, hearing mandatory; 94-75, Jay Aguilar v. The City of Wood Dale, **held for duplicitous/frivolous determination**; 94-76, AKZO Chemicals, Inc. v. EPA, **held for an Agency Recommendation**; 94-77, Emro Marketing

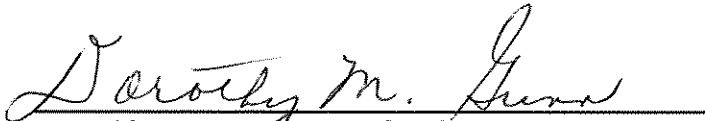
Company v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-78, Scott's Unocal 76, Inc. v. EPA, provisional variance granted, **Order by C.A. Manning**; 94-79, Douglas Furniture Corporation v. EPA, provisional variance granted, **order by C.A. Manning**; 94-80, Gunitite Corporation v. EPA, **ordered held to March 17, 1994**; 94-81, Illinois Power Company-Baldwin v. EPA, provisional variance granted, **Order by C.A. Manning**; R94-1, Amendments to 35 Ill. Adm. Code 302.202, 302.208, 302.212, 302.213, 302.407, 304.122 and 304.301 (Ammonia, Nitrogen, Lead and Mercury), **ordered held to March 17, 1994**.

In new adjusted standards these actions were taken by a vote of 6-0: #94-1, Petition of Illinois Wood Energy Partners, L.P., **ordered held to March 17, 1994**; 94-2, Petition of Solar Corporation, additional information was requested and the Agency's motion for an extension of time in which to file its response to the petition was denied, **Order by C.A. Manning**; 94-3, Petition of Outboard Marine Corporation (OMC Waukegan Facility), **ordered held to March 17, 1994**; 94-4, Petition of Chase Products Company, additional information was requested and the Agency's motion for an extension of time in which to file its response to the petition was denied, **Order by C.A. Manning**; 94-5, Petition of Abbott Laboratories, additional information was requested and the Agency's motion for an extension of time in which to file its response to the petition was denied, **Order by C.A. Manning**; 94-6, Petition of Hydrosol, Inc., additional information was requested, the Petitioner's motion to substitute Exhibit for previously file Exhibit #5 was granted, and the Agency's motion for an extension of time in which to file its response to the petition was denied, **Order by C.A. Manning**; 94-7, Petition of Rhone-Polenc Basic Chemicals Company, Thorn Creek Basin Sanitary District, **ordered held to March 17, 1994**.

Minutes of the February 17, 1994 Board Meeting were approved by a vote of 6-0.

All other matters not disposed of as listed, were ordered held to March 17, 1994 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 17th day of March, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

**ILLINOIS POLLUTION CONTROL BOARD
FINAL AGENDA
MARCH 3, 1994 CHICAGO, ILLINOIS
CONFERENCE ROOM 9-040
10:30 A.M.**

DECISIONS:

- * 92-200 Ron's Interstate Sunoco (RCF) (open waiver)

- * 93-151 Mobil Oil Corporation (JTM) (due)

- R93-16 RCRA Update, USEPA Regulations (January 1, 1993 through June 30, 1993), Adopted Rule, Final Order, Opinion and Order (ED)

- R93-24 Amendments to the Rules for Clean Air Act Permit Appeals and Hearings Pursuant to Specific Rules 35 Ill. Adm. Code Parts 105 and 106, Adopted Rule, Final Order, Opinion and Order (GTG)

AC DEFAULT ORDERS:

- 94-3 Randall G. Rowe and Craig Linton (See also Agency Motion to Dismiss Respondent Craig Linton filed 2/15) (CAM)

MOTIONS:

- AS 91-8 Reynolds Metals Company - Petitioner's Status Report in Response to December 16, 1993 Board Order (2/24) (CAM)

MOTIONS: (Cont'd)

- 89-30 Olin Corporation - Joint Status Report in Response to December 16, 1993 Board Order (2/16), Motion for Leave to Appear (2/16) (CAM)
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- 89-184 The Grigoleit Company - Petitioner's Motion for Order Assessing Sanctions (12/15), Petitioner's Supplement to the Motion for Order Assessing Sanctions (2/23) (CAM)
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- 90-137 Richard Worthen et al. - Motion to Release Large Exhibits in Record on Appeal (2/22) (JTM)
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- 91-49 LTV Steel Company - Petitioner's Motion to file Instanter and Joint Status Report in Response to November 18, 1993 Board Order (2/23) (RCF)
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- 91-86 Raymond and Mary Moore - Petitioner's Status Report in Response to December 16, 1993 Board Order (2/15), Petitioner's Supplemental Status Report (2/28) (MMcF)
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- 91-106 Richard Worthen et al. - Motion to Release Large Exhibits in Record on Appeal (2/22) (JTM)
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- 91-122 Condecor, Inc. - Status Report in Response to December 16, 1993 Board Order (2/16) (GTG)
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- 91-202 Sherex Chemical Company - Petitioner's Motion to Dismiss the Appeal (2/18), Petitioner's Motion to Stay Decision on its Motion to Dismiss the Appeal (2/25) (ED)
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- 91-197 Cabot Corporation - Status Report in Response to December 16, 1993 Board Order and Agreed Motion to Continue Stay (2/28) (GTG)
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- 91-219 General Motors Corporation - Joint Status Report in Response to February 3, 1994 Board Order (2/25) (CAM)
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MOTIONS: (Cont'd)

- 92-67 Escast, Inc. - Complainant's Status Report in Response to November 18, 1993 Board Order (1/18), Complainant's Status Report (1/21) (RCF)
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- 92-105 Weyerhaeuser Company - Petitioner's Status Report in Response to January 6, 1994 Board Order and Motion to Continue Stay (2/22) (CAM)
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- 92-196 Safety-Kleen Corporation - Petitioner's Status Report in Response to November 4, 1993 Board Order (2/15) (GTG)
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- 93-16 Beloit Corporation - Joint Status Report in Response to February 3, 1994 Board Order (2/28) (GTG)
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- 93-29 5566 Building Partnership - Petitioners' Status Report in Response to February 3, 1994 Board Order (2/24) (CAM)
-
- 93-44 James and Jeanine Tonne - Board Order (ED)
-
- 93-45) St. Louis Auto Shredding - Joint Status Report in
93-46) Response to January 20, 1994 Board Order and Request for new Status Date (2/18) (RCF)
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- 93-71 Indian Refining Company - Joint Status Report in Response to December 2, 1993 Board Order (2/28) (GTG)
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- 93-72 Atlanta Meadows - Agency Motion to Reconsider or, in the Alternative, Motion to Clarify January 20, 1994 Board Order (2/24) (CAM)
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MOTIONS: (Cont'd)

- 93-124 Tolles Realty Company - Petitioner's Status Report in Response to July 1, 1993 Board Order (1/3), Petitioner's Motion for Summary Judgment (1/14), Agency Motion for Leave to File Instante and Agency Response to Petitioner's Motion for Summary Judgment and Counter-Motion for Summary Judgment (2/3), Petitioner's Reply to Agency's Response to Petitioner's motion for Summary Judgment and Response to Agency's Cross-Motion for Summary Judgment (3/1) (ED)
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- 93-137 Safety-Kleen Corporation - Petitioner's Status Report in Response to January 6, 1994 Board Order (2/17) (ED)
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- 93-138 Safety-Kleen Corporation - Petitioner's Motion to Show Cause (2/28) (ED)
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- 93-159 Perma-Treat of Illinois - Agency Motion for Reconsideration of December 16, 1993 Board Order (1/24), Petitioner's Response to Agency Motion for Reconsideration (2/7) (GTG)
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- 93-225 Parkview Metal Products - Motion to Request Relief from Hearing Requirement (2/18) (CAM)
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- 93-230 Village of Hodgkins - Joint Motion to Dismiss (2/16) (CAM)
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- 93-247 Valerie Johnson et al. - Respondents' Motion to Clarify February 3, 1994 Board Order (2/22) (MMcF)
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- 93-264 Nu-Tecsyst Corporation - Joint Stipulation of Settlement and Dismissal (2/8) (CAM)
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- 94-43 American Tree Service - Agency Motion for Waiver from Compliance with Section 101.103 (2/18) (CAM)
-
- 94-49 Ted Horton Chevrolet - Agency Motion to File Record Instante (2/25) (ED)
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MOTIONS: (Cont'd)

94-53) David Geuther et al. - Petitioners' Motion to
93-232) Consolidate Claims (2/17) (JTM)

94-55 Myrtle Landwehrmeier - Agency Motion to File Record
Instantanter (2/28) (ED)

R81-19 Citizens Utilities Company - Petitioner's Motion to
Reconsider and Vacate January 20, 1994 Board Order
(2/16), Agency Motion to File Agency Comments
Instantanter (3/1) (CAM)

R90-1(D) Toxic Air Contaminants List, Styrene - Styrene
Information and Research Center's Status Report and
Motion to Continue (2/25) (CAM)

DISCUSSIONS:

92-80 Lake County Forest Preserve District (JTM)

* 93-195 City of Herrin (GTG) (due 3/17)

REGULATORY DISCUSSIONS:

R93-27 Groundwater Protection: Amendments to Groundwater
Quality Standards (35 Ill. Adm. Code 620), Proposed
Rule, First Notice, Opinion and Order (RCF)

R93-29 Regulation of Landscape Waste Compost Facilities
(35 Ill. Adm. Code 830 - 832), Proposed Rule, First
Notice, Opinion and Order (MMcF)

AMENDED PETITIONS:

- 94-51 Rodney B. Nelson, III (filed 2/24) (Consolidated with PCB 94-58; See also Motion to Dismiss filed by Waste Management of Illinois 3/1) (CAM)
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NEW CASES:

- 94-2 Anne Shepard, James Verhein, and Jerold Leckman v. Northbrook Sports Club, and Village of Hainesville (See also Northbrook Sports Club's Motion to Dismiss as Frivolous filed 1/26; Village of Hainesville's Motion to Dismiss filed 1/27; Northbrook Sports Club's Supplemental Memorandum in Support of Motion to Dismiss as Frivolous filed 1/28; Complainants' Request for Admission of Genuineness of Document, Request for Documents, and Request for Admission of Fact filed 2/1; Northbrook Sports Club's Responses to Complainants' Requests for Admission of Genuineness of Documents, Request for Documents and Requests for Admission of Fact filed 2/24; Complainants' Motion to Dismiss Northbrook Sports Club's February 24, 1994 Response to Complainant's Discoveries of January 31 and February 14, 1994 filed 3/2; Amendment to Complainants' January 31, 1994 Motion filed 3/2; Northbrook Sports Club Response to Complainants' Amendment to January 31, 1994 Motion filed 3/2) (GTG)
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- 94-72 Laidlaw Waste Systems (Madison), Inc. v. EPA
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- 94-73 People of the State of Illinois v. K N I Corporation and Knomark, Inc. (See also Agreed Motion to Request Relief from Hearing Requirement filed 2/24) (CAM)
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- 94-74 People of the State of Illinois v. Glen Fearneyhough, d/b/a Beardstown Lumber & Ready Mix
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- 94-75 Jay Aguilar v. The City of Wood Dale
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NEW CASES: (Cont'd)

- 94-76 AKZO Chemicals, Inc. v. EPA
-
- 94-77 Emro Marketing Company v. EPA (Provisional
Variance) (CAM)
-
- 94-78 Scott's Unocal 76, Inc. v. EPA (Provisional
Variance) (CAM)
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- 94-79 Douglas Furniture Corporation v. EPA (Provisional
Variance) (CAM)
-
- 94-80 Gunit Corporation v. EPA
-
- 94-81 Illinois Power Company-Baldwin v. EPA (Provisional
Variance) (CAM)
-
- R94-1 Amendments to 35 Ill. Adm. Code 302.202, 302.208,
302.212, 302.213, 302.407, 304.122 and 304.301
(Ammonia, Nitrogen, Lead and Mercury)
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NEW ADJUSTED STANDARDS:

- 94-1 Petition of Illinois Wood Energy Partners, L.P.
(See also Request for Hearing by Maureen L.
Drankiewicz filed 2/17; Request for Hearing by
Cathy Busto filed 2/22; Petitioner's Certificate of
Publication of the Notice of Petition issued by The
Daily Southtown filed 2/22; Petitioner's
Certificate of Publication of the Notice of
Petition issued by The Chicago Heights Star filed
2/22; Requests for Hearing from Thomas J. Knuth and
Ted Anthony filed 2/24; Requests; Request for
hearing from the South Cook County Environmental
Action Coalition filed 2/28) (CAM)
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- 94-2 Petition of Solar Corporation (See also
Petitioner's Notice of Publication filed 2/25 and
Agency Motion for Extension of Time in Which to
File Response filed 2/28) (CAM)
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- 94-3 Petition of Outboard Marine Corporation (OMC
Waukegan Facility)
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NEW ADJUSTED STANDARDS: (Cont'd)

- 94-4 Petition of Chase Products Company (See also
 Petitioner's Notice of Publication filed 2/25 and
 Agency Motion for Extension of Time in Which to
 File Response filed 2/28) (CAM)
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- 94-5 Petition of Abbott Laboratories (See also
 Petitioner's Notice of Publication filed 2/25 and
 Motion for Extension of Time in Which to File
 Response filed 2/28) (CAM)
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- 94-6 Petition of Hydrosol, Inc. (See also Petitioner's
 Motion to Substitute Exhibit for previously filed
 Exhibit 5 filed 2/16; Petitioner's Notice of
 Publication filed 2/25 and Agency Motion for
 Extension of Time in Which to File Response filed
 2/28) (JTM)
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- 94-7 Rhone-Polenc Basic Chemicals Company, Thorn Creek
 Basin Sanitary District
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MINUTES:February 17, 1994
