

**ILLINOIS POLLUTION CONTROL BOARD**

**MINUTES OF REGULAR BOARD MEETING  
OCTOBER 16, 1992 CHICAGO, ILLINOIS**

All Board Members were present.

An Opinion and Order was adopted in #85-140, Citizens Utilities Company, by a vote of 7-0. (MN) (Thereafter, Dr. Girard introduced his new secretary, Kelly Smith)

An Opinion and Order was adopted in #90-143, Ohio Grain Company, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AC 92-3 (Docket A & B), Dennis Grubaugh, by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #AC 92-5 (Docket A & B), Ronald D. and Retha M. Rawe, by a vote of 5-2. Messrs. M. Nardulli and J. Theodore Meyer dissented, and J. Anderson, J.C. Marlin, and G. Tanner Girard concurred. (BF)

An Opinion and Order was adopted in #AC 92-48 (Docket A & B), Delmar Donley & Don Chem, Inc., by a vote of 7-0. (GTG)

An Opinion and Order was adopted in #92-83, Harlem Township, by a vote of 5-2. Messrs. J. Theodore Meyer and M. Nardulli dissented. (BF)

In R92-10, RCRA Update, USEPA Regulations (January 1, 1992 through June 30, 1992), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

In R92-13, UIC Update, USEPA Regulations (January 1, 1992 through June 30, 1992), a Proposal for Public Comment, Proposed Opinion and Order was adopted by a vote of 7-0. (JA)

In R92-20, Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater); Exceptions for Pesticide and Fertilizer Facilities, a Proposed Rule, First Notice, 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: ##92-60, August A. Candioto, Jr.; 92-61, Waste Management, Inc.; 92-63, Leo Canada.

Complainant's motion to accept stipulation agreement as final disposition will be taken with the case-in-chief in #AC 92-48, Delmar Donley (See Decisions Agenda).

Petitioner's motions to file certificates of publication instanter and for reconsideration of an October 1, 1992 Board were granted in #AS 92-9, Conversion Systems, by a vote of 7-0. (JA)

By a vote of 7-0, Petitioner's motion to file its status report in response to a June 4, 1992 Board Order and an agreed motion for stay instanter were granted, and the parties were directed to file a status report with the Board and the Hearing Officer not later than April 12, 1993 which shall include the date of the expected resolution of the matter in #91-49, LTV Steel Company. (RCF)

An Order directing the parties to file an additional status report to be received by the Board no later than January 15, 1993, was adopted in #91-71, Douglas Furniture of California, by a vote of 6-0. B. Forcade abstained. (GTG)

An Order directing the Clerk of the Board to send a copy of Respondent's sewer system compliance plan to the Agency, and extending the time for the Complainants and the Agency to comment on the compliance plan until November 20, 1992, was adopted in #91-194, Residents of Cedarville, by a vote of 7-0. (BF)

A joint motion to dismiss was granted in #91-201, RKF Enterprises, by a vote of 7-0. (JCM)

Petitioner's motion to dismiss was granted in #91-259, City of Rockford, by a vote of 7-0. (GTG)

Petitioner's motion to schedule a hearing was granted in #92-10, Kelly Williamson Company, by a vote of 7-0. (BF) (Thereafter J. Theodore Meyer introduced his new secretary, Jennifer Moore)

An Order granting a motion for substitution of counsel for Respondent XL Disposal Corporation, and granting Petitioners' motion for reconsideration, and upon reconsideration, the Board reaffirmed its August 13, 1992 Opinion and Order, was adopted in #92-55, Stephen A. Smith et al., by a vote of 5-1. B. Forcade dissented, and J.C. Marlin abstained. (JTM)

Petitioner's motion to voluntarily dismiss was granted in #92-94, Marsco Manufacturing Company, by a vote of 7-0. (GTG)

By a vote of 7-0, Respondent's motion to dismiss and Petitioner's motion to declare siting to be deemed approved or, alternatively, motion to strike, or alternatively, motion to take with case were denied, and the parties are free to reintroduce these issues at the hearing in #92-132, LeRoy Brown and Sons. (GTG)

Agency motion to stay the filing of the Agency's recommendation was denied in #92-134, Lone Star Industries, by a vote of 7-0. (BF)

An Order restarting the timeclock for the Agency to respond to Petitioner's request for a stay of the contested conditions, was adopted in #92-140, Motor Wheel Corporation, by a vote of 7-0. (BF)

These cases were discussed and ordered held to October 29, 1992 for further discussion or possible decision: ##90-187, Herman Prescott; AS 91-6, Dart Container Corporation; AC 91-31 (Docket B), Randall Loveless; 92-54, ESG Watts; 90-182, Ronald & Susan Tex.

This regulatory matter was discussed and ordered held to October 29, 1992 for further discussion or possible decision: R91-3, Safe Drinking Water Update, USEPA Regulations (July 1, 1990 through December 31, 1990), Adopted Rule, Final Order, Opinion and Order.

By a vote of 6-1, these actions were taken in amended petition #91-235, Marsco Manufacturing: Petitioner's request to vacate an October 9, 1992 hearing officer order denying Petitioner's motion to cancel an October 20, 1992 hearing was denied, and the Board will not order any more status reports or take any action on Petitioner's amended petition. R.C. Flemal dissented. (JA)

In new cases these actions were taken by a vote of 7-0: ##92-119, Yolanda Price v. South Shore Villa Condominiums and Quality Management Service, Inc., **held for duplicitous/frivolous determination**; 92-142, Illinois Power Company (Clinton Power Station) v. EPA, Petitioner's October 14, 1992 filing, docketed in as PCB 92-153, was accepted as an amendment to this docket, and docket PCB 92-153 was closed, **Order by G.T. Girard**; 92-143, Dietzen Corporation v. EPA, accepted for hearing, **Order by B. Forcade**; 92-144, City of Highland v. EPA, held for Agency Recommendation; 92-145, Thomas J. Konkell v. City of Crest Hill, **held for duplicitous/frivolous determination**; 92-146, People of the State of Illinois v. Greyhound Lines, Inc., Clerk of the Board directed to cause publication of the required newspaper notice that the parties have filed an agreed motion for relief from hearing, and the Board will reserve ruling on the parties request until after the statutory 21 days has passed, J. Theodore Meyer concurred, **Order by J.C. Marlin**; 92-147, People of the State of Illinois v. F & B Manufacturing Company, Clerk of the Board directed to cause publication of the required newspaper notice that the parties have filed an agreed motion for relief from hearing, and the Board will reserve ruling on the parties request until after the statutory 21 days has passed, J. Theodore Meyer concurred, **Order by J.C. Marlin**; 92-148, People of the State of Illinois v. Leaf Confectionary, Inc., Clerk of the Board directed to cause publication of the required newspaper notice that the parties have filed an agreed motion for relief from hearing, and the Board will reserve ruling on the parties request until after the statutory 21 days has passed, J. Theodore Meyer concurred, **Order by J.C. Marlin**; 92-149, People of the State of Illinois v. Oak Valley Wood Products, Inc., hearing mandatory; 92-150, Ball Corporation, Ball Metal Decorating & Service Division v. EPA, accepted for hearing, and Petitioner's motion to consolidate with PCB 91-174 and PCB 91-258 was granted, **Order by B. Forcade**; 92-151, Super America Group, Inc. (Super America) v. EPA, proceedings were dismissed as premature, **Order by M. Nardulli**; 92-152, State Bank of Whittington v. EPA, accepted for

hearing, **Order by B. Forcade**; 92-153, Illinois Power Company (Clinton Power Station) v. EPA, proceedings were dismissed (**See PCB 92-142**); R92-20, Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater); Exceptions for Pesticide and Fertilizer Facilities (**See Decisions Agenda**).

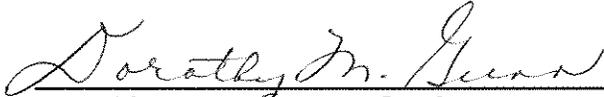
This Administrative Citation was accepted by the Board: #92-69, People of the County of Will v. Robert Robey.

This new Adjusted Standard was accepted by the Board and held for an Agency Recommendation: #92-10, Petition of Southern Illinois Power Cooperative (Marion Power Station).

Minutes of the October 1, 1992 Board Meeting were approved by a vote of 7-0.

All other matters not disposed of as listed were ordered held to October 29, 1992 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 27<sup>th</sup> day of October, 1992, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
OCTOBER 16, 1992 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-031  
10:30 A.M.

DECISIONS:

85-140 Citizens Utilities Company (MN)  
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\* 90-143 Ohio Grain Company (GTG) (open waiver)  
\_\_\_\_\_

AC 92-3 Dennis Grubaugh (GTG) \_\_\_\_\_

AC 92-5 Ronald D. Rawe and Retha M. Rawe (BF)  
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AC 92-48 Delmar Donley & Don Chem, Inc. (GTG)  
(A & B) \_\_\_\_\_

\* 92-83 Harlem Township (BF) (due 11/19)  
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R92-10 RCRA Update, USEPA Regulations (January 1, 1992  
through June 30, 1992), Proposal for Public  
Comment, Proposed Opinion and Order (JA)  
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R92-13 UIC Update, USEPA Regulations (January 1, 1992  
through June 30, 1992), Proposal for Public  
Comment, Proposed Opinion and Order (JA)  
\_\_\_\_\_

R92-20 Amendments to 35 Ill. Adm. Code 615 and 616  
(Groundwater), Exceptions for Pesticide and  
Fertilizer Facilities, Proposed Rule, First Notice,  
Opinion and Order (RCF) \_\_\_\_\_

\* INDICATES VARIANCE OR PERMIT APPEAL

**AC DECISIONS:**

92-60 August A. Candioto, Jr. \_\_\_\_\_  
92-61 Waste Management, Inc. \_\_\_\_\_  
92-63 Leo Canada \_\_\_\_\_

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**MOTIONS:**

AC 92-48 Delmar Donley - Complainant's motion to accept stipulation agreement as final disposition (10/5) (GTG) \_\_\_\_\_

AS 92-4 Detroit Diesel Corporation - Agency response to October 1, 1992 Board Order (10/14) (JA) \_\_\_\_\_

AS 92-9 Conversion Systems - Petitioner's motion to file certificates of publication instanter and motion for reconsideration of October 1, 1992 Board Order (10/6) (JA) \_\_\_\_\_

AS 92-11 Navistar International - Agency response to October 1, 1992 Board Order (10/14) (JA) \_\_\_\_\_

AS 92-12 Cummins Engine Company - Agency response to October 1, 1992 Board Order (10/14) (JA) \_\_\_\_\_

90-135 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3), Agency response to motion for reconsideration (9/14) (JA) \_\_\_\_\_

90-146 Village of Matteson - Respondent's motion to strike portions of Complainant's Reply Brief (10/5), Complainant's response to Respondents' motion to strike portions of Reply Brief, Complainant's motion to reopen evidentiary hearings and Complainant's motion to strike portions of Respondents' Brief (10/9) (BF) \_\_\_\_\_

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**MOTIONS: (Cont'd)**

- 90-149 Carl Madoux & Alice Madoux - Complainants' motion pursuant to Section 101.280 (10/1), motion for leave to withdraw as counsel (10/7) (GTG)
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- 91-49 LTV Steel Company - Petitioner's motion to file status report in response to June 4, 1992 Board Order and agreed motion for stay instanter (10/6) (RCF)
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- 91-52 Atwood Industries - Petitioner's motion to file status report instanter (10/15) (BF)
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- 91-71 Douglas Furniture - Petitioner's status report in response to July 9, 1992 Board Order (10/1), Agency status report in response to July 9, 1992 Board Order (10/5) (GTG)
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- 91-194 Residents of Cedarville - Respondent's Compliance Plan in response to September 3, 1992 Board Order (10/14) (BF)
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- 91-201 RKF Enterprises - joint motion to dismiss (10/15) (JCM)
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- 91-259 City of Rockford - Petitioner's motion to dismiss (10/15) (GTG)
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- 92-10 Kelly Williamson Company - Petitioner's motion to set for hearing (10/1) (BF)
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- 92-55 Stephen A. Smith - Petitioners' motion for reconsideration of August 13, 1992 Opinion and Order (9/16), City of Champaign's Brief in opposition to Petitioners' motion for reconsideration (9/29), Respondent XL Disposal's response to Petitioners' motion for reconsideration (9/30), motion for substitution of counsel for Respondent XL Disposal Corporation (10/1) (JTM)
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**MOTIONS: (Cont'd)**

92-87 Ramada Hotel, O'Hare - Petitioner's motion for summary judgment and Memorandum in support of Petitioner's motion for summary judgment (9/11), Agency's cross-motion for summary judgment, response to Petitioner's motion for summary judgment and Memorandum in support of Agency's cross-motion for summary judgment (10/7), Petitioner's response to Agency's cross-motion for summary judgment (10/9) (JCM)

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92-94 Marsco Manufacturing Company - Petitioner's motion to voluntarily dismiss (10/2) (GTG)

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92-110 The Grigoleit Company - Petitioner's motion for reconsideration of July 30, 1992 Board Order (9/3) (JA)

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92-122 F & R Enterprises - Agency motion to file Record Instanter (10/2), Petitioner's motion to supplement the record (10/6) (GTG)

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92-132 LeRoy Brown & Sons - motion to dismiss on behalf of the County Board of McDonough County, Illinois (10/2), Petitioner's motion to declare siting to be deemed approved or, alternatively, motion to strike, or alternatively, motion to take with case (10/14), Respondent's motion to file record instanter (10/15) (GTG)

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92-134 Lone Star Industries - Agency motion to dismiss and motion to stay filing of Agency recommendation (10/14) (BF)

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92-140 Motor Wheel Corporation - Petitioner's motion to stay (9/30) (BF)

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**DISCUSSIONS:**

90-187 Herman Prescott (RCF)

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AS 91-6 Dart Container Corporation (JCM)

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**DISCUSSIONS: (Cont'd)**

- AC 91-31 Randall Loveless (JCM) \_\_\_\_\_  
(B)
- \* 92-54 ESG Watts (MN) (due 10/29) \_\_\_\_\_
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**REGULATORY DISCUSSIONS:**

- R91-3 Safe Drinking Water Update, USEPA Regulations (July 1, 1990 through December 31, 1990), Adopted Rule, Final Order, Opinion and Order (JA)
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**AMENDED PETITIONS:**

- 91-235 Marsco Manufacturing (filed 10/14) (See also Petitioner's appeal of Hearing Officer's Order denying request to cancel hearing (10/14) (JA)
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**NEW CASES:**

- 92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. (See also Complainant's response to September 3, 1992 Board Order filed 9/25; Respondent's response to September 3, 1992 Board Order filed 10/14) (JCM)
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- 92-142 Illinois Power Company (Clinton Power Station) v. EPA (See also Petitioner's motions regarding certain procedural issues filed 9/30; Petitioner's Affidavits of Thomas L. Davis; Gary D. Matthews; James A. Smithson; Edward F. Stoneburg; and Thomas L. Davis in support of motion regarding certain procedural issues filed 10/9) (GTG)
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- 92-143 Dietzgen Corporation v. EPA
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- 92-144 City of Highland v. EPA
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**NEW CASES:** (Cont'd)

- 92-145 Thomas J. Konkell v. City of Crest Hill
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- 92-146 People of the State of Illinois v. Greyhound Lines, Inc. (See also agreed motion for relief from hearing filed 10/7) (JCM)
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- 92-147 People of the State of Illinois v. F & B Manufacturing Company (See also agreed motion for relief from hearing filed 10/7) (JCM)
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- 92-148 People of the State of Illinois v. Leaf Confectionary, Inc. (See also agreed motion for relief from hearing filed 10/7) (JCM)
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- 92-149 People of the State of Illinois v. Oak Valley Wood Products, Inc.
- 
- 92-150 Ball Corporation, Ball Metal Decorating & Service Division v. EPA
- 
- 92-151 Super America Group, Inc. (Super America) v. EPA (MN)
- 
- 92-152 State Bank of Whittington v. EPA
- 
- 92-153 Illinois Power Company (Clinton Power Station) v. EPA (See also Petitioner's motion to consolidate proceedings with PCB 92-142 filed 10/14)
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- R92-20 Amendments to 35 Ill. Adm. Code 615 and 616 (Groundwater), Exceptions for Pesticide and Fertilizer Facilities (SEE DECISIONS AGENDA)
- 

**NEW AC CASES:**

- 92-69 People of the County of Will v. Robert Robey
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**NEW ADJUSTED STANDARDS:**

92-10      Petition of Southern Illinois Power Cooperative  
            (Marion Power Station)\_\_\_\_\_

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**MINUTES:**

October 1, 1992\_\_\_\_\_

PENDING CASES ASSIGNED:

\* 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)  
 89-44) Moline Corporation (BF)  
 89-87)

\* 89-171 Pekin Energy Company (MN) (open waiver)  
 \* 89-177 CWM Chemical Services (JTM) (open waiver)  
 AS 90-4 Granite City (JTM)  
 \* 90-31 R. Lavin & Sons, Inc. (RCF) (due 6/17)  
 90-137 Laidlaw Waste Systems (JTM) (Appellate Court Remand) (JTM)  
 90-146 Village of Matteson (BF)  
 90-148 B & M Steel Service Center (GTG)  
 90-149 Straders Logging & Lumber Mill (GTG)  
 90-170 Goose Lake Association (JA)  
 90-182 Ronald & Susan Tex (GTG)  
 AS 91-3 Peoria Disposal (MN)  
 AS 91-9 City of East Moline (RCF) (due 1/21)  
 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 6/17)  
 \* 91-17 B.F. Goodrich Corporation (RCF) (due 3/25)  
 91-30 Susan Curtis & Marcy Diesing (JCM)  
 AC 91-45 Rochelle Disposal Service (JCM)  
 91-50 Karl & Helen Christ (MN)  
 AC 91-55 Vernon Abert (JCM)  
 \* 91-56 Douglas Furniture (JA) (due 2/4)  
 \* 91-75 Community Consol. School Dist. No. 15 (BF) (open waiver)  
 \* 91-86 Raymond & Mary Moore (JA) (due 3/25)  
 91-157 The Grigoleit Company (JA)  
 91-183 Thomas & Barbara Sneed (JTM)  
 91-194 Residents of Cedarville (BF)  
 91-195 Scott A. & Karen Thomas (BF)  
 \* 91-202 Sherex Chemical Company (MN) (due 4/8)  
 \* 91-262 The Pumper, Inc. (GTG) (due 2/25)  
 AC 92-3 Dennis Grubaugh (GTG)  
 AS 92-3 Jefferson Smurfit (GTG)  
 AS 92-4 Detroit Diesel Corporation (JA)  
 AS 92-6 C.J. Goodall Tire Company (GTG)  
 AS 92-7 Illinois Power Company (BF)  
 AS 92-8 Cabot Corporation (JA)  
 AS 92-9 Conversion Systems, Inc. (JA)  
 AS 92-10 Southern Illinois Power (BF)  
 \* 92-10 Kelly Williamson Company (BF) (due 2/4)  
 \* 92-17 Tim's Standard/Freeport (MN) (due 11/19)

**PENDING CASES ASSIGNED: (Cont'd)**

7\* 92-23 The Grigoleit Company (JA) (due 12/3)  
92-26 Dale & Deborah Dettlaff (BF)  
AC 92-33 James Alexander (MN)  
AC 92-41 Lakewood Homes (BF)  
AC 92-64 City of Rochelle (JCM)  
92-74 Kenneth & Cynthia Metvier (JTM)  
\* 92-81 James Lynch (JTM) (due 11/19)  
\* 92-88 Southern Park Food (BF) (due 12/17)  
\* 92-90 Robertson-Ceco (GTG) (open waiver)  
\* 92-92 North Shore Sanitary District (JCM) (due 12/17)  
\* 92-94 Marsco Manufacturing (GTG) (open waiver)  
\* 92-98 Reichhold Chemicals (JA) (due 12/17)  
\* 92-104 Roger Malkey (RCF) (due 3/25)  
\* 92-105 Weyerhaeuser Company (JCM) (open waiver)  
\* 92-11 Russell L. Bacon (JA) (due 11/19)  
\* 92-117 IEI Barge Services (RCF) (open waiver)  
\* 92-118 Ideal Heating Company (JTM) (due 1/21)  
92-119 Yolanda Price (JCM)  
\* 92-120 Amerock Corporation (JTM) (due 12/17)  
92-121 Minesota Mining & Manufacturing (JA)  
\* 92-122 F & R Enterprises (GTG) (due 12/17)  
\* 92-123 Chemrex, Inc. (JA) (due 12/17)  
\* 92-124 Mercantile Bank of St. Louis (BF) (due 12/17)  
\* 92-125 Mercantile Bank of St. Louis (BF) (due 12/17)  
\* 92-126 Safety-Kleen Corporation (MN) (open waiver)  
92-127 City of Des Plaines et al. (RCF)  
\* 92-130 Olin Corporation (JCM) (due 12/17)  
\* 92-131 Laidlaw Waste Systems (MN) (due 1/7)  
\* 92-132 LeRoy Brown & Sons (GTG) (due 1/7)  
\* 92-134 Lone Star Industries (BF) (due 1/7)  
\* 92-136 Safety-Kleen Corporation (MN) (open waiver)  
\* 92-140 Motor Wheel Corporation (BF) (due 1/21)  
92-142 Illinois Power Company (GTG)



STATE  
OF  
ILLINOIS

# POLLUTION CONTROL BOARD

STATE OF ILLINOIS CENTER • 100 WEST RANDOLPH STREET • SUITE 11-500 • CHICAGO, ILLINOIS 60601 • 312-814-3620

JOHN C. MARLIN, CHAIRMAN  
URBANA, ILLINOIS

JOAN G. ANDERSON  
WESTERN SPRINGS, ILLINOIS

RONALD C. FLEMAL  
DEKALB, ILLINOIS

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CHICAGO, ILLINOIS

G. TANNER GIRARD  
GRAFTON, ILLINOIS

J. THEODORE MEYER  
CHICAGO, ILLINOIS

MICHAEL L. NARDULLI  
CHICAGO, ILLINOIS

## NOTICE OF CHANGE IN ILLINOIS POLLUTION CONTROL BOARD MEETING SCHEDULE

PUBLIC NOTICE IS HEREBY GIVEN that the Illinois Pollution Control Board meeting originally scheduled for October 15, 1992 has been rescheduled to October 16, 1992. This meeting will be held in Conference Room 9-031 and will begin at 10:30 a.m.

A handwritten signature in cursive script that reads "John C. Marlin".

JOHN C. MARLIN  
Chairman

Posted and circulated October 7, 1992