

MINUTES OF REGULAR BOARD MEETING  
SEPTEMBER 12, 1991 CHICAGO, ILLINOIS

All Board Members were present.

An Opinion and Order was adopted in #86-56, Trilla Steel Drum Corporation and Blue Tee Corporation, by a vote of 7-0. (BF)

An Order was adopted in #AC 90-38(B), Harold Fults, by a vote of 6-1. J. Theodore Meyer dissented. (JD)

An Opinion and Order was adopted in #AC 91-17(A & B), Ronald Feldman, by a vote of 7-0. (JCM)

An Opinion and Order was adopted in #91-42, Village of Millstadt, by a vote of 5-2. Messrs. J. Dumelle and R.C. Flemal dissented and J. Theodore Meyer concurred. (JCM)

An Opinion and Order was adopted in #91-78, Sure Plus Manufacturing Company, by a vote of 6-1. J. Theodore Meyer dissented. (MN)

An Opinion and Order was adopted in #91-79, Torvac, Inc., by a vote of 6-1. J. Theodore Meyer dissented. (RCF)

An Opinion and Order was adopted in #91-104, Village of Fox River Grove, by a vote of 7-0. Messrs. J. Dumelle and B. Forcade concurred. (JA)

Board Member R.C. Flemal presented a draft Proposed Rule, Second Notice, Opinion and Order in R89-5, Groundwater Technical Standards. Motion to amend by B. Forcade and seconded by J. Dumelle, failed to carry by a vote of 2-5 with B. Forcade and J. Dumelle for it and J. Anderson, R.C. Flemal, J.C. Marlin, J. Theodore Meyer and M. Nardulli against it. The Proposed Rule, Second Notice, Opinion and Order was then adopted by a vote of 7-0. J. Dumelle and B. Forcade concurred and J. Anderson will file a Supplemental Opinion. (RCF)

In R90-24, Recycled Paper, a Proposed Rule, Second Notice, Opinion and Order was adopted by a vote of 7-0. (JTM)

A post-adoption Order was adopted in R91-1, RCRA Update, USEPA Regulations (July 1, 1990 through December 31, 1990), by a vote of 7-0. (JA)

In R91-10, Exemptions from the Definition of VOM, an Adopted Rule, Final Order, Opinion and Order was adopted by a vote of 7-0. (JA)

By a vote of 6-1, Complainant's motion to dismiss was construed as a motion for reconsideration of the Board's August 8, 1991

Default Order. Upon reconsideration, the Board vacated its Default Order of August 8, 1991 and granted the motion to dismiss in #AC 91-33, Thomas Hubbard. (JCM)

An Order directing the parties to file an executed Stipulation and Proposal for Settlement on or before September 24, 1991, or the matter will be set for hearing was adopted in #86-160, Fitz-Mar, Inc., by a vote of 7-0. (JA)

An agreed motion to dismiss was granted in #87-132, John Daley et al., by a vote of 7-0. (RCF)

By a vote of 7-0, the parties were ordered to complete all hearings in #88-98, IBP, Inc., by November 1, 1991 or the proceeding will be subject to dismissal for want of prosecution on November 7, 1991. (BF)

An Order granting Petitioner's motion for leave to file its closing argument instanter but denying Petitioner's motion to strike was adopted in #89-106, D & B Refuse Service, by a vote of 7-0. (MN)

An agreed motion to dismiss was granted in #90-65, General Electric Company, by a vote of 7-0. (BF)

Petitioner's motion to withdraw was granted in ##90-114, -91-105, National Steel, by a vote of 7-0. (JCM)

Respondent's motion for reconsideration of the Board's August 22, 1991 Order was granted, and upon reconsideration the Board declined to modify its prior Orders in #90-146, Village of Matteson, by a vote of 7-0. (BF)

Agency motion to reconsider a July 25, 1991 Board Order was denied in #90-173, Earl R. Bradd, by a vote of 7-0. B. Forcade concurred. (JA)

Petitioner's motion for voluntary dismissal was granted in #90-240, Colwell General, by a vote of 7-0. (BF)

Agency motion to correct pages in the Agency record was granted in #91-80, Paul Rosman, by a vote of 7-0. (JD)

These cases were discussed and held to September 26, 1991 for further discussion or possible decision: ##85-140, Citizens Utilities Company; 90-112, Chicago Heights Refuse Depot; 91-88, County of Lake; 91-89, -90, Citizens for Controlled Landfills and YMCA of Southwest Illinois.

These regulatory matters were discussed and held to September 26, 1991 for further discussion or possible decision: R90-1, Toxic Air Contaminants List, Proposed Rule, Second First Notice,

Opinion and Order; R91-6, PM<sub>10</sub> Portland Cement and Quarries, Adopted Rule, Final Order, Opinion and Order.

Petitioner's motion to voluntarily dismiss was granted in #91-101, Merle K. Buerkett, by a vote of 7-0. (JCM)

Respondent's motion to waive triplicate filing of certain portions of the record on appeal was granted in #91-106, Village of Roxana, by a vote of 7-0. (MN)

Agency motion to file Recommendation Instanter was granted in #91-111, Village of Oswego, by a vote of 7-0. J. Dumelle concurred. (JCM)

Agency motion for summary judgment was denied in #91-120, Beer Motors, by a vote of 7-0. (JTM)

Agency motion to file Recommendation Instanter was granted in #91-121, Village of Channahon, by a vote of 7-0. (JA)

Agency motion to file Recommendation Instanter was granted in #91-126, City of Knoxville, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order was adopted pursuant to an agreed motion to request relief from the hearing requirement in #91-129, City of Bloomington. (JCM)

Petitioner's motion to appear Pro Hac Vice was granted in #91-140, Waste Management of Illinois, by a vote of 7-0. (JCM)

By a vote of 7-0, an Order was adopted pursuant to an agreed motion to request relief from the hearing requirement in #91-150, World's Finest Chocolate. (JCM)

In amended petitions these actions were taken by a vote of 7-0: #90-164, Riverside Laboratories, 120 day decision time clock restarted with its filing; 91-118, City of Braidwood, additional information requested; 91-119, White County Board, held for Agency Recommendation.

In new cases these actions were taken by a vote of 7-0: #91-136, Don Bolander v. Monticello Bus Service, Wayne Kruger, President, held for duplicitous/frivolous determination; 91-146, James W. Turner, Sr. v. Richard P. Toft, President, Chicago Title & Trust Company, accepted for hearing and Respondent's motion to dismiss denied, Order by J.C. Marlin; 91-147, James W. Turner, Sr. v. Mark Edmiston, accepted for hearing; 91-148, James W. Turner, Sr. v. Don Franke, accepted for hearing; 91-151, People of the State of Illinois v. United States Department of the Navy, parties ordered to file within 30 days a new Stipulation and Proposal for Settlement accompanied by a request for relief from the requirement for a hearing, Order by J.C. Marlin; 91-153,

Clyde R. Dace v. D. Kohlhasse, Fire Chief, Fox River Grove Fire Protection District, held for duplicitous/frivolous determination; 91-154, Carrell and Mary Bates v. Edward E. Brake, Ella F. Brake, Eugene Gale Heiser, d/b/a Heiser Oil & Gas Company and Heiser Oil & Gas Company, held for duplicitous/frivolous determination; 91-155, Seaco, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-156, Gallatin National Company v. EPA, accepted for hearing, Order by B. Forcade; 91-157, People of the State of Illinois v. The Grigoleit Company, hearing mandatory; 91-158, Commonwealth Edison Company (Crawford Generating Station) v. EPA, accepted for hearing, Order by B. Forcade; 91-160, General Motors Corporation, Electro-Motive Division v. EPA, accepted for hearing and Petitioner's motions to appear before the Board Pro Hac Vice and to file a limited number of Exhibits were granted, Order by B. Forcade; 91-161, Riverside Laboratories, Inc. v. EPA, accepted for hearing, Order by B. Forcade; 91-162, Minnesota Mining and Manufacturing Company v. EPA, accepted for hearing, Order by B. Forcade; 91-163, Clinton County Oil Company, Inc., Hoffman/Meier's Shell and Clarence Meier v. EPA, accepted for hearing, Order by B. Forcade; 91-164, Lawrence Brothers, Inc. #1, v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-165, Lawrence Brothers, Inc. #2 v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-166, Cook County Highway Department and Beling Consultants v. EPA, accepted for hearing, Order by B. Forcade; 91-167, Acme Steel Company v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-168, General Motors Corporation v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-169, City of Fairbury v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin; 91-170, City of Carlinville v. EPA, provisional variance granted, J. Dumelle concurred, Order by J.C. Marlin.

This Administrative Citation was received by the Board #91-40, Curtis A Newlan.

Because a Petition for Review was filed, this Administrative Citation will be set for hearing: #91-37, Hubert Larson & John Strange.

These Adjusted Standards petitions were received by the Board: #91-7, Sanitary District of Decatur; 91-8, Reynolds Metal Company.

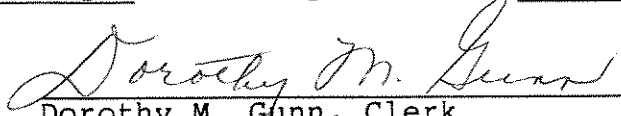
Minutes of the August 22, 1991 Board Meeting were approved by a vote of 7-0.

Minutes of the August 26, 1991 Special Board Meeting were approved by a vote of 7-0.

Minutes of the September 6, 1991 Special Board Meeting were approved by a vote of 5-0. Messrs. R.C. Flemal and J.C. Marlin abstained.

All other matters not disposed of as listed were ordered held to September 26, 1991 for possible consideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Minutes were approved this 26<sup>th</sup> day of September, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD  
FINAL AGENDA  
SEPTEMBER 12, 1991 CHICAGO, ILLINOIS  
CONFERENCE ROOM 9-040  
10:30 A.M.

DECISIONS:

86-56	EPA v. Trilla Steel Drum Corporation (Remand)(BF)	_____
AC 90-38 (B)	Harold Fults (JD)	_____
AC 91-17 (A & B)	Ronald Feldman (JCM)	_____
91-42	Village of Millstadt (JCM)	_____
91-78	People of the State of Illinois v. Sure Plus Manufacturing Company (MN) (Stip)	_____
91-79	People of the State of Illinois v. Torvac, Inc. (RCF) (Stip)	_____
* 91-104	Village of Fox River Grove (JA)(due 11/7)	_____
R89-5	Groundwater Technical Standards, Proposed Rule, Second Notice, Opinion and Order (RCF)	_____
R90-24	Recycled Paper, Proposed Rule, Second Notice, Opinion and Order (JTM)	_____
R91-1	RCRA Update, USEPA Regulations (July 1, 1990 through December 31, 1990), Post-Adoption Order (JA)	_____
R91-10	Exemptions from the Definition of VOM, Adopted Rule, Final Order, Opinion and Order (JA)	_____

\* INDICATES VARIANCE OR PERMIT APPEAL

AC MOTIONS:

91-33 Thomas Hubbard - Complainant's motion to dismiss  
(8/12)(JCM) \_\_\_\_\_

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MOTIONS:

86-160 Fitz-Mar, Inc. - Board Order (JA)

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87-132 John Daley et al. - agreed motion to dismiss (9/9)(RCF)

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88-98 IBP, Inc. - Board Order (BF) \_\_\_\_\_

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89-106 D & B Refuse Service - Petitioner's motion for leave to  
file closing argument instanter (8/19); Petitioner's  
motion to strike (8/19); Agency response to Petitioner's  
motion to strike (8/27)(MN)

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90-31 R. Lavin & Sons - Agency motion to dismiss or, in the  
alternative, for summary judgment (9/11)

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90-65 General Electric Company - Agreed motion to dismiss and  
agreement (8/15)(BF) \_\_\_\_\_

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90-108 Little Ceasar's Pizza - Complainants' motion for  
additional relief (8/12)(JD) \_\_\_\_\_

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90-114) National Steel - Petitioner's motion to withdraw appeal  
91-105) (8/22)(JCM) \_\_\_\_\_

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90-146 Village of Matteson - Respondents' response to August  
22, 1991 Board Order (9/3); Respondents' motion for  
reconsideration of August 22, 1991 Board Order (9/3)(BF)

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90-173 Earl R. Bradd - Agency motion to reconsider July 25,  
1991 Board Order (8/29), Petitioner's opposition to  
Agency's motion to reconsider of July 25, 1991 Board  
Order (9/10)(JA)

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90-240 Colwell General - Petitioner's motion for voluntary  
dismissal (8/28)(BF) \_\_\_\_\_

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91-80 Paul Rosman - Agency motion to correct pages in Agency  
Record (8/23)(JD) \_\_\_\_\_

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MOTIONS: (Cont'd)

- 91-101 Merle K. Buerkett - Petitioner's motion to voluntarily dismiss (8/26)(JCM) \_\_\_\_\_
- 91-106 Village of Roxana - Respondent's motion to waive triplicate filing of certain portions of record on appeal (8/1)(JTM) \_\_\_\_\_
- 91-110 Indian Refining - Petitioner's motion for reconsideration of July 25, 1991 Board Order (8/29)(MN) \_\_\_\_\_
- 91-111 Village of Oswego - Agency motion to file Recommendation Instanter (9/3)(JCM) \_\_\_\_\_
- 91-120 Beer Motors, Inc. - Agency motion for summary judgment (8/27)(JTM) \_\_\_\_\_
- 91-121 Village of Channahon - Agency motion to file Recommendation Instanter (8/23)(JA) \_\_\_\_\_
- 91-126 City of Knoxville - Agency motion to file Recommendation Instanter (9/3)(JCM) \_\_\_\_\_
- 91-129 City of Bloomington - agreed motion to request relief from hearing requirement (9/4)(JCM) \_\_\_\_\_
- 91-140 Waste Mangement of Illinois - Petitioner's motion to appear Pro Hac Vice (8/16), Petitioner's motion for waiver of decision deadline (9/5)(JCM) \_\_\_\_\_
- 91-150 World's Finest Chocolate - Complainants' request for relief from hearing requirement (9/4)(JCM) \_\_\_\_\_

DISCUSSIONS:

- 85-140 Citizens Utilities Company (MN) \_\_\_\_\_
- 90-112 Chicago Heights Refuse Depot (RCF) \_\_\_\_\_
- \* 91-88 County of Lake (RCF)(due 9/26) \_\_\_\_\_
- \* 91-89) Citizens for Controlled Landfills (JD)(due 9/26)  
91-90) \_\_\_\_\_



REGULATORY DISCUSSIONS:

- R90-1 Toxic Air Contaminants List, Proposed Rule, Second First Notice, Opinion and Order (JCM) \_\_\_\_\_
- R91-6 PM<sub>10</sub> Portland Cement and Quarries, Adopted Rule, Final Order, Opinion and Order (BF) \_\_\_\_\_
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AMENDED PETITIONS:

- 90-164 Riverside Laboratories (filed 9/5) \_\_\_\_\_
- 91-118 City of Braidwood (filed 8/23) (See also Agency motion to dismiss filed 7/25 and Petitioner's response to Agency motion to dismiss filed 8/23) (JCM) \_\_\_\_\_
- 91-119 White County Board (filed 8/22) \_\_\_\_\_
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NEW CASES:

- 91-136 Don Bolander v. Monticello Bus Service, Wayne Kruger, President (See also Respondent's motion for additional time to respond filed 8/22) \_\_\_\_\_
- 91-146 James W. Turner, Sr. v. Richard P. Toft, President, Chicago Title & Trust, Co. (See also Respondent's motion to dismiss 8/21) \_\_\_\_\_
- 91-147 James W. Turner, Sr. v. Mark Edmiston \_\_\_\_\_
- 91-148 James W. Turner, Sr. v. Don Franke \_\_\_\_\_
- 91-151 People of the State of Illinois v. United States Department of the Navy (filed with Executed Stipulation) (JCM) \_\_\_\_\_
- 91-152 Envirite Corporation v. EPA and Peoria Disposal Company (See also Respondent Peoria Disposal Company's motion for extension of time to file its motion to dismiss filed 9/6 and motion to dismiss or in the alternative motion for summary judgment and supporting Memorandum of law filed 9/10) \_\_\_\_\_
- 91-153 Clyde R. Dace v. D. Kohlhase, Fire Chief, Fox River Grove Fire Protection District \_\_\_\_\_
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NEW CASES: (Cont'd)

- 91-154 Carrell and Mary Bates v. Edward E. Brake; Ella F. Brake; Eugene Gale Heiser d/b/a Heiser Oil & Gas Company and Heiser Oil & Gas Company
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- 91-155 Seaco, Inc. v. EPA (BF)
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- 91-156 Gallatin National Company v. EPA (BF)
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- 91-157 People of the State of Illinois v. The Grigoleit Company
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- 91-158 Commonwealth Edison Company (Crawford Generating Station) v. EPA (BF)
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- 91-160 General Motors Corporation, Eletro-Motive Division v. EPA (See also Petitioner's motion to appear before the Board Pro Hac Vice (9/5), motion to limit number of Exhibits (9/5) and Petitioner's supplement to motion Pro Hac Vice (9/10))
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- 91-161 Riverside Laboratories, Inc. v. EPA (BF)
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- 91-162 Minnesota Mining and Manufacturing Company v. EPA (BF)
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- 91-163 Hoffman/Meier's Shell v. EPA
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- 91-164 Lawrence Brothers, Inc. #1 v. EPA (Provisional Variance) (JCM)
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- 91-165 Lawrence Brothers, Inc. #2 v. EPA (Provisional Variance) (JCM)
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- 91-166 Cook County Highway Department and Beling Consultants v. EPA (BF)
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- 91-167 Acme Steel Company v. EPA (Provisional Variance)(JCM)
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- 91-168 General Motors Corporation v. EPA (Provisional Variance)(JCM)
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- 91-169 City of Fairbury v. EPA (Provisional Variance)(JCM)
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- 91-170 City of Carlinville v. EPA (Provisional Variance)(JCM)
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NEW AC CASES:

91-40 Curtis A. Newlan \_\_\_\_\_

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AC APPEALS:

91-37 Hubert Larson & John Strange \_\_\_\_\_

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NEW ADJUSTED STANDARDS:

91-7 Sanitary District of Decatur \_\_\_\_\_

91-8 Petition of Reynolds Metals Company \_\_\_\_\_

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MINUTES:

August 22, 1991 \_\_\_\_\_

August 26, 1991 (Special Board Meeting) \_\_\_\_\_

September 6, 1991 (Special Board Meeting) \_\_\_\_\_

PENDING CASES ASSIGNED:

85-95 Citizens Utilities (Remand)(JA)  
 \* 85-166 Citizens Utilities (JTM)(open waiver)  
 86-1 City of Peru CSO (JTM)  
 86-2 City of LaSalle CSO (JTM)  
 86-3 City of Oglesby CSO (JA)  
 86-4 City of Morris CSO (JD)  
 86-160 Fitz-Mar, Inc. (JA)  
 86-161 Elizabeth Street Foundry (JD)  
 \* 87-131 Amerock Corporation (JTM)(open waiver)  
 AS 88-2 Stepan Company (JCM)  
 AC 88-62 City of Chicago (JCM)  
 88-98 IBP, Inc. (Remand)(BF)  
 \* 88-193 General Motors Corporation (JD)(open waiver)  
 \* 89-106 D & B Refuse Service (MN)(due 10/24)  
 89-158 Gilbertson Clybourn (BF)  
 \* 89-171 Pekin Energy Company (JD)(open waiver)  
 89-177 CWM Chemical Services (JTM)(open waiver)  
 AC 89-215 Omer Thomas (BF)  
 AS 90-8 Olin Corporation (JA)  
 AC 90-26(B) ESG Watts (JCM)  
 90-59 Michael L. Christianson (MN)  
 90-60 Allied Hastings Barrel & Drum Company (JCM)  
 AC 90-64(B) Louis Mund (BF)  
 AC 90-65(B) Arthur Fields (BF)  
 AC 90-66(B) Sandra Petroff (BF)  
 AC 90-67(B) Timothy Doctor (BF)  
 AC 90-91 Bernard Leitschuh (BF)  
 90-124 Rock Valley Oil Company (JCM)  
 90-135 The Grigoleit Company (BF)  
 \* 90-136 Walter J. and Marlene J. Maquet (BF)(open waiver)  
 90-140 G & K Investments (BF)  
 90-146 Village of Matteson (BF)  
 90-148 B & M Steel Service Center (MN)  
 90-149 Straders Logging and Lumber Mill (MN)  
 \* 90-168 Williamson Adhesives (BF)(open waiver)  
 \* 90-227 DMI, Inc. (RCF)(open waiver)  
 AS 91-1 Keystone Steel & Wire (JA)  
 \* 91-2 Olin Corporation (JCM)(due 12/19)  
 AS 91-3 Peoria Disposal Company (JD)  
 AC 91-17 Ronald Feldman (JCM)  
 \* 91-29 Commonwealth Edison (RCF)(open waiver)  
 91-60 Thomas Steel and Blue Tee Corporation (JCM)  
 \* 91-75 Community Consolidated School District No. 15 (BF)(open waiver)  
 \* 91-80 Paul Rosman (JD)(due 10/24)  
 \* 91-83 Indian Refining Limited Partnership (MN)(due 1/9)  
 \* 91-86 Raymond D. and Mary Moore (JA)(due 1/9/92)  
 \* 91-96 The Ensign Bickford Company (JD)(due 10/10)  
 \* 91-106 Village of Roxana (JTM)(due 10/10)  
 \* 91-107 Village of Oak Brook (MN)(due 10/10)  
 \* 91-108 Israel-Gerold's (JTM)(due 2/6)  
 \* 91-109 North Suburban Development (JA)(due 10/10)

PENDING CASES ASSIGNED: (Cont'd)

\* 91-111 Village of Oswego (JCM)(due 10/24)  
\* 91-120 Beer Motors (JTM) (due 11/7)  
\* 91-121 Village of Channahon (JA)(due 11/7)  
91-129 City of Bloomington (JCM)  
\* 91-131 Salvation Army (MN)(due 11/21)  
\* 91-133 Lawrence Cadillac (JCM)(due 12/19)  
\* 91-135 Village of Bloomingdale (JTM)(due 11/21)  
\* 91-138 Kronon Motor Sales (RCF)(2/27)