

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

September 26, 1972 309 W. Washington, Chicago

All Board Members were present.

Proposed settlement agreements in #71-11, GAF Corporation, and #72-50, EPA v. GAF Corporation, were discussed and put over to the afternoon session for further consideration.

A motion by the E.P.A. for the Board to adopt hearing officer orders on discovery in #72-286, E.P.A. v. Evanston, was put over to the October 10, 1972 Board meeting. This was to allow the Respondent time to reply to the motion.

In #72-297, Illinois Power, the Board decided to ask parties to appear at the October 3, 1972 Board meeting to discuss issues raised in the E.P.A. Recommendation.

The Board then heard oral argument by parties in #R71-23, Steel Companies' Motions for Stay. The Board authorized a hearing on the matter for the following week. A transcript of these proceedings was taken.

A brief recess was taken.

An Opinion and Order was adopted in #71-243, Carlson, by a vote of 4-1. Mr. Dumelle dissented, believing the penalty should be \$15,000.

An Opinion and Order in #72-281, Olin Corporation, was adopted by a vote of 5-0.

In #72-49, Benj. Harris, a motion for leave to file an amended complaint by the E.P.A. was ordered to be left to the Hearing Officer for ruling.

In ##72-368, Simpson v. Cinnamon Creek and 72-377, Cinnamon Creek, statements were given by parties representing the E.P.A. and Cinnamon Creek. Action put over the P.M. session.

The Board voted 5-0 to request Petitioner's response to a motion for briefs in lieu of hearing in #72-364, Semco, before acting on the motion.

Mr. Bender appeared on his own behalf in #72-324, Bender. The Board requested Mr. Bender to submit a written statement under oath and set the matter for discussion and possible decision Oct. 3, 1972.

Parties appeared in the matter of #72-54, Union Carbide. A Letter from the Midway Organization regarding the case was submitted to the Board by the E.P.A. A transcript of further discussion of the case was taken. Mr. Dumelle agreed to prepare an opinion for decision October 3, 1972.

An Opinion and Order in #72-110, Metropolitan Sanitary Dist., was adopted by a vote of 5-0.

Opinions and Orders were adopted in the following cases by a vote of 5-0: ##72-171, Jacobs; 72-177, Kelberger; 72-272, Johns-Manville; 72-279, Iowa-Ill. Gas; 72-280, Electric Energy.

Discussion of Mr. Currie's Opinions and Orders in ##71-156, Ramsey and 71-338, CPC was held and set for decision October 3, 1972.

After some discussion Mr. Henss agreed to prepare an Opinion and Order in #71-347, Darrill.

The Board voted 4-1, Mr. Dumelle dissenting, to ask parties to appear at the October 3, 1972 meeting in the matter of #72-79, Sangamo, for discussion of the case.

Discussion of #72-83, Cilco, was put over to October 3, 1972.

Mr. Lawton agreed to prepare Opinions and orders for decision Oct. 3, 1972, in ##72-105, 72-187, South Side Foundry and 72-126, Kankakee. This was after discussion of the matters by the Board.

Discussions were held in the following matters: ##72-197, Lake-in-the-Hills, Mr. Currie will draft an opinion for possible decision October 3, 1972; 72-198, High Lake Poultry, Mr. Dumelle to draft an opinion for decision Oct. 3, 1972; 72-216, Iowa-Ill. Gas & Electric, the Board voted 5-0 to reinstate the original Opinion and Order; 72-252, Enders, Mr. Lawton agreed to draft an opinion for discussion October 3, 1972; 72-259, National By-Products, Mr. Parker said he would prepare an opinion for decision October 3, 1972; 72-300, Ill. Bank, Mr. Currie to prepare an opinion for decision Oct. 3, 1972.

In #72-304, Hanover Park, time to file an amended complaint was up and the Board voted 5-0 to dismiss and refer to the EPA for investigation.

Discussions were held in ##72-307, Ill. Bank, Mr. Currie to prepare an opinion for Oct. 3, and 72-333, Mt. Olive, Mr. Dumelle to draft an opinion for Oct. 3, 1972.

The Board voted 5-0 to dismiss petition in #72-355, Palos Park.

Requested information was filed in #72-365, 1st Nat'l Bank and the Board decided to hold it for an EPA Recommendation.

Discussions in #R72-7, AQS and Proposed Revisions to the Procedural Rules was put over to October 3, 1972.

An Opinion and Order in #R72-13, Repeal of Enforcement Transcript Regulation was adopted by a vote of 5-0.

Mr. Parker raised a question in the matter of #R72-4, WQS Amendments on whether or not a lake located in Granite City should be made an issue in a hearing to be held in Granite City. There was some discussion and the final determination of the question was left to Mr. Parker.

A motion for rehearing in #72-144, Richardson, was denied by a vote of 5-0 but Mr. Currie said he would prepare an opinion clarifying some issues.

A motion for oral argument #72-328, Peabody Coal was referred to the H.O. for ruling.

The Board voted 5-0 to allow #72-337, Bradford, to withdraw its petition for variance.

The matters of ##72-368, Simpson v. Cinnamon Creek and 72-377, Cinnamon Creek were discussed again. Mr. Currie said he would prepare an opinion on motion for summary judgement for Oct. 3, 1972.

#72-76, Fansteel, was put over to Oct. 3, 1972 discussion.

#70-17, DuPage, was set for discussion Oct. 10, 1972.

Minutes of Board meeting held September 6, and September 12, 1972, were approved by a vote of 4-0. Mr. Currie did not participate as he did not attend the meetings.

The following actions were taken in new cases: ##72-369, Henry McGough, authorized for hearing by a vote of 5-0; 72-370, Amoco Chemicals, dismissed by a vote of 5-0; 72-371, Granite City, authorized for hearing by a vote of 5-0; 72-372, EPA v. Federal Paperboard and 72-373, EPA v. Bakely Construction, hearings mandatory; 72-374, Caperpillar Tractor Co., hold for EPA Recommendation; 72-375, Meyer v. Jefferson Park Corp, action postponed pending response to motion to dismiss by Jefferson Park; 72-376, City of Macomb, Board requested additional information; 72-377, Cinnamon Creek, action put over to Oct. 3, 1972; 72-378, Grant Park, action put over to Oct. 3, 1972; 72-379, E. St. Louis & Interurban Water Co., authorized for hearing by a vote of 5-0; 72-380, Alton Water Co., authorized for a hearing by a vote of 5-0; 72-381, Central Illinois Public Service Co., ordered held for EPA Recommendation.

Mr. Currie announced that the annual report would be ready soon and would be published in the next newsletter.

Proposed settlement agreements in ##71-11 and 72-50, GAF Corporation, were discussed again. The Board voted 4-1 to accept the settlement agreements, Mr. Dumelle dissenting. Mr. Currie agreed to prepare an order in each case and to draft an opinion for decision October 3, 1972.--

The meeting was adjourned..

I, Christian L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above minutes this 20th day of October, 1972 by a vote of 5 to 0.

