ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL BOARD MEETING
JANUARY 10, 1972, 309 W. WASHINGTON ST., CHICAGO, ILLINOIS

The Board met at 10:00 a.m. but recessed until 1:00 p.m., at which time the following took place:

Mr. Currie announced that three candidates for office manager would appear at the meeting Jan. 17; that a memorandum indicated possible savings by contracting with another court reporting service; that a report on employing court reporters directly was expected within the week; and that a letter had been sent to Director McCarter protesting the Budget Bureau action on the Board's budget requests.

The Appellate Court's reversal of the Board's decision regarding phosphates in #71-36, North Shore Sanitary District, was noted, and discussion of whether or not to authorize a further appeal was postponed to an executive session January 17.

Mr. Dumelle's draft opinion in #71-307, Ford, was discussed and set for Board action January 20, Mr. Dumelle indicating that the penalty should be $500 or $1000 and Mr. Currie asking for greater emphasis on the open dumping violation. Discussion of draft opinions in ##71-225, Airtex, -238, General Electric, and -265, Minerva, was set for January 17.

Regarding the hearing officer's letter with respect to possible conflict of interest in #71-306, Tollway, Mr. Currie agreed to ask the parties for their views and to replace the hearing officer only if the parties so request. Mr. Lawton agreed to draft an order denying the motion to dismiss #R71-24, Bottle Deposit, for discussion January 17. The Board noted filing of the following cases in which hearings are mandatory: ##72-2, -3, and -4, EPA v. City of Salem, Lobue, Inc., and Bessie Lenz. Consideration of ##72-5 through 72-8 was postponed until later in the meeting.

Minutes for December 21 were approved 4-0, with the addition of a reference to the 4-0 decision adopting the opinion and order in #71-295, City of Lincoln.

Mr. Dumelle announced that he had met that morning with Mr. Mayo of federal and Mr. Blaser of state EPA and other officials regarding federal funds for sewer construction, noting that failure of certification of the Northeastern Illinois Planning Commission was a stumbling block. Mr. Kissel reported that neither present federal law nor the pending Muskie bill made adequate provision for retroactivity in federal funds for sewage treatment and agreed to prepare a draft resolution for the Board.

The Board then discussed the status of the record regarding #71-23, Air Emission Standards. Present were Dr. Roberts and Mr. Prillaman from the Agency as well as various members of the public. Mr. Currie suggested consideration of certain changes in the proposal on the basis of evidence received, including the following:

Rule 202: Visible emission standards should be correlated with numerical process weight standards so that persons in compliance with the latter are not in violation of the former; a new definition of uncombined water is needed so that water emissions are not considered violations; the citizen should not be excluded from giving evidence as to visible violations, rather his training should go to the weight of the evidence; perhaps more discretion should be given to the EPA to determine appropriate periods for exemptions for startup, soot blowing, and the like.

Rule 203(a)-(d): The evidence seems to indicate that the stricter process weight table (a) is reasonable for those who must reduce their emissions, with certain exceptions to be noted. Perhaps the federal new-source standards for cement plants should be substituted for that industry, although the testimony seems to conflict. On the evidence so far he would recommend a separate provision allowing 0.3 gr/scf for dryers in the wet corn milling industry. Small foundries should be further explored to determine whether or not they cause severe enough local pollution to justify the economic impact of repealing the present limited more lenient standard for existing plants. The absolute 70-pound limit was questioned, particularly in connection with the rule aggregating sources at a single site, in order not to encourage proliferation of small sources. Mr. Currie suggested consideration of whether the allowance for facilities meeting the existing process weight table should not be extended to other facilities meeting special provisions of the existing standards.

Rule 203(e): The evidence seems strong in support of the federal standard of 0.08 gr/scf for incinerators above 4000 lb/hr and of a standard of 0.2 gr/scf for smaller ones. Mr. Roberts inquired whether the Board intended to encourage the use of small incinerators. Mr. Currie said there was no evidence in the present record as to the need to discourage them if they could meet the 0.2 standard.

Rule 203(g): Small sources should perhaps be exempted from the requirement of a stack 2.5 times building height.

Rule 204(h): The evidence seems to support the feasibility of 0.1 lb/mbtu for existing and 0.05 for new fuel-burning sources. The more restrictive standard for oil Mr. Currie questioned

on grounds of equity. He also suggested consideration of a provision allowing existing sources now meeting 0.2 or perhaps 0.3 lb/mbtu to continue doing so, at least for several years, unless air quality standards otherwise require, in order, by analogy to the process weight standard of Rule 203(b), to protect recent investments. Mr. Currie said he thought the record clear as to the need and feasibility of a London law in the Chicago region but asked for more proof or an alternative standard for other regions.

The need for incorporating standards for particulates from mobile sources was noted.

Rule 203 (j): Mr. Currie said the record showed the availability of control devices for charging of coke ovens and at least great progress toward control of pushing, but that there was no evidence as to the performance that could be expected regarding pushing, so that no regulation could be adopted on that matter, and insufficient clarity as to the performance to be expected from charging. He asked for more information or a reformulation of the proposed standard.

Rule 204(a)-(c): Mr. Currie said the evidence showed that low-sulfur fuel as contemplated by Edison could play a large part in achieving the proposed standards, with perhaps small modifications of the proposed numbers, and that technology was sufficiently advanced--several companies having purchased full-size units for demonstration purposes--that it appeared reasonable to require some others in seriously polluted regions, which the Agency should further define, to buy them also. Allowing some time to evaluate units presently being completed, he thought compliance could be achieved by mid-1975. For the rest of the State he thought the evidence justified a 1978 or 1980 date for strict controls, with a 6.0 lb/mbtu interim requirement to require coal washing, together with a stack-related regulation to avoid excessive local concentrations.

Rule 204(d): Mr. Currie said the evidence seemed to show that 1500 ppm SO_2 could be achieved at present acid plants by relatively modest improvements and called attention both to the federal new-source standards for both sulfur dioxide and acid mist, which are tighter than those proposed, and to evidence suggesting that the proposed mist standard may be too strict.

Discussion of further provisions was set for 1:30 p.m. January 17. Mr. Roberts expressed the Agency's intention to submit a revised draft in the very near future, and Mr. Currie his hope that the Board on the basis of such a revision could publish a proposed final draft near the end of January on which two additional hearings could be promptly held.

The meeting was recessed until 1:00 p.m. Tuesday, January 11, for consideration of further business.

The Board reconvened pursuant to recess at 1:00 p.m. January 11. Mr. Currie agreed to ask the Agency for a response to the motion for stay in #71-25, City of Marion, in light of the allegation that the EPA had denied the requested permit. Mr. Dumelle agreed to draft an opinion denying the motion for rehearing in #71-225, Crane Door; Mr. Lawton an opinion denying the motion to dismiss in #71-300, Hoffman; and Mr. Currie an opinion denying the motion to dismiss in #71-365, Urbana, all for discussion January 17. Mr. Currie agreed to ask the parties to appear January 17 to argue the motion respecting duplicitousness in #71-368, Glidden-Durkee. Mr. Lawton's draft opinion denying the motion to dismiss in #R71-24, Beverage Containers, was adopted 4-0.

In new cases, Mr. Currie agreed to draft opinions dismissing ##72-5, Wilmette, and 72-7, on the ground that no variance could be granted even if all facts alleged were proved; in the former case because no probable need for a variance was alleged and in the latter for absence of any control program. The Board agreed to wait for the Agency's recommendation in #72-6, DuPont, without hearing. A hearing was authorized 4-0 in #72-8, Nachtrieb v. South Palos Sanitary District.

Minutes for January 3 were approved 4-0.

There followed a discussion with the parties in #70-34, Granite City Steel Co., in which the parties stressed that the proposed settlement embodied a control program that would require more than one year and various Board members noted that the statute contemplated renewal of variances after one year. The parties said they would work further and report back in the near future.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 17 day of January, 1972 by vote of 5-0.

Christan L Moffett