

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL BOARD MEETING
JANUARY 17, 1972, 309 W. WASHINGTON ST., CHICAGO, ILLINOIS

All members were present.

The Board heard oral argument of a motion regarding duplicitousness in #71-368, Glidden-Durkee, a transcript of which was taken. On the basis of an agreement between the parties the motion was withdrawn.

In executive session the Board then discussed pending litigation respecting ##71-36, North Shore Sanitary District, and #R 71-24, Beverage Containers, with Mr. Landgraf and Mr. Cosby of the Attorney General's office, representing the Board before the courts.

In public session again, the Board adopted 5-0 the following opinions and orders: ##71-36, NSSD, asking the parties to comment on further proceedings to be taken; 71-255, Crane Door, rejecting a motion for rehearing; 71-300, Hoffman, denying a motion to dismiss; 71-365, Urbana, same; 72-5, Wilmette, and 72-7, York Center, dismissing the petitions.

In #71-306, Tollway, Mr. Currie noted receipt of statements from all parties indicating no objection to the continued service of the hearing officer, and said he would ask the Clerk to direct the hearing officer to proceed.

The following draft opinions were discussed and set for action January 20: General Electric, #71-238, Mr. Kissel agreeing to Mr. Dumelle's suggestion for a report as to the feasibility of further controls on iodine 129 and on krypton; 71-265, Minerva, Mr. Aldrich agreeing to provide for further consideration in the event the addition of wet baffles does not achieve compliance; 71-307, Ford.

The opinion in # 71-325, Airtex, not being ready, discussion was postponed to January 24.

Other discussions: Mr. Kissel set forth his view of the record in #71-343, North Shore Sanitary District, and agreed to draft an opinion for discussion January 24 and action January 31 that would allow a limited number of sewer connections on several conditions, including the screening and disinfection of Water St. and Gillette bypasses as well as the use of chemicals at Waukegan and Clavey Road and an acceptable effluent (20-25 at Clavey, 30-35 Waukegan). Priority in allotting new capacity is to be in accord with the proposed regulation #R 71-19, and the EPA must agree that the sewer itself is adequate. Mr. Kissel raised the question whether the

variance should be denied because of serious failures to adhere to the order in terms of construction schedules. Mr. Currie said that question could be raised in separate enforcement proceedings but urged that the variance be granted as that would improve the condition of the waters. Mr. Kissel agreed to make compliance with the schedule a condition only of renewal of the variance with respect to further connections after the first year.

Minutes for January 3 and 10 were approved 4-0, Mr. Dumelle being out of the room.

In #71-236, Solid Waste Disposal Co., Mr. Currie said he thought the settlement agreement for \$1000 penalties was too low for the protracted and serious particulate emissions disclosed by the stipulation (from a large incinerator). Mr. Kissel said the amount of the penalty should be related to the financial condition of the company, and pointed out a statement that such condition was poor. Further discussion was put over to January 24 pending study of the relevant exhibit.

At 1:30 p.m., with Mr. Malhotra of the EPA and interested members of the public present, Mr. Currie resumed his summary of the evidence in #R 71-23, Emission Standards, as follows:

Rule 208, Odors, should be withdrawn for further study in light of doubts as to measurement, feasibility of compliance, and need.

Rule 207, Nitrogen Oxides, he thought amply supported in respect to process emissions, and to the reasonableness of requiring adjustments to oil and gas fired boilers where necessary. Whether the oil and gas requirements should apply beyond Chicago and St. Louis he asked the Agency to consider; and he said he thought the evidence did not support the practicability of such limitations when coal is used.

Rule 206, carbon monoxide, he thought amply supported in the main, suggesting the following amendments: prescribe the performance of the required incinerators; exempt blast furnace slips and certain secondary safety valves in refineries and the like, in the absence of further evidence; provide an exception for fireplaces and small coal furnaces, and for existing small incinerators. Mr. Wadden added that certain chemical processes produce large quantities of CO at low temperatures, which is expensive to incinerate and for which alternative control measures should be allowed.

Rule 205, organics; the provisions in (a) for storage, filling, and loading facilities he thought well supported and necessary on a state-wide basis to deal with refinery odors and the like, but urged consideration of an exception for storage tanks in remote areas if small and containing materials of relatively low vapor pressure. For solvents, he suggested a strict rule such as that proposed applicable to photochemically reactive solvents in areas

such as Chicago and St. Louis with oxidant problems, observing that control of automotive emissions may not suffice. Non-reactive solvents, he said, should not be ignored since they can cause odor and other nuisance problems, but in light of the high costs of incineration or other controls for such sources as spray booths he thought controls should be required only in cases in which an odor problem is shown. Mr. Wadden added that the loading provision probably should be amended to assure barge safety.

In #71-283, Logan, Mr. Lawton agreed to draft an opinion for January 24 discussion forbidding further wastes to be accepted until an Agency permit and asking for the parties' statements as to financial status to guide in assessing a penalty for the numerous, prolonged, and serious waste disposal site problems, including air and water pollution, shown in the stipulation. Mr. Aldrich agreed to draft an opinion to grant the variance in #71-302, to allow dumping concrete and related non-putrescible material into a borrow pit containing water, for discussion January 24. Mr. Currie noted that EPA was studying a second settlement proposal in #71-335, General Iron, and that the 90-day deadline had been waived. He agreed to prepare an opinion to dismiss as moot (for January 24) ##71-336, Fairfield, and 71-349, Certain Teed, in which the requested dates for compliance had passed. Mr. Dumelle agreed to draft an opinion for discussion January 24 to grant the variance regarding algae treatment in #71-337, Lake County DPW (Vernon Hills), stressing that substantial investments had been made before the requirement was announced and that the plant is to be replaced within little more than a year. Mr. Currie noted waiver of the 90-day period and possible withdrawal of the petition in #71-341, Wells Lumber Co. # 71-344, Mars, was set for discussion January 24, as was discussion of the form of bond and a motion for amendment in #71-44, US Industrial Chemicals.

In #71-316, Milford CC, Mr. Currie said he would ask the Clerk whether the Chamber had indicated a desire to proceed to hearing.

New cases were deferred until January 20, as was Mr. Harker's suggested addition to the proposal in #R 71-25, Mine Wastes. Receipt of Mr. Tsivoglou's first draft of radiation regulations for the Institute was noted, and Mr. Romanek reported that Mr. Tsivoglou would meet with the Board at 3 p.m. January 24.

The Board agreed that Mr. Currie should send to Edison the additional questions of Mr. Dumelle regarding emergency core cooling.

Mr. Dumelle reported that Rep. Harold Katz had expressed the desire of intervening in # 71-238, General Electric, to present

an expert witness regarding a possible hazard. Mr. Kissel agreed that on the basis of such a motion to intervene the Board should delay decision for a brief time in order to obtain a written statement as to the cause for concern but noted that hearings cannot be reopened every time someone wishes to present additional evidence. The matter was set for January 20.

Mr. Aldrich reported that he expected receipt of EPA livestock-waste proposals this week. Mr. Kissel reported a session with hearing officers for the DuPage regionalization cases on January 15 and suggested pay of \$15/hour, with a \$1000 limit in the absence of further approval, and his motion carried unanimously.

Mr. Currie then noted his memorandum indicating that contractual funds were virtually exhausted. He suggested immediate adoption, with an emergency clause, of the pending rule #R71-21 to require petitioners in variance and permit cases to pay for transcripts, and publication of a new rule, #R72-1, to extend the rule to enforcement cases, along with postponement of enforcement hearings until adoption of the new rule unless the parties agreed to supply the transcript. Mr. Lawton's motion to that effect carried 5-0. Mr. Currie also suggested hiring a court reporter on a personnel basis to handle rule-making, on the ground of probable savings and enabling the use of personnel funds, which cannot be transferred. He agreed to explore the cost figures further before making that decision. Mr. Kissel raised the question whether in light of the budget situation it was necessary to hire an office manager. The Board then in executive session interviewed three candidates for that position.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 20 day of January, 1972 by vote of January -- 4-0

Christan Moffett