

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL BOARD MEETING  
309 W. WASHINGTON STREET, CHICAGO, ILLINOIS  
JANUARY 31, 1972

All members were present.

Mr. Kissel explained his proposed opinion and order in #71-343, North Shore Sanitary District, which in accord with previous discussions would grant a limited number of new connections on certain conditions including overflow control. Mr. Dumelle said he agreed that connections should be allowed at Clavey Road, without limit and without requiring chemicals. But he said he was concerned that the opinion might encourage swimming in the Lake near Waukegan although chlorination may not be sufficient to kill viruses. Mr. Kissel pointed out this was true of any sewage plant effluent meeting all existing standards. The Board adopted Mr. Kissel's opinion and order 4-1 over Mr. Dumelle's dissent.

The Board then adopted the following opinions and orders, in accord with prior discussions, by a 5-0 vote: ##71-200, Molex; -211, Agrico; -287, Sauget (Mr. Dumelle's opinion and order denying the motion to reconsider, finding no error as to compliance with the Village's own schedule); 72-29, Cedar Park (dismissed), and 72-30, Southern Illinois Power Coop., also dismissed.

Opinions in the following cases were discussed and set for decision February 3: ##71-232, Scott AFB; -277, Mattison Machine; -302, Whetzel; -319, Holland Ice Cream; -325, Airtex, Mr. Currie asking for additional discussion of the basis for the City's liability. The opinion in #71-337, Lake County DPW, was set for discussion Feb. 3.

Mr. Currie agreed to write and ask the Agency for a response to the motion to dismiss in #71-157, Silvis, with particular reference to the question of want of prosecution. In 71-161, Patricia, he agreed to check the record and draft an order specifying whether two named parties were included in the variance grant. The Board agreed to take the dismissal motion in #71-358, Aluminum Coil, with the case. In ##72-32, and -33 Niles Terrace and City of Flora, Mr. Currie agreed to draft orders of dismissal for Feb. 3, in the first case because the allegations fell within precedents for denying sewer connections, and in the second for failure to allege sufficient hardship, especially as to the absence of alternatives, to allow open burning of trade wastes.

Minutes for January 20 and 24 were approved 5-0.

#71-25, Marion, motion to stay, was postponed again pending EPA response on the permit denial question. #71-36, NSSD (PO<sub>4</sub>), was deferred on the Attorney General's request during pendency of the motion in the appellate court for clarification. #71-283, Logan, information on financial position not received from respondents, to discuss again Feb. 7. Mr. Currie said he thought the petition should be denied in #71-303, Burkett, because the cost of neutralizing the acid sludge with limestone to avoid a violation was relatively small (\$24,000/year) and could be passed on to service stations whose refuse is collected for recycling. Mr. Dumelle asked for more time to study the case and expressed concern over the impact of such a holding on other persons with hazardous wastes as well as the possibility that imposing costs on the service stations might make them illegally dump oil in the sewers. Discussion was continued to Feb. 3. Mr. Kissel agreed to prepare an opinion to deny the variances in ##71-356 and -357, Tuscola and Hayes Drainage Districts, for inadequate proof that the cost of an air curtain or alternative means of compliance was not worth the reduction in pollution, for discussion Feb. 7.

Mr. Kissel excusing himself, the Board then discussed #71-269, Glovka, and Mr. Lawton agreed to draft an opinion finding the District in violation of the sewer ban order and imposing a money penalty. Mr. Currie said he saw no basis for holding the other respondents in violation of the order, which was directed solely against the District, and that there was no proof that water pollution had been threatened or caused in the present record.

The full Board then reconvened, and Mr. Aldrich agreed to draft an opinion for Feb. 3 in #71-236, Solid Waste Disposal Co., approving the settlement for \$1000 penalty and compliance before reopening the incinerator. Mr. Kissel pointed out in #71-73, Decker Sawmill, that the motion for reconsideration to allow more time to stop open burning was based on a misconception that the air curtain destructor was allowed for all wood wastes, not simply landscape waste; and Mr. Currie agreed to draft an opinion for Feb. 3 to deny the motion. Mr. Lawton's suggestion that he refer the letter of Medusa Cement, #71-27, to the Agency for confirmation that the program had been completed was agreed to.

Mrs. Eileen Johnston reported a conversation with Rep. J. Theodore Meyer, in which his concern was expressed about the proposal to require parties to pay for transcripts.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 14<sup>th</sup> day of February, 1972 by a vote of 5-0.

*Christan Moffett*