

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL MEETING, FEBRUARY 1, 1971
189 W. MADISON STREET, CHICAGO

All members were present.

Mr. Currie reported to the full Board the actions taken by the three members present at a continuation of the January 25 meeting in ## 70-30, 70-31, and 70-32, variance requests by the City of Jacksonville, by Owens-Illinois Corp., and by the Springfield Sanitary District.

Mr. Kissel and Mr. Dumelle reported on the progress of the effluent standards hearings, #R70-8, and Mr. Dumelle said he would prepare a revised draft of the proposed regulations for consideration at the next meeting and possible publication in the next newsletter. Mr. Currie said that Mr. Karaganis of the Attorney General's office had expressed an interest in helping the Board to gather evidence, by subpoena or otherwise, looking toward additional effluent standards tailored to stream flows and to the best available technology. Mr. Lawton raised the question whether the Board's present procedural rules provided for subpoenas in rule-making proceedings and agreed to prepare a proposed amendment to the rules if one was necessary. Mr. Currie said that Mr. Kee was looking into the question of acquiring detailed information on existing water quality and existing effluents; that it might after preliminary investigation prove desirable for the Institute to employ a contractor to gather this information, as in the case of the air quality implementation plans; and that some stream modeling would be desirable in order to determine what effluent standards would be necessary to achieve the water quality standards. Mr. Aldrich said Mr. Allin would be available to help Mr. Kee in this matter.

Mr. Currie said Mr. Kee had pointed out that secondary treatment dates on the Ohio River remained at 1977 although in all other parts of the state secondary treatment would be completed by the end of 1973. He said he would ask the Board February 3 to authorize a hearing on a proposal to bring the Ohio River date into line.

Mr. Currie noted that the federal government had just published proposed air quality standards governing sulfur dioxide, particulate matter, carbon monoxide, oxidants, hydrocarbons, and nitrogen oxides and said he would see to it the Board members received copies, so the Board could determine what revision of its own standards might be necessary.

The Board agreed to vote February 3 on a proposed opinion by Mr. Kissel in #R70-3, Secondary Treatment Dates, Mississippi River.

A group of citizens from Summit, Illinois inquired about procedures regarding participation in the variance proceeding initiated by Fry Roofing Co., #71-4, and as to the relation between state and county authorities.

Preliminary discussion of ## 70-18 and 70-27, Container Stapling and Medusa Cement, was set for February 8.

Mr. Currie reported that on January 28 he had addressed the Chicago Bar Association and had mentioned his intention to propose the designation of several high-quality streams for extraordinary protection against pollution. He noted that he had explained the Illinois legislation and the Board's activities to a nationwide group of attorneys attending an ABA-ALI study session in Washington, D. C., on January 29.

Mr. Currie said he had received two requests for comment on proposed legislation that would affect the Board and asked members' views on how the Board should respond to such inquiries. He said he thought the Board had an obligation to inform the Governor first as to any legislation that it wanted proposed, and said that Mr. Schneiderman's view, which he shared, was that the Board was set up to be sufficiently independent of the executive branch that it was proper for it to comment directly on other legislators' bills, so long as the Governor's office was informed as to the Board's recommendation. Mr. Dumelle thought the Board ought not to take a position on substantive issues such as the banning of the supersonic transport on which it could hold hearings but had not; the proper medium for Board expression on such a subject was through hearings and regulations. Mr. Currie agreed but added that he thought each member should be free to state his personal views on such an issue, making clear that his opinion was not based on a full hearing record and did not necessarily represent the opinion of the Board. Mr. Dumelle noted there was a danger that personal opinions might be taken erroneously to be Board positions, but he agreed with Mr. Kissel that it would not be proper to attempt to limit the freedom of individual members to express their own opinions.

Mr. Currie proposed that the Board request the Governor to seek modification of the statutory requirement that variance petitions be passed upon within ninety days, spelling out the difficulties the Board had so far had with that provision and adding that the Agency was not able to make its recommendations in the twenty-one days now provided by rule and that petitioners had complained, not without some merit, that they ought to be allowed a reasonable

period in which to study the Agency recommendation before hearing. Other members expressed the view that it was desirable to have some time limit for Board action in order to assure against unnecessary delay, but agreed that Mr. Currie should ask that the period should be extended to 120 days. Mr. Currie asked for views as to proposed legislation to give the Board explicit power to ban the sale or use of pesticides and of such items as non-returnable bottles, saying he thought such authority necessary to a complete and unified program but that he thought the Board had its hands full for the near future with its present business and that this was no time to provoke a fight over sensitive subjects. Mr. Dumelle said the Board should leave the Act essentially alone for another year or so, apart from repairing the 90-day provision, and other members agreed.


Mr. Currie reported that his latest calculations showed the Board needs an additional \$120,000 or so in order to meet its expenses for the present fiscal year and that he would ask the Budget Bureau to set in motion whatever machinery is necessary to secure the needed funds.

Mr. Currie said the City of Springfield had notified the Board that a precipitator on which heavy reliance was placed in #70-9 had failed to operate satisfactorily and said he would ask the Board on February 3 to reopen the record in that case in order to ascertain what order would be appropriate under the changed circumstances.

After an extended discussion of thermal standards for Lake Michigan (#R70-2), during which Mr. Lawton left to conduct a pre-hearing conference, Mr. Currie said he would write a statement to the Lake Michigan Conference setting forth the essential facts as agreed upon by the Board, the alternative regulations that might be adopted, and the arguments in favor of each, and adding that, as Mr. Dumelle had suggested, the Board expected to publish a proposed final regulation during the first week in March.

Following a brief discussion of #70-7, League of Women Voters v. North Shore Sanitary District (Mr. Lawton not participating), the meeting was adjourned.

I, Regina E. Ryan, certify that the Board has approved the above minutes this 17th day of February, 1971.


Regina E. Ryan
Clerk of the Board