

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL BOARD MEETING  
FEBRUARY 14, 1972, 309 W. WASHINGTON ST., CHICAGO, ILLINOIS

All members were present.

Mr. Conzelman for the North Shore Sanitary District presented a motion for rehearing in #71-343, NSSD v. EPA (sewer ban modification). On request by Mr. Cosby for EPA for five days in which to study the motion, the parties agreed to oral argument and the presentation of any necessary evidence before the Board at 10 a.m. Tuesday, Feb. 22.

Mr. Dumelle moved to table #70-21, and no second was made. The Board voted 4-1, Mr. Dumelle dissenting, to correct a clerical error in the latest opinion in #70-21, Dresden, adopting an opinion and order drafted by Mr. Kissel to that effect, replacing the April 1973 date for completion of the off-gas control system with June 1973.

General Electric Co. asked and with the agreement of the other parties was granted two weeks in which to respond to the more definite statement regarding intervention filed by the UAW in #71-238, General Electric Co. Mr. Dumelle noted that he would be absent when the motion came up for decision and that he believed it should be granted.

Mr. Kissel not participating, the Board then discussed changes made by Mr. Lawton in the proposed opinion in #71-269, Glovka v. NSSD, Mr. Lawton pointing out he had omitted finding Lake Bluff in violation and not required disconnection of those who had relied in good faith on municipal officials. The case was set for February 17 decision. Mr. Dumelle observed that with parties attending Board preliminary deliberations there was a risk that such meetings would be turned into oral arguments or hearings. Mr. Currie noted that the public meetings act requires deliberations to be in public.

Mr. Kissel outlined the evidence in #71-328, Commonwealth Edison (Zion), indicating he believed the thermal standard would be essentially met and the radiation exposures minimal and that the permit should be granted. Mr. Currie agreed. Mr. Dumelle said he thought the record deficient in several respects. At Mr. Kissel's suggestion the Board agreed that Mr. Dumelle should submit his questions to Edison for reply within two weeks and that decision should be postponed until that time. Mr. Lawton pointed out the need for adversary proceedings and the desirability of an EPA section to deal with radiation.

The Board voted 5-0 to grant a variance until April 1972 regarding smoke emissions in #71-359, Decatur Hospital, Mr. Currie to supply an order.

The following draft opinions were discussed and set for February 17 decision: ##71-283, Logan; 71-303, Buerkett; and 71-305, Krawczyk. In #71-362, New Jersey Zinc, the Board agreed that decision should be postponed until after adoption of the sulfur regulations in #R71-23 and that additional evidence should be permitted, on condition that the promised waiver of the 90-day rule be filed. Action was deferred until February 17.

In #71-361, Younker, Mr. Currie explained his draft opinion that would deny the request for an indefinite exemption from the advanced treatment requirement of SWB-14 for want of an adequate program but would allow 30 days for filing a spray program to meet the standard. Action was set for February 17, Mr. Currie agreeing to add that a new petition could be filed if federal money became available and a firm plan could be developed.

Mr. Currie noted that the 90-day rule had been waived in #71-366, Kankakee Foundry. In #71-371, Olin, Mr. Lawton agreed to draft an opinion for Feb. 17 to grant an extension allowing explosive burning at Marion, on condition of pursuing a plan for controlled incineration as proposed. In ##71-372 and -373, Chicago Vitreous and Springfield, discussion was postponed pending receipt of the EPA recommendation. Mr. Currie agreed to draft an opinion for February 17 action to extend the allowance to burn coal slightly in excess of episode sulfur limits in #71-374, Olin. Mr. Aldrich agreed to draft an opinion ordering Central Landfill Co., #71-339, to cease landfill violations and pay a penalty of \$200, for discussion Feb. 22. Mr. Currie agreed to draft an order denying the motion for rehearing in #71-259, Monmouth, indicating a new program could be filed as a petition to vary the order, for Feb. 17 decision. He also agreed to draft, for action Feb. 17, an order granting the motions to dismiss by the complainants in the Tollway cases, ##71-306 and -327. The motion to dismiss in #72-26, Lake Zurich, was taken with the case.

Minutes for Jan. 31, Feb. 3, and Feb. 7-8 were approved 5-0.

The filing of new enforcement cases by EPA was noted, and Mr. Currie agreed to prepare an order dismissing #72-56, Kimber, for failure to allege sufficient facts such as the regulation from which variance was sought, for action Feb. 17.

Mr. Kissel noted completion of the Water Quality Standards hearings, #R71-14, and discussion of Plant Nutrients, #R71-15, was set for February 22.

An executive session was then held on budget and personnel matters, and separate minutes were taken.

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

Christan Moffett