

Illinois Pollution Control Board
Minutes of Regular Board Meeting
February 17, 1971
Southern Illinois University
Morris Library Auditorium
Carbondale, Illinois

The full Board was in attendance.

On motion of Mr. Kissel, the minutes of the Board meetings of February 1 and 3 were approved unanimously.

Mr. Currie began a discussion of new cases on which the Board must decide to authorize hearings.

PCB 71-16, is a request for variance by Allied Mills, Inc. Petitioner requests that its Taylorville plant be exempt from applicable water pollution regulations while engineering and construction of an addition to its waste water treatment facilities by February 1, 1972. The waste is high in BOD, suspended solids and grease. Mr. Currie moved that a hearing be held. Mr. Lawton seconded, all members voted aye.

PCB 71-17, is a petition for a variance by Hardwick Brothers Company (II) in order to burn trees and other debris resulting from channel improvement work on the North Fork of the Saline River in Gallatin County. Mr. Currie moved that a hearing be held. Dr. Aldrich seconded, all members voted aye.

PCB 71-18, John T. LaForge Company request for a variance for its rendering plant near Freeport pending construction of Freeport's sewer lines to the plant. Mr. Currie moved to consolidate this request for variance with case PCB 70-39. Mr. Dumelle seconded. Mr. Lawton said that a hearing was scheduled for March 4 and 5 and therefore no time was available for additional notification. Mr. Currie stated that since notification had been given for the enforcement case no additional notification was needed. Mr. Dumelle agreed and said that since many enforcement actions seemed to be causing variance requests, extra delay should not be permitted.

All voted aye on the motion.

PCB 71-19, Spartan Printing Company, Division, World Color Press, Inc. petitions for a variance for its Sparta plant. The plant generates a complex waste which contains inks, detergents, heavy metals, acids, alcohols and other ingredients. Mr. Currie moved that a hearing be held. Mr. Kissel seconded. Mr. Dumelle noted that the effluent values mentioned in the petition far exceed those in the proposed effluent standards. All voted aye on the motion.

PCB 71-20, A joint application of Commonwealth Edison Company and Iowa-Illinois Gas Company for permits under Title VI of the Environmental Protection Act for the nuclear electric generating facilities known as Quad-Cities Units 1 and 2. Mr. Currie noted that no motion was required to schedule a hearing on the matter. Mr. Dumelle said that since the Quad-Cities Units are boiling water

reactors similar to Dresden's units and since the Board has had eight days of hearings on it perhaps Edison could incorporate much of the testimony in order to cut down on the hearing. Dr. Aldrich asked about the relationship between this matter and the proposed rule making on Mississippi Thermal Standards. Mr. Currie said that some of the issues were the same and in fact this plant's construction precipitated the rule making hearings. The conditions of the permit will depend upon the rule-making.

PCB 71-21, petition by the City of Lake Forest to contest the denial by EPA of a permit to construct a sanitary sewer to serve 27 homes in the City. Mr. Currie moved that a hearing be held. Mr. Kissel seconded. Mr. Dumelle observed that although on the surface only two alternatives present themselves in this case that is: 1. leave the situation as it is or 2. allow discharge to an overloaded plant, but in reality there are additional things the Board could require such as a small package treatment plant. All voted aye on the motion.

At this time Mr. Currie began a discussion of cases requiring decisions.

PCB 70-4, EPA v. Commonwealth Edison Co., Mr. Currie summarized his proposed opinion and order in the case. He then moved that the opinion and order be approved as written, Dr. Aldrich seconded. Mr. Dumelle questioned what the difference was between the order as proposed and a cease and desist order. Mr. Currie responded that the order says, "shall not operate," which is the essence of a cease and desist order. All members then voted aye on the motion to adopt the opinion and order.

PCB 70-8, EPA v. Glendale Heights, Mr. Kissel presented his proposed opinion and order in the case and moved its adoption. Mr. Lawton seconded. Dr. Aldrich questioned what was meant by Section 46. Mr. Kissel explained and added that since the new constitution included no limit on bonded indebtedness it would be an interesting question as to what bonds could be ordered. Dr. Aldrich agreed with the bond order in the present case but doubted bonds should be ordered in the case of a community which was not polluting outside of its own borders. Mr. Dumelle said that in many cases a community might not want to clean up its share of a river. This is what the Board is for although he agreed that they had to be careful in exercising that power. Thereupon Mr. Currie called the roll and all members voted aye on the motion. Mr. Dumelle commented that this action stops the growth of the affected community and he hoped that would get the idea across.

PCB 70-10, EPA v. Truax-Traer Coal Company and Consolidation Coal Company, Mr. Lawton summarized his opinion and order in the case and moved it be adopted by the Board. Mr. Kissel seconded. Mr. Currie called the roll and all voted aye.

PCB 70-15, EPA v. Eli Amigoni, Mr. Kissel presented his proposed opinion and order and moved that it be approved. Dr. Aldrich seconded. Mr. Currie noted that in several earlier cases penalties of \$1,000 had been assessed but that the present respondent had been given repeated warnings and did nothing this justified the higher fine.

Mr. Currie called the roll and all voted aye.

PCB 70-17, EPA v. R.H. Charlett, Mr. Kissel summarized the opinion and order and moved it be approved. Dr. Aldrich seconded. Dr. Aldrich asked if the pond in question was natural. Mr. Kissel said it was. Mr. Currie called the roll and all members voted aye.

PCB 70-27, Medusa-Portland Cement v. EPA, Mr. Lawton presented his proposed opinion and order and moved its adoption. Mr. Kissel seconded. Mr. Dumelle said that the semi-monthly report should be bi-monthly (every other month). He then asked why Marquette was fined \$10,000 but not Medusa. Mr. Lawton answered that in this case the plan was approved by the old Air Pollution Board and this modification is an improvement of that program. Mr. Currie said that he had prepared a paragraph explaining the difference in the two cases, and which referred to the opinion in PCB 70-4, EPA v. Commonwealth Edison Co. on the question of the use of an approved ACERP as a defense. He moved the adoption of his amendments, Mr. Lawton seconded. All voted aye. Mr. Currie then moved the approval of the amended opinion and order and all voted aye.

PCB 70-28, Tamms Co. v. EPA, Mr. Currie discussed his opinion and order in this case noting that it was a less significant case than Medusa-Portland Cement Co. because the emissions were much less. He then moved approval of the opinion and order, Dr. Aldrich seconded. All voted aye on the roll call.

PCB 70-29, Texaco v. EPA, Mr. Currie summarized his opinion and order. He proposed the following amendments: 1. Texaco must file a statement giving the maximum degree to which production could be curtailed without hurting the ultimate capacity of the well field; 2. the variance shall be terminated if emissions are shown to harm health. Mr. Currie moved the adoption of the amended opinion and order. Mr. Lawton seconded. Mr. Dumelle proposed an amendment which would require production to be restricted on the basis of daily monitoring of H₂S levels and without a further hearing. Mr. Kissel disagreed and stated that the Board can not shift its powers to the Agency. Mr. Dumelle asked if a quick hearing were possible. Mr. Lawton said that no notice was needed. Mr. Currie said that while the public must be notified, in the case of a serious health hazard the Agency could seal the source. Mr. Dumelle said that he was very disturbed by this case and by the information which was not available in the record. He said that 22 people were killed in Mexico by H₂S and that levels of 450 micrograms per cubic meter in Terre Haute had caused illness. In this case he noted levels of 250 micrograms per cubic meter had been monitored and no one knew if that was during the worst inversion. Dr. Aldrich asked what effect provision #8 in the order would have on the normal damage recovery procedures. Mr. Currie replied that this might change the recovery procedure and noted that EPA had requested this and the company had agreed as long as causation was shown. Dr. Aldrich suggested that the sentence on page 2 of the opinion about destroying one's neighbors etc. be deleted. Mr. Currie responded that a majority vote of the Board could remove it but he would not voluntarily do so. He explained that the point he was making was that money was not the only issue. Dr. Aldrich moved that the sentence be stricken. The motion was not seconded. Mr. Dumelle then moved that the word "destroy" in the sentence be deleted in favor of the word "pollute". Mr. Currie said that some pollution can be allowed for hardship reasons and that

he had stated the extreme in order to avoid controversy. Mr. Dumelle withdrew his motion. He also withdrew his earlier amendment concerning daily monitoring and automatic triggering of a shutdown in the light of the Agency's statutory authority to seal health hazards. He commented on the correlation between wind directions and H₂S levels and noted that the wind measurements were made a number of miles away from the emission source. He added that such correlations really don't mean much but that it is the H₂S levels which are important. Mr. Currie commented that the opinion voices the Board's concern over possible health hazards. Mr. Dumelle then said that although the record talks about a \$50,000 investment for one unit of the control equipment, a sketch provided by Texaco shows a 10 foot piece of pipe with a couple electrodes attached. This, he maintained is a simple piece of equipment. He then moved that the company should be required to install the electrolytic facility on all four affected lines. The motion died for lack of a second. Mr. Currie then called the roll on his motion to approve the opinion and order as previously amended. All members voted aye. Mr. Dumelle and Dr. Aldrich indicated they would prepare additional statements on the matter.

At this time Mr. Kissel left the meeting.

Mr. Currie discussed three minor cases which the Board had acted upon at its informal meeting on February 8, 1971.

Cases PCB 70-37, City of Winchester v. EPA, and PCB 70-42, City of Herrin v. EPA, were decided in favor of granting a variance for the destruction by burning of diseased trees.

PCB 70-47, City of Carlinville v. EPA, was dismissed because of insufficient evidence alleging hardship.

Mr. Currie then proposed the adoption of a resolution reaffirming the Board's intent to review and where necessary, to revise existing water quality standards. All voted aye. Mr. Dumelle commented that it was difficult to get the Federal Government to explain just which standards needed revision and in what way.

Mr. Currie then discussed the motion by the Businessmen for the Public Interest to file a brief as amicus curiae in the consolidated case PCB 70-7, 70-12, 70-13, and 70-14 EPA et. al. v. N.S.S.D. Mr. Currie noted that courts allow such action and he saw no reason to deny it. He then moved that the motion be granted. Mr. Dumelle seconded. All voted aye with Mr. Lawton abstaining.

Mr. Currie referred to a letter from Olin Brass Corporation which alleged a "typographical error" in the amendment to SWB's 12 and 13 which defined secondary treatment and advanced the dates for such treatment to December 31, 1973. The letter maintained that the language which states that 90% removals and a certain effluent concentration should read or. After a short discussion the Board agreed that the firm should be informed that the regulation means what it says and that no error had occurred.

Dr. Aldrich raised the issue of the proposed use of an impounded natural stream as a cooling pond by the Illinois Power Company near

Clinton, Illinois. He said the company should be advised early in its planning if such use was not acceptable. He proposed a motion which would authorize himself to prepare a resolution requesting the EPA to investigate the matter. Mr. Dumelle seconded and all voted aye.

Mr. Currie then discussed a letter from General Electric which raised a number of questions regarding the company's need to file a Title VI-A permit request. Mr. Currie said that his view was to tell the firm to file and argue these matters at the hearing. Mr. Lawton noted that that was the position the Board had taken on similar matters. Mr. Dumelle said that the firm should be told to file. Mr. Currie then hearing no objections said he would act accordingly.

The Board then discussed a request for views on an Illinois Senate resolution asking the Congress to place a lower tax on non-leaded gasoline. Mr. Currie stated that the Board should not take stands on issues upon which they may hold hearings. - All Agreed.


Mr. Lawton mentioned that the Granite City Steel Corporation had withdrawn its variance request.

Mr. Dumelle moved that the Board request the Institute for Environmental Quality to investigate the Chicago air pollution episode of November, 1969. He noted that unanalyzed data indicated the possibility that 125 excess deaths may have occurred. Dr. Aldrich seconded and all voted aye.

This concluded the morning session of the meeting.

The afternoon session of the meeting ran from 1:30 p.m. to approximately 5:00 p.m. and included informational presentations by Southern Illinois University students and EPA staff engineers concerning coal mining wastes. A complete written transcript of this part of the meeting was made by the court reporter present.

I, Regina E. Ryan, certify that the Board has approved the above minutes this 14th day of April, 1971.


Regina E. Ryan
Clerk of the Board