

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL MEETING
MARCH 8, 1971, 189 W. MADISON ST., CHICAGO

All members were present.

Mr. Dumelle asked that the Board meet informally two days each week for the near future in order to have more time for discussion of the numerous important matters pending. Other members agreed that additional discussion time was desirable but thought the Board should meet an extra day only when it seemed necessary so as to leave more time for reading transcripts and for preparing opinions.

Mr. Currie asked publication of a proposed rule to make clear that discovery was permissible in rule-making proceedings. Mr. Kissel asked who would be able to invoke discovery and what its limits would be. The Board voted to publish the proposal for comments.

Mr. Daniel Feldman, on behalf of Commonwealth Edison Co., asked for an emergency hearing to modify the Board's order in #70-21 (Dresden permit), on the ground that the company had inadequate reserves, without Dresden 3, to meet its peak summer demands. On Mr. Kissel's motion the Board unanimously set a hearing for March 22 in the Field Museum, and Mr. Kissel was designated hearing officer.

Mr. Feldman also pointed out that Dresden 2 was out of service until May 1 and asked that Edison be permitted to test Dresden #3 during the time #2 was out of service. After discussion, with the agreement of Mr. Spears of the Environmental Law Society, and upon an amendment by Mr. Dumelle, Mr. Kissel moved and the Board unanimously agreed to allow such testing so long as no violation of the thermal standard of SWB-8 occurred.

Mr. Kissel asked that the Chairman schedule Monday discussions of several pending rule-making matters in advance so that members could prepare for each discussion. Mr. Currie agreed to prepare a tentative agenda for such discussions and asked for suggestions.

Mr. Currie then summarized the new federal Clean Air Act amendments and proposed implementation plan regulations. Mr. Currie then summarized the proposed federal air quality standards and indicated several areas of doubt as to the proposed figures. At Mr. Kissel's request he agreed to write to the federal EPA indicating the Board's doubts, and the other members agreed.

Mr. Dumelle asked about a break in Board meetings to allow for simultaneous vacations. The Board agreed to set a two-week period in August for this purpose.

Regarding Miss Ryan's memorandum on new employees, the Board agreed to ask Miss Ryan to a soon Monday meeting to go over in detail the administrative operation of the Board and personnel requirements in the light of the coming budget. Mr. Currie said Mr. Harold Baker of Champaign had offered to find additional downstate hearing officers. Mr. Kissel reaffirmed the Board's position that hearing officers should be paid to assure good performance, and noted that he had scheduled a session for the coming Saturday to discuss procedural issues with prospective hearing officers.

The Board approved three opinions drafted by Mr. Currie in accordance with Board discussion the previous Wednesday, in ## 71-34 (Enact), R71-6, and R71-7 (bottles and deep well disposal).

Mr. Dumelle's proposed meeting schedule was revised and approved in principle.

Mr. Currie reported that Mr. Kee had called Dr. Beecher of the Chicago Historical Society to ask him to explain to the Board the reasons for his concern over Lake Michigan as quoted on the radio, and that Dr. Beecher had said he had nothing new to relate to the Board.

Mr. Dumelle said Dr. Murray Brown's answer to his request for death statistics during the recent Chicago air pollution episode was unresponsive and that the Institute was studying the question.

The Board agreed that material received since hearings in #R70-2 (thermal) should be made exhibits in the proceeding and that a list should be published at the time of the proposed final draft specifying what had been added to the record.

Mr. Currie reported that the Institute was prepared to study certain water contaminants. Messrs. Kissel and Dumelle agreed to prepare a list of contaminants from the effluent standard proposal that were in need of study. Messrs. Aldrich and Kissel urged Mr. Dumelle to select members of a technical advisory committee.

Mr. Currie asked for Board guidance as to what position to take on thermal pollution in the forthcoming federal conference. After discussion Mr. Currie said he would prepare a position statement for discussion the following Monday.

At Mr. Dumelle's suggestion the Board agreed to publish a further revised draft of the mercury regulations (#R70-5) that would cut off the five-pound exception after 1974.

The Board agreed to publish separately the new changes (Ohio temperature and public water supply policy) to water quality standards

requested by the federal EPA for publication March 17. The Board then authorized a hearing in #71-36, a variance request by the North Shore Sanitary District regarding phosphate discharges from its smaller lakefront plants.

Mr. Currie said he would have an opinion for Board consideration next Monday in #70-34 (Granite City Steel) on the motions to dismiss. Mr. Kissel agreed to ask the EPA's views on the proposed settlement in #70-35 (Fox Valley Grease Blending Co.), in light of the need to be sure the new site would not pollute, and in light of the question whether penalties should be assessed. Mr. Kissel said in regard to the proposed radiation standards he would accept Mr. Dumelle's proposal that the regulation contain a limit on emissions from the site as a whole.

Mr. Lawton agreed to prepare an opinion in Malibu (#70-45), which would grant the petition on condition of a \$100 penalty. Mr. Kissel said an opinion to grant the Glenbrook petition (#70-46) would be ready by the following Monday, and he agreed to prepare an opinion in Greenlee (#70-33) granting the variance on condition of a \$2000 penalty. Mr. Dumelle agreed to prepare an opinion in Marblehead (#70-52).

At Mr. Dumelle's request the Board adopted a resolution asking the EPA to investigate the possibility of pollution of the Illinois River system from the Metropolitan Sanitary District in light of recent statements by MSD officials that they might be forced to dump sludge into the canal.

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

