

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

March 14, 1972

All Board members except Mr. Kissel were present.

Oral argument by the company and the Agency was heard on Spartan Printing Company v. EPA, PCB 72-89, a petition for extension of variance granted June 23, 1971 (#71-19). The Board agreed to decide the case without hearing on April 4, after receiving any citizen objections from the EPA.

Mr. Lawton said that a preliminary hearing will be held in Granite City Steel, PCB 70-34, on Wednesday, April 12, 1972. No meeting place has been arranged.

The Board adopted the following opinions and orders: PCB 71-25, 71-225, City of Marion, by a vote of 4-0, amending the October 28 order by striking paragraph 2(a), and by allowing an additional 35 days after receipt of this order to post the bond required by paragraph 7. The money penalty was stayed pending judicial review. Also, PCB 71-325, EPA v. Airtex Products, Inc. and City of Fairfield, by a vote of 3-1, Mr. Dumelle dissenting in part (to paragraph 3 of this order). And, #R 71-10, Proposed Regulations regarding Banning Phosphates in Detergents and Other Cleaning Products, by a vote of 4-0, after approving a few minor changes.

Discussion was postponed until March 28, 1972 in Commonwealth Edison Application for Permits for Zion Units #1 and #2, PCB 71-328, and until after April 14 in EPA v. City of Jacksonville, PCB 71-355. Mr. Aldrich will prepare a revised draft of the opinion and order granting the variance for sewer connection in PCB 71-388, Kraft Foods v. EPA, and action was set for March 28. PCB 71-389, City of Elmhurst, was dismissed by a vote of 4-0, and Mr. Currie will supply the explanatory opinion. Regarding PCB 71-392, Nickel Brothers, the Agency is in favor of granting the variance and Mr. Aldrich will prepare the opinion and order for action March 28. In connection with this case, Mr. Currie suggested amending the Open Burning Regulations so that any kind of wood can be burned in air curtain destructors. If possible, Mr. Currie will have the 90-day deadline of March 29, 1972 waived in PCB 71-393, Imperial Smelting. The transcript has been delayed.

Mr. Virshbo of Isham, Lincoln and Beale presented objections on behalf of Commonwealth Edison Company to the Water Quality Standards, R71-14, as adopted March 7, 1972, in connection with the general use temperature standard to the five-mile stretch of the Lower Des Plaines River downstream from the Interstate 55 bridge to the confluence of the Lower Des Plaines River with the Kankakee River. Mr. Currie asked that the proposed change be put in the form of a suggested amendment so that the Board could determine whether to authorize a hearing.

Discussion on the Air Regulations, R71-23, was postponed until March 28, at which time a revised draft will be available.

No action was taken in PCB 71-39, Merlan, and PCB 71-86, State Line Foundries, pending EPA recommendations. The motion to dismiss one further hearing in PCB 71-4, PCB 71-33, Lloyd Fry Roofing, and the motion for reconsideration in PCB 71-80, R. Monyek, were both denied by a vote of 4-0. In PCB 71-198, Illinois Power Company v. EPA, Mr. Currie noted that no Agency reply had been received. The extension of time to seek a variance extension was granted by a vote of 4-0, and Mr. Currie will prepare the order. In PCB 71-254, Y.E.S. v. Chicago, Milwaukee, St. Paul & Pacific Railroad, the motion for continuance was denied, and in PCB 71-269, Glovka v. NSSD, the payment of money penalty was stayed, both by a vote of 4-0, and Mr. Currie agreed to write the orders. Decision was delayed in PCB 71-349, Certain-Teed Products Corporation v. EPA. Mr. Dumelle agreed to prepare the opinion and order in PCB 71-353, Deere & Company v. EPA granting the variance, and action will be taken on March 28, 1972. A hearing was authorized in PCB 71-362, N.J. Zinc, and no action was necessary in PCB 72-25, EPA v. Bowen. The motion to consolidate PCB 72-85, Lloyd Fry Roofing, with PCB 71-4 and PCB 71-33, was granted by a vote of 4-0. A hearing is mandatory. PCB 71-372, Chicago Vitreous Corporation, was postponed pending EPA recommendations.

Minutes for March 2, 1972 were adopted by a vote of 3-0. Mr. Dumelle, who was not at that meeting, was not voting.

City of Fairfield, PCB 72-58, Edwards Mobile Home Park, PCB 72-88, and Marmion Military Academy, PCB 72-90, will be asked to reassess their position with respect to changes in the Water Quality Standards of March 7, 1972, and to file an amended petition within twenty days. Mr. Currie will supply the order. PCB 72-59, Tennis Development, was postponed pending EPA recommendations. A hearing is mandatory in the following cases: PCB 72-84, EPA v. Custom Farm Services; PCB 72-86, EPA v. Rex Chainbelt, Inc.; and PCB 72-87, EPA v. Johnson Blackwell. The Board decided by a

vote of 4-0 to hold a hearing in PCB 72-91, Commonwealth Edison Company (Will County Station). Mr. Currie will prepare an order requesting a supplemental petition supplying additional information from the Village of Robbins, PCB 72-92. Laesch Dairy Company, PCB 72-93, was dismissed by a vote of 4-0.

No action was taken in #R71-3, Illinois Railroad Association proposal for diesel exhaust, pending EPA recommendations.

In the afternoon, the Board discussed the summary of changes made in the proposed draft of Mining Regulations, R71-25, and the changes to be made in the draft of Plant Nutrients, R71-15, and scheduled further discussion on both for March 28.

Mr. Dumelle asked to be recorded as voting nay regarding the March 2 decision in #R72-1. He also moved that the Board reconsider its adoption of #R71-21, requiring petitioners to pay for transcripts in variance and permit cases. There was no second.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 4th day of April, 1972, by a vote of 4-0.

Christan L. Moffett