

Illinois Pollution Control Board
Minutes of Regular Board Meeting
April 14, 1971
Urbana Civic Center
Urbana, Illinois

Mr. Dumelle was not in attendance.

After some discussion, Mr. Currie moved that the Board approve corrected minutes of the Board meetings of February 17 and 26 and of March 1, 3, 8, 15 and 29. The motion was carried unanimously.

Mr. Currie began a discussion of communications with the Institute for Environmental Quality. He reviewed a number of studies which the Institute is presently conducting for the Board. Subjects of these studies include water pollution by cadmium, lead and viruses, noise, the use of septic tanks, deep well disposal of wastes, recycling of solid wastes, and air pollution by mercury. Mr. Currie noted that mercury had been detected in the air above power plants and incinerators. He added that he had recently asked the Institute to study the mercury problem further to see if a serious health problem exists. The Institute was also requested to determine methods for reducing the amount of mercury in the air and to propose regulations in the area.

Mr. Currie expressed the Board's desire for further information to facilitate the establishment of effluent standards. There is a particular need for studies concerning the technology for reducing the concentrations of pollutants discharged to water. He indicated that the Institute had been asked to initiate such a study.

Mr. Currie announced that the Institute had been asked by the Board to study standards for numerous pollutants which affect air quality. The Institute was requested to propose standards and to justify them at public hearings.

Mr. Currie indicated that the Institute had also been asked to propose regulations governing stormwater overflows. He noted that in some cases desired water quality may never be achieved unless the stormwater problem is solved.

The Board's proposed regulation governing radioactive emissions from boiling water reactors was discussed by Mr. Currie. He indicated his desire that the Institute be asked to study this problem and possibly suggest an alternative proposal. He stated that he had written a letter to this effect. Mr. Lawton moved that the letter as described by Mr. Currie be sent to the Institute. Mr. Kissel expressed his support for the request. Mr. Lawton's motion to send the letter to the Institute was carried unanimously.

Mr. Currie reviewed the air quality implementation plan devised by Argonne National Laboratory for the Chicago area. He stated that the plan indicates what measures are necessary in order to achieve air quality standards. Mr. Currie expressed the opinion that a similar implementation plan was needed for water quality. He suggested that

the Institute be asked to give additional technical support or criticism of the water quality standards to be proposed shortly. Mr. Currie also described the serious need for readable information concerning present water quality and discharges. He further noted that stream studies may turn up areas where compliance with the effluent standards is insufficient to achieve desired water quality. Mr. Currie indicated his desire to ask the Institute for information on what changes in effluent characteristics are needed to achieve the proposed water quality standards. He stated that he had written a letter to the Institute requesting the information. Mr. Kissel moved that the Board authorize the sending of the letter. All voted aye.

Mr. Currie next reported on what the Board had done with respect to certain legislative matters. He stated the Board had not asked the Governor's Office for substantial changes in the Environmental Protection Act. However, the Board did specifically request that it be allowed 120 days to decide variance cases. Mr. Currie noted that the 90 days presently allowed is not sufficient for the Board to study these cases adequately. Often the hearing record is received only one week before the 90-day period expires. In addition the Agency frequently has difficulty submitting its recommendation on time. He indicated that HB 1116, which would provide the 120 days requested, has already been introduced in the House.

Mr. Currie stated that HB 1336 is also before the House. He explained that the bill asks for a supplemental appropriation of \$125,000 to meet Board expenses. The original appropriation underestimated certain costs, particularly the cost of hearing records.

Mr. Currie asked the Board to authorize a request for additional legislation with regard to Section 46 of the Act. He pointed out that Section 46 covers only municipalities and sanitary districts, not counties. Yet some counties operate sewage treatment plants. Mr. Currie moved that a letter be sent to the Governor's Office asking for the introduction of a bill to include counties in Section 46. Dr. Aldrich reiterated his concern over widespread use of Section 46 but felt its application should be made uniform. Mr. Currie's motion to send a letter requesting the change was carried unanimously.

Mr. Currie outlined the Board's general policy of not taking a position on the merits of a bill where it has not held sufficient hearings to get the facts. He cited the case of phosphates in detergents as an example. He then commented on several bills on which the Board has taken a position.

The Board opposes SB 848 exempting counties from state regulations. This is contrary to the whole purpose of the Act, to control pollution throughout the state.

The Board also opposes HB 49 which would require the Board to set thermal standards. The Board wishes to be allowed to determine for itself when and where to set standards.

HB 587 would require permits from the Board for excavation on Lake Michigan. The Board has indicated its support for such permits but feels the authority to issue the permits should rest with the Agency.

HB 64 would transfer authority for regulating pesticides to the Board. The Board has indicated that ultimately it may be desirable to transfer this authority but that it has no desire to accept the additional responsibility this year.

The Board opposes SB 93 which would set standards on visible vehicle emissions. The proposed standards are less stringent than present regulations and the Board does not want to see the law weakened.

Mr. Currie then began a discussion of new bills presently before the House.

HB 1456 would make the complainant liable for the respondent's costs should the respondent be the prevailing party. Mr. Currie indicated he had written a letter stating the Board's opposition to the bill. He stated that the bill might discourage citizen complaints which are an important provision of the Act. He added that the Board already had ample protection from frivolous suits. Mr. Currie moved that he be authorized to send the letter as he had described it. Mr. Kissel noted that the Board need not hold a hearing on a frivolous complaint. Mr. Currie's motion was carried unanimously.

HB 1457 would deprive the Board of its authority to set money penalties. Mr. Currie stated that the Board was opposed to the bill as it would allow a polluter to continue his activities unless a cease and desist order were obtained. His motion to send a letter expressing the Board's opposition to the bill was carried unanimously.

HB 785 would require the Board to set noise limits of 85 dbA for all sources while allowing it to set a lower limit in certain recreational areas. Mr. Currie indicated his opposition to having the Board's priorities dictated by others. He stated that the Board needed further information on the matter but that he had some question as to the desirability and feasibility of the 85 dbA limit. He added that the measure would effectively take away the Board's power to set standards as there was no provision for lower standards outside of recreational areas. Dr. Aldrich stated that only three hearings on airport noise had been held and that the Institute was still studying noise regulations. He felt the Board was not in a position to pass judgement on the 85 dbA standard or the subject as a whole. Mr. Currie's motion to send a letter expressing the Board's opposition to the bill was carried unanimously.

HB 1117 would outlaw one-way drink containers. Mr. Currie stated that the Board is unable to take a position on the bill until it receives the report of the Institute's task force on solid wastes. At that time the Board will have the power and the information to adopt regulations. Mr. Kissel added that the solid waste task force had been created at the direction of the Legislature.

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

R 70-6, Phosphorus Regulations for Lake Michigan. Mr. Currie stated that an opinion on the matter had been prepared by Mr. Dumelle. In Mr. Dumelle's absence the final draft of the opinion was unavailable. The matter was put off until the next regular meeting.

R 71-2, is a proposal to revise Mississippi River standards for turbidity, dissolved solids and inorganic solids. The regulation itself was adopted at an earlier meeting. Mr. Currie presented his opinion on the matter, noting that this is one change of many to be made in the state's water quality standards in order to make them conform to federal regulations. Mr. Currie's motion to adopt the opinion was carried unanimously.

PCB 70-7, 70-12, 70-13, 70-14, League of Women Voters of Illinois, et al. v. North Shore Sanitary District. Mr. Kissel summarized his opinion on the case, stating that the motion to withhold the Board's decision was received one day after the decision had been made. This was sufficient reason to deny the motion. However, he added that he would deny the motion even if it were timely since the testimony to be given would consist of evidence available to the complainants during the hearing. Mr. Kissel's motion to adopt the opinion denying the motion was carried 3-0. Mr. Lawton did not participate in the case. Mr. Kissel stated he had received a letter from the attorney for the complainants in 70-12, 70-13, and 70-14 asking that he be allowed to withdraw from the case. Mr. Kissel's motion to approve the withdrawal was carried 3-0.

PCB 71-2, Purdy Co. v. EPA. Mr. Currie outlined his opinion, stating that the company had made no particular progress in complying with the terms of its ACERP. The company's petition was inadequate in many respects. Indeed, Purdy resisted attempts to show what effect its burning would have on the neighborhood. Mr. Currie moved that the opinion explaining the Board's earlier denial of the variance be adopted. All voted aye.

PCB 71-5, Missouri Portland Cement Co. v. EPA. Mr. Currie presented his opinion denying the variance and moved that it be adopted. He stated he would amend the opinion to indicate that the efficiency of the company's collecting equipment is ten times less than is required. The motion was carried unanimously.

PCB 71-8, City of Mattoon v. EPA. Mr. Currie summarized his opinion and order on the case. He stated that the city had been allowed four years to construct advanced treatment facilities, a reasonably long period of time. The city itself admitted the project would take only two years. Mr. Currie indicated the Board had no alternative but to set a new date for compliance, essentially granting an undeserved variance. He outlined the conditions to be imposed to achieve earliest possible compliance and to deter future violations. He stated that the city could ask for an extension of the deadline at a later time if it wished to do so. Dr. Aldrich referred to the desire of Kraft Foods to connect its facilities to the city's sewer system. He expressed concern that innocent parties such as Kraft were also being penalized. Mr. Currie's motion to adopt the opinion and order was carried unanimously.

PCB 71-9, E. I. DuPont De Nemours and Co. v. EPA. Mr. Currie presented his opinion and order granting an extension of the company's variance to burn its explosive wastes. He moved the order and opinion be adopted. All voted aye.

PCB 71-10, Sandoval Zinc Co. v. EPA. Mr. Kissel presented his opinion granting the variance subject to a number of conditions. Mr. Currie indicated his feeling that this was close to a borderline case. Sandoval's emissions are a considerable burden on the community and the hardship on the company if the variance were denied would be less than in some cases. However, the company has been fulfilling an existing control program which should be completed within a short time. Mr. Currie indicated he would be inclined to look differently at the case if the company were not operating under an ACERP. Mr. Kissel's motion to adopt the opinion and order was approved unanimously.

PCB 71-11, GAF Corp. v. EPA. Mr. Currie stated that an opinion had been drafted by Mr. Dumelle. Mr. Currie indicated he would like more time to study the opinion as presently written. A decision on the case was postponed until April 19, 1971.

PCB 71-13, Vise Bros. v. EPA. Mr. Currie presented his opinion dismissing the petition for variance. He noted that the petition stated only that denial would cause unreasonable hardship and added costs. He moved that the opinion be adopted in substance. Dr. Aldrich stated that the Board had no alternative but to dismiss the petition but added that in some cases it might be preferable to avoid using sanitary landfills to dispose of trees and brush. Mr. Currie's motion was carried unanimously.

PCB 71-14, Calhoun County Contracting Corp. v. EPA, and PCB 71-22, Village of Riverton v. EPA. Mr. Currie presented a joint opinion on the two cases, noting that neither petitioner indicated sufficiently what harm would result to the neighbors should burning be allowed. He moved that the Board adopt the opinion denying both variances. All voted aye.

PCB 71-15, Mt. Carmel Public Utility Co. v. EPA. Mr. Kissel summarized his opinion denying the variance. He indicated that the company's program to phase out the use of its boilers over a 10-year period was not a sufficient basis for granting a variance. Mr. Kissel's motion to adopt the opinion was carried unanimously.

PCB 71-38, Cedar Park Cemetery Assoc., Inc. v. EPA. Dr. Aldrich outlined his opinion granting the variance under certain conditions. He stated that the petitioner asked to burn only diseased trees and that scavenger disposal would risk spreading the disease to healthy trees. The motion of Dr. Aldrich to adopt the opinion was carried unanimously.

PCB 71-61, City of Roodhouse v. EPA. Mr. Kissel presented his opinion explaining the Board's earlier dismissal of the petition for variance. He noted that the petitioner wished to burn non-diseased trees. In earlier cases of a similar nature, as City of Jacksonville v. EPA, PCB 70-30, the Board refused to allow such burning. Mr. Kissel moved the opinion be adopted. All voted aye.

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

Mr. Currie stated that Mr. Dumelle had requested the addition of an alternative radiation standard to the record on proposed statewide standards for boiling water reactors, R 71-9. Mr. Currie moved the addition of the alternative standard to the record in order for comments on it to be received. All voted aye.

PCB 71-68, Flintkote Co. v. EPA. Petitioner requests a variance from effluent regulations to allow it to discharge wastes into the Wabash River until the City of Mt. Carmel is able to handle the wastes. Mr. Currie stated that the company had not specified the standards from which it seeks a variance nor did it indicate when compliance is expected. Mr. Lawton felt that a hearing should be authorized. Mr. Kissel agreed, noting that the hearing officer could ask specifically for the missing information at a prehearing conference. Mr. Currie moved that a hearing be held and that the hearing officer be directed to request the missing information of the petitioner. All voted aye.

PCB 71-69, EPA v. Incinerator, Inc. Respondent is alleged to have caused air pollution from operation of its public refuse incinerator. Mr. Currie indicated that a hearing is mandatory and will be held.

PCB 71-70, Tom Hewardine Inc. v. EPA. Petitioner seeks a variance from open burning regulations to dispose of several old farm structures. Mr. Currie noted that the case differs from the typical tree burning case. Mr. Kissel moved that a hearing be held, stating that the Board did not know enough about the situation to determine if the burning should be permitted. All voted aye on the motion.

PCB 71-71, Universal Land Reclamation and Development Corp. v. EPA. Petitioner seeks permission to dump demolition materials on a portion of the Illinois and Michigan Canal. Mr. Currie indicated he had difficulty understanding what was asked of the Board. He suggested the petition was inadequate in that it did not indicate what provisions of the Act could not be met and why. Mr. Lawton referred to the jurisdictional problem of issuing permits. He moved the petition be dismissed and an opinion be prepared indicating to the company that issuance of permits is the responsibility of the Agency. All voted aye.

PCB 71-72, Spraying Systems Co. v. EPA. Petition to allow the company to connect its toilet facilities to the sewage system of the Village of Glendale Heights. Mr. Currie explained that the Board had prohibited further such connections until the system had been updated (PCB 70-8). Mr. Currie's motion that a hearing be authorized was carried unanimously.

PCB 71-75, Pulte Land of Ill. Corp. and Pulte Homes of Ill. Corp. v. EPA. Petitioner seeks permission to connect its apartment units to the sewage system of the Village of Glendale Heights. Mr. Currie stated that the petition was inadequate but that a hearing would be helpful as quick action was needed. His motion to hold a hearing on the matter was carried 4-0.

PCB 71-73, Decker Sawmill v. EPA. Petition for a variance from open burning regulations for the disposal of wood slabs. Dr. Aldrich moved that a hearing be authorized. All voted aye.

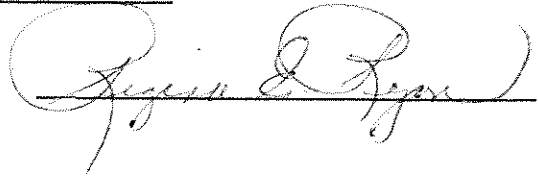
PCB 71-74, American Oil Co. v. EPA. Company seeks a variance from open burning regulations in order to conduct fire-fighting training classes. Mr. Currie indicated that such classes serve an important function and that the Board had granted similar requests in the past. He suggested the petition be held pending the Agency's recommendation and then granted unless something unexpected occurs.

Mr. Currie then discussed a resolution requesting the Agency to investigate the possibility of air pollution caused by the Cook County Forest Preserve District. He moved the resolution be adopted and sent to the Agency pursuant to Section 30 of the Act. All voted aye.

This concluded the morning session of the meeting.

The afternoon session of the meeting ran from 2:00 pm to approximately 4:30 pm and included informational presentations on the topic of sediment pollution. A complete written transcript of this part of the meeting was made by the court reporter.

I, Regina E. Ryan, certify that the Board has approved the above minutes this 28th day of April, 1971.



Regina E. Ryan