

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL MEETING
APRIL 26, 1971, 189 W. MADISON ST., CHICAGO

The Board agreed to discuss at its next Monday meeting the remaining aspects of the proposed water quality standards, looking toward publication May 12, and to discuss at the same meeting the DuPage County Regionalization case and ## 70-9 and 70-49, EPA v. Springfield and EPA v. Koppers, in which transcripts had been received. Mr. Lawton's asbestos draft was set for discussion May 10.

Mr. Lawton reported that at its Monday meeting April 19 the Board had adopted opinions in ## 71-11 and 71-71, GAF Corp. v. EPA and Universal Land Reclamation Corp. v. EPA, the former having been postponed from the formal Meeting April 14 for further study and prompt decision being required by the 90-day rule, and the latter having been dismissed April 14 and a quick notification as to reasons being required for the benefit of the applicant. He also reported that at the same meeting the Board had granted a variance to burn a prairie for ecological purposes in # 71-64, Lake County Forest Preserve Dist. v. EPA, on grounds stated in the EPA recommendation, and that he had prepared an opinion for consideration April 28. He reported that his opinion in # 71-3, Standard Brands v. EPA, had been discussed and scheduled for adoption April 26, and that he was preparing opinions for consideration April 26 in ## 70-38 and 70-39, EPA v. Modern Plating and EPA v. LaForge.

There followed a preliminary discussion of these last two cases and of # 71-17, Hardwick Bros. v. EPA, in which Mr. Kissel agreed to prepare an opinion for consideration April 28, or, if it could not be ready by that time, for May 3. Mr. Lawton reported that because continuances had been granted no immediate decision was required in ## 71-4, 71-16, or 71-19, Fry Roofing Co., Allied Mills, and Spartan Printing Co. v. EPA.

Mr. Kissel reported that Fox Valley Grease Blending Co., subject of # 70-35, had closed its Elgin operation and that he would follow up on the Agency's investigation into the proposed settlement. He reported that the Board had granted the request for confidentiality in part April 19 in # 70-36, Moody v. Flintkote, and that Tekton Corp., the petitioner in # 70-56, was to appear the same day to withdraw its variance request. Mr. Currie said if it did not take some action soon the case should be dismissed for lack of prosecution.

Mr. Kissel said that the Quad Cities nuclear permit case, # 71-20, was set for hearing May 24 and that the Attorney General would participate. Mr. Romanek said the federal EPA now requested the Board to submit a final Mississippi thermal standard by May 31 but that essential power company testimony would not be presented until May 24, in the permit hearing, and that Dr. Mount or another

federal representative planned to testify in favor of the federal proposal at the same time. Mr. Kissel observed that it would be late June before the Board could take final action on this schedule. Mr. Currie asked whether an additional hearing in the Mississippi thermal rulemaking hearing should be held in order to speed up the process. Mr. Feldman, representing Commonwealth Edison, said Mr. Zar for the federal EPA had urged the Board to wait until May 24 to receive federal testimony. Mr. Currie asked Mr. Romanek to contact the federal agency for guidance as to how to complete the record and to comply with the federal timetable.

Mr. Romanek reported that at the hearing on # R 71-3 on Ohio River secondary dates the record of the comparable Mississippi proceeding was introduced but that despite invitations no affected municipalities were present, and a necessary EPA statement as to the status of local discharges was not forthcoming. He agreed to pursue these matters and said the record remained open.

Mr. Romanek reported also that hearings on the public water supply statement and the Ohio River temperature standard had been scheduled for May 18 and 19. Mr. Kee said Shawneetown, which the federal EPA had asked be included in SWB-10, in fact appeared to be 3 miles up a creek from the river. Mr. Dumelle urged the Board not to schedule a useless hearing, but Mr. Kissel persuaded the Board that it was desirable to schedule the hearing in order to avoid possible later delays if the federal EPA insisted, and that the hearing could be cancelled if the federal EPA backed down. Mr. Kee then prepared a proposed regulation to carry out the federal request and the Board unanimously authorized a hearing, in order that it could be scheduled at the same time as the Ohio River temperature standard.

Mr. Kissel reported that a proposed final draft in # R 70-2, thermal standards for Lake Michigan, had been prepared by Mr. Kee and that Mrs. Botts of the Open Lands Project had asked that the record remain open. Mr. Currie observed that the record always remains open for 14 days after publication of a proposed final draft and that no further hearings were desirable since ample evidence had already been received. Mr. Kissel asked that more than 14 days be allowed for comments in this case. The Board agreed to allow a month.

The Board agreed to pass April 28 on Mr. Dumelle's proposed opinion in # R 70-6, Phosphate Standard, Lake Michigan, and to authorize two hearings on the new EPA proposal regarding open burning regulations, # R 70-11, since it raised an important new issue with regard to local enforcement responsibility and since the Board needed evidence on the absence of alternatives to tree burning. Mr. Lawton said he had asked Mr. Van Mersbergen of federal EPA for comments on both the Board's proposed final draft and the Agency proposal.

Mr. Dumelle reported that a recent letter from Mr. Frangos of the Wisconsin water pollution agency confirmed Mr. Schmitt's estimates regarding phosphorus runoff.

The Board next discussed the elements of a draft opinion by Mr. Kissel in the emergency petition in # 70-21, the Dresden permit case, in which permission to operate the new unit before completion of the cooling pond was sought on the basis of new evidence indicating the likelihood of blackouts if the unit could not be used. Mr. Kissel reported that Edison had responded to Mr. Dumelle's inquiry whether immediate use of Dresden 3 before the summer temperature peak would enable the company to repair its damaged units in time for the peak. The company reported that Dresden 3 will be out of action until June so that alternative was not possible. The Board agreed to pass on Mr. Kissel's opinion April 28.

Mr. Kissel reported that Edison had submitted its report on means of complying with the Board's March 3 order in # 70-21, and after discussion he agreed to ask the Institute for Environmental Quality to provide an expert evaluation of the technical proposals in the report. He said he thought no hearing would be necessary on the basis of the present submission alone, except that the report requested an interim variance to allow violation of the thermal standard during cooler months after the cooling lake is completed and spray heads installed, pending completion of more complete recycling facilities. The Board agreed to vote April 28 as to whether or not to authorize a hearing on this variance request.

Mr. Kissel reported on the publication of the federal Environmental Impact statement regarding the Clavey Road treatment plant of the North Shore Sanitary District. The federal statement, he said, makes federal funding for the entire District project dependent upon limiting the size of the Clavey plant to 12 mgd, covering the retention basin, and constructing a new 18 mgd plant on the DesPlaines River. This would mean, he added, that Clavey Road would be overloaded from the start and that the District would have to spend an extra \$33 million in order to construct an unnecessary additional plant and to obtain the \$11.5 million federal grant. Mr. Currie suggested that a written response to the federal statement should be prepared, criticizing the federal position, and Mr. Kissel agreed to prepare a draft for the Board.

Mr. Aldrich reported that the EPA had assigned a new man to develop the livestock waste regulation and that the proposal was now expected to be submitted to the Board before the end of May.

Mr. Kissel reported that there were uncollected money penalties outstanding in four cases: Amigoni, Charlett, Neal, and Cooling. Mr. Klein said he had contacted the Attorney General's office by phone to request that action be taken and agreed to write a follow-up letter. Mr. Currie asked that a form letter be prepared to request the Attorney General to sue after 35 days in every case in which a penalty is imposed.

Mr. Kissel said Texaco had invited the Board to view its oil field at Salem in connection with a coming Board meeting but recommended that the Board could not spare the time for such a visit at this time. Mr. Kee was asked to inform the company that the invitation was appreciated but declined.

Mr. Lawton reported that the Attorney General's office expected to appear the following day with a proposal for settlement of # 70-34, the Granite City Steel case. Mr. Currie asked that he make sure the proposal had the approval of the Environmental Protection Agency.

Mr. Lawton asked that the Board take up at a coming meeting his proposed asbestos standards. Mr. Currie said that the pending request to the Institute for air quality standards that probably would include asbestos should not delay consideration of this proposal since the latter included specific control requirements rather than an air quality standard, and that a discussion would be scheduled for May 10.

Mr. Kissel asked when the Board would discuss the pending air quality standards, ## R 70-9 and R 70-10. Mr. Currie said he would prefer to wait until the federal standards became final, about April 30, and then to schedule a Board discussion.

Mr. Currie asked what was being done by the Attorney General's office in the appeal from the Board's decision in the Dresden case, # 70-21. Mr. Klein was asked to draft a letter to the Attorney General making clear that the Board would be prepared to discuss the case with his staff and that the Board would like to review any papers to be filed in the case before they are filed in court.

Mr. Currie reported that Mr. Anderson of EPA was prepared to undertake in connection with General Services a search for new offices for the Board and for its sister agencies. Other members agreed that the present offices had caused repeated inconvenience that interfered with the work of the Board and that the recent fire in the building indicated additional hazards and inconveniences that gave still more reason for seeking other quarters. Mr. Currie agreed to ask Mr. Anderson to proceed, without committing the Board to move at this time.

Mr. Currie asked about the security of Board files in the light of the fire and of recent thefts from other offices in the building. He suggested the files should be locked and the possibility of fireproofing investigated, as well as the possibility of maintaining a complete set of files outside the building. Miss Ryan said the building management would install locks on the clerk's office in the near future and would be willing to put locks on other offices as well. She said the building now had 24-hour security service and explained the use of elevator keys, without which it would be impossible to get into the office after hours. She agreed to look further into the question of file security.

Miss Ryan distributed financial disclosure forms and said the Governor's office advised that they be filled out by assistants as well as by members. The April 30 deadline, she added, had been postponed.

Mr. Kee said the federal EPA had requested a letter on the status of requested water quality standard revisions, and that he would write it.

Miss Ryan presented job descriptions of administrative personnel as requested by the Board and stated the need to hire an office manager. Mr. Currie asked that she supplement the descriptions with others covering the jobs of the clerk, the office manager, and the assistant clerk, so that the Board could evaluate what jobs needed to be done and the necessary manpower for doing them.

I, Christan Moffett certify that the Board has approved the above minutes this 25th day of April, 1972, by a vote of 5-0.

Christan Moffett