

MINUTES OF REGULAR INFORMAL MEETING
SEPTEMBER 27, 1971, 189 W. MADISON ST., CHICAGO, ILL.

The full Board was in attendance.

Mr. Francis Mayo of the federal Environmental Protection Agency reported that his office was persuaded by additional data submitted to this Board with regard to monthly maximum temperatures on the Mississippi River and that he would attempt to obtain the concurrence of adjacent states at a meeting soon to which the Board was invited. Mr. Mayo stated that the unapproved regs. on the Mississippi will not affect the granting of federal funds on river basins other than the Mississippi. The Board decided to ask Mr. Dumelle to attend that meeting and to represent that the Board intended to adopt its most recent draft in the absence of new information, and that a final decision would be put off until after the meeting. Mr. Feldman for Commonwealth Edison reported that work on the diffuser at Quad Cities could not begin until an Iowa permit was granted, and that Iowa would take up the question Nov. 2. He noted that this delay might necessitate a later request for a further variance to operate without the diffuser next spring and asked that the Board decide the permit case, # 70-21, subject to later revision after adoption of the thermal standard and hearings on radioactive discharges, in order to remove a possible excuse for delay by the AEC in issuing an operating permit. The Attorney General opposed this request, and the Board thought it preferable to wait a few weeks until the issues can be resolved rather than have to revise the permit. Mr. Feldman also noted that a recent Edison progress report suggested the possible need for extension of the Dresden heat variance but that the company would proceed to cut back power output in the event the cooling pond broke down and would not insist on a variance. The Board took the matter under advisement. The Ohio River thermal standards, #R 71-12, were set for Sept. 30 adoption.

The Board agreed to accept the Institute's offer of an evaluation of the proposed water quality standards, asking that any comments on the effluent standards be received within the next six weeks to avoid further delay and that minority views of Institute consultants be included.

The Board voted 5-0 to authorize leasing a new office at 309 W. Washington St., Chicago.

Minutes were approved for September 7, 13, and 20.

The following opinions were discussed and set for final action Sept. 30: ##71-153 Libby (SA), -174 Staley (DC), 177 Warren (JD), -178 National Gray Iron (SL), -189 Buckler (SA), -193 et al Illinois Power (DC). Mr. Dumelle raised the question, in connection with the Warren case, whether a large number of municipalities might be in default with regard to the 1972 tertiary treatment dates of SWB-14, and agreed to prepare a letter to Director Blaser of EPA asking for a status report as to compliance with that regulation and for complaint to be filed against those not in compliance or evidence as to the need for an extension (in R 71-14) if that appears desirable.

In #71-247, School Building Commission, Mr. Currie reported that the EPA had recommended a grant and that the petitioner hoped for a decision September 30, but that a citizen petition signed by numerous individuals and opposing the grant had been received and that the citizens wished to present their views at a hearing. Relying on the EPA's statement that construction will not be complete in any case until mid-October and the lateness of the petition for variance, the Board agreed not to cancel the hearing but to allow the citizens to present their case Oct. 12 and to request an immediate transcript.

In #71-181, City of Highland, Mr. Kissel suggested that the Board dismiss the petition as out of date and await EPA's recommendation on the petition for extension, # 71-284, and Mr. Currie said he would revise his draft opinion accordingly for Sept. 30 action. In # 71-185, Argonne Devel. Corp., Mr. Currie reported the transcript was due Sept. 27 and the case must be decided Oct. 10, and the case was set for discussion and decision Oct. 4. Mr. Currie reported that the petition was withdrawn in # 71-188, Crank v. EPA, and that he would prepare an order for Sept. 30 action.

After discussion Mr. Lawton agreed to prepare a draft opinion to grant the variance in # 71-44, USI Chemicals, and to consider whether or not a prohibition on the manufacture of acid for sale was warranted as a condition. In # 71-83, National Starch, Mr. Dumelle agreed to prepare a draft opinion granting the extension on condition of a money penalty and the dredging of the lagoons. In # 71-172, Gerdes, Mr. Aldrich agreed to draft an opinion finding various landfill violations, imposing a small penalty, and requiring cleanup and a permit for reopening. All these opinions are to be discussed Oct. 4 for final action Oct. 14.

Mr. Currie noted he had prepared draft opinions in # 71-145, Westclox, granting the brief variances for both air and water and imposing no penalty; in # 71-209, Lawler, denying the variance for sewer connection; in # 71-155, American Distilling, reconfirming a shortened Acerp; in # 71-176, Clayton Mark, granting an air pollution variance on condition of a \$2000 penalty for delay. All these cases were set for Sept. 30 action.

71-168, American Distilling, was dismissed on the company's representation that it was withdrawing its petition. A motion for reconsideration in # 71-103, Piroyan, was unanimously denied. A motion to reopen the complainants' case in # 71-33, Fry, was deferred pending consideration of the merits.

Mr. Currie reported that Mr. Harker will work with the Attorney General on the appeal in # 71-31, Southern Ill. Asphalt, and that Mr. Harker would draft an instruction to hearing officers to give us the benefit of their views on witness credibility as a protection against any possible appellate requirement to that effect. Mr. Currie said

in response to Mr. Dumelle's suggestion he would be sure the Board saw briefs before they were filed in the Board's behalf and that he would ask for a regular status report on appeal cases.

The motions to rehear in ## 71-19 Spartan, 71-57 & 58 Trojan, and 71-125 Citizens Utilities were set for Sept. 30 decision.

The Board discussed Mr. Klein's proposed publicity regulation, asked him to draft a proposal limited to conduct before hearing officers and to broadcasts of hearings for Sept. 30 consideration, and tabled the suggestion of a limitation on publicity about pending cases, feeling it might appear an improper attempt to muzzle criticism.

The following new cases were set for hearing: ##71-276, Cianciara; -277, Mattison; -282, City of Danville; -285, Maisel; -287, Sauget. In # 71-282 Mr. Currie was directed to write an order indicating the need for a specification of any regulations it would be a hardship to meet. ##71-278, Helmkamp, and -279, Mt. Carroll, were dismissed as open burning cases in which the proper remedy was to seek an EPA permit. # 71-280, Niles Terrace, was dismissed for inadequate allegations, without prejudice to a new petition. # 71-281, Prater, the Board thought governed by grants in McAdams and Patricia, ##71-113 and 161, but postponed decision to October 14 to allow time for any adverse comment as required by the rules.

Mr. Dumelle referred to a letter from Rep. Meyer suggesting that Marquette Cement Co. had not filed the report required by Board order (#70-23). Mr. Lawton said he would raise the question of monitoring compliance with Director Blaser.

Mr. Currie said he would check hearing dates in old cases not yet decided: ##70-35, Fox Valley Grease; 71-68, Flintkote (Mt. Carmel); 71-78, Freeman Coal; 71-88, Purina; 71-89, Amigoni; 71-101 Beloit Foundry; 71-108, Modern Foundry.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 25th day of April, 1972 by a vote of 5-0.

