

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR MEETING

NOVEMBER 24, 1970, MEYER ZONE CENTER, DECATUR, ILL.

Mr. Kissel was absent conducting a hearing.

The Board deferred consideration of several sets of minutes and of Mr. Lawton's proposed opinion in #70-2, EPA v. Cooling, until December 9 to give further opportunity for study.

The Board dismissed #70-26, Pet, Inc. v. EPA, since the petitioner had withdrawn its variance request on the ground it would be in compliance with the particulate regulations by December 14.

Hearings were authorized in ##70-35 and 70-36, Juergensmeyer v. Fox Valley Grease Blending Co. and Moody v. Flintkote, Inc.

In #70-37, City of Winchester v. EPA, the Board agreed to ask the EPA for its recommendation with regard to the grant of a variance for the open burning of diseased trees and to proceed without hearing. Mr. Currie observed that this sort of case would be handled by the EPA on a permit basis under the new open-burning regulations Mr. Lawton was to propose at this meeting.

Mr. Lawton and Mr. Dumelle explained the proposed final draft in #R70-5, Mercury Regulations, which adds solid waste and reporting provisions to the original proposal and lowers the proposed effluent and water quality standards from one part per billion to one half. On Mr. Dumelle's motion the proposed final draft was amended by limiting the provision for reporting mercury use to those using "in excess of 15 pounds per year as Hg" in order to eliminate the administrative burden on the EPA of reporting from numerous small users such as dentists. As so amended the proposed final draft was authorized for publication with an additional ten days for public comments. Mr. Dumelle added that the Board would soon return to other mercury problems such as air pollution and the disposal of alkaline batteries.

Mr. Currie explained a number of amendments he proposed to the proposed final draft of the air pollution episode revisions, #R70-7. A copy of these amendments is attached to and made a part of these minutes. These amendments were agreed to. The Board also agreed to Mr. Dumelle's proposed amendments to the draft, as follows.

In Rule 101, line 8, change "without" to "with low".

In Rule 101, after "3 A temperature inversion.", add "Low ventilation may also occur under other meteorological conditions."

In Rule 101, next to last line, change "at least statistical evidence" to "substantial evidence".

In Rule 107(b)(8), after "4:00 p.m." add "Standard Time".

On Mr. Currie's motion the Board agreed to amend Rule 109(a)(2) by adding at the end "and any of the following conditions is met" and on the enacting page to omit the sentence "The aforementioned Rules for controlling Air Pollution Episodes are hereby repealed." The latter change was designed to make clear that the revised episode rules constitute an amendment to the rules adopted by the former Air Pollution Control Board, which are adopted by reference, as amended, in the Chicago ordinance.

Mr. Dumelle agreed to postpone consideration of two other suggested amendments until after adoption in order not to hold up an effective episode program. The two suggestions were to replace the list of businesses that must close during emergencies with a list of those that need not, and to extend the emergency aircraft ban to incoming as well as outgoing flights.

Mr. Dumelle also asked that the EPA representative be given authority only at the emergency stage over episode control activities within cities whose own control agencies are participating in enforcement. Mr. Currie said he would agree to deny the EPA authority to direct the activities of local control officials, but that the Board could not exempt local pollution sources from state orders consistently with state or federal law or with sound policy. He proposed to eliminate the last sentence of Rule 112(b)(4) and after "strategy" in the preceding sentence to add "by persons required to take action under this Part". Mr. Dumelle, Mr. Lawton, and Mr. Aldrich agreed to Mr. Currie's proposal. The proposed final draft as thus amended was then adopted by a vote of 4-0. Action on Mr. Currie's proposed opinion in this proceeding was deferred until December 9 to allow further study.

The Board then heard testimony from three experts regarding insecticides. A complete transcript of their testimony was taken and is in the Board's files.

The Board denied a motion by Abott Laboratories to postpone until January hearings in #R70-6, Effluent Standards, since additional hearings will be held in January or February in any event.

The Board authorized the publication of a revised draft in #R70-9, Automotive Air Quality Standards, which is identical to Mr. Currie's proposed revision of November 18 except that hydrocarbons are to be expressed as carbon rather than as equivalent methane.

The Board authorized hearings on Mr. Currie's proposed revisions to the air quality standards, #R70-10, which among other changes would renumber the sections, rewrite the nondegradation principle, and make the several sulfur dioxide standards statistically consistent.

Mr. Charles Pardee presented the Board with a copy of federal hearings relating to automotive air pollution.

The Board authorized public hearings in #R70-11, Mr. Lawton's proposed open burning regulations, which would allow burning of leaves outside the Standard Metropolitan Statistical Areas as well as recreational and cooking fires and fires to combat fire, as well as allowing Agency permits for burning diseased trees and for fire-fighting instruction.

The Board postponed determination of whether or not to hold hearings in ##R70-12 and R70-13, citizen proposals for requiring tertiary treatment on the upper DesPlaines River and for setting standards for airport noise in Chicago.

The Board authorized publication of two proposed changes to the procedural rules, #R70-14. The first, by Mr. Lawton, would require the EPA to notify of the time and place of a variance hearing all persons who inform the Agency that they object to the grant of the variance. The second, by Mr. Currie, would correct a clerical omission in the rule respecting viewing of the premises, so as to allow the hearing panel alone to conduct a viewing if no party objects.

I, Regina E. Ryan, certify that the Board has approved the above minutes this 9<sup>th</sup> day of December, 1970.

Regina E. Ryan  
Clerk of the Board