

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR MEETING, AUGUST 5, 1970
Room 212, State Capitol, Springfield

The Board first approved the minutes as prepared for the meetings of July 14 and 17. Mr. Currie announced that the Board had held its first hearing August 4 in Batavia on an air pollution case, and that a second session of that hearing had been scheduled for Monday, August 10, 7 P.M., in the Batavia Civic Center.

Mr. Michael Schneiderman for the Technical Advisory Committee on Procedural Rules reported that a draft of proposed rules relating to enforcement and rulemaking hearings, to permits, and to general points concerning Board operations had been prepared for Board consideration; that rules relating to canons of ethics and to variances were not yet completed; and that a written explanation of the proposed rules would be forthcoming. Canons of ethics, he continued, presented a complex problem as to which the Committee desired guidance from the Board and from the Attorney General before making proposals. After discussion, Mr. Schneiderman reported that the Committee might not be able to produce a complete draft of the rules before a week from the coming Friday, because of other commitments and because of the desire to obtain outside expert opinion on the proposal. Because of the urgency of adopting such procedural rules as had been prepared as soon as was feasible, the Board agreed without formal vote to state its intention that after each Board Member had studied the portion of the Committee draft already submitted, the Board would publish proposed rules on the subjects included and solicit public as well as expert comment, so that this portion of the rules might be in effect by early September.

Mr. Currie then asked other agencies that had been invited to make recommendations for possible revisions of existing regulations to address the Board. Mr. Ben Sosewitz of the Metropolitan Sanitary District of Greater Chicago asked the Board to ban all waste discharges to Lake Michigan; to work toward interstate compacts to forbid such discharges; and to discuss a number of individual changes with the technical staff of the District. He argued that so long as there was insufficient evidence that waste discharges to the Lake were harmless, the Board could not afford the luxury of permitting them. Mr. Sosewitz noted that the proponent of such a regulation would have the obligation to present proof justifying it; Mr. Karaganis observed, and Mr. Currie agreed, that it might be sufficient in some cases to present evidence that there was a significant risk of environmental damage and that the actual effect of the discharge was unknown.

Mr. Clarence Klassen of the Environmental Protection Agency suggested that the Board, if it adopted such a rule, would have to consider what to do about emergency situations in which flood waters had to be released to the Lake; Mr. Sosewitz replied that the Sanitary District in 1967, had adopted a ten-year program for controlling such releases at considerable cost as required by existing regulations. Mr. Klassen observed that the Environmental Protection Act places the responsibility for negotiating interstate compacts on the Agency rather than on the Board and suggested that while the proposed ban on discharges to Lake Michigan would be a "major step forward", it would affect a substantial inland area in other states such as Michigan; adherence to such a standard would be relatively easy for Illinois. Moreover, the Sanitary District's plan for controlling storm overflows, and two alternative proposals, were stalled before the Cook County Flood Control Advisory Board, which is composed of various state and local agencies. Mr. Sosewitz said that Committee was in general agreement as to the first two phases of the three-step program, and that the District in order to meet its deadline was proceeding with Phase I.

Mr. Sosewitz then said in response to a question that the District thought the present standards for the Chicago and Calumet River systems were high standards necessary to accomplish the job of cleaning up the waters, and that the District's plan was designed to comply with them. Mr. Dumelle urged the Board not to take too much time in negotiations for an interstate compact that would require such cities as Milwaukee to install more than tertiary treatment or to divert enormous quantities of water from the Lake, since there were many more pressing problems for the Board, such as the adoption of procedural rules and additional air quality standards, as well as the decision of perhaps 600 cases this year, and immediate pollution problems that could perhaps be handled through the federal-state conference, such as the discharge of a population equivalent of 90,000 people daily at Grand Haven, of three million pounds of sodium chloride discharged at Manistee, and of 50 tons of oil a day in Indiana.

Mr. Klassen noted that the Environmental Protection Agency had filed with the Board all existing regulations and had pointed out general areas to which the Board should direct its attention, and assured the Board that the Agency would present the necessary information when the Board scheduled public hearings on particular subjects. He filed with the Board a list of cases referred by the prior boards to the Attorney General; a complete list of enforcement actions taken by the Sanitary Water Board; and formal complaints in air pollution cases against Alton Box Board Co.; J. M. Cooling (Rockford); Neal Auto Salvage (Peoria); and Commonwealth Edison

(Joliet). Other cases, he said, were in preparation, including some in which the previous Board had approved air contaminant emission reduction programs. Mr. Karaganis, for the Attorney General, asked that status reports on enforcement matters include information on the specific remedy sought and the results in terms of actual air or water quality.

Mr. Currie urged Mr. Klassen to submit specific proposals for amendments to the regulations. Mr. Klassen asked the Board to adopt state-wide the air quality criteria already in force for sulfur dioxide and particulates in the Chicago and St. Louis regions, and to adopt state-wide standards for additional pollutants as proposed to the previous Board. He reported that the Agency agreed with the recent federal proposals for designating additional interstate regions in Illinois and that the Board would be advised of its duty to adopt standards for those regions when they are officially designated. He also announced that a federal conference had been scheduled for September 29 in Davenport to consider three further air quality control regions in the Dubuque, Davenport, and Keokuk areas, all including portions of Illinois. Federal regions, he observed, were being proposed to ring Illinois and other states; some states had wondered whether it would be preferable to designate the entire state as a single region, and a policy question might be raised for the Board in the future by this issue. Mr. Karaganis questioned whether it would be wise use of limited resources to develop an implementation plan going beyond a nondegradation statement for such a clean area as Joe Daviess County, which is included in the proposed Dubuque region.

Mr. Klassen added that the Governor had designated the Board to adopt implementation plans for federally designated regions and that therefore perhaps the existing contract with Argonne National Laboratory for the development of such a plan for the Chicago region should be transferred to the Board unless the Board asked the Agency to propose a plan for Board adoption. The Agency had asked NAPCA for a time extension for filing such a plan for the St. Louis region, but there was a question whether the Agency had authority to do so if the Board was to adopt the plan. Mr. Schneiderman said that the Institute for Environmental Quality was in the process of taking over the Argonne contract in accord with the understanding at the time it was concluded. Mr. Currie observed that the development of long-term planning strategies such as in an implementation plan was one of the principal reasons for the establishment of the Institute.

Mr. Edward Croke of Argonne reported that although the original contract had not provided for the development of a plan for the St. Louis area, a subsequent oral agreement provided that if the Agency would submit clean emission

and air quality data for the St. Louis region Argonne would process it in accordance with procedures developed for the Chicago region and would aid in the design of a monitoring system for that region. Additional work beyond that agreed upon would be required to satisfy federal requirements. Mr. Klassen asked whether, if the contract were taken over by the Institute, the Institute would provide the clean data promised to Argonne. Mr. Currie observed that for the Agency to take over the financial burden of the contract would not deprive the Agency of the opportunity to submit the clean data that was no doubt in its possession, in light of the Agency's clear interest in the development of an implementation plan. Mr. Karaganis suggested that the Board clarify that it is the task of the Institute to finance the development of the plan and of the Agency to supply the necessary information. At Mr. Schneiderman's suggestion, the Board asked the Institute, the Agency, and Argonne to meet and to propose at the Board's next meeting a method for allocating responsibility for the development of implementation plans.

Mr. Currie suggested, and Mr. Klassen agreed, that certain of the existing Sanitary Water Board regulations might pertain more to the operation of the Agency than to the Board, and that the Board should consider whether some of them should therefore become Agency rather than Board regulations. He mentioned in particular standards governing the design of sewage treatment works, the certification of treatment plant operators, reports of treatment plant operations, and criteria for federal construction grants.

Mr. Kissel observed that the Board had hoped to receive specific proposals from the Agency and from others as to changes in the regulations. Mr. Klassen agreed to make such proposals if requested to by the Board, and the Board requested him to do so.

Mr. Klassen said the Agency had received an inquiry as to the status of implementation planning from NAPCA, and asked the Board whether it should be answered by the Board or by the Agency. Mr. Currie asked that he submit the letter to the Board so that the question could be resolved.

Mr. Klassen reported that the Agency would have in the Board's hands by Monday complete information on existing water quality and on discharges to the streams, and would provide comparable air pollution data as it became available in the near future. At Mr. Aldrich's request, Mr. Klassen agreed to submit summary interpretations of the raw data as well.

Mr. Schneiderman reported that the Institute had undertaken a study of air and water standards of other states and of the medical literature and would soon submit a detailed comparison to the Board.

Mr. Currie suggested four possible ways the Board might proceed in reexamining its water quality standards: It might hold hearings on specific proposed amendments; ask the Institute to do a general study of the subject; hold inquiry hearings prior to making specific proposals; or ask the Institute to conduct a seminar in which technical experts and Board members could informally exchange information on water quality needs and on techniques for controlling water pollution. After some discussion Mr. Schneiderman agreed at the Board's request to arrange such a seminar and Mr. Dumelle agreed to work with the Institute in making the arrangements.

Mr. Lawrence Bloom presented a letter from the Commission on Lake Michigan and Adjoining Lands, asking the Board to examine the adequacy of its regulations on watercraft wastes and their enforcement; to adopt effluent standards that would assure attainment of the water quality criteria; to adopt standards for parameters not now regulated such as viruses, pesticides, and mercury; to consider the FWQA proposal banning the discharge of water more than one degree above ambient temperature to Lake Michigan; to limit also the total amount of heat that may be discharged; to adopt specific criteria for all parameters dealt with by the Public Health Service Drinking Water Standards; to assure adequate monitoring of water quality; to combine proceedings for permits governing both construction and operation of outfalls or to make clear that the grant of a construction permit does not imply permission to operate the outfall; to require specific schedules including interim dates and detailed plans for bringing outfalls into compliance; to require proof that wastes removed from water are disposed of in a way that does not cause other environmental problems; to avoid overloading of sewage treatment plants by storm runoff and assure that storm water is adequately treated; and to consider the use of adjacent lands when setting water pollution regulations. He promised that the Commission would return with more specific proposals later.

Mr. Dumelle observed that the question of enforcement of watercraft regulations was primarily a matter for the Agency but urged the Board to consider the Lake Michigan standard for phosphates, which he said was set at the danger level for algae blooms and 50% worse than present lake quality, a standard that governs the life and death of the Lake. Mr. Karaganis argued that the Board had a responsibility to investigate whether any enforcement agency was doing its job and to make findings on the subject.

Mr. Kissel moved that the Board schedule a hearing on his proposal to amend the existing regulations by deleting all exemptions for sanitary districts containing over one million persons and by repealing the regulations providing

for local exemptions from the repealed Air Pollution Control Act. The Board unanimously agreed to this motion, and Mr. Currie announced that hearings would be held on this proposal on September 2 in Peoria and on September 3 in Chicago.

Mr. Croke then reported on Argonne's progress toward a plan for implementing the air quality standards adopted for sulfur oxides and particulates in the Chicago region, submitting to the Board copies of a written report on the subject recently submitted to the Agency. The report, he stressed, noted the manpower and information inputs required from the Agency under the contract, observed that federal and citizen pressures might require the immediate development of an interim plan for episode control, and noted Argonne's willingness to aid in developing implementation plans for other regions and for other pollutants. The first step in evaluating proposed regulations, he said, consisted of testing the proposal for source emission limits in a mathematical model to determine its effect on air quality. A second step would be the evaluation of area-wide emission controls. An emission inventory and air quality data were in hand, computer codes had been adapted to evaluate the regulations proposed to the Air Pollution Control Board last spring, and thus evaluation would probably be completed by the end of August. The contract also called for evaluation of episode regulations, but only after the first of the year. Delays in the submission of satisfactory inventory data to Argonne had delayed some of Argonne's results by about six weeks, but did not affect the evaluation of the source regulations proposed or of the episode regulations. He suggested the Board consider whether it might be appropriate to add to the existing contract to provide for a less sophisticated interim episode plan for the coming winter, and that the Board address itself to the validity of land-use related regulations.

Mr. Dumelle asked Mr. Klassen whether an adequate episode plan could be designed in the next two or three months or whether the present plan was adequate. Mr. Klassen responded that he was somewhat confused about the role and the status of the Agency, which had been working with Argonne on the contract, since he had learned that morning that the implementation plan was the responsibility of the Board and the contract was to be taken over by the Institute. Mr. Currie observed that the question of the Agency's role was separate from that of the adequacy of the present regulations and enforcement plans, and he asked Mr. Klassen whether the regulations were adequate and whether there was an adequate plan for enforcement. Mr. Klassen responded that this question was tied up with that of the Argonne contract. Mr. Currie asked whether the Agency had requested the plans for reduction

of pollution from individual sources during episodes and whether pollution would in fact be reduced if an alert were called. Mr. Klassen said this was what Argonne was trying to evaluate. Mr. Currie asked Mr. Klassen if he was saying that the Agency did not know whether it had an episode enforcement plan. Mr. Klassen responded that if an alert were called, the Agency would enforce the existing regulations, but did not know whether they would be enforceable.

Mr. Klassen asked Mr. Croke with whom Argonne had its contract. Mr. Croke responded that at present his assumption was that Argonne reports to the Agency, and Mr. Klassen added that that was his understanding as well.

Mr. Currie asked what the Board could do to assure that there was an effective episode plan this winter. Mr. Croke answered that with an input in manpower from the Agency Argonne could work on the interim plan with the cooperation of the City of Chicago, which had already submitted an episode control plan to NAPCA, a plan not wholly compatible with that of the state. Neither the state nor the city, he added, had yet communicated with the 80 to 100 principal sources that must submit plans for episode action, and guidelines should be prepared for the guidance of those sources, as well as procedures developed for communications to follow the calling of an alert. Mr. Currie asked whether the Board should adopt the guidelines to make more specific the obligation of the various sources, and Mr. Croke said he was inclined to agree.

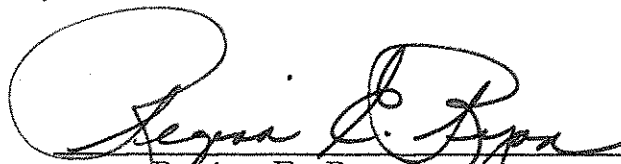
Mr. Karaganis asked whether to employ Argonne to develop such an episode plan would compromise the existing Argonne contract. Mr. Croke replied that the schedule would be set back in some respects. Mr. Aldrich asked for more information on this subject before the Board committed itself to any change in the contract. The evaluation of the per-source regulations, Mr. Croke said, would not be affected. One or two months of delay might be expected in those elements of the program now scheduled for completion in January or February.

Mr. Klassen noted that the Agency had met with Chicago and that the Agency would call for the necessary actions in the event of an episode. A member of the Agency staff would work with Chicago in the City's office in such an event, and the state numbers would be used in determining when an alert was to be called. He also asked the Board to alter the episode rules since they call for action by the Technical Secretary, an office that no longer exists, although the Agency would issue the necessary orders without amendment. He promised to submit specific recommendations for amendment as requested by the Board. Mr. Karaganis asked whether Argonne was presently under contract with the Agency to develop an interim episode plan and asked for a commitment that the Board would soon receive a technically competent short-term

episode plan. Mr. Kissel said he saw no conflict since Mr. Klassen seemed to agree that a change in priority was needed. Mr. Schneiderman argued that the development of an interim plan was not the sort of long-range planning issue for which the Institute was designed. He asked the Board whether it wished the Institute to release Argonne from its existing obligation, which would soon be with the Institute, so that Argonne could work with the Agency on this question. Mr. Currie said no such decision could be made in the absence of the information requested by Mr. Aldrich relating to the costs of such a shift of priorities. He asked for a specific proposal. Mr. Karaganis asked the Board to hold hearings on a proposal for an interim regulation on episode control. Mr. Croke warned that the development of an interim plan would complicate the obligations of those required to comply by subjecting them to more than one set of sequential regulations. Mr. Currie responded that this might be the price of protecting the public in both the short and the long run and that the Board would have to weigh these competing considerations. He noted that there were two questions before the Board: what regulations should be adopted, and on that question the Agency had promised to make proposals; and whether enforcement plans were adequate, a question as to which the Board's function was limited: Beyond assuring that the regulations facilitated enforcement, the Board would have to rely on the Agency to do its job. Mr. Klassen said that the Agency proposal would be submitted the following week.

Mr. Keehner presented a status report on cases referred to the Attorney General by the previous Boards, and the meeting was adjourned.

I, Regina E. Ryan certify that the Board has approved the above minutes on August 19, 1970.



Regina E. Ryan
Clerk of the Pollution Control Board