

**POLLUTION CONTROL BOARD**

**FOURTH YEAR**

**ANNUAL REPORT**

**July 1, 1973 – June 30, 1974**



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ILLINOIS POLLUTION CONTROL BOARD

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ANNUAL REPORT

by

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CHAIRMAN

INTRODUCTION

This report highlights significant activities of the Illinois Pollution Control Board during the fiscal year ending June 30, 1974. Past Board activities have been summarized in four previous reports: the first, issued in January, 1971, summarized the first five months of operation; a second report issued in June, 1971, comprised the first annual report covering the first full year of Board activities. The second annual report was issued in August, 1972. The third annual report was issued in July, 1973, covering the fiscal year ending June 30, 1973. The present fourth annual report presents a summary of Board activities during the period between July 1, 1973, and June 30, 1974.

Previous annual reports have discussed in detail the creation and method of operation of the three agencies created by the Environmental Protection Act of 1970. In summary, the Environmental Protection Agency is the environmental permit issuing, monitoring, investigative and prosecuting agency of the State. The Institute for Environmental Quality serves as the link between the scientists and researchers who provide the basic facts with respect to environmental problems and solutions and to those who create and implement policy by promulgating and implementing regulations with respect to those environmental problems. The Pollution Control Board serves two functions. It constitutes a rulemaking body when it promulgates environmental regulations. By hearing and deciding individual enforcement, variance, and permit appeal cases, the Board performs an adjudicatory function. All Board decisions are based upon a record which allows each case to be decided upon its merits. The Board consists of five members who have been appointed because of their judgment and technical expertise, without the representation of special interests or partisan politics. The Board is a full-time, independent, administrative agency.

PERSONNEL

Mr. Jacob D. Dumelle was appointed Chairman of the Board by Governor Dan Walker on August 14, 1973. Mr. Dumelle had been previously elected by the Board to serve as Acting Chairman after Acting Chairman Samuel T. Lawton resigned on July 31, 1973, following a period of distinguished service to the State.

Governor Dan Walker appointed two new Board members in August, 1973. The appointment of Dr. Russell T. Odell of Champaign began September 4, 1973. Dr. Odell is a professor emeritus of agronomy at the University of Illinois. His expertise includes soil manage-

ment and conservation, land use, and septic system placement. Dr. Odell's term expires June 30, 1975. Mr. Sidney M. Marder of Peru joined the Board on September 17, 1973. Mr. Marder is a graduate chemical engineer, and was production manager and head of pollution control for Foster Grant Corporation of Peru. Mr. Marder's term expires June 30, 1976. The re-appointment of Mr. Dumelle and appointments of Mr. Marder and Dr. Odell were confirmed by the Illinois Senate on November 8, 1973. The appointments by Governor Dan Walker and confirmation by the Senate brought the Board to a full complement of five members.

Operating with five members has allowed the Board to make progress in reducing the backlog of cases that built up while the Board operated with less than a full membership. During the past year, the Board has held hearings on important environmental proposals and has promulgated significant regulations. In addition, a great number of variance, permit appeal, and enforcement decisions were rendered. A listing of the types of cases filed is found as Appendix A of this report.

#### REGULATIONS

Fiscal year 1974 saw the adoption of a number of regulations and amendments to existing regulations. In addition, the Board conducted many hearings and Board discussions which will lead to the adoption of major revisions to the Illinois environmental regulatory framework.

The Board adopted the Noise Regulations, R 72-2, on July 26, 1973. The Noise Regulations place limits upon the emission of sound based upon land use classifications. Land uses are divided generally into residential, business, and industrial classifications. The regulations contain numerical sound levels which went into effect for new sources; but existing sources were given between one and three years to come into compliance depending on the nature of the operation. In addition, separate daytime and nighttime limits were set for emissions to residential lands. A general prohibition against noise nuisance became effective immediately.

A comprehensive regulation to control the development and operation of sanitary landfills was adopted by the Board on July 9, 1973. The new Solid Waste Regulations, R 72-5, supersede those adopted in 1966 by the Department of Public Health. The new Regulation requires a complete environmental analysis of all landfills, including soil studies to determine how groundwater supplies will be affected by the operation of the landfill. The Regulation, as complemented through the permit process, regulates the operation of the landfill to insure control of litter, leachate, and vermin, as well as other environmental problems inherent in landfill operations.

The Board took final action regarding four proposed amendments to the Water Pollution Regulations. The first amendment, to Rule 409, R 73-3, approved on July 19, 1973, extended the application of deadline dates for any discharger eligible for a construction grant under Section 201(g) of the Federal Water Control Act as amended. This extension was granted because of inadequacies in funding of the Federal Con-

struction Grant Program and uncertainty that additional Federal funds would be forthcoming. As a result of this action, all effluent standards which were to become effective on December 31, 1973, were extended until December 31, 1974, for any discharger eligible for a Federal construction grant. On July 19, 1973, the Board approved a second amendment, R 73-4, which enacted a new Rule 602(c) (3) requiring that excess flows shall be treated by retention and return to the treatment works or otherwise, and that, when found necessary, excess flows shall be treated to substantially remove floating debris and solids.

The third proposed amendment to the Water Pollution Regulations, which was submitted by Business and Professional People for the Public Interest (BPI), R 71-5, was dismissed at the request of BPI on September 13, 1973. The proposal would have enacted a no-discharge standard for Lake Michigan. BPI requested the dismissal because of the passage of the Amendments to the Federal Water Pollution Control Act (P.L. 92-500) which requires the application of best practicable treatment by July 1, 1977, and zero discharge by 1985.

On January 31, 1974, the Board adopted a fourth amendment, R 73-1, to the Water Pollution Regulations which replaced the term "Restricted Use" with "Secondary Contact and Indigenous Aquatic Life Standards." In addition, the amendment clarified Rule 201(b) to provide that the 25% mixing zone limit applies to either the volume of flow of a stream or its cross-sectional area, except for those streams which have a dilution ratio of less than 3:1. Rule 205(c) was amended to upgrade the dissolved oxygen minimum standard to 4.0 mg/l at any time after December 31, 1977. The Board decided to neither delete nor tighten the general toxic standard found in Rule 203(h), the tightening being proposed by the Illinois and U.S. Environmental Protection Agencies.

Two industry-sponsored amendments to the Air Pollution Regulations were adopted by the Board. On December 20, 1973, the Board approved a proposed amendment by Shell Oil Company, R 73-6, which allowed the use of submerged pipe loading of hydrocarbon liquids. This amendment was adopted after it was shown that submerged loading would accomplish the same degree of control as more expensive vapor recovery systems required by the former rule.

An amendment proposed by the Illinois Railroad Association, R 72-3, was adopted by the Board on January 31, 1974. This amendment established a limit on the opacity of visual emissions from diesel locomotive engines and included exemptions for transient operating conditions. The emissions were limited to a maximum opacity of 30% and the exceptions included cold starts, acceleration, loading following idle, testing and maintenance, and old units which could not be retrofitted. The hearings revealed that locomotive manufacturers were reducing emissions as a result of efforts to improve fuel economy, that their main problems with the former regulations concerned the emissions during transient periods of operation, and that 30% opacity was attainable either in new units or by retrofitting older units. Although the 30% opacity limit was not changed significantly, the Board felt that the exemptions adopted were warranted based on the peculiarities of locomotive engine operation.

On February 14, 1974, the Board adopted a series of changes to its Procedural Rules, R 73-14. The changes reflected the experience of more than three years of operation under the original Procedural Rules as adopted in October, 1970. Individual copies of the Board's new Procedural Rules may be obtained by contacting the Board.

In addition to those regulatory matters on which the Board took final action, fourteen other regulatory proposals were considered in some part by the Board during the past year. Five proposals dealt with water. Two of these five proposals would amend the Water Pollution Regulations and Procedural Rules in order to allow Illinois to administer the National Pollutant Discharge Elimination System (NPDES) permit program. The NPDES program was created on October 18, 1972, by the Congress of the United States when it enacted the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500). PL 92-500 established a permit program (NPDES) for the regulation of discharges into the waters of the nation. Any state desiring to establish a program under the provisions of PL 92-500, must establish a program which meets the requirements of PL 92-500 and the regulations adopted thereunder, and submit the state program to the Administrator of the U.S. Environmental Protection Agency for his approval.

To enable the State of Illinois to establish an NPDES Permit program, it was necessary to amend certain provisions of the Illinois Environmental Protection Act. On September 14, 1973, Governor Walker signed House Bill 1585, amending the Environmental Protection Act and directing the Board to adopt such regulations and procedures as may be necessary for the establishment of an NPDES Permit program within the State of Illinois.

The Illinois Environmental Protection Agency, on October 1, 1973, submitted a proposed amendment to the Water Pollution Regulations and Procedural Rules, R 73-11, which would require an NPDES Permit for all discharges required to obtain an NPDES Permit from the United States Environmental Protection Agency (U.S. EPA). The U.S. EPA submitted a separate amendment, R 73-12, which proposed to allow the Agency to certify certain discharges, for purposes of obtaining an NPDES Permit from the U.S. EPA, while Illinois was proceeding to obtain approval of the State NPDES program. The Board consolidated these two proposals and held four days of hearings throughout the State. On January 31, 1974, the Agency Director, Dr. Richard H. Briceland, submitted a revised set of NPDES Regulations which, in the Agency's view, reflected the comments received at the four days of hearing. The Board scheduled another hearing to consider the Agency's amendments. At that hearing the Agency proposed to table any Board action pending a period of experience to be gained by the Agency in cooperating with the U.S. EPA in issuing federal NPDES Permits. The Board rejected this motion on March 14, 1974, and has published final NPDES Regulations and requested final public comment prior to passage.

Another proposed amendment to the Water Pollution Regulations, Livestock Management Facilities and Livestock Waste-Handling Facilities, R 72-9, relates to the NPDES Permit program. The original proposed

amendment was referred to the Illinois Institute for Environmental Quality for further study on February 14, 1973. In carrying out this study, an Agricultural Advisory Committee was created by the Institute to provide leadership in drafting regulations under which the livestock industry would operate. The proposal as amended would create a new Chapter 5: Agriculture-Related Pollution, Section 1: Livestock Wastes. These proposed regulations would require a livestock producer to obtain an NPDES Permit if his feedlot contained more than a specified number of various kinds of livestock, or if the Agency determined that the livestock operation caused significant water pollution, regardless of size. In addition, the proposed regulation set out basic operating requirements to insure that livestock facilities do not contain point-source discharges which cause water pollution. Four days of hearings were held. The Board is expected to authorize this amendment for final public comment in early July with final action to be taken soon after.

A fourth proposed amendment to the Water Pollution Regulations, designated R 73-13, which would establish a new Chapter Six: Public Water Supply, was submitted by the Agency in November, 1973. These amendments would supersede the rules developed by the Illinois Department of Public Health in 1966 for the design, construction, and operation of public water supplies. Seven days of hearings were held on the proposal, and the record of these hearings closed May 24, 1974. Final action by the Board is expected in late 1974.

A fifth proposed amendment to the Water Pollution Regulations was made by Ozark-Mahoning and Minerva Oil Company, R 73-15, which proposed to amend the Water Quality and Effluent Standards applicable to calcium fluoride. Two hearings were held on this proposal.

A sixth proposed amendment to the Water Pollution Regulations was submitted by the Professional Laundry Institute, R 74-3, which would exempt laundries from the mercury effluent limitations. No hearing dates have been set for this proposal by the close of the fiscal year.

The Board currently has eight proposed amendments to, and has completed inquiry hearings on one aspect of, the Air Pollution Regulations. Three of these proposals for modification of the Board's Air Pollution Control Regulations have completed the hearing phase and are being prepared for deliberation and final action by the Board. The first, R 73-8, consists of two proposals to amend Rule 103(i) and Rule 205 (c) (2) (B), respectively. Proposal No. 1 seeks to clarify (1) whether the Agency permit is required for storage tanks used to contain volatile organic material if such tanks have a capacity of less than 40,000 gallons, and (2) whether an Agency permit is required for a single- or multiple-compartment effluent water separator facility for production of Illinois crude oil under certain conditions. Proposal No. 2 seeks to amend Rule 205(c) (2) (B) by deleting the condition that the subject tanks must be located outside a major metropolitan area in order to be exempt from the control criteria of Rule 205(c) (1).

The second, R 73-10, is a proposal to modify Rule 206(c). Rule 206(c) deals with Carbon Monoxide Emission Standards and Limitations as applied to petroleum and petrochemical processes. The purpose of

the proposed modification is to allow the use of commercially demonstrated technology - other than a direct flame afterburner or carbon monoxide boiler - for the purpose of reducing the emissions of carbon monoxide from refineries.

The third, R 73-17, is a proposal by the Illinois Environmental Protection Agency to amend Rule 204(f)(2), Sulphuric Acid Mist Standards and Limitations. The current regulation applies the same emission rate to both users and manufacturers of sulphuric acid. The Agency asserts that the regulation is, in many cases, unreasonably stringent when applied to small-scale process users of sulphuric acid.

The Illinois Environmental Protection Agency, in conjunction with the Illinois Institute for Environmental Quality, has developed and proposed for Board consideration, regulations to prevent excessive levels of air pollution attributable to the operation of "complex sources" (also termed "indirect sources"). These sources are major developments such as highways, amusement parks, shopping centers, airports, etc., which may cause substantial levels of air pollution due to the large number of automobiles or other vehicles attracted. After a series of six public hearings on the matter, designated R 73-9, the Board decided that its proceedings needed a comprehensive study detailing the state-wide economic impact which could be expected should the Board adopt the regulation in its proposed form. The Institute for Environmental Quality has undertaken this study and its report is to be available to the Board by August 31, 1974.

An Agency proposal to regulate leaf burning, R 73-5, is in final discussion before the Board. Three hearings were held on this proposal to prohibit leaf burning in certain areas of the State which are in violation of primary air quality standards. This modification is intended to conform with the legislation which prohibits the Board from adopting a general leaf burning ban. The Board may regulate leaf burning in geographic areas if the medical and biological evidence shows that such burning will cause contaminants which are injurious to human, plant, or animal life or health.

An amendment was proposed by the Granite City Steel Company, R 73-16, which would alter the Air Pollution Regulations which apply to coke oven operation emissions. One day of hearing was held, and another is scheduled early in the Fall of 1974.

A new amendment to a previous proposal which would regulate emissions from grain dryers and elevators, R 72-18, was presented to the Board in April, 1974. The former amendment was tabled on August 9, 1973, to permit development of such a proposal by an industry-IEPA Grain Task Force. Two days of hearings were held with several more scheduled for July and August of 1974.

In March of 1974, the Board authorized inquiry hearings on the status of sulfur dioxide removal technology, R 74-2. In addition to the status of sulfur dioxide removal technology, the Board endeavored to determine the extent of available supplies of low-sulfur fuels in Illinois; the legal limitations imposed upon Illinois by the Federal Clean Air Act, as amended, and by relevant court decisions interpreting the Act; medical health evidence regarding existing sulfur dioxide air quality standards; evidence regarding possible new and related standards such as for sulfates; any warranted modification in existing



regulations; and new information regarding cost of compliance with existing regulations. Numerous hearings were held, and final Board discussion of the information presented at the hearings is expected to take place in late 1974.

#### SIGNIFICANT BOARD DECISIONS

Jurisdiction to order correction of sanitary sewage backups into basements and sewage overflows was established in a citizen action against the City of Elmhurst, PCB 72-389. Reaffirming a prior decision that a municipality is responsible for the pollutional consequences of sewers within its limits, the Board required Elmhurst to report on all remedial action taken to improve the sanitary and storm-water sewer system in the city.

The Board dealt with the application of the Water Pollution Regulations to lakes built as cooling lakes by power plants in Central Illinois Public Service (CIPS) v. EPA, PCB 73-384. The Board upheld the EPA denial of an operating permit to CIPS for its power plant located at Coffeen, Illinois. The permit had been denied because CIPS had not supplied data as to the amount and types of its discharges to Coffeen Lake. Coffeen Lake was held to be a water of the State because it was formed by damming a small stream which was a water of the State. Because Lake Coffeen was a water of the State, all discharges into it must meet the criteria set forth in Chapter 3 of the Rules and Regulations.

In CBE v. Joliet Army Ammunition Plant, PCB 72-464, the Board ruled that the United States Government's Joliet Army Ammunition Plant was subject to state jurisdiction in the matter of violation of Illinois Water Pollution Regulations and the Illinois Environmental Protection Act. The facility was ordered to cease and desist from further violations by December 1, 1973. At the present time action is pending in U.S. District Court (having been previously removed from Illinois Circuit Court) to force compliance with the Board Order. No penalty was assessed by the Board.

Packaging Corporation of America (PCA) was required to pay \$10,000 for causing water pollution by discharging inadequately treated wastes from its Quincy paperboard manufacturing facility (PCB 71-352). In a related case, PCB 72-10, the Board granted PCA a variance for the additional period from the date in the enforcement complaint until the date PCA sold the facility. The Board had previously rejected a stipulation and proposed settlement because the suggested \$3,000 penalty was considered inadequate for the violations that had occurred.

Del Monte Corporation was penalized \$10,000 for causing pollution of Vermilion and Second Creeks by discharging wastes from the vegetable cannery at Mendota (PCB 72-465). A portion of the penalty, \$914.52, was ordered paid to the State Fish and Game fund for a fish kill in the creeks caused by Del Monte's waste. Del Monte was required to continue the operation of its spray irrigation field to dispose of wastes instead of discharges into the creeks. A settlement stipulation submitted by the parties was incorporated into the Board Order.

In EPA v. Roy Frietsch, PCB 72-17, the Board imposed a penalty of \$2,500 on the Respondent for poor management practices in the operation of a landfill near Peoria, Illinois. Mr. Frietsch was also ordered to file a compliance program with the EPA. In CBE v. Englehart and NSSD, PCB 73-181 and 73-304, the Board found air, water, and refuse disposal violations in the operation of a landfill located in Zion, Illinois. The Board assessed a penalty of \$7,500 against Englehart because of the severe disruption the landfill posed to area residents as well as the potential dangers it presented to neighborhood children. The North Shore Sanitary District was penalized \$1,000. Although not operating the landfill, NSSD took title to the site, enabling Englehart to bypass the safeguards of a hearing on a permit application.

Commonwealth Edison, PCB 72-491, 492, and 73-40, was ordered to reduce, by approximately two-thirds, the electric power generated at the Waukegan Station. Edison is allowed to only go above the limited power production level in the event of a system-wide emergency, and only if all other Edison coal-fired units are operating at capacity. The Board imposed this severe power cutback because of the violations of the particulate regulations, and because of great potential for health damage due to the large quantity of particulate matter emitted from the Waukegan Station. The proximity to Lake Michigan was found to result in up to 18 days per month of weather conditions that can lead to inversions that trap pollutants by preventing dispersion. A six-month variance was also granted to allow Edison to burn low-sulfur coal in order to reduce SO<sub>2</sub> emission, but at the same time slightly increase particulate emissions. After installation of an air monitoring system at Waukegan, Edison was allowed to return to full production so long as primary air standards were not exceeded. In addition, the Board levied a \$31,000 penalty for proven violations at the Sa-brooke and Waukegan stations.

CPC International, Inc., PCB 73-212, was granted a one-year variance from the requirement of submitting a project completion schedule showing compliance with Rule 203(g) by May 30, 1975. The variance was granted to allow CPC to conduct a four-month study of the feasibility of burning solid waste generated in the Chicago area at its existing coal-fired boilers and the use of a baghouse to control the resulting particulate emissions from its Bedford Park corn wet-milling plant.

The Board granted the North Shore Sanitary District (NSSD) request for a variance from the sewer ban imposed in League of Women Voters v. NSSD, PCB 70-7, for permission to allow the issuance of the equivalent of 2,000 four-person living units (8,000 Population Equivalent). This additional capacity was granted for those areas which are tributary to the Clavey Road Sewage Treatment Plant and those areas soon to be diverted to the Clavey Road Plant which include Lake Forest, Lake Bluff, and Highland Park. The Order required the NSSD to issue permits subject to a priority list which gives preference to single family residences and buildings with septic tank problems. In addition, the variance required that the newly permitted hookups cannot make connection until July 1, 1974, at which time the NSSD will have in-

creased treatment capacity at Clavey. Storm flows from Lake Bluff and Lake Forest will be diverted out of Lake Michigan in the fall of 1975 when the NSSD has completed its Gurnee Treatment Plant and extended the Middle Fork Interceptor Sewer.

#### JUDICIAL REVIEW

A large number of Illinois Appellate and Supreme Court decisions were rendered during the past year which will provide future guidance to the Board. The Illinois Supreme Court held that the Board's power to impose discretionary fines was not unconstitutional (City of Waukegan et al. v. PCB, 311 N.E. 2d 146, 57 Ill. 2d 170 [March 27, 1974]). The Court stated that the granting of such powers was not an unlawful delegation of judicial power or violation of separation of powers because the legislature or judiciary can effectively correct errors by the Board. The separation provided for in the Act of the investigative and prosecuting body, the Illinois Environmental Protection Agency, from the adjudicative body, the Board, was cited with approval. In addition, as a basis for its ruling, the Supreme Court cited the substantive and procedural due process protection provided by the Act and Board Regulations, as affording adequate standards and safeguards on Board power.

The Waukegan decision settled the question of the constitutionality of the provision of the Act which gives discretionary money penalty power to the Board. The Second and Fifth District Appellate Courts had held the granting of discretionary penalty power to the Board was unconstitutional (See City of Waukegan v. EPA, 11 Ill. App. 3d 189, 296 N.E. 2d 102 [May 2, 1973]; and Southern Illinois Asphalt Company, Inc. v. EPA et al., 15 Ill. App. 3d 66, 303 N.E. 2d 606 [October 10, 1973]). The First and Third District Appellate Courts had held that such a discretionary penalty power was a constitutional delegation of a quasi-judicial power subject to judicial review as to reasonableness (See Ford v. EPA, 9 Ill. App. 3d 711, 292 N.E. 2d 540 [February 4, 1973]; and Incinerator, Inc. v. PCB, 13 Ill. App. 3d 514, 305 N.E. 2d 35 [October 17, 1973]).

In Meadowlark Farms v. PCB (17 Ill. App. 3d 851; 308 N.E. 2d 829 [February 22, 1974]) the Fifth District Appellate Court ruled that the Environmental Protection Act provides due process in its enforcement action procedures. The Court also held that lack of knowledge that the discharge of contaminants was occurring is not a defense to the Complaint because the Act is malum prohibitio; no mens rea is necessary to a finding of guilt. In Agrico v. PCB (13 Ill. App. 3d 45; 299 N.E. 2d 803 [July 18, 1973] 803) the Fifth District Appellate Court rules that although the Board cannot impose a penalty as a condition to a grant of a variance, the Board can condition a variance on the posting of a performance bond and the filing of progress reports.

The Supreme Court provided guidance as to the civil nature of the Environmental Protection Act in City of Monmouth v. PCB, 57 Ill. 2d 482, 313 N.E. 2d 161 (May 29, 1974). Because fines ordered by the

Board are not criminal sanctions, there is no right to a jury trial, as Board matters are not a proceeding known at common law; complaints are not required to be verified; and proof of guilt need not be beyond a reasonable doubt (City of Monmouth, supra).

The court in Monmouth also ruled that under 9(a) of the Act, a complaint may be based on the violation of either the express statutory provision of the regulations and standards adopted by the Board. Where only a violation of the express statutory provision is involved, the court need not consider an allegation of the Board's failure to adopt regulations and standards.

The Supreme Court in Monmouth also held that Section 9(a) of the Act, when read in conjunction with Sections 3(b), 3(d), and 33(c), contains sufficient standards to meet due process and is not unconstitutionally vague. This case stands for the proposition that people living in industrial communities need not suffer without remedy uncomfortable odors which are ordinarily and necessarily present in industrial areas. This ruling distinguished Gardner v. International Shoe Co., 386 Ill. 418, because the court found that the Legislature, in passing the Act, provided remedies beyond those provided by the common law. The Board's order, which imposed a penalty against the City of Monmouth, was reversed because the City had attempted compliance with all known methods of control and had cooperated fully with the Agency and the Sanitary Water Board (a predecessor agency to the Board). The Court stated that the reason for penalties was to provide a method for enforcing the Act and that punitive considerations were secondary.

Section 33(c) of the Act has been the subject of a number of recent court decisions. This section provides a list of factors the Board must take into consideration when making its determinations. Differing interpretations have been placed upon what Section 33(c) mandates the Board and the Agency to do, between different Appellate Court districts and among some divisions within a court district. The Supreme Court has not made a definitive ruling to date. In the Waukegan case, the court cited Section 33(c), together with other sections, as providing adequate standards to guide the Board. In Monmouth, the Supreme Court again reiterated that Sections 3(b), 3(d), and 33(c) provide sufficient standards to uphold Section 9(a).

The Appellate Courts are split as to whether the Board must make a separate finding on each of the elements of Section 33(c), or take them into consideration if presented at the hearing by either party. The Fifth Appellate District has held that there is no need for specific finding of facts and conclusions of law on each point in Section 33(c) (See Airtex Products, Inc. v. PCB, et al., 15 Ill. App. 3d 711, 292 N.E. 2d 540 [October 12, 1973] [citing Ford v. EPA, 9 Ill. App. 3d 711, 292 N.E. 3d 540 (1973)]). In Cobin v. PCB, 16 Ill. App. 3d 958, 307 N.E. 2d 1971 (January 21, 1974) the Fifth District said in dicta that the Board must take Section 33(c) into consideration in reaching its decision, but "unless an abuse of discretion is shown (a total failure to consider Section 33(c) for example) the Court may not inquire further once a prima facie showing of taking Section 33(c) into account is made." The court further stated that a cease and desist

order is a well-established enforcement procedure for administrative agencies.

The First District, Fourth Division, Appellate Court in Incinerator, Inc. v. PCB, 17 Ill. App. 3d 514, 305 N.E. 2d 35 (October 17, 1973), held that because of evidence as to the factors found in Section 33(a) was presented to the Board, the court will conclude that the Board acted in compliance with Section 33(c) by considering such testimony in reaching its decision. However, the First District, Fifth Division, reached a different interpretation of Section 33(c) in Mystik Tape, Inc. v. PCB et al., 16 Ill. App. 3d 778, 306 N.E. 2d 574 (December 28, 1973) where Justice English found that the only way Section 33(c) could be satisfactorily considered was for the Board to have set out the Ford test outlined above, stating that Mystik placed the question of economic reasonableness and technological feasibility at issue. After reviewing the evidence submitted on the factors outlined by Section 33(c), the court held that the Board could not have found a violation.

The Mystik ruling also would require the Board to adopt standards to guide dischargers in the absence of Board-adopted regulations. After announcing these standards on a case-by-case basis, the Board would have to allow respondents a reasonable degree of time in which to achieve compliance before assessing penalties or issuing cease and desist orders. The decision in Mystik is currently on appeal.

The same strict rules which apply in judicial proceedings with reference to the admissibility of evidence do not apply in proceedings before an administrative agency. A failure to observe the technical rules of evidence is not sufficient reason to set aside an agency's decision unless the error or failure materially affects the rights of any party and results in substantial injustice to him.

Two recent Third District cases dealt with Rule 3-3.112 of the Air Pollution Rules and Regulations. In Hoffman v. PCB, 16 Ill. App. 3d 325, 306 N.E. 2d 330 (January 23, 1974), the emission factors found in AP-42, a Federal publication, were held not to support a finding of violation or shifting of the burden of proof to respondent to prove compliance, standing alone. Use of the emission standards to show a violation based upon rated input alone, was rejected. In Central Illinois Light Company v. PCB, 17 Ill. App. 3d 699, 308 N.E. 2d 153 (February 20, 1974), the potential for violation was held not to support a finding of violation. In this case, AP-42 was used to show that when operating at name-plate, or full-rated capacity, respondent's facility was causing a violation. This the Court rejected because no showing was made of the actual rate of operation or results of a stack test. The Court reversed, stating that it is elementary that one should be found guilty for what one does, not for what he can do.

Two Fifth District cases upheld the Board's finding of violations of the Act and certain rules of the Sanitary Water Board by two respondents who allowed acid mine drainage to be discharged to waters of the State (see Meadowlark Farms, Inc. v. PCB et al., 17 Ill. App. 3d 851, 308 N.E. 2d 829 [February 22, 1974], and Freeman Coal Mining Corporation v. PCB, et al., 21 Ill. App. 3d 157, 313 N.E. 2d 616 [June 28, 1974]). In Meadowlark, the respondent owned the mine refuse

gob piles where the drainage originated. The respondent in Freeman owned land where it added mine refuse for fifteen months following the effective date of the Act, to the gob piles that were the source of the acid mine drainage.

The first appeal of a Board-adopted regulation was successfully defended when the mercury water quality and mercury effluent standards were upheld in Armstrong Chemcon, Inc., et al. v. PCB, 310 N.E. 2d 648 (February 20, 1974). Armstrong, together with a group of paint manufacturers and suppliers, filed the appeal to contest the 0.5 part per billion limitation established by the Board in R 70-5. The Court further held that the Board possesses the power to regulate discharges into sewers because of Sections 1002(b), 1013, and 1003(o) all taken together.

#### ADMINISTRATIVE AND FINANCIAL

The past fiscal year saw the predicted increase in the number of cases filed with the Board. Of a total of 530 cases filed with the Board, 377 were variance petitions, 132 were enforcement complaints, and 21 were permit appeals. During the past year the Board issued 1099 orders, of which 547 represented final actions. A breakdown of the type and number of cases filed during fiscal year 1974 and for prior years is found as Appendix A to this report. The status of all penalties imposed by the Board is shown in Appendix B.

The General Assembly appropriated \$733,690 for the fiscal year 1975. This amount should be sufficient to meet Board requirements, except for possible problems in the line items for travel, printing, and court reporting. Board budgetary predictions are rather difficult to make because the Board's activities depend upon the number and type of matters filed by the public and other agencies with the Board. Variance requests mandate a hearing if an objection is made within 21 days after the petition is filed. Permit appeal and enforcement cases by statute must proceed to hearing. The Board must also hold hearings on all Agency- or Institute-proposed regulatory matters and upon those private-citizen proposals that are accompanied with 200 signatures. Appendix A clearly establishes a trend toward increasing numbers of cases filed with the Board.

The Board has tried to reduce printing costs by such steps as the periodic review of the Newsletter mailing list. On July 1, 1973, the Board mailing list contained 6,300 names. By July 1, 1974, the Board reduced this to 4,750 names. The Board has continued the policy of requiring persons who file variance petitions and permit appeals to submit and pay for their own transcripts, except where it cannot be afforded.

As discussed under Future Activities, the possibility looms that the Board may have to implement a full-time hearing officer program. This has not been the case in the past, where the Board has utilized part-time hearing officers on a case-by-case basis. At the present time the Board has a roster of approximately 100 part-time persons on the roster of hearing officers. If the change to a full-time hearing

officer system is required, the Board would have to provide additional office space and secretarial support.

#### FUTURE ACTIVITIES

Beyond the immediate future, which should see the disposition of a regionalization program for DuPage County sewage treatment plants, NPDES, and Livestock Waste Regulations, the Board is expected to work on a new Public Water Supply Regulation. A more thorough listing of the stage of completion of various regulatory proceedings is contained under the Regulation section which appears earlier in this report. The "Bottle Ban" regulation is expected to again become the subject of Board action when the Board receives a final copy of a study of Oregon's first year of experience under their State law requiring deposits on bottles.

The Board foresees an increasing workload when the NPDES program is transferred to the State of Illinois. The Board will probably be hearing more permit appeal cases and enforcement cases based upon NPDES Permit terms. In addition, the Board will hear requests for alternative thermal standards under Section 316 of the Federal Water Pollution Control Act pursuant to Rule 410(c) of the Water Pollution Regulations as a result of the probable approval of the NPDES regulations.

The Committee on Professional Ethics of the Illinois Bar Association has recently ruled that for one year following employment with the Board, hearing officers cannot represent clients before the Board. This ruling may greatly alter the Board's current procedure of using part-time hearing officers. The Board may have to implement a full-time hearing officer program if it cannot maintain a sufficient staff.

A review of existing regulations to determine if they adequately protect what they were designed to protect and represent the best approach, is also expected to be begun during the upcoming year.

APPENDIX A  
ILLINOIS POLLUTION CONTROL BOARD  
by Fiscal Year

<u>VARIANCES:</u>	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>
Water	56	126	168	126
Air	101	144	145	217
Land	2	12	18	12
Public Water Supply	2	5	30	22
Noise				
TOTAL:	161	287	361	377
<u>ENFORCEMENT:</u>				
Water	25	52	36	35
Air	26	100	68	79
Land	12	53	35	13
Public Water Supply	1	4	1	4
Noise				1
TOTAL:	64	209	140	*132
<u>NUCLEAR PERMITS:</u>	2	3	0	0
<u>PERMIT APPEALS:</u>	0	0	12	21
GRAND TOTAL:	227	499	513	530

\* This figure includes all enforcement actions, Agency and Citizen filed. A further breakdown for FY74 is contained on the next page.



APPENDIX A  
ILLINOIS POLLUTION CONTROL BOARD  
FY74 CASE DISTRIBUTION

VARIANCES

Water	126
Air	217
Land	12
Public Water Supply	22
Noise	

TOTAL: 377

AGENCY ENFORCEMENT

Water	19
Air	63
Land	9
Public Water Supply	4
Noise	

TOTAL: 95

OTHER ENFORCEMENT (Citizen etc.)

Water	16
Air	16
Land	4
Public Water Supply	
Noise	1

TOTAL: 37

PERMIT APPEALS 21

TOTAL: 21

GRAND TOTAL: 530

STATE OF ILLINOIS  
 ENVIRONMENTAL PROTECTION AGENCY  
 SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD  
 JULY 1, 1970 to JUNE 30, 1974

	7/1/70 to 6/30/71	7/1/71 to 6/30/72	7/1/72 to 6/30/73	7/1/73 to 6/30/74
Penalties assessed by Pollution Control Board	<u>\$ 96,950</u>	<u>\$422,861.96</u>	<u>\$378,880.55</u>	<u>\$223,581.52</u>
Number of Penalties	<u>18</u>	<u>75</u>	<u>148</u>	<u>93</u>
Penalties Paid				
General Revenue Fund	84,200	116,030.00	221,410.00	175,231.52
Environmental Scholarship Fund	-	150,000.00	-	-
Fish and Game Fund	<u>3,750</u>	<u>13,711.96</u>	<u>3,280.55</u>	<u>-</u>
Total Penalties Paid	\$87,950	\$279,741.96	\$224,690.55	\$175,231.52
Penalties Vacated	1,000	15,000.00	4,000.00	-
Penalties Declared Uncollectable	-	-	-	-
Penalties Appealed	5,000	115,090.00	125,800.00	18,500.00
Penalties Receivable	3,000	13,030.00	24,390.00	29,850.00
Fish and Game Fund Receivable	-	-	-	-
Fish and Game Fund Appealed	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Penalties Assessed by Pollution Control Board	<u>\$96,950</u>	<u>\$422,861.96</u>	<u>\$378,880.55</u>	<u>\$223,581.52</u>

AG: Receivables so marked have been forwarded to the Attorney General for Collection.

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1971

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
1/6/71	70-23	Marquette Cement Co.	\$10,000	\$ 10,000		
1/9/71	70-2	J. M. Cooling	1,000	1,000		
2/17/71	70-10	Truax-Truer & Consolidated	3,750	3,750		
2/17/71	70-17	R. H. Charlett	1,500			1,500 (AG)
2/17/71	70-15	Eli Amigoni	1,500			1,500 (AG)
3/3/71	70-16	Allied Mills	2,000	2,000		
3/17/71	70-33	Greenlee Foundries	2,000	2,000		
3/17/71	70-45	Malibou Land Trust	100	100		
3/31/71	70-55	City of Springfield	1,000	1,000		
4/14/71	71-8	City of Mattoon	1,000	1,000		
4/19/71	71-11	GAF Corporation	50,000	50,000 <sup>(1)</sup>		
4/28/71	70-38 71-6	Modern Plating	5,000	5,000		
4/28/71	71-18 70-39	LaForge and Co.	1,500	1,500		
5/26/71	71-29	Sauget and Co.	1,000	1,000		
6/9/71	71-31	Southern Illinois Asphalt	5,000		5,000	
6/9/71	71-30	C. E. Koons	100	100		
6/23/71	71-19	Spartan Printing Co.	10,000	10,000		
6/23/71	71-41	Clay Products Co.	500	500		
<b>TOTAL</b>			<u>\$ 96,950</u>			

(1) Appealed fine for \$149,000 dismissed and new fine assessed for \$50,000 on 9/26/72.

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1972

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
7/8/71	71-43	Lipsett Steel Products	\$ 6,000	\$ 6,000		
7/8/71	71-26	City of East St. Louis	200	200		
7/12/71	71/62	Roesch Enamel & Mfg.	5,000	5,000		
7/22/71	71-49	Donald M. Ashbaugh	2,000	300		1,700(AG)
7/22/71	71-32	Oscar E. Denny	1,000	1,000		
7/22/71	71-48	City of Golconda	100	100		
7/22/71	71-123	Minnesota Paints	100	100		
8/5/71	71-86	State Line Foundry	7,500	7,500		
9/2/71	71-87	Claremont Hills Water & Sewer Co.	1,000	550		450 (AG)
9/16/71	71-163	Central Soya Co., Inc.	5,000	5,000		
9/16/71	71-52	Bath, Inc. & John L.	2,000		2,000	
9/16/71	71-53	Charles R. Rhodes	1,500			1,500(AG)
9/30/71	71-69	Incinerator, Inc.	25,000		25,000	
9/30/71	71-193	Illinois Power	5,000	5,000		
9/30/71	71-176	Clayton Mark & Co.	2,000	2,000		
9/30/71	71-177	Village of Warren	200	200		
10/14/71	71-33	Lloyd Fry Roofing	50,000		50,000	
10/14/71	70-35	Fox Valley Grease Blending	3,000	3,000		
10/14/71	71-203	Purdy Company	3,000	3,000		
10/14/71	71-83	National Starch & Chemical	2,000	2,000		
10/14/71	71-109	Williamson County Housing Authority	500	500		
10/14/71	71-172	Arthur Gerdes	200	200		
10/28/71	70-5	Neal Auto Salvage	1,000			1,000 (AG)
10/28/71	71-25	City of Marion	100		100	
11/3/71	71-78	Freeman Coal Co.	5,000	5,000		
8/13/71	71-42	J. C. Dill	200	200		
10/14/71	71-125	Citizens Utilities Co.	1,000	1,000 V		
10/28/71	71-108	Modern Foundry & Mfg.	1,000	1,000		

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STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1972

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
11/03/71	71-234	Cobin Salvage	\$ 3,000		\$ 3,000		
11/11/71	71-237	George Reeves	3,000	1,200		1,800(AG)	
11/11/71	71-231	Reese Construction	100	100			
11/22/71	71-246	Yetter Oil Co.	500	500			
11/23/71	71/230	Pfizer Inc.	1,000	1,000			
11/23/71	71-227	Miller Lumber Co.	500	500			
11/23/71	71-258	Harry F. Hathaway	500	500			
12/09/71	71-272	Soil Enrichment Materials Corp.	2,000	2,000			
12/09/71	71/239	Jack McIntyre & Dwight Rowe	1,000	1,000 V			
12/09/71	71-257	Mrs. Hilliard White	100	100			
12/21/71	71-211	Agrico Chemical Co.	10,000		10,000		
12/21/71	71-312	Custom Farm Services	2,162	2,162			
12/21/71	71-298	T & K Disposal	250		250		
12/21/71	71-298	City of Waukegan	1,000		1,000		
1/06/72	71-200	Molex, Inc.	10,000	10,000 V			
1/06/72	71-331	Chicago-Dubuque	3,000	3,000			
1/06/72	71-259	City of Monmouth	2,000		2,000		
1/06/72	71-289	Valley Lines	1,000	1,000			
1/06/72	71-318	Alton Box Board	250	250			
1/20/72	71-307	C. M. Ford	1,000			1,000(AG)	
1/20/72	71-283	Percy Logan & Mrs. H. Logan	2,000			2,000(AG)	
1/24/72	71-277	Mattison MachineWorks	3,500	3,500			
1/31/72	71-236	Solid Waste Disposal	1,000	1,000			
2/17/72	71-269	North Shore Sanitary District	5,000		5,000		
2/17/72	71-305	Mildred Krawczck	1,000			1,000(AG)	
3/02/72	71-339	Central Illinois Landfill	200			200(AG)	
12/21/71	71-298	Tewes Co.	250		250		
12/09/71	71-255	Crane Fulview GlassDoorCo.	1,100	1,100			

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1972

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE .. CURRENT
2/3/72	71-325	Airtex	\$11,000.00		\$11,000.00	
2/3/72	71-325	City of Fairfield	1,100.00			1,100.00 (AG)
3/7/72	71-297	General Iron Industries	1,500.00	1,500.00		
4/4/72	71-320	Chicago Housing Authority	200.00	200.00		
4/4/72	72-45	James (Rusty) Kruse	1,000.00	1,000.00		
4/4/72	72-44	George Knight	250.00			250.00 (AG)
4/25/72	71-323	Ayrshire Coal Co.	1,000.00	1,000.00		
4/25/72	72-31	Kammerer Concrete Products	100.00	100.00		
4/25/72	70-34	Granite City Steel Co.	150,000.00	See Footnote		
4/25/72	72-66	Zaborac Electric Co.	100.00	100.00		
5/10/72	72-47	William Smistrick & Ronald Hayden	2,000.00	2,000.00		
5/23/72	71-355	City of Jacksonville	1,000.00	1,000.00		
5/23/72	72-86	Rex Chainbelt, Inc.	2,000.00	2,000.00		
5/23/72	72-98	Texaco, Inc.	200.00	200.00		
5/30/72	72-26	Village of Lake Zurich	100.00	100.00		
6/6/72	71-367	Consolidated Food & Hollywood Brands	500.00	500.00		
6/20/72	72-169	Terminal Railroad Assn.	1,000.00	1,000.00		
6/27/72	71-369	Russell, Bursall & Ward	40,000.00	40,000.00		
		" (Fish & Game Fund	13,449.96	13,449.96		
6/29/72	72-111	Metropolitan Sanitary District	6,000.00		6,000.00	
6/29/72	72-137	McHenry Shore Water Co.	3,000.00	3,000.00 V		
6/27/72	71-254	Chicago, Milwaukee, St. Paul & Pacific Railroad	350.00	350.00		
			\$422,861.96			

Footnote: Granite City Steel has deposited \$50,000 to the Environmental Scholarship Fund effective May 1, 1972. The remaining payments of \$50,000 each due 1/1/73 and 7/1/73 have been paid.

Per PCB 70-34.

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1973

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
7/18/72	72-71	Airport Landfill, Inc.	\$ 800	800		
7/18/72	71-240	City of Chicago Heights	2,500	2,500		
7/25/72	72-3	LoBue, Inc.	1,000	1,000		
7/25/72	72-100	City of Nashville	250	250		
7/25/72	72-140	Caterpillar Tractor Co.	2,000	2,000		
7/25/72	72-216	Iowa-Illinois Gas & Elect.	1,000	1,000		
8/8/72	72-191	Lavoie Sanitary Service	250			250(AG)
8/8/72	72-57	City of Cairo	100	100		
8/8/72	72-43	Penn Central Transportation Co.	1,250	1,250		
8/15/72	72-55	Jake's Auto & Wrecking	50	50		
8/15/72	72-189	Dean M. Penn & Walter Deemie	750	750		
8/22/72	72-99	Quincy Park District	200	200		
8/29/72	72-124	Roy Frietsch	400	400		
8/29/72	72-124	Jess J. Buehler	400			400(AG)
9/6/72	72-2	City of Salem	250	250		
9/6/72	72-244	Jack Ohlman & Thomas Trager	100	100		
9/6/72	71-333	Commonwealth Edison & Iowa Ill. Gas (Fish & Game Fund)	2,500	2,500		
9/12/72	72-23	Earl Baker	5,000		5,000	
9/12/72	72-23	Harold Broverman	5,000		5,000	
9/12/72	72-23	Robert Rink	2,000		2,000	
9/12/72	72-136	Chicago & Pacific Railroad	250	250		
9/12/72	72-1	C & S Motor Service	250			250(AG)
9/26/72	71-243	Harry A. Carlson	2,500	2,500		
9/26/72	71-171	Meyer Jacobs, Hokin & Madison Park Center	250	250		
9/26/72	72-50	G A F Corporation	15,000	15,000		
10/3/72	72-54	Union Carbide Corp.	10,000	10,000		
10/3/72	71-338	C P C International	15,000		15,000	
10/3/72	72-198	High Lake Poultry	2,500		2,500	
10/3/72	72-187	South Side Foundry	3,000	3,000		
10/3/72	72-126	Kankakee Foundry Co.	3,000	3,000		
10/10/72	72-25	Mark J. Bowen	200	200		
10/10/72	72-197	Lake in the Hills Water Co.	2,500	2,500		
10/10/72	72-129	Henry DeBoer	2,000	2,000		
10/11/72	72-301	First Nat'l Bk of Spfld. Trustee for No. 3010	2,000	2,000		

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1973

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
10/17/72	72-146	R. W. Dunteman Co.	\$ 2,000	\$ 2,000		
10/17/72	72-254	Ivy Hearnes	100	100		
10/17/72	72-254	Arthur Singleton	500			500(AG)
10/17/72	72-252	Village of Glendale Heights	200	200		
10/17/72	72-257	Lester Hawkins	25			25(AG)
10/17/72	72-257	Clarence Hawkins	25			25(AG)
10/24/72	72-287	Shumway Foundry	1,200	1,200		
10/24/72	72-149	Lockport Trucking Co.	1,000	1,000		
10/24/72	72-259	National By-Products Inc.	500	500		
10/24/72	72-196	Rafacz Landscaping & Sod Farms Inc.	250	250		
10/24/72	72-243	Jerry Frye	500	500		
10/24/72	71-370	Bosch Trucking Co. Inc.	250	250		
10/31/72	72-151	Harshany, Inc. et al	1,000		1,000	
10/31/72	72-267	Jesse W. Farley, Sr.	250			250(AG)
11/1/72	71-293	Fifteenth Street Auto Park	1,000			1,000(AG)
11/1/72	72-79	Sangamo Construction	5,000		5,000	
10/31/72	72-76	Fansteel, Inc.	20,000	20,000		
10/31/72	72-72	Kienstra Concrete	100	100		
11/8/72	72-260	Robert R. Deters et al	5,000	5,000		
11/8/72	72-125	City of West Frankfort	1,000	1,000		
11/8/72	72-230	C. M. Ford	2,000			2,000(AG)
11/8/72	72-83	Central Illinois Light Co.	15,000		15,000	
11/14/72	72-179	East Lawn Water Co.	2,500		2,500	
11/14/72	72-159	City of Woodstock	100	100		
11/14/72	72-329	Village of West Salem	200	200		
11/14/72	72-288	Acme Solvents Reclaiming	2,000	2,000		
11/21/72	72-344	W. G. Best Homes, Inc.	3,000	3,000		
11/28/72	72-204	Union Electric Co.	300	300		
11/21/72	72-80	City of Harrisburg	500	500		
11/21/72	72-80	Milo Lambert	250	250		
12/5/72	71-364	Village of Augusta	200	200		
12/5/72	71-364	Dennis Food Co.	5,000	5,000		
12/5/72	72-186	M. A. L. Landfill	1,000	1,000		
12/12/72	72/215	Weldon Farmers Grain Corp	500		500	
12/12/72	72-373	Bakley Construction Co.	1,000	1,000		
12/12/72	71-300	George E. Hoffman & Sons	4,000	4,000*		

\* Per PCB order of 5/29/74 regarding Geo. E. Hoffman & Sons "It is ordered that Respondent shall pay the sum of \$1,000.00 as a penalty. The 1,000.00 payment shall be in lieu of the monetary penalty previously assessed on 12/12/72."



STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1973

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
12/21/72	72-13	Will County Landfill	\$ 1,000.00	\$ 1,000.00		
1/16/73	72-128	Tucker Freight Lines	500.00	500.00		
1/16/73	72-16	Richard McCormick	250.00	250.00		
1/16/73	72-348	Paul E. Crabtree	250.00	250.00		
1/16/73	72-348	James R. Hutton	1,250.00			1,250.00(AG)
1/16/73	72-312	Howard James	1,000.00			1,000.00(AG)
1/16/73	72-219	City of Mascoutah	500.00	500.00		
1/16/73	72-343	Meadowlark Farms, Inc. (Fish & Game Fund)	141.66	141.66		
1/16/73	71-299	George Rosenbalm, d/b/a Mt. Morris Sanit.	300.00	300.00		
1/16/73	72-180	Mystik Tape, Div. of Borden, Inc.	3,500.00		3,500.00	
1/23/73	72-87	Johnson Blackwell	200.00	200.00		
1/23/73	72-201	Thomas Chirillo	300.00	300.00		
1/30/73	72-4	Bessie & Richard Lenz	1,500.00	1,500.00		
1/30/73	72-123	Livingston Stone Co.	1,000.00	1,000.00		
1/30/73	72-84	Custom Farm Service	2,000.00	2,000.00		
		Custom Farm Service (Fish & Game Fund)	638.89	638.89		
1/30/73	72-95	David Halverson	250.00	250.00		
2/14/73	71-326	Allied Chemical Corp.	1,000.00	1,000.00		
2/14/73	72-62, 72-262	Reliance Quarry, Inc.	3,000.00	3,000.00		
2/14/73	72-160	Kaluzny Bros., Inc.	2,000.00	2,000.00		
2/14/73	72-268	Lehmkuhl Construction Co.	5,000.00		5,000.00	
3/8/73	72-318	Midwest Rubber Reclaiming Company	2,000.00	2,000.00		
3/8/73	72-147	Litton Power Transmissions Div., Litton Syst.	2,500.00	2,500.00		
3/15/73	72-385	Paul & Don Lambert	750.00	750.00		
3/22/73	71-403	Producer's Mining, Inc. et al	500.00			500.00(AG)
3/22/73	71-403	Rialto Sales Corp.	500.00			500.00(AG)
3/22/73	71-403	Holly Mining Corp.	500.00			500.00(AG)
3/22/73	71-377	Freeman Coal Mining Corp.	5,000.00		5,000.00	
3/22/73	71-340	Aluminum Processing Corp.	1,000.00	1,000.00		
3/22/73	72-52	Forty-Eight Insulations, Inc.	500.00	500.00		
3/22/73	72-172	Van Der Molen Midwest Incinerator Co.	2,500.00	2,500.00		
3/22/73	72-181	Cerro Copper & Brass	3,000.00	3,000.00		
3/22/73	72-284	Ferguson & Lange Foundries	200.00	200.00		
3/22/73	72-467	M & W Disposal Company	2,500.00	2,500.00		
3/29/73	72-49	Benjamin Harris & Co.	2,500.00	2,500.00		
3/29/73	71-319	Holland Ice Cream & Custard Co.	100.00	100.00		
3/29/73	72-200	City of Du Quoin	500.00	500.00		

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STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1973

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
3/29/73	72-200	United Electric Coal Co.	\$ 500.00		\$ 500.00	
3/15/73	72-498	R. H. Boudet	50.00	50.00		
4/5/73	72-384	Edward Bromberek	500.00			500.00(2nd.Dis)
4/5/73	72-286	City of Evanston	500.00	500.00		
4/5/73	71-88	Ralston Purina Co.	7,500.00		7,500.00	
4/12/73	72/188	Ashland Chemical Co.	10,000.00		10,000.00	
4/12/73	72-188	Lonza, Inc.	10,000.00		10,000.00	
4/12/73	71-59	Edward & Everett Vander Molen	10,000.00			10,000.00(AG)
4/12/73	71-59	Tri-County Landfill	10,000.00		10,000.00	
4/5/73	72-326	Velsicol Chemical Corp.	5,000.00	5,000.00		
4/17/73	72-319	Peerless Enamel Products	1,000.00	1,000.00		
4/17/73	72-470	Chicago Magnesium Castings	1,000.00		1,000.00	
4/17/73	72-158	Royal Packing Company	3,000.00	3,000.00		
5/3/73	71-386	Monarch Foundry Company	1,000.00	1,000.00		
5/3/73	72-506	John & Mary McIntosh	750.00			750.00(AG)
5/3/73	72-502	City of Princeton	500.00	500.00		
5/3/73	72-496	City of Ashley	500.00			500.00(AG)
5/3/73	72-484	Jerry Parks	500.00			500.00(AG)
5/3/73	72-508	Village of Allendale	100.00	100.00		
5/10/73	72-155	Illinois Central Railroad Co.	200.00	200.00		
5/10/73	72-148	Processing & Books, Inc. & Nat'l. Melody Farm Fresh Egg.Co.	3,000.00		3,000.00	
5/10/73	72-152	The Flintkote Company	8,000.00	8,000.00		
5/24/73	72-48	Great Lakes Carbon Corp.	25,000.00	25,000.00		
5/24/73	72-392	Aurora Metal	1,000.00		1,000.00	
5/31/73	72-145	Chicago Block	1,000.00	1,000.00		
5/31/73	72-65	Earl Archdale	100.00	100.00		
5/31/73	72-507	Frank Nutty	250.00	250.00		
5/31/73	72-507	Paulter Bros. Contractors	250.00	250.00		
5/31/73	72-510	City of Marion	500.00	500.00		

STATE OF ILLINOIS  
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 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1973

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	EAST ONE CURRENT
6/7/73	72-164	Allied Metal	\$ 2,500.00		2,500.00	
6/7/73	72-269	Chicago & Eastern Ill. R. R. Co.	5,000.00	5,000.00		
6/7/73	73-76	Orval Gearhart, Jr.	250.00	250.00		
6/7/73	73-59	Metro Disposal Systems	2,500.00			2,500.00(AG)
6/7/73	72-109	Allied Chemical Company	7,500.00	7,500.00		
6/14/73	72-413	Ocoya Stone	2,500.00		2,500.00	
6/14/73	73-48	Continental Bldg.	100.00	100.00		
6/15/73	72-217	Park Mfg. Co.	1,500.00	1,500.00		
6/21/73	72-221	Laclede Steel Co.	25,000.00	25,000.00		
6/21/73	72-51	CPC International	10,000.00		10,000.00	
6/28/73	72-405	Par Steel Co.	2,500.00			2,500.00(AG)
6/28/73	73-35	Mississippi Lime Co.	5,000.00	5,000.00		
6/28/73	72-113	Elesco Smelting Co.	1,000.00	1,000.00		
			<u>\$378,880.55</u>			

STATE OF ILLINOIS  
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 PENALTIES ASSESSED  
 12 MONTHS ENDED June 30, 1974

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
7/12/73	72-242	International Harvester Co.-Wisconsin Steel Division	500.00	500.00			
7/12/73	72-245	Kankakee Concrete Products	1,000.00	1,000.00			
7/12/73	72-509	McHenry Shores Water Co.-John H. Fuhler & Northern Illinois Utilities	5,000.00			5,000.00(2ndDist)	
7/12/73	73-31	Railway & Industrial Services	500.00	500.00			
7/12/73	72-185	Spinney Run Farms (1)	2,000.00	2,000.00			
	72-327						
7/19/73	72-483	Columbia Quarry Company	1,000.00	1,000.00			
7/19/73	73-74	Reliable Armature Service Inc.	500.00			500.00(AG)	
7/31/73	72-291	General Fire Extinguisher	1,000.00	1,000.00			
7/31/73	73-108	Robert Acker d/b/a/ Acker Implement	500.00	500.00			
8/23/73	73-47	Steve Lyone d/b/a S & M Automotive	500.00			500.00(AG)	
8/23/73	73-52	James Esarey & Gary Fitzjarrell	1,500.00	1,500.00			
8/23/73	73-75	Foschi Disposal Service Inc.	1,000.00			1,000.00(AG)	
8/23/73	72-142	Columbia Tool Steel Co.	2,000.00	2,000.00			
8/23/73	71-381	Raymond A. Petersen d/b/a Petersen Sand & Gravel, Inc.	1,000.00		1,000.00		
8/30/73	72-173	V. P. Kremm	2,500.00			2,500.00(AG)	
8/30/73	71-248	Sterling Alloy	1,000.00	1,000.00			
9/06/73	72-315	Freeman Coal Mining Company	1,500.00			1,500.00(AG)	
9/06/73	72-501	Village of Ipava	100.00	100.00			
9/13/73	73-150	Bressler Ice Cream Company	1,500.00		1,500.00		
9/13/73	73-84	L.R. Johnson & Son	100.00	100.00			
9/20/73	73-72	John Popp & George Keckert	500.00	500.00			
10/4/73	72-491; 73-40	Com. Ed. (Waukegan),(Sabrook,) and (Waukegan and Sabrook)	31,000.00	31,000.00			
	72-492	(Waukegan and Sabrook)					
10/11/73	72-139	Norge, Div. of Fedders, Inc.	2,000.00	2,000.00			
10/11/73	72-218	J. R. Short Milling Co.	1,000.00	1,000.00			
10/18/73	73-243	Central Ill. Stone Co.	1,000.00	1,000.00			
10/18/73	73-104	D.H. Mayou Roofing & Supply Co.	1,000.00	1,000.00			
10/18/73	73-34	Acme Resin Co.	2,000.00		2,000.00		
10/18/73	72-316	Ill. Central R.R.	1,000.00	1,000.00			
10/25/73	72-226	Baird Chemical, Div. of Lonza	1,000.00		1,000.00		
10/25/73	73-155	Vulcan Materials Co.	1,500.00	1,500.00			

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(1) Supplemental order allows 4 months to pay.

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED June 30, 1974

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES		
				PAID & VACATED	APPEALED	PAST DUE CURRENT
10/25/73	73-242	Stotz Quarry Co.	250.00	250.00		
11/01/73	71-385	Ladd Construction	1,000.00	1,000.00		
11/1/73	73-103	Williamsburg Estates	1,000.00	1,000.00		
11/8/73	73-107	City of Morris	400.00	400.00		
11/8/73	73-111	Allied Chemical Corp	10,000.00	10,000.00		
11/15/73	73-190	David N. Martis	100.00	100.00		
11/1/73	73-85	Allis Chalmers Corp.	1,000.00	1,000.00		
11/1/73	73-85	Ryder Truck Rental Inc.	2,500.00	2,500.00		
11/29/73	72-17	Roy Freitch	2,500.00		2,500.00	
11/29/73	73-246	City of Mt. Carmel	500.00	500.00		
12/6/73	73-343	Cippewa Paper Products	200.00	200.00		
12/6/73	72-174	V-Day Coal Co.	500.00			500.00 (AG)
12/6/73	71-352&72-10	Packaging Corp. of America	10,000.00	10,000.00		
12/13/73	72-404	Acme Barrel Corp	1,000.00	1,000.00		
12/13/73	72-285	Illini Beef Packers	500.00	500.00		
12/13/73	72-270	J. C. Boerner	750.00	750.00		
12/13/73	73-347	Village of Glen Ellyn	200.00	200.00		
12/20/73	73-37	Nalco	5,000.00	5,000.00		
12/20/73	72-465	Del-Monte	10,000.00	10,000.00		
01/3/74	73-241	Nokomis Quarry Co. of Ill.	500.00	500.00		
01/3/74	73-55	Peter Eckrich & Sons & E. W. Kneip, Inc.	9,000.00	9,000.00		
01/3/74	72-485	Milam Corp. Milam Corp. East	1,400.00	1,400.00		
01/3/74	72-94	Dart Industries, Inc.	3,000.00	3,000.00		
01/24/74	73-357	Foremost Liquors	500.00			500.00
	73-358	Foremost Liquors				
01/24/74	72-489	Stephan Chemical Co.	12,500.00	12,500.00		
	73-184	Stephan Chemical Co.				
01/24/74	73-181	Englehardt Inc. & North Shore Sanitary Dist.	8,500.00		8,500.00	
	73-304					
01/31/74	73-33	Ill. Slag & Ballast	1,000.00	1,000.00		
02/7/74	73-300	Sam Kanter	200.00	200.00		
02/14/74	73-346	Allen Becker d/b/a Becker's Chicken-Egg Farm	800.00	800.00		
02/14/74	72-283	City of Abingdon	365.76	365.76		

STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED ~~June~~ 30, 1974

Order Date	PCB NO.	NAME	Total PENALTY	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
2/14/74	72-493	Roland W. Freider, d/b/a Joliet Industrial District	\$ 1,500.00	\$1,500.00			
2/14/74	72-283	Sta-Rite	2,115.76	2,115.76			
2/21/74	72-476	Arbor Destructo Co.	2,000.00	2,000.00			
	73-73	Dan DePirro					
2/21/74	73-317	Campbell Soup Co.	250.00	250.00			
2/28/74	73-309	Metal Dross Corp.	3,000.00	3,000.00			
3/7/74	73-193	Fleischman Malting Co.	1,000.00		1,000.00		
3/7/74	73-323	Laflen Salvage Co.	3,000.00	3,000.00			
3/14/74	73-344	The Howell Co.	10,000.00	10,000.00			
3/14/74	71-348 & 72-73	Darling & Co.	5,000.00				
3/14/74	73-336	Joe Shallenberger d/b/a Shallenberger Excavating & Sewer; & Sincero Pescaylia	1,000.00		1,000.00	5,000.00	
3/21/74	73-2	Oscar E. Denny	200.00			200.00	
3/28/74	71-368	Glidden-Durkee, Div. of SCM Corp.	20,000.00	20,000.00			
3/28/74	73-422 & 73-461	City of Arcola	250.00	250.00			
4/4/74	73-329	Lester Kipling	500.00	500.00			
4/18/74	73-334	Aurora Refining Co.	1,000.00	1,000.00			
4/18/74	73-225	Rink Pig Farm	500.00	500.00			
4/25/74	73-21	City of Herrin	500.00	500.00			
4/25/74	73-21	Fedders-Norge Distributors of Chicago, Inc.	500.00	500.00			
5/2/74	73-42 & 73-145	Hotpoint, Div. of General Electric	500.00	500.00			
5/2/74	73-309	Trilla Cooperage	1,500.00	1,500.00			
5/9/74	73-326	Dext Co.	2,000.00	2,000.00			
5/9/74	73-454	Early & Daniel Co.	1,000.00				1,000.00
5/23/74	75-109	Arnold N. May: Hillview Farm Fertilizers, Inc	2,500.00				2,500.00
5/23/74	73-330	Ozite Corp.	3,000.00				3,000.00
5/23/74	74-79	Village of Skokie	500.00				500.00
5/29/74	73-405	Stainless Processing Co.	1,750.00	1,750.00			
5/29/74	73-50	Carus Corp.	900.00				900.00
5/29/74	71-300	George E. Hoffman & Sons	1,000.00	1,000.00			
5/29/74	72-209	Monsanto Chemical Co.	2,000.00				2,000.00
6/6/74	73-106	Sears Roebuck & Co.	500.00				500.00
6/6/74	73-106	Diesel Construction Co.	500.00				500.00
6/6/74	73-106	Mario & Dibono Corp.	250.00				250.00
6/13/74	73-36	Rheem Manufacturing Co.	1,000.00				1,000.00
6/20/74	73-507	Everett J. Lavoie, d/b/a Lavoie Sanitary Serv.	500.00				500.00
			\$223,581.52				