

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

July 18, 1972 - Suite 300, 309 W. Washington Street, Chicago, Ill.

All Board Members were present. Mr. Currie announced a change of membership, and stated that the Governor has appointed Mr. Donald A. Henss of Moline, Illinois to replace Mr. Richard A. Kissel, who has been appointed to another position; and Mr. John L. Parker of Joliet will be the other Board member commencing August 1, 1972 to replace Mr. Samuel R. Aldrich.

The Board adopted the following opinions and orders by a vote of 5-0: Environmental Protection Agency v. City of Chicago Heights, #71-240, was ordered to cease and desist from open dumping, complete levelling and covering at the earliest possible date and report to the Agency, and pay a penalty in the amount of \$2,500.00. Environmental Protection Agency v. Airport Landfill, Inc., #72-71, was ordered to cease and desist from landfill violations and to pay a penalty of \$800. Mr. Dumelle's opinion explaining the earlier variance grant in Housing Authority of Wabash County v. Environmental Protection Agency, #72-74, adopted 4-0, Mr. Henss not participating. Griggsville Community School Unit #4 v. Environmental Protection Agency, #72-166, was dismissed by a vote of 4-0, Mr. Henss not participating.

In those cases for discussion, the following action was taken: Mr. Dumelle agreed to study and report back to the Board on the proposed settlement in Packaging Corporation of America v. Environmental Protection Agency, ## 71-352 and 72-10. In Environmental Protection Agency v. City of Jacksonville, #71-355, a hearing on the question of reclaiming Mauvaise Terre Creek was authorized by a vote of 5-0. In Environmental Protection Agency v. Lobue, Inc. #72-3, Mr. Henss agreed to write an opinion ordering a penalty in the amount of \$1,000.00, in accordance with a stipulation, and they agreed to close one site entirely, to close another site until they obtain a permit and to cover and generally clean up the site. After discussion, decision in City of Canton v. EPA, #72-36, was postponed until July 25. In Anning-Johnson Company v. EPA, #72-60, Mr. Lawton agreed to draft an opinion denying the petition without prejudice as to the CNA building. In Environmental Protection Agency v. Fansteel, Inc., #72-76, after discussion, Mr. Lawton agreed to prepare an opinion, contingent upon receipt of further information from the Agency. In Environmental Protection Agency v. City of Nashville, #72-100, Mr. Aldrich agreed to write an opinion imposing a small penalty for admitted landfill violations. In Metropolitan Sanitary District (E. Chicago Heights) v. Environmental Protection Agency, #72-110, Mr. Rothenberg from the Metropolitan Sanitary District made a statement. A discussion

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followed in which the Board voted 4-0, Mr. Henss not participating, to allow 20 days for submission of information to justify extending the date for interceptor completion to September, 1974. In Crane Packing Company (Crystal Lake) v. EPA, #72-132, the Board asked for an EPA response to a request to dispense with stack testing in an asbestos control program. In Caterpillar Tractor Company v. EPA, #72-140, Mr. Henss agreed to write an opinion recommending approval of a settlement providing for a \$2,000 penalty and a cease and desist order including the development of written work rules to control the operations of this boiler. In Commonwealth Edison Company v. EPA, #72-150, Mr. Currie stated that the transcripts have come in and should be read, but the case is not ready for decision. In Congregation Am Echod v. EPA, #72-202, discussion followed as to whether to allow the construction of a one-family residence next to a temple in Waukegan because of overloaded sewers. The Board voted 4-1 to grant the variance, Mr. Currie dissenting. Mr. Dumelle agreed to submit the order and to prepare an opinion for the next meeting. In Iowa-Illinois Gas Company v. EPA, #72-216, Mr. Currie agreed to draft an opinion rejecting legal defenses and imposing a small penalty for the stipulated failure to obtain a permit. In Bartlow Bros., Inc. v. Environmental Protection Agency, #72-222, the Board voted 5-0 to enter an order inviting an amended petition in light of the Agency recommendation. In Aladdin Flower Shop, #72-263, the Board will wait the EPA recommendation. In #R72-14, Repeal of Obsolete Procedural Rules, Mr. Currie stated that there is no need to act at this time. In #R72- , Granite City Steel Proposed WQS Amendments, the Board voted 4-1 that hearings be held. Mr. Dumelle dissenting. In R72- , Procedural Rules Amendments, Mr. Currie stated that this is not ready for Board action.

In Chicago-Dubuque Foundry Corporation v. EPA, #71-309, regarding motion to extend time, Mr. Currie's opinion indicating this was a new variance petition requiring statutory notice and opportunity for public comment was adopted 5-0.

In Truax-Traer v. EPA, #72-63 and Consolidation Coal Co. v. EPA, #72-153, the motions to dismiss will be taken with the case.

In #72-142, Columbia Steel v. EPA, Mr. Currie will draft an opinion to deny the motion to dismiss, for action July 25.

In Beardstown Sanitary District v. EPA, #72-232, a new petition has been filed, and no action will be taken at this point.

In Grant Park High School v. EPA, #72-261, an immediate hearing has been requested. Mr. Currie stated that the Clerk should be instructed to inform the Hearing Officer to hold a hearing as soon as possible.

Mr. Currie then made various corrections on the June 27, 1972 minutes. Minutes for June 27 and June 29 were approved 3-0, Mr. Aldrich and Mr. Henss abstaining.

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In new cases:

Hearings are mandatory in the following: EPA v. J.C. Dill, #72-265; EPA v. Jesse Farley, Sr., d/b/a Farley Salvage Yard, #72-267; EPA v. Lehmkuhl Construction Co., #72-268; EPA v. Chicago & Eastern Ill. Railroad, #72-269; EPA v. Marblehead Lime Co., #72-270; EPA v. Illinois Power Co. (Baldwin Station), #72-271; EPA v. City of Abingdon, et al, #72-283; EPA v. Ferguson & Lange Foundries, Inc., #72-284; EPA v. Illini Beef Packers, #72-285; EPA v. City of Evanston, #72-286; EPA v. John Shumway, et al, #72-287; EPA v. Acme Solvents Reclaiming, Inc., #72-288.

In the following cases the Board will await the Agency's recommendation: City of Paris v. EPA, #72-277; Iowa-Illinois Gas & Electric Company (Moline) v. EPA, #72-279; Electric Energy, Inc. v. EPA, #72-280; Olin Corporation v. EPA, #72-281; National Starch & Chemical Corporation v. EPA, #72-282; City of Oakland Public Water Supply v. EPA, #72-289; U.S. Industrial Chemicals Co. v. EPA, #72-292; E.N. Maisel & Assoc. Inv. v. EPA, #72-293; Illinois Power Co. (Hennepin Unit #1) v. EPA, #72-297. Velsicol Chemical Corp. v. EPA, #72-290, was dismissed 5-0. In Babbittrite Products Co. v. EPA, #72-294, the Board voted 5-0 to require more information within 20 days.

Hearings were authorized in the following: City of Washington v. EPA, #72-266 (5-0); Johns-Manville Corporation v. EPA, #72-272 (5-0) (Mr. Lawton to supply order indicating hearing may be cancelled if no public or Agency interest develops); Campbell Soup Company v. EPA, #72-273 (4-1, Mr. Dumelle dissenting); Mid-City Developers, Inc. v. EPA, #72-274 (5-0); City of Nashville v. EPA, #72-275 (5-0); Aurora Sanitary District v. EPA, #72-276 (5-0); Neumann Knolls Improvement Assn. v. EPA, #72-278; Lake Springfield Baptist Camp v. EPA, #72-291 (5-0); Commonwealth Edison Co. v. EPA, #72-295 (5-0), (Mr. Currie to submit order); City of Wyoming v. EPA, #72-296 (5-0).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 8th day of August, 1972, by a vote of 5-0.

Christan M. Moffett