

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

October 3, 1972 309 W. Washington, Chicago

All Board Members were present.

Parties presented oral argument in #72-297, Illinois Power. They appeared at the Board's request to discuss issues raised in a Recommendation filed by the E.P.A. The matter was set for possible decision Oct. 10, 1972 and parties were requested to submit information in writing to the Board. Mr. Currie noted that something should be done to improve communications between parties especially when a hearing has not been authorized.

The Board adopted opinions in the matters of ##71-11 and 72-50, GAF which supported orders adopted September 26, 1972. The vote was 4-1. Mr. Dumelle dissented and will file dissenting opinions.

Opinions were adopted in the following cases by a vote of 5-0: ## 71-156, Ramsey; 71-338, CPC; 71-347, Darrill; 72-54, Union Carbide; 72-105, 72-187, S. Side Foundry; 72-126, Kankakee Foundry; 72-198, High Lake Poultry; 72-300, Ill. Nat'l Bank; 72-307, Ill. National Bank; 72-281, Olin Corporation, (Order of Modification).

##72-259, Nat'l By Products and 72-333, Mt. Olive, were put over for decision October 10, 1972.

Discussion of #72-292, USI, was held and Mr. Lemna representing USI agreed to file a 90-day waiver in order to allow more time for consideration and decision of the case.

##72-368, Simpson v. Cinnamon Creek and 72-377, Cinnamon Creek were ordered consolidated and set for hearing by a vote of 5-0. The motion for summary judgement was denied. Parties were present.

A proposal by Ill. Agricultural Association on farm grain dryers, (R72-17) was authorized for hearing by a vote of 5-0. The Board requested that the proposal be filed in specific language.

Mr. Currie noted that since the 90 day waiver had been filed in #72-292, USI, the Board could pass on it when further information is filed.

An opinion and order granting a variance in #72-324, Bender was adopted by a vote of 5-0.

Parties presented statements in #72-81, Tee-Pak, and requested the Board to adopt an interim order on the proposed stipulation. Parties agreed to file additional information and the matter was set for possible discussion Oct. 10.

In #71-370, Bosch, the Board decided to ask the Hearing Officer for a further assessment fo credibility of witnesses.

After some discussion, Mr. Henss agreed to prepare an opinion for Oct. 10, in #72-25, Bowan.

The Board discussed the additional information filed in #72-76, Fansteel. Parties appeared and agreed to file further statements by the end of October.

Discussions of ##72-129, DoBoer, was held, Mr. Lawton to draft an opinion, and 72-196, Rafacz, Mr. Parker agreed to prepare an opinion. Both were set for decision Oct. 10.

Mr. Currie's draft opinion in #72-197, Lake-in-the-Hills, was discussed and set for decision Oct. 10.

Discussion of ##72-199, 72-238, Southern Ill. Power was held and Mr. Dumelle agreed to prepare an opinion for Oct. 10. Discussion was also held in #72-236, M&S Wood, and Mr. Currie said he would prepare an opinion for Oct. 10.

Mr. Lawton's draft opinion was discussed in #72-252, Enders and set for possible decision Oct. 10.

The amended petition in #72-246, Lewis & Clark, was authorized for hearing by a vote of 5-0.

Parties were present to discuss #72-253, Olin and it was set for decision Oct. 10, or discussion if petitioner waived decision date, Mr. Parker will draft an opinion.

The matter of #72-364, Semco, was put over to Oct. 10.

Discussions were held in the following cases: ##72-278, Neuman-Knolls, Mr. Currie to prepare an opinion for Oct. 10; 72-301, Ill. Bank, Mr. Currie to prepare an opinion for Oct. 10; 72-302, Chicago-DuBuque, Mr. Lawton to prepare an opinion for Oct. 10; 72-378, Grant Park H.S., ordered held for an EPA Recommendation.

Discussions in R72-7, AQS and Proposed Procedural Rules Revisions were put over to Oct. 10.

A motion to permit interlocutory appeal in #72-271, Ill. Power, was denied by a vote of 5-0 , Mr. Currie to supply an order.

Motion for interim variance in #72-295, Commonwealth Edison, was granted by a vote of 5-0 with the provision that Petitioner waive the 90 day decision date.

A motion in #72-286, City of Evanston was put over to Oct. 10.

These new cases were discussed and actions taken as follows: ##72-382, Robt. Bartell, hold for EPA Rec.; 72-383, Apple Orchard, request for additional information, Mr. Parker to provide an order; 72-384, EPA v. Brombeck and 72-385, EPA v. Paul Lambert, hearings are mandatory; 72-386, Monarch Foundry, request for

additional information, Mr. Parker to provide an order; 72-387, Argonne, North Shore Sanitary District added as a party and authorized for hearing by a vote of 4-0, Mr. Lawton did not participate; 72-388, Vernon Ehredt, hold for EPA recommendation; 72-389, Donaldson v. City of Elmhurst, request to amend and clarify; 72-390, EPA v. Chicago Hgts. Foundry, 72-391, EPA v. General Fire and 72-392, EPA v. Aurora Metal Co., hearings mandatory; 72-393, City of E. St. Louis, authorized for hearing and parties added by a vote of 5-0.

There followed a discussion of administrative matters and the meeting was adjourned.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 17th day of October, 1972 by a vote of 5-0.

Christan L. Moffett