

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL BOARD MEETING
JANUARY 24, 1972, 309 W. WASHINGTON ST., CHICAGO, ILL.

Mr. Kissel was absent at a hearing, and Mr. Aldrich was not in attendance.

The Board adopted 3-0 the following opinions and orders: ##71-336, Fairfield, dismissed as moot; 71-349, Certain-Teed, granted until March, 1972 on EPA recommendation; 72-15, Moweagua, dismissed for want of firm compliance program; 72-19, -20, -21, Peoria State Hospital, dismissed for failure to allege facts that if proved would support a variance.

Opinions in ##71-302, Whetzel, and 71-325, Airtex, not being ready, were set for discussion January 31. The Board voted 3-0 to grant the variance on conditions as discussed January 17 in #71-337, Lake County DPW (Vernon Hills), subject to adoption of a later opinion.

Mr. Lawton reported receipt of information on compliance efforts in #71-283, Logan, and discussion was postponed pending receipt of financial information as ordered by the Board. He noted receipt of exhibits in #71-236, Solid Waste Co., and further discussion was set for later in the meeting. Discussion of the opinion in #71-343, NSSD (sewer ban) was put over to January 31 when the opinion would be available.

In #71-277, Mattison Machine, Mr. Currie suggested that the stipulation for baghouse installation on a cupola by August 31 and \$3500 penalty be approved. Further discussion was set for afternoon. Mr. Currie agreed to draft an opinion finding certain violations regarding dairy wastes in #71-319, Holland Dairy, ordering submission of a program by March 1, and retaining jurisdiction for a further order, all for discussion Jan. 31. Mr. Lawton agreed to draft an order for January 31 action in #71-44, USI, amending the order to allow boilers to be shut down if precipitators were not ready but refusing to allow an amendment respecting continued operation of the acid plant in light of the Board's finding of air pollution from acid and/or sulfur dioxide, in the absence of a variance petition and proof. The Agency response not being in #71-25, Marion, discussion of that motion was postponed. Mr. Currie agreed to draft an opinion granting a stay of penalties only pending appeal in #71-211, Agrico, on condition of a bond to pay with interest in the event of affirmance. Mr. Dumelle asked until January 31 to complete his study of the motion in #71-287, Sauget.

The motion for additional proceedings in #R71-23 Emission Standards (by Staley Co.) was referred to Mr. Lawton as Hearing Officer with recommendation that it be denied but the company asked which witnesses it wished to examine so they could be produced at further hearings to be held. Mr. Lawton noted that the subpoena requested by Commonwealth Edison to require a federal witness on SO₂ removal had been issued. Mr. Currie noted receipt of a motion for oral argument in #71-362, New Jersey Zinc. Action was postponed awaiting a supporting memorandum. Mr. Currie agreed to draft an order for January 31 denying a rehearing motion in #71-200, Molex, except to stay money penalties pending appeal on conditions and to allow process changes in lieu of scrubbers.

Mr. Dumelle said he would add information as to Illinois dollar needs to the draft letter regarding reimbursement provisions for federal sewage treatment funds, and Mr. Currie said he would send the letter as revised.

New cases: ##72-28, Park Manor, wait recommendation: 72-29, Cedar Park, DC to draft dismissal order for Jan. 31 for failure to allege inability to comply with revised open burning rules; 72-30, Southern Ill. Power Coop., DC to draft dismissal order for lack of firm program, for Jan. 31; 72-31, Parkhurst et al v. Kammerer Concrete, 3-0 hearing.

A representative of the Small Business Administration asked the Board to recognize the problems of small business in framing air pollution regulations. A copy of his statement was given to Mr. Lawton for inclusion in the record of #R71-23.

Mr. Dumelle's draft order in #71-337, Lake Co. DPW, was approved on reconvening 3-0, with amendments adding conditions regarding completion of the lagoons, abandonment of the plant, and submission of a petition for extension. #71-236, Solid Waste, was put over to Jan. 31 to permit further study of financial information. Mr. Currie agreed to draft an opinion for Jan. 31 discussion approving the proposed settlement in #71-277, Mattison Machine. The motion for oral argument in #71-362, New Jersey Zinc, was denied 3-0 on the basis of the company's memorandum. Mr. Lawton agreed to draft an opinion for January 31 discussion in #71-232, Scott Air Force Base, granting until March 31 and October 31 for conversion of certain heating units. The meeting was recessed until 3 p.m. for the scheduled discussion of #R 71-9, Radiation.

At 3 p.m. Dr. Tsivoglou explained his preliminary draft of radiation regulation proposals, #R 71-9, and answered Board questions. He stated he expected he would have a final proposal to the Institute by February 29, and Mr. Schneiderman said the Board would have the proposal in March.

The Board voted 3-0 to adopt Mr. Lawton's draft opinion and order respecting the motion in #71-44, USI, in accord with discussion earlier in the day. The Board also voted 3-0 to enter an order in #71-25, Marion, requesting further information from EPA as to the denial of the permit and whether modification of the order is necessary, and to deny the motion to reduce penalty in #71-53, Rhodes, on the grounds that insufficient information was provided and that the issue had already been decided.

Mr. Dumelle asked the Chairman to contact the Agency and ask whether recommendations in variance cases could not be speeded up and whether the procedure should be revised. Mr. Lawton suggested that petitioners should be informed that it would accelerate decision in certain cases if petitions were under oath. He called attention to the desirability of a complete record on remedial issues such as penalties, including financial condition, and agreed to draft a statement for distribution to hearing officers and others as to the need for a full record.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 31 day of January, 1972 by vote of 5-0.

Christan Moffett