

Illinois Pollution Control Board
Minutes of Regular Board Meeting
March 3, 1971
Peoria Public Library
Peoria, Illinois

The full Board was in attendance.

Mr. Currie began a discussion of cases requiring decisions.

PCB 70-16, EPA v. Allied Mills, Inc. Mr. Currie summarized his proposed opinion and the terms of an amended consent order submitted by the parties. In an earlier agreement the company had conceded liability for discharging wastes through a bypass in its waste treatment system and had agreed to pay \$2000 as a penalty. Mr. Currie explained that the Board had requested the parties to modify their agreement by including a provision forbidding future discharges through the bypass. He then moved that the opinion and amended consent order be approved as written. All Board members voted aye.

PCB 70-18, EPA v. Container Stapler Corp., Federal Wire Mill Corp., and City of Herrin. Mr. Lawton presented his proposed opinion and order on the case. He explained each of his rulings on numerous motions for dismissal filed by the corporate Respondents. All motions were denied. The corporate Respondents were ordered to cease and desist the discharge of cyanide into the sewer system of the City of Herrin. No money penalties were assessed as the corporate Respondents were found to have made a conscientious effort to eliminate cyanide from their effluent. The City of Herrin was found not guilty of the violations charged. Mr. Lawton moved adoption of the opinion and order, and Dr. Aldrich seconded. Mr. Dumelle felt the corporate Respondents should be fined, stating that they handle very dangerous substances and should be obligated to monitor their effluent themselves. He moved the opinion and order be amended to include a penalty of \$1000 assessed to the corporate Respondents. Mr. Currie seconded. Mr. Currie called the roll on Mr. Dumelle's motion and it was defeated 3-2, with Messrs. Aldrich, Lawton, and Kissel voting nay. Mr. Currie then called the roll on Mr. Lawton's original motion assessing no money penalty. This motion was carried 3-2, with Messrs. Dumelle and Currie dissenting.

Mr. Kissel presented his proposed opinion in PCB 70-21, Commonwealth Edison's request for a permit to operate its nuclear power plant known as Dresden 3. He directed his remarks to each of the four issues considered in the opinion: jurisdictional issues, Title VI-A of the Environmental Protection Act, sufficiency of the application, and merits of the case. Mr. Kissel explained his ruling that the Board did not have the power to issue regulations on Dresden Units 1 and 2, then added that later in the meeting he would ask the Board to authorize for public hearing the standards applied to Unit 3 for all boiling water reactors in the state. In outlining the terms of the proposed permit, Mr. Kissel explained his ruling that Unit 3 could not be operated before completion of the cooling lake. The proposed discharge of heated water would result in substantial harm to the

Illinois River which is in bad enough shape already. The company's reserve capacity of 8% for the summer of 1971 should be adequate to handle the demand for power. Mr. Kissel noted that in the event of severe hardship Edison could request an emergency hearing to present its case to the Board. Mr. Kissel's motion to adopt the proposed opinion and to approve the permit was seconded by Dr. Aldrich. Mr. Dumelle disagreed with proposed ruling on gaseous emissions. Referring to factors of plant safety and exposure of the public to radiation, he asserted that the Board should consider emissions from the entire Dresden site, not just Unit 3. He noted that the permit would allow a possible offsite dose of 25-70 mR during the 30 months allowed for installation of control equipment. Mr. Dumelle suggested that the view of emission regulations offered in the opinion is too narrow, and that only two of the reactors should operate at any one time. Dr. Aldrich expressed the view that the decision is so important to the people living near Dresden that the Board is obligated to present the best information provided at its hearings. He offered to write a brief statement outlining the evidence concerning the level of the health hazards involved. Mr. Kissel indicated he would be happy to receive it. Mr. Lawton was of the opinion that the statute does in fact give the Board authority to deal with Units 1 and 2. He felt the absence of controls during the 30-month period would not have a great effect but wondered why such controls weren't included in Edison's initial plans for Unit 3. Mr. Currie stressed the wide area of agreement of views expressed by Board members. On the question of gaseous emissions, he was of the opinion that the health hazard was insufficient to justify not allowing Edison time to install its control equipment. He agreed with the ruling that the Board is empowered to issue regulations on Unit 3 only, but felt the matter was of minor importance in light of the Board's intention to consider the same standard for adoption statewide. Mr. Kissel's motion to adopt the opinion was carried 4-1, with Mr. Dumelle dissenting.

PCB 70-40, City of Du Quoin v. EPA. Mr. Currie summarized his opinion and order which would deny a variance to permit open burning of dead and diseased trees. He stressed that difficulty in complying with the regulations is no excuse for violating them and that even diseased trees should not be burned at a landfill. Mr. Currie moved the opinion be adopted and all members voted aye. Dr. Aldrich expressed the hope that the Board would consider the fact that landfill sites are in short supply and burning of non-diseased trees may at times be the best method of disposal.

PCB 70-41, Norfolk and Western Railway Co. v. EPA. Mr. Currie presented his proposed opinion and order. He noted that the company had presented no evidence concerning harm to the public of continued violation of the air pollution regulations. On the basis of the record the Board could not afford the company a shield against an enforcement proceeding. On the Agency's request for money penalties Mr. Currie stated that the company was entitled to more time to respond. A hearing on the countercomplaint would be scheduled at which time the company would have an opportunity to present more complete information. Mr. Currie moved the opinion

be adopted and Mr. Lawton seconded. Mr. Kissel disagreed with the opinion, stating he would grant the variance but impose a fine of \$10,000 on the company for its dilatory tactics. He felt the closing of the plant would have serious effects, but in view of the company's flagrant violations of the regulations he would require the posting of a personal bond in the amount of \$250,000. Mr. Currie called the roll and his motion denying the variance was carried 3-2. Dissenting were Mr. Kissel and Mr. Dumelle.

PCB 70-43, Quincy Soybean Co. v. EPA. Mr. Currie summarized his opinion and order denying the variance and moved that it be adopted. He called the roll and all members voted aye.

PCB 70-48, Olin Corp. v. EPA, and PCB 70-51, Miles Laboratories, Inc. v. EPA. Mr. Currie presented a joint opinion on the two cases. He noted that Olin has a firm gas contract and expects to use its low-sulfur coal only in the event of an emergency. Replacing its coal supply would impose considerable hardship on the company while reducing the emissions only slightly. Miles is in a different position, being able to use its present low-sulfur coal in its daily operations. Mr. Currie moved adoption of the opinion and Mr. Kissel seconded. Dr. Aldrich noted that Olin had bought coal to conform to earlier regulations and had acted in good faith. Mr. Dumelle disagreed, stating that the Board has to draw the line somewhere if it is serious about episode control. He felt the solution was for Olin to buy coal of lower sulfur content and blend it with the company's present supply. Mr. Currie called the roll and the motion was carried 4-1, with Mr. Dumelle dissenting.

PCB 70-44, Striegel's Tree Service v. EPA, and PCB 70-54, Valence v. EPA. Mr. Currie presented a joint opinion on the two cases, noting that basically both companies merely disagreed with the open burning regulations. His motion to adopt the opinion and order was passed, with all members voting aye.

PCB 71-7, Olin Corp. v. EPA. Mr. Lawton summarized his opinion and order in the case. He stated that since the previous variance was granted the company had made good progress in its efforts to reduce emissions. The entire facility is expected to be in compliance with air pollution regulations by December 31, 1971. Mr. Lawton's motion to adopt the opinion was carried, with all members voting aye.

At this time Mr. Currie began a discussion of new cases on which the Board must decide to authorize hearings.

R 71-6, is a proposal by A Concerned Group of Citizens in Champaign County, Illinois, that the Board call a hearing on deep well disposal of waste products. Mr. Currie stated that the Board had not yet studied this very serious matter but that it was not equipped for such a study. He moved that the Board ask the Institute to conduct a study and to propose regulations in the area. He added that the Board is not required to hold a hearing on the matter but can authorize a hearing after receipt of the Institute report. All voted aye on the motion.

R 71-7, is a proposal by A Concerned Group of Citizens and Students in Champaign County, Illinois, that the sale of beverages (carbonated and fermented) in non-returnable bottles and cans be banned in Illinois. Mr. Currie stated that whatever the Board's feelings on the matter, the proposal must be considered without merit in a technical sense (Section 6). In this instance the legislature intended to deprive the Board of authority to act until it receives the report of the Institute. Mr. Currie moved that the petition be referred to the Institute for consideration by its Task Force. All voted aye.

R 71-8, is a proposed plan for implementing air quality standards in the Illinois portion of the St. Louis Air Quality Region. Mr. Currie noted that the plan is similar to one recently proposed for the Chicago Metropolitan Region but does not ban the use of coal for residential purposes. The Board expects to receive a report from Argonne National Laboratory indicating measures necessary to implement the standards. Mr. Currie proposed the plan be amended by adding two months to each date on page 75. He moved that the Board authorize sending the document to the federal government as the State's interim plan. He added that hearings would be scheduled on the new regulations. Mr. Dumelle proposed that the statement to the effect that the plan represents the best thinking of the Board be deleted since there had been little time to study it. Mr. Currie agreed to make the amendment. The motion by Mr. Currie was passed, with all members voting aye.

Mr. Kissel outlined his proposed radiation emission standards for all boiling water reactors in the state (R 71-9). The regulations are identical to those imposed on Dresden Unit 3 and are in keeping with the Board's policy of keeping exposure to the public as low as is practicable. Mr. Kissel moved that the Board authorize a hearing on the standards. Mr. Lawton seconded. Mr. Dumelle felt a study of the area of radiation standards was needed before specific regulations were proposed. He suggested the question be referred to the Institute for a report and proposal for regulations. Mr. Kissel replied that the Dresden case had provided the Board with the necessary information for proposing standards. A long delay would result if hearings were postponed until a report was received. Mr. Dumelle stated that the Board had not studied Minnesota's regulations nor had it considered the question of stack height. Mr. Lawton urged that the machinery for adoption of standards be set in motion. Mr. Kissel added that the point of hearings is to get reaction to proposed standards. Mr. Currie suggested that Mr. Dumelle could submit alternate plans, such as that of Minnesota, at the hearings. Mr. Currie called the role on the motion of Mr. Kissel and it was carried 4-1. Mr. Dumelle dissented.

PCB 71-22, Village of Riverton v. EPA. Village requests a variance from open burning regulations for the disposal of small trees and brush. Mr. Currie moved that the Board wait for a recommendation from the Agency and then proceed without a hearing. All voted aye on the motion.

PCB 71-23, Borden Chemical Company of Illiopolis v. EPA. Petition for a variance from water pollution regulations. Mr. Currie moved that a hearing be held. All voted aye.

PCB 71-24, EPA v. Hyman-Michaels Company. The Agency alleges violations of air pollution regulations at the company's facilities for salvaging railroad cars in Venice and Alton, Illinois. Hearings are automatic in such cases.

PCB 71-25, EPA v. City of Marion. The Agency alleges water pollution from improper operation of the city's sewage treatment plant. A hearing will be held.

PCB 71-26, EPA v. City of East St. Louis. The city allegedly violated water pollution regulations. A hearing will be held.

PCB 71-27, Charles Fiore Nurseries, Inc. v. EPA. Petitioner seeks a variance from open burning regulations for the disposal of diseased trees and branches resulting from trimming operations. Mr. Currie moved that the Board consider the case without a hearing following receipt of a recommendation from the Agency. All voted aye.

PCB 71-28, EPA v. Danville Sanitary District. The Agency alleges water and air pollution arising from operation of the city's sewage treatment facilities. A hearing will be held.

PCB 71-29, EPA v. Sauget & Company. The Agency alleges violations of State regulations pertaining to the operation of a solid waste disposal facility. A hearing will be held.

PCB 71-30, EPA v. C. E. Koons. The Agency alleges violations of solid waste disposal regulations. A hearing will be held.

PCB 71-31, EPA v. Southern Illinois Asphalt Co., Inc. The company allegedly installed and operated an asphalt plant in McLeansboro, Illinois, without a permit from the Agency. A hearing will be held.

PCB 71-32, EPA v. Oscar E. Denny. The Agency alleges violations of solid waste disposal regulations. A hearing will be held.

PCB 71-33, Hemmerich et al. v. Lloyd A. Fry Roofing Co. The company is alleged to have discharged contaminants into the environment in violation of air pollution regulations. Mr. Currie stated that the complaint was certainly not frivolous and noted that a hearing had already been authorized on a variance petition by the company (PCB 71-4). He moved that a hearing be held and that the enforcement action be consolidated with the variance proceeding. All voted aye.

PCB 71-34, Enact v. State Boy's School. Members of Enact (Students for Environmental Action) allege violations of the water pollution regulations by the State Boy's School at Giant City State Park. Mr. Currie noted that when a citizen becomes a formal prosecutor, he must be meticulous in preparing his complaint. He stated that the present complaint did not indicate sufficiently the violations involved and the actions desired on the part of the Board. In addition, such an action must ensure that the defendant has sufficient warning and time to prepare his defense. Mr. Currie indicated that the Board would hold a hearing if an amended complaint were received. He moved that the complaint be dismissed. All members voted aye.

Mr. Currie announced that a second proposed final draft of the mercury regulations, R 70-5, was ready for publication. Further comments would be accepted until March 24, and final adoption of the standard is expected March 31. The regulations provide for a statewide standard of 1/2 ppb both as a water quality standard and as an effluent standard. The new proposal makes certain exceptions for small discharges that cannot be avoided with present technology. Mr. Currie outlined the narrow restrictions which are put on such exceptions. He indicated he is not convinced from the available information that the Board can outlaw the use of mercury in paints. Mr. Currie moved that the Board authorize publication of the new proposed final draft. Mr. Kissel seconded. Mr. Dumelle felt a time limit should be set for the Board to state its policy concerning the reduction of mercury losses to zero if possible. He expressed concern that the proposed regulations give the paint industry a pass unless the handwriting on the wall is made clear. Mr. Currie shared this concern but thought the industry should be aware of the Board's intentions by now. Dr. Aldrich felt the record indicates that the industry has made a conscientious effort to find substitutes for mercury in its products. Mr. Currie called the roll and all voted aye.

Mr. Currie moved that the Board authorize publication of a proposed final draft of the open burning regulations, R 70-11. Additional comments would be accepted until March 25, and final Board action is expected March 31. Mr. Currie outlined several minor amendments to the original proposal. Dr. Aldrich stated that he supported the motion but wasn't satisfied with the record on alternate ways of disposing of non-diseased trees. There may be better methods of disposal than burying in a sanitary landfill.


Mr. Currie agreed and referred to an air curtain incinerator which results in more complete combustion of wastes. The evidence concerning the device is presently inadequate but more information could be obtained should a hearing on a related variance petition be held. Mr. Currie's motion was carried unanimously.

Mr. Currie moved adoption of a resolution to ask the Environmental Protection Agency to investigate the possibility of potentially toxic hydrochloric acid emissions caused by William F. Jobbins, Inc. The company is located at North Lake Street and Indiana Trail Road in Kane County, Illinois. All voted aye.

This concluded the morning session of the meeting.

The afternoon session of the meeting ran from 2:00 p.m. to approximately 5:00 p.m. and included informational presentations by staff members of the Illinois Natural History Survey and Illinois Water Survey and others concerning pollution of the Illinois River. A complete written transcript of this part of the meeting was made by the court reporter.

I, Regina E. Ryan, certify that the Board has approved the above Minutes this 14 day of April, 1971.


Regina E. Ryan
Clerk of the Board