

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING  
MARCH 28, 1972

All Board members were present.

Oral argument was presented by Mr. Karaganis and Mr. Powell in Commonwealth Edison Company Application for Permit for LaSalle County Station Units 1 and 2, PCB 71-354, regarding the construction of a 16-inch well to determine the mineral content of the water in the area. The motion to hold a hearing to decide whether the well should be considered construction was denied by a vote of 4-1, Mr. Dumelle dissenting.

The following opinions and orders were adopted by the Board by a vote of 5-0: A variance was granted to Deere & Company, PCB 71-353, allowing it to operate its gray-iron foundry in violation of air pollution regulations until December 31, 1972, subject to the posting of a bond in the amount of \$20,000. Kraft Food Division of Kraftco Corporation, PCB 71-388, was granted a variance until April 1, 1973 from the sewer ban in order to attach its food processing plant to the Mattoon municipal sewer, subject to certain limitations listed in the Revised Recommendation of the Agency. In Donald G. Nickel, d/b/a Nickel Brothers Tree Service, PCB 71-392, the Board granted a variance from the Open Burning Regulations, R 70-11, until March 29, 1973, with the condition that Nickel shall post a bond in the amount of \$20,000. And a variance was granted to Imperial Smelting Corporation, PCB 71-393, from Rule 3-3.111 of the Rules and Regulations Governing the Control of Air Pollution until June 30, 1972, subject to certain conditions including a performance bond in the amount of \$10,000.

In the Joint Application of Commonwealth Edison Company and Iowa-Illinois Gas & Electric Company (Quad Cities), PCB 71-20, the Board voted 5-0 to authorize a hearing on the Petition to Modify Permit. In EPA v. Holland Ice Cream and Custard Company, PCB 71-319, the Board granted an extension of time until April 30, 1972 with respect to the date for submission of the required compliance program. Mr. Currie suggested a cease and desist order with a \$200 penalty for Chicago Housing Authority, PCB 71-320, and agreed to prepare an opinion. Action was set for April 4. Discussion in Commonwealth Edison Company Application for Permits for Zion Units 1 and 2, PCB 71-328, was postponed. In EPA v. George Knight, PCB 72-44, and EPA v. James "Rusty" Kruse, PCB 72-45, both admitting to open burning of trash, Mr. Currie suggested cease and desist orders with penalties in the amounts of \$250 and \$1,000, respectively. Final action was set for April 4, 1972, and Mr. Aldrich will write the opinions.

The opinion and proposed final draft in the matter of Plant Nutrients, R 71-15, was authorized for publication in the next Newsletter by a vote of 5-0, and written comments will be accepted until April 20.

Final action in R 71-23, Air Regulations, was postponed until April 5, because of an agreed order entered in a suit filed in the Cook County Circuit Court by the Chicago Coal Merchants Association and the Roth Adam Fuel Company seeking an injunction restraining the Board from holding hearings and adopting the Air Regulations, until decision in the case on April 5.

In R 71-25, Mining Regulations, a motion for publication of the final draft was adopted by a vote of 5-0 with the usual time for comments.

In North Shore Sanitary District v. EPA, PCB 71-36, the Board decided by a vote of 5-0 to retract the order denying a variance from the phosphorus standards applicable to Lake Michigan. Action was delayed on the Motion to Amend Order in U.S. Industrial Chemicals Company, PCB 71-44, and on the Motion to Modify in State Line Foundries, Inc., PCB 71-86, pending EPA recommendations. In E.N. Maisel & Associates, PCB 71-285, Mr. Kissel will write an order in response to the Motion for Clarification, and action will be taken on April 4. Action was postponed pending EPA recommendation regarding the Motion for Modification in Certain-Teed, PCB 71-349, and the Motion to Dismiss in City of Cairo, PCB 72-57, and Citizen Utility, PCB 72-69.

Hearings are mandatory in the following new cases: EPA v. Dart Industries, PCB 72-94; EPA v. David Halverson, PCB 72-95; EPA v. Texaco, Inc., PCB 72-98; EPA v. Quincy Park District, PCB 72-99; EPA v. City of Nashville, PCB 72-100; EPA v. Hawthorne Melody, PCB 72-104; EPA v. Allied Chemical, PCB 72-109; EPA v. U.S. Scrap Corp., PCB 72-112; EPA v. Elesco Smelting Co., PCB 72-113; and EPA v. Apex Smelting Co., Inc., PCB 72-114.

Hearings were authorized in the following cases, by a vote of 5-0: South Side Foundry, PCB 72-105; Standard Oil Co., PCB 72-107; Metropolitan Sanitary District (Streamwood Plant), PCB 72-111; and City of Rockford, PCB 72-115. The following cases were dismissed by a vote of 5-0: Robert E. Nilles, Inc., PCB 72-97 and Central Christian Church, PCB 72-108, both variance petitions from the North Shore Sanitary District sewer ban; Gulf, Mobile & Ohio Railroad Co., PCB 72-116, a variance petition to allow continued operation of coal-fired boilers; Glen Oak Cemetery Co., PCB 72-117, Forest Home Cemetery Co., PCB 72-118, Cedar Park Cemetery Association, Inc., PCB 72-119, and Oakridge Cemetery (Hillside), Inc., PCB 72-120, all variance petitions requesting emergency relief to allow the open burning of diseased trees.

Action was postponed pending EPA recommendations in the following cases: John H. Trader, d/b/a Trader's Tree Service, PCB 72-96; Merlan, Inc., PCB 72-101; Central Illinois Public Service Company, PCB 72-102; and the Metropolitan Sanitary District of Greater Chicago, PCB 72-110.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 17 day of April, 1972, by a vote of 4-0.

Christan L. Moffett