

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL MEETING, APRIL 12, 1971  
189 W. MADISON ST., CHICAGO

The Board agreed to inform the Institute that it was not interested in hearing space on the sixth floor or in additional office space there, but that it would like a room for storage of files.

Mr. Currie presented letters to the Institute for Board approval, asking for studies and proposals of regulations regarding air quality standards for additional pollutants, stormwater control, and mercury in air. The Board concurred, and Mr. Currie said the Institute had already begun its study of effluent standards as requested the preceding week. Mr. Currie explained his meeting the preceding week with the EPA, Institute, and Argonne regarding the preparation of an air implementation plan to meet the new federal requirements. He said the Agency, under the new leadership of John Roberts, had agreed to assume the burden of coordinating the project, supervising Argonne, and submitting to the Board a package containing proposed regulations and other plan aspects and justifying the proposals by evidence. He urged that the Board request a similar project regarding water pollution, from the assessment of our criteria proposals to the compilation of effluent and stream quality data and modeling to the proposal and justification of additional regulations, and the Board agreed.

Mr. Currie proposed to write to Rep. Kleine agreeing that permits for Lake Michigan activities such as dredging and filling should be required but that the EPA, not the Board, should grant them; that the Board was opposed to bills exempting counties from the Act; and that the section authorizing bonds without referendum should be amended to include counties, an oversight in the original bill. The Board agreed. Mr. Lawton suggested the Board take a position on bills that would set noise limits and require the Board to set additional limits by a given date. The Board asked Mr. Currie to write opposing any pre-emption of Board authority or any effort to determine the schedule of Board hearings.

After discussion Mr. Dumelle's opinion in #R70-6 was scheduled for adoption with amendments April 14, as was the brief opinion on Mississippi solids, #R71-2. Mr. Kissel agreed to write an opinion on the motion to reopen in # 70-7. The Board agreed to vote April 14 on opinions in ##71-2, 71-5, 71-8, 71-9, 71-11, 71-14, 71-22, 71-15, and 71-10 (Purdy, Missouri Cement, Mattoon, DuPont, GAF, Calhoun, Riverton, Mt. Carmel, and Sandoval), after brief discussion. It was reported that the hearing officer had granted the County's motion to intervene in Fry, # 71-4. Standard Brands, # 71-3, was postponed for two weeks because the company had requested time to submit a brief on receiving the transcript and had waived the 90-day rule. Discussions of ##70-21, 70-38, and 70-39 (Dresden, Modern

Plating, and LaForge) were set for April 19. Mr. Kee was asked to request the Agency's recommendation in ##71-13 and 71-64, Vise Bros. and Lake County Forest Preserve, and to check once again as to when the EPA's proposal in #R 70-11 (open burning) would be available.

Mr. Lawton presented a proposed revision of the procedural rules that would make clear the requirement that variance petitioners state the reasons for any delays in compliance in the past. Mr. Lawton agreed to reexamine the entire variance chapter with respect to such matters as conditions, conterclaims, and the filing of EPA recommendations, and that the subject should be handled all at the same time. Mr. Currie said the time was ripe to act on the proposed rule for discovery in rule-making cases, but Mr. Kissel raised questions regarding who was entitled to invoke discovery and said rulemaking should not too closely resemble enforcement cases. He thought it preferable to keep the process of information gathering before the Board in hearings and that for the time the subpoena power should suffice. The Board agreed to table the proposal.

The Board agreed to authorize hearings on the Minnesota radiation standard as an alternative to that proposed by Mr. Kissel in #R 71-9, and to ask the Institute to study and propose another standard.

Messrs. Currie, Kissel, and Lawton proceeded to a discussion of administrative matters with Miss Ryan, who reported that mailing list plates and newsletter mailings were to be contracted out the following week. Miss Ryan agreed to submit by the following Monday to the Board written job descriptions as to the Board's administrative staff to aid in the evaluation of the tasks and manpower needs, and to prepare written office procedures governing such matters as filing, docketing, and the care and feeding of hearing officers. Mr. Kissel stressed the necessity for the Clerk to be in the office regularly from 9 to 5 on weekdays. The Board agreed to explore further the question of the need for an office manager.

I, Christan Moffett, certify that the Board has approved the above minutes this 25th day of April, 1972, by a vote of 5-0.

Christan Moffett