

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF FORMAL MEETING, APRIL 28, 1971
Council Chambers, City Hall, Rockford, Ill.

All Board members were present (10:10 a.m.)

The Board first approved, with minor typographical and sentence changes, minutes of Board meetings held February 8, February 22, and April 14, 1971. It then adopted the meeting schedule for 1971 and 1972.

Next, by a 5-0 vote, the Board adopted Mr. Kissel's opinion revising the Dresden #3 permit, PCB 70-21 to allow limited use of the facility to prevent blackouts prior to completion of the cooling pond on certain conditions. Mr. Dumelle will file a separate concurring opinion on radioactive control on Dresden #1.

In PCB 70-38 & PCB 71-6, EPA v. Modern Plating Corp., Mr. Currie suggested that the case be put over until next meeting to give time to consider Mr. Lawton's opinion, but Mr. Kissel urged discussion and a vote as the case had local (Rockford) interest. After Mr. Lawton's explanation of the opinion and the addition of an amendment by Mr. Currie, the revised opinion granting a conditional variance was adopted 5-0. In PCB 70-39 & PCB 71-18, EPA v. LaForge & Co., another local interest case, Mr. Lawton summarized his opinion, Mr. Currie asked an amendment for the company not to increase its polluttional volume and strength, but withdrew the request at Mr. Aldrich's suggestion that such a limit was inappropriate in this type of business because of the danger of an animal epidemic. Mr. Aldrich also questioned the amount of the fine as the company has marginal profits, but Mr. Currie said "the fine has already been scaled down" and wanted to be sure to impose a penalty for that type of violation. The revised opinion granting a conditional variance was adopted 5-0. Another unanimous vote by the Board adopted Mr. Lawton's opinion granting and extending for one year a variance in PCB 71-3, Standard Brands v. EPA.

There followed an explanation by Mr. Aldrich of his opinion granting an open burning variance in PCB 71-64, Lake County Forest Preserve District v. EPA. The EPA's recommendation was adopted in the opinion. At Mr. Currie's request the opinion was amended to say that the Board concurred with the EPA in that this was a good case for a variance. The opinion was then adopted 5-0.

The Board voted 5-0 to publish the proposed final draft for R70-2, Thermal Standards, Lake Michigan. The proposal was changed as to its form by Mr. Kissel and Mr. Dumelle, while the Board amended it by letting the record remain open until June 6, 1971. Mr. Currie agreed to publish his proposed opinion at the same time in order to explain the draft and stimulate public comment.

Next, the Board voted 5-0 to adopt Mr. Dumelle's opinion for the Phosphate Water Standards, R70-6. Mr. Aldrich will file separate

supporting statements.

The Board then had a general discussion of the EPA's Open Burning Regulations Proposal, R70-11. Mr. Dumelle questioned the Board's taking over any local government functions and powers. Mr. Currie said hearings would be the best way to find out about the home-rule question, so the Board authorized (5-0) two additional hearings.

Next, the Board authorized R71-13, for hearing. This is an amendment to Municipal Waste Facilities, SWB-10, and admits Shawneetown, Illinois, to the list of municipalities therein.

The Board then proceeded with new cases filed:

PCB 71-72 & PCB 71-75 Spraying Systems v. EPA and Pulte Land Corp. v. EPA. The Village of Glendale Heights seeks to intervene and join in the petition, for variance. The Board authorized the intervention.

PCB 71-76 Caterpillar Tractor Company, Petitioner seeks a variance from open burning regulations in order to conduct fire-fighting training classes at its Mossville Plant. No hearing was authorized pending receipt of EPA recommendation.

PCB 71-77 Wachta and Mota, Petitioners request a variance from the Board's order in League of Women Voters et al v. North Shore Sanitary District PCB 70-7, 12, 13, & 14, which banned new connections to existing facilities in the N.S.S.D. The petitioners are engaged in the development of the Belle Plaine Subdivision. A hearing was authorized, though Mr. Currie termed the petition inadequate as to damages to be caused.

PCB 71-78 Freeman Coal Mining Corporation, Petitioner seeks a variance from air pollution regulations in its coal separation in West Frankfort, pending installation of control equipment. A hearing has been authorized. Again Mr. Currie noted the petition was inadequate as to damage to the environment.

PCB 71-79 American Steel Foundries, Petition for variance from open burning regulations in order to conduct fire-fighting training classes in Granite City. No hearing was authorized pending receipt of EPA recommendation.

PCB 71-80 Robert H. Monyek, Lake Forest resident requests a variance from the order in League of Women Voters et al v. North Shore Sanitary District, PCB 70-7, 12, 13, & 14. A hearing was authorized. Mr. Dumelle suggested that it would be better to combine several of this type case.

PCB 71-81 Belleville Concrete Cont. Co., Company seeks a variance from open burning regulations to clear a construction

site in Mascoutah, Illinois. The Board (5-0) dismissed the petition as inadequate as to harm to be caused and available alternatives.

PCB 71-82 G. Helmkamp Excavating & Trucking Co., seeks open burning variance for operation in Edwardsville. Petition dismissed as inadequate.

PCB 71-83 National Starch & Chemical Corp. A variance is sought for the company's Meredosia plant while constructing waste treatment facilities. A hearing was authorized, Mr. Currie suggesting the petition was inadequate as to reasons for delay and the harm to be caused.

PCB 71-84 City of Naperville, Petitioner seeks variance from open burning regulations to dispose of elm trees. No hearing was authorized pending receipt of EPA recommendation.

PCB 71-85 Robert C. Wagnon, A variance is sought to enable one single-family residence in Waukegan to tie into existing NSSD sewer lines. Hearing was authorized.

PCB 71-86 EPA v. State Line Foundries, An enforcement action against a Roscoe, Illinois, foundry charging air pollution violations and seeking a cease and desist order. A hearing is mandatory.

PCB 71-87 EPA v. Claremont Hills Water & Sewer Co., Inc. Enforcement action against a public water supply facility in McHenry County charged with operating without Agency approval. A hearing is mandatory.

PCB 71-88 EPA v. Ralston Purina Company, Enforcement action against the company's Bloomington plant for alleged air and noise pollution violations and operation without a permit. A hearing is mandatory.

PCB 71-89 EPA v. Eli Amigoni, Enforcement proceedings against owner of a refuse disposal site in Woodford County. Allegations are continual violations of regulations despite an earlier Board order to cease and desist, EPA v. Eli Amigoni PCB 70-15. A hearing is mandatory.

PCB 71-90 City of Delavan, Variance requested from open burning regulations, Petition dismissed as inadequate.

PCB 71-91 Caterpillar Tractor Company, Petitioner seeks a variance from open-burning regulations in order to conduct fire-fighting training classes for its East Peoria Plant. No hearing was authorized pending EPA recommendation.

PCB 71-92 Gregory-Anderson Company, Petition from this Winnebago County Company seeking to review a permit denial for a solid waste disposal facility dismissed as inadequate.

PCB 71-93 Allen Haight, Petitioner seeks a variance to connect to existing sewer lines in Lake County. No hearing was authorized pending EPA recommendation.

PCB 71-94 Illinois Natural History Survey, Variance requested from open burning regulations to burn management areas for prairie chicken and quail. No hearing was authorized pending EPA recommendation.

R70-21 Dresden 3 Permit, Commonwealth Edison Co., has submitted to the Board a report detailing the manner in which the company expects to comply with the temperature requirements of SWB-8. The report had been required under the Board's earlier Dresden opinion issued on March 3, 1971. The Board requested the Illinois Environmental Protection Agency, the Institute for Environmental Quality and the Office of the Attorney General of the State of Illinois to give comments on the report.

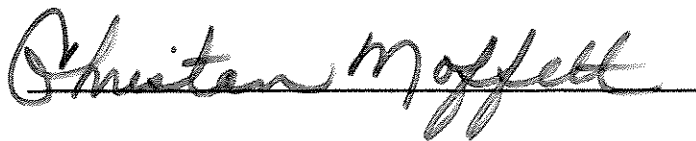
Edison requested a variance from that part of the order which limits heated discharges to the Illinois River during the period that cooling facilities are being improved. During the winter season even when the cooling lake is finished and the spray modules are operating, there may still be heated discharges violating SWB-8. The Board voted to authorize a hearing on this portion of the report.

Mr. Currie then requested public comment from the audience. Mr. Pardee of the Illinois Oil & Gas Association brought to the Board's attention the matter of the Federal Power Commission's and Illinois Commerce Commission's gas limitation rules.

Mr. Dumelle then raised the question of proxy voting. Mr. Currie said he opposed proxy voting because Board members often changed position after discussion at meetings but that votes could be recorded afterwards by signing opinions or by oral statement at a later meeting. The Board voted 5-0 to approve this procedure.

The meeting was adjourned at 12:30 p.m.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 25th day of April, 1972, by a vote of 5-0.

A handwritten signature in cursive script, reading "Christan L. Moffett", is written over a horizontal line.