

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR BOARD MEETING

June 20, 1972 - Suite 300, 309 West Washington Street, Chicago, Ill.

All Board Members were present.

Mr. Currie noted that the House concurred to the Senate amendment of the Pollution Control Board deficiency bill.

Mr. Lawton then stated that the Noise Control hearings are to be held as follows: Chicago Circle Campus on June 22 and 23; Rockford on June 26; East St. Louis on June 28; and Peoria on June 30.

The following opinions and orders were adopted by a vote of 5-0: Mars Development Company et al, PCB 71-344, was dismissed without prejudice. In City of Jacksonville, PCB 71-355, the Board amended the second subparagraph of Paragraph 1 of the May 23, 1972 Order, allowing the City flexibility in choosing means of meeting the requirements of that Order. The Motion to Dismiss by Airport Landfill, PCB 72-71, was denied. Corbett Steel, Inc., PCB 72-77, was dismissed without prejudice on the grounds that Corbett Steel has ceased business. And Terminal Railroad Association of St. Louis, PCB 72-169, was ordered to cease and desist from open burning and to pay a penalty of \$1,000.

The following action was taken in those cases for discussion: Mr. Currie agreed to prepare the opinion and order in YES v. Chicago, Milwaukee, Pacific & St. Paul Railroad Company, PCB 71-254, indicating that proof of unavoidable accident would be a defense but finding inadequate proof in the record. In Merlin Howe v. Commonwealth Edison Company et al, PCB 71-333, the hearing officer will be asked to submit a settlement agreement to the Board to see if the case can be disposed of without a hearing. Mr. Aldrich agreed to prepare the opinion and order in Russell, Burdsall & Ward Bolt and Nut Company, PCB 71-369, based on the Stipulation submitted to the Board by Respondent. Respondent agrees to pay a \$40,000 penalty plus approximately \$13,000 for a fish kill caused by the discharge of cyanide from RB&W's plant in Rock Falls to the Rock River. Steps have been taken to prevent this from happening again and to improve their industrial waste control program. Mr. Lawton agreed to propose a rule regarding public comment on stipulations and a way to compensate hearing officers under those circumstances. In Godfrey

Township Utility Board, PCB 72-68, Mr. Currie agreed to prepare an opinion for June 27 action to allow certain hardship sewer connections and deny others, and to require submission of a more adequate program. In Robert W. Graham, PCB 72-154, the Agency recommended granting a variance from any sewer ban imposed on Godfrey Township so that he may proceed with financing and complete the construction of the nursing home. Action will be taken at the next Board meeting. In Fansteel, Inc., and the City of North Chicago, PCB 72-76, it was noted that a hearing had been held (transcript has not been received yet) and a stipulation submitted setting forth all the facts. The parties will be asked to attend the next Board meeting to discuss this matter further.

Mr. Dumelle agreed to prepare the opinion and order for decision on June 27 in City of Rockford, PCB 72-115, dismissing the petition for an additional variance as moot. Action will be taken on June 27 in Metropolitan Sanitary District of Greater Chicago, PCB 72-111 and PCB 72-135 (Streamwood Sewage Treatment Plant), and Mr. Currie will prepare the opinion and order. A variance was granted Dante Greco, PCB 72-193, allowing the connection of a small home to an existing sewer line tributary to the North Shore Sanitary District plant in Highland Park, by a vote of 4-0. (Mr. Kissel was not present at the time this case was decided, but later agreed to write the opinion). Downers Grove National Bank, Trustee Under Trust #71-6, PCB 72-195, was granted a variance by a vote of 5-0 to install and operate sewers and discharge its waste into the sewage treatment plant of Bolingbrook Service Company and the Village of Bolingbrook for its five-building, 475 living unit apartment complex; Mr. Lawton will write the order. In Congregation Am Echod, PCB 72-202, the Board voted 5-0 to postpone decision until additional information from the parties has been received as to the adverse effects of allowing the sewer connection sought. The Board had issued an order June 6 requesting additional information with respect to the possible use of an air curtain destructor for the open burning of trees by the City of Olney, PCB 72-205. The City informed the Board that they can't afford one and asked for a variance to open burn for the next one or two years. Mr. Dumelle agreed to write an order denying the variance, and action was set for June 27. No action was taken on the Motion for Reconsideration by Elsie Kelberger, PCB 72-177, pending EPA recommendation.

Hearings were authorized in the following new cases: Lewis & Clark Community College, PCB 72-246; and Village of Coulterville, PCB 72-248. Hearings are mandatory in the following cases: EPA v. ABAM Building Corporation, PCB 72-241; EPA v. International Harvester,

PCB 72-242; EPA v. Jerry R. Frye, PCB 72-243; EPA v. Jack Ohlman, PCB 72-244; and EPA v. Kankakee Concrete Products, PCB 72-245. No action was taken in the following cases pending EPA recommendations: GAF Corporation, PCB 72-237; Illinois Power Company (Wood River Station), PCB 72-239; Illinois Power Company (Vermillion Station), PCB 72-240; and Dearborn Chemical Company, PCB 72-247. The Board voted 5-0 to consolidate Southern Illinois Power Cooperative, PCB 72-238, with PCB 72-199, for a hearing.

A hearing was authorized for a new Rule-Making Proposal from the Agency on Open Burning.

The Board decided to immediately assume court reporting costs of all enforcement and regulatory matters, and on Mr. Kissel's motion the Board authorized publication of a proposal to repeal the Rule that parties in variance cases have to pay for their own transcripts.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Minutes this 29th day of June, 1972, by a vote of 4-0.

Christan L. Moffett