

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR MEETING, AUGUST 19, 1970
750 S. Halsted St., Chicago

After approval of the August 5 minutes the Board voted to change its November 11 meeting to November 10 and to schedule informal meetings each Monday at 10 a.m. in the Board's offices. At Mr. Currie's request the Board authorized the publication for hearing purposes of a revised draft of the procedural rules submitted by the Technical Advisory Committee.

Mr. Currie then reported that the Lindgren Foundry hearing had been completed, that four other enforcement cases had been assigned for hearing, and that Mr. Lawton was preparing an opinion for Board consideration in the Swords case. He asked that persons wishing to file cases with the Board do so by mail or at the Board office rather than at meetings, in order to minimize the burden of carrying papers. He urged the Environmental Protection Agency to file soon any variance requests antedating the effective date of the new Act, because if such requests were not passed upon by about October 1 they would be deemed granted as a matter of law.

Mr. Currie announced that hearings had been authorized on three alternative proposals for Lake Michigan thermal standards and on advanced dates for secondary treatment along the Mississippi River, all filed by the Environmental Protection Agency. Mr. Kissel, hearing officer for these proceedings, announced that tentative hearing dates for thermal standards were September 25 and 26 in Chicago. Mr. Kissel requested that the federal government be asked to testify at those hearings, and Mr. Currie agreed to direct a letter to that effect to the FWQA. Mr. Currie also asked the Environmental Protection Agency to produce evidence at those hearings, remarking that the burden was upon the proponent of a regulation and that the Board was not equipped to accumulate evidence on its own.

In response to the Board's invitation, Mr. Robert Hartley, on behalf of Regional FWQA Director Francis Mayo, presented a paper suggesting numerous changes in the existing water quality standards. A copy of that statement is attached to these minutes. Mr. Currie expressed the Board's appreciation for this statement, calling it a fine example of intergovernmental cooperation and commending FWQA for working closely with the state in the early stages of policy formulation rather than waiting to review the

state's final product. Mr. Dumelle called the statement a courageous one, and asked the FWQA to reconvene the Calumet area conference since oil discharges to southern Lake Michigan were continuing despite the passage of the conference deadlines in 1968, and since a year had passed since the last conference session.

Mr. Klassen of the EPA also expressed pleasure that the FWQA had taken this initiative, pointing out that several of the state standards which FWQA now sought to alter had been set initially at the request of FWQA. The report of the Federal Advisory Committee on water quality criteria, he added, had been published after Illinois had submitted its standards. The 1982 Missouri secondary treatment standards, he said, had been approved by FWQA in order to promote a federal-state study of the effect of primary effluent on the Mississippi, and Illinois had agreed to accept whatever date FWQA required of Missouri. Although FWQA had not committed itself yet to the proposed 1975 date, his agency was proposing to accelerate the Illinois deadline to 1975. He personally saw no reason why the Iowa and Missouri dates should not be the same, and FWQA was asking Iowa to agree to 1973. He added also that it had been a great disappointment that the Federal government had refused to join Illinois in prosecuting violators of the federal-state standards along the Calumet River.

Mr. Currie noted that FWQA was asking the Board to prescribe a 1973 date for both sections of the river and asked FWQA to appear and argue for this position at the coming hearing, saying he agreed with Mr. Klassen there was no reason for different dates on two parts of the same river and that the laxness of another state was no excuse for Illinois' failure to clean up as soon as was feasible. Mr. Hartley said that FWQA would be prepared to appear and defend its proposed 1973 dates and added that FWQA did not see why the state should feel obliged to follow another in setting dates. Mr. Klassen said there was a "real practical" reason for the discrepancy between Mississippi River dates, in that it would "sound good" to tell Illinois taxpayers to spend twenty million dollars to clean up our side of the river when Missouri was taking until 1982 to do its share of the job. "From a practical standpoint," he asked, "why should we clean up the River--and there's no good answer to this--so that when it flows by Memphis they can put in raw sewage?" Nevertheless, he added, he agreed entirely with Mr. Currie's position. Mr. Kissel pointed out that the Environmental Protection Act allows extraterritorial service of process upon out-of-state sources causing pollution in Illinois. Mr. Klassen said his agency had some thoughts in that direction.

Dr. Aldrich asked Mr. Hartley what the implications were of the FWQA proposal for an 84° thermal standard in Illinois streams upon temperature rises from natural causes. Mr. Hartley replied that the standard should include a provision allowing temperature rises due to natural causes, so that natural temperature would be

the criterion whenever it exceeded the prescribed figure.

Mr. Currie said that two points in the FWQA presentation were of especial interest. The first was the suggestion that the existing nondegradation policy be made more definite by prescribing numerical standards equal to present water quality where that quality was high. He said he had been disturbed for some time at the impreciseness of the nondegradation standard in both air and water quality standards and that the FWQA proposal might prove a valuable aid to enforcement of the principle, which he endorsed completely. Second, he noted that FWQA asked that effluent standards be more precisely tailored to the water quality standards they were designed to achieve, and that this suggestion might require the states to perform the kind of scientific modeling that Illinois was employing in devising implementation plans for air quality standards. He suspected no such procedure had been followed in the early water quality standards, so there was no assurance that compliance with the treatment requirements would achieve the desired water quality. Mr. Klassen said that compliance with a nondegradation standard would require effluent standards to be set equal to the water quality standard. Mr. Currie said this was true unless mixing zones were employed. Mr. Klassen said that mixing zones were incompatible with a true nondegradation standard. Mr. Currie asked whether Mr. Klassen was arguing in favor of setting effluent standards equal to water quality standards or against the nondegradation policy. Mr. Klassen said he was arguing in favor of both. In other words, Mr. Currie inquired, Mr. Klassen believed that mixing should be done on shore and not in the stream. Mr. Klassen agreed and repeated that he was "absolutely" in favor of nondegradation. Mr. Currie said that these policies would require considerable amendment to present regulations.

At the request of Mrs. Botts of the Open Lands Project, Mr. Currie agreed to ask FWQA to set a precise date for reconvening the four-state Lake Michigan conference to consider thermal standards.

Paul Harris of the City of Chicago asked whether FWQA had any plans to monitor the sixty or so parameters as to which it was asking the states to set water quality standards. Mr. Hartley said that FWQA was now monitoring at some locations and had plans for expanded monitoring.

The Board then authorized public hearings on proposals by Mr. Dumelle to prescribe water-quality and effluent standards for mercury at 0.001 mg/l in all Illinois waters and to tighten the Lake Michigan phosphate standard from 0.03 to 0.02 mg/l, while prescribing a 3.0 mg/l limit for phosphate in effluents by the end of 1972. The toxic properties of mercury, he said, were well known, although mercury had been recognized as a water pollution hazard only recently; 0.001 represented the probable

present level of mercury in Lake Michigan, and 20% of the Public Health Service standard for drinking water. The present phosphate standard, he noted, allowed degradation of present water quality to the danger level for algal blooms that might deplete dissolved oxygen and create a nuisance on beaches. Dr. Aldrich asked for clarification as to the terms of the phosphate proposal, and Mr. Dumelle replied that it referred to total phosphate ion, PO₄.

Mr. Klassen said that EPA's just-issued report on open Lake Michigan water quality showed violations of the phosphate standard. Mr. Currie asked for copies of that report and observed that he had been disturbed by the companion beach quality report, which showed gross violations of the bacterial and phosphate standards. Enforcement proceedings, he added, might be in order. Mr. Klassen added that 50% of the Lake Michigan bottom samples showed biological degradation.

I, Regina E. Ryan, certify that the Board has approved the above minutes this 2nd day of September 1970


Regina E. Ryan
Clerk of the Board