

MINUTES OF REGULAR INFORMAL MEETING
SEPTEMBER 7, 1971, 189 W. MADISON ST., CHICAGO, ILL.

The meeting had been rescheduled from Sept. 6, pursuant to notice, because of the holiday. All members were present.

The Board set Sept. 13 for discussion of the revised proposed opinion in # 71-51C, City of Champaign, and dealt with new cases as follows: #71-259, an enforcement case, hearing mandatory. #71-260 (later in the afternoon), agreed that Mr. Currie should write and send an order requiring submission of affidavits, in lieu of a hearing, as to the status of construction on the date of the sewer ban. ##71-261 through -264, Central Ill. Public Service Co., hearings were authorized, and also in #71-265, Minerva Co. Motions for rehearing or stay pending appeal were deferred pending EPA response in ##71-57 and -58 and 71-125. On receipt of the EPA response in #70-36, Flintkote, the Board asked Mr. Currie to draft an order denying the motion for further discussion Sept. 13 and adoption Sept. 16. Mr. Currie agreed to prepare a draft opinion for discussion Sept. 13 on the motion to dismiss in the Tollway case, #71-159. After studying supplemental affidavits in #71-131, Willow Creek, the Board asked Mr. Kissel to prepare an opinion and voted 5-0, because the extended 90-day period expired Sept. 7, to grant the petition on conditions to be spelled out in the opinion. It was reported that a motion by EPA to dismiss as moot would soon be received in #71-138, Western Land, and the case was set for discussion Sept. 13. Mr. Currie's proposed opinion and order denying the variance request in #71-149, Andracki, were adopted 3-2. Mr. Currie reported that the 90-day period had been waived in ##71-176 and -200.

After discussion of #71-115, GAF Corp., Mr. Dumelle agreed to draft an opinion for Sept. 13 adoption granting the extension on the basis of substantial compliance with our earlier order. Mr. Kissel agreed to prepare an opinion in #71-39, Merlan, Inc., finding air pollution on the basis of the Flintkote doctrine, ordering certain steps be taken to control emissions and the submission of a plan for control of other sources, but imposing no penalty because of the company's efforts and the nature of the problem. Mr. Aldrich agreed to prepare opinions in ##71-52 and -53, Bath, Inc. and Rhodes, finding certain landfill violations, rejecting the motion to dismiss, and imposing penalties. In #71-104, Gages Lake, Mr. Kissel agreed to prepare an opinion finding insufficient evidence in the current record to justify a variance because of the lack of a program to meet the standards, setting another hearing at EPA's request, and including an order to show cause why the parties should not be ordered to build facilities to conform to the NIPC wastewater plan. In #71-153, Libby, Mr. Aldrich agreed to prepare an opinion finding water pollution and reconfirming an SWB schedule requiring correction by January 1972, with no penalties because any delay was forgiven by the SWB.

The Attorney General and the respondent appeared with the former's motion to dismiss #71-137, Steelco. A transcript was taken. Upon the Attorney General's argument for EPA that a dismissal would avoid duplicating Circuit Court proceedings on the same matter and unnecessary jurisdictional litigation, and in the absence of objection from Steelco, the Board voted 5-0 to dismiss in accord with an order submitted by the Attorney General. Mr. Currie agreed to prepare a supporting opinion.

In #71-238, General Electric, the company appeared to inquire as to procedure regarding permission to load fuel into a fuel reprocessing plant prior to issuance of a final Board permit. The company agreed to present a written motion to allow loading and to appear for questioning at the Sept. 16 meeting, in accord with the procedure set in the Dresden case, #70-21.

In #71-154, Pyramid, Mr. Lawton agreed to prepare an opinion to deny the variance on the ground construction work had not begun on the trailer park at the date of our ban and that the company knew it could not connect until the overload was corrected. In #71-161, Patricia Development, Mr. Currie agreed to prepare an opinion granting the variance as to all homes as to which a commitment was made before the ban, on grounds of social hardship as in #71-113, McAdams, and to deny as to later homes because of the opportunity to go elsewhere after notice. In #71-166, Metropolitan Sanitary District (Orland Park), Mr. Dumelle agreed to prepare an opinion that would grant the variance because of the undesirability of spending \$500,000 for facilities soon to be abandoned and allowing new connections because the receiving water already requires dredging to support recreational use. In #70-31, Owens-Illinois, the company's report stated that furnace "D" had been brought into compliance through process changes and that "B" was fitted with a precipitator whose performance, while not as good as expected, seemed to mean compliance. Mr. Kee was asked to prepare an opinion dismissing the supplemental variance request as moot. Mr. Currie said he would prepare an opinion to grant the variance in #71-163, Central Soya, on agreed conditions and on the further condition of a money penalty. Mr. Lawton agreed to prepare an opinion in #71-165, Iowa-Illinois. All the foregoing cases were to be discussed again Sept. 13, along with ##70-45S Malibu (rec needed), 71-168 American Distilling (rec needed), 71-169 Calumet Steel (company report needed), and 71-170 Electric Energy (transcript needed), all for September 16 decision along with thermal standards for the border rivers.

At Mr. Kissel's suggestion the Board voted to change holiday meetings to Tuesdays on October 12 and 26.

In executive session the Board agreed to hire Miss Susan Schmidt as office manager. Mr. Currie reported that negotiations for a new Board office had unexpectedly collapsed and said he would contact the Agency regarding further action on this matter.

Mr. Kissel raised the question whether meetings away from the Board's offices were worth the cost in time and money, and it was agreed to reexamine the meeting schedule after a few weeks' additional experience with the advance work of Mr. Dwyer.

I, Christan 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.

Christan Moffett