

ILLINOIS POLLUTION CONTROL BOARD

MINUTES OF REGULAR INFORMAL MEETING, OCTOBER 13, 1970
189 W. MADISON ST., CHICAGO

Mr. Dumelle asked that the Board officially endorse the anti-pollution bond issue, and he agreed to prepare a draft resolution to that effect for Board consideration.

Mr. Robert Tarrel of the Illinois Commerce Commission explained that agency's rate case decision involving Commonwealth Edison Co. and said the Commission was also conducting a state-wide hearing on pollution and the electric power industry, which would not be concluded for some time. He agreed to get the Board extracts from the rate case that concerned pollution and to provide a full transcript of the pollution case.

Mr. Lawton and Mr. Kissel reported on problems regarding court reporters, including confusion over the responsibilities of the Board and of EPA in arranging for reporters and the fact that reporters ordered had sometimes failed to show up. The Board agreed that transcripts were crucial enough that the Board would have to assure the availability of a reporter regardless of cost, and Mr. Lawton agreed to investigate the best means of assuring reporting service.

Mr. Lawton said in several cases EPA had asked to amend its complaint to allege violations up to the date of hearing. Mr. Kissel said court practice allowed such amendments, and Mr. Currie said he thought such amendments would expedite matters by avoiding multiple litigation while not prejudicing the respondent.

Mr. Lawton said the respondent in one case had sought discovery of internal EPA reports which were not public under the statute. Mr. Currie said discovery could go beyond public files, and that the question was whether or not the work-product exception covered the reports in question.

Mr. Dumelle reported that FWQA would send Mr. Sidio, its mercury expert, to our hearing on that subject, and probably Dr. Bartsch to our phosphorus hearing. Mr. Kissel said he was planning to set up a panel discussion of experts--federal and industry--to complete the debate of scientific issues on thermal pollution. Mr. Aldrich suggested separate panels on hydrology, biology, and controls.

Mr. Sullivan reported that municipalities with Mississippi River sewage plants would be asked to appear and testify in the secondary treatment hearings, # 70-3.

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

Christian S. Moffett