

MINUTES OF REGULAR INFORMAL MEETING
OCTOBER 26, 1971--189 W. MADISON ST., CHICAGO, ILL.

Mr. Aldrich was absent attending a Senate hearing.

After discussion the Board 4-0 adopted the opinion and order prepared by Mr. Currie in ## 71-218 and -219, Mars Development Co. and Wasserman, denying the requested variances.

Mr. Melvin Rieff of the Attorney General's office noted the Agency had no objection to the motion to extend time for payment of a penalty in # 71-87, Claremont Hills, which the Board took under advisement and granted 4-0 later in the day.

Mr. Rieff also reported the filing of a motion to consolidate the Agency's complaint in # 71-330, Mattison Machine, with the related variance case, # 71-277. The Board authorized appointment of the same hearing officer with directions to consolidate, and the question of hearing dates to conform with the 90-day decision requirement in # 277 and the 21-day notice requirement in # 330 was left to the hearing officer.

Mr. Kissel reported that a second day of hearings on emergency core cooling should be held and agreed to ask the Institute to contact concerned MIT scientists for possible additional testimony. The Board agreed to look toward a decision in the Quad-Cities case, # 71-20, in early November, utilizing information from the recently completed supplemental hearings in # 70-21, Dresden.

The following opinions were set for action October 28:
71-78, Freeman Coal (Mr. Dumelle to issue the opinion prepared by Mr. Harker, Mr. Lawton taking no part in the decision), with the addition of a sentence denying the motion for confidentiality;
71-89, Amigoni (SA), omitting any affirmative order and stating that the respondent is still bound by the Board's earlier order;
71-223, Olney (JD), with modifications to allow the issuance of nonreferendum bonds, to require acceleration of the sludge handling program, and to require disinfection by the SWB-14 date; ##71-25 and 225, Marion (DC), Mr. Dumelle suggesting additional pressure on the federal government to produce its share of municipal treatment costs; # 71-226, Towns Wrecking (RK), finding no violation because the respondents were not shown responsible for the open burning.

The following opinions were assigned to be drafted: # 71-15R, Mt. Carmel Public Utility, Mr. Kissel: to grant in part on condition that construction on boiler # 5 begin October 1972 but to require retirement or conversion of the others in 1974;
71-68, Flintkote, Mr. Currie: to deny based on unexcused delay and the inadequacy of the present program; # 71-101, Beloit Foundry, Mr. Currie: to order abatement as stipulated by March, 1971, with no penalty because of good faith (this case to be decided

October 28); ##71-110, -111, and related cases, Monsanto, Sherwin-Williams, et al., Mr. Dumelle: to grant the mercury variances on conditions, reducing the discharge numbers where necessary, in light of the elimination of paint wash water discharges and Monsanto's significant improvements.

After considerable discussion in #R70-17, DuPage Regionalization, the Board asked Mr. Sullivan to prepare a proposed final draft of the regulation that would declare the Board's regionalization policy; endorse the NIPC plan for nine service areas in the county; require the submission of programs for expansion, abandonment, new construction, etc. to service each area in accord with the regionalization policy while avoiding unnecessary delays in meeting pollution regulations and unnecessary waste of expensive existing facilities; and provide for the appointment of hearing officers to conduct prehearing negotiations and then hearings in each NIPC area in order to present the Board with full record on which it could resolve any outstanding disputes and enter an appropriate order. Mr. Sullivan was asked to pursue the question of compensation for these officers with the Institute as an experiment in implementation of regionalization policy.

In new cases the Board dismissed # 71-332, Village of Deerfield, on the ground that the prior order requiring a report on alternatives to tree burning was obsolete under the new regulations, and authorized hearings in ## 71-328, Zion permit application, and -333, Howe v. Commonwealth Edison Co. # 71-327, the revised Tollway complaint, was postponed until October 28. Minutes for May 24, October 12, and October 14 were approved.

After discussion Mr. Currie agreed to prepare letters commenting on House Bills 3069, 3067, 3545, 2262, and 2263, for Board approval, as follows: favoring 3069 as clearing up ambiguities, while stressing the Board believes these powers are in the present law; approving the time extension in 3067 while disclaiming the importance of whether inaction results in variance grant or denial; expressing willingness to serve additional special notices if required by 3545 but noting the administrative cost; favoring 2262 and 2263 as confirming the Board's power to require bonds in excess of normal statutory limits to avoid delay in the North Shore Sanitary District program, urging that the bills be extended to other plant operators, and reiterating the Board's request that counties be included in the bond section.

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.

