

ILLINOIS POLLUTION CONTROL BOARD

Minutes of Regular Informal Meeting  
Mon., Nov. 9, 1970--189 W. Madison St., Chicago

Mr. Aldrich was not in attendance. Mr. Kissel was out of town conducting a hearing.

After discussing the agenda for the November 10 formal meeting, the Board by a 3-0 vote agreed to the publication of a proposed final draft of the episode regulations, #R70-7, which Mr. Currie had prepared and circulated the preceding Friday. At Mr. Lawton's request Mr. Currie agreed to add to his draft before publication a new section repeating the statutory authorization for the EPA to seal any facility operated in violation of any of the episode regulations. Mr. Currie explained at Mr. Lawton's request the reasons given by Argonne National Laboratory for the delayed several-stage episode program incorporated into both the original EPA proposal and the proposed final draft and agreed to address himself to this issue in detail in the opinion he would prepare for the Board upon adoption of the final regulations. Mr. Currie said that copies of the proposed final draft were being sent that day to all persons who had testified at the hearings and that ten days would be allowed for further comments. The Board should take final action at its Decatur meeting November 24, he said, and his interpretation of the Rules was that the Board was free after publishing its proposed final draft to make additional changes in the light of received comments without issuing another proposal and incurring additional delays. Any other construction, he said, would make effective and prompt response to suggestions impossible.

With regard to the proposed effluent standards (#R70-8), Mr. Currie noted the receipt of a letter from Mr. Klassen of EPA confirming that the present effluent guidelines in TR 20-22 are not enforceable. Mr. Dumelle observed that the guidelines had been intended for industrial dischargers and that for sewage treatment plants to meet the proposed 2.5 ppm ammonia standard would require 90% ammonia stripping. He agreed to draft a letter to each municipality in the State, asking their participation in the coming hearings on his proposal.

Mr. Currie reported his favorable impressions after a meeting the preceding Friday with Dr. Middleton of NAPCA, in which Mr. Currie had stated the Board's intention of adopting by the end of 1970 an effective implementation plan for the Chicago and St. Louis regions' air quality standards for sulfur and particulate air pollutants. Mr. Currie reported that Dr. Middleton seemed favorably disposed toward providing the necessary technical assistance and that we would soon be contacted by Mr. Donald Walters of NAPCA relative to the development of the implementation plan.

Mr. Lawton asked that the Board consider where it stood with respect to pending matters and its priorities for future action. Mr. Currie then outlined the following present and proposed activities by way of a status report and plan of action:

1. Episode Revisions, #R70-7. The Board has published a proposed final draft of the amendments to the existing regulations after three public hearings. Final action is expected November 24, and Mr. Currie will prepare an opinion for consideration at that time.

2. Mississippi Treatment Dates, #R70-3. Hearings have been completed, and Mr. Kissel will be asked to prepare a proposed final draft of the amendments to the existing regulations for Board publication November 24. The three members present (Mr. Dumelle, Mr. Lawton, and Mr. Currie) agreed that the proposed final draft should specify a 1973 compliance date for the entire river; that 90% removal of BOD and suspended solids should be specified for municipalities or sanitary districts with 10,000 or more population equivalent and 85% for smaller plants, to permit the use of trickling filters by smaller communities in the interest of simpler operation; that Cliff Fore of SIU at Edwardsville should be asked to comment on the advisability of retaining the alternative ODI test, which is in use in few places; and that the issue of dilution, which is raised because industrial deadlines are affected by the revised dates, should be left to the effluent standard hearings, #R70-8. Final Board action will be expected December 9, and Mr. Kissel will be asked to prepare an opinion for consideration at that time.

3. Mercury, #R70-6. Hearings have been completed, and Mr. Lawton as hearing officer is awaiting additional information as to measured concentrations in Illinois waters and as to measurement techniques. Subject to receipt of this information, Mr. Dumelle will prepare a proposed final draft for Board publication November 24 and final action December 9. Mr. Dumelle, Mr. Lawton, and Mr. Currie agreed that on the basis of present information the draft should aim for both water quality and effluent standards in the vicinity of 1 ppb, which is well below the Public Health Service standard and should provide a margin of safety; this level may be the best that can be presently achieved, and below 1 ppb the accuracy of measurement seems to fall off steeply. They also agreed that the draft should assure that dilution is not acceptable; that measurement be in terms of mercury itself, not of the total molecular weight of its various compounds; that the regulation should ban discharges to the sewers as well as to the waters; and that the standard be a peak value not to be exceeded at any time. It should, however, apply to the discharge and concentration of any form of mercury or its compounds.

4. Phosphates in Lake Michigan, #R70-5. Hearings are completed, and Mr. Dumelle will prepare a proposed final draft for Board publication November 24 and final action December 9. Mr. Dumelle, Mr. Lawton, and Mr. Currie agreed that the draft should specify a water quality standard of 0.02 mg/l, justified by the principle of nondegradation, and an effluent standard of 3.0 mg/l as a peak value never to be exceeded. Although tighter effluent standards were technically conceivable, present information indicated that enormous amounts of chemicals would be required and the short time scale before diversion of all Illinois sewage effluents from Lake Michigan made it unrealistic to attempt to define the precise limits of feasible treatment. Additional papers on treatment methods, however, would be introduced into the record. The compliance date for effluent treatment is to be December 31, 1971, and the effluent standard is to be a peak value never to be exceeded, measured as total unfiltered phosphate,  $PO_4$ . Mr. Kee raised the issue of relaxing the nutrient removal requirement for small plants along the rivers in light of the requirement of close supervision of such processes and the short staffs of many small plants, and the question was deferred to the effluent standard hearings.

5. Thermal Standards For Lake Michigan, #R70-2. The Board will examine the transcripts of its completed hearings and consider, after a few weeks, whether or not to await the results of federal studies and a further 4-state conference scheduled for mid-February 1971. Mr. Dumelle warned that to await such results might entail significant delays and that the Board might wish to proceed on its own. Mr. Currie said he found much merit in the zone concept most recently suggested by FWQA, which was analogous to the area emission limitations recommended by Argonne National Laboratory for implementation of air quality standards, an approach which he endorsed. Mr. Lawton said that Dr. Roberts of Argonne had expressed a similar view with regard to thermal pollution in a letter to the Board antedating the recent federal announcement and that he would recirculate that letter to Board members.

6. Air Quality Standards for Automotive Pollutants, #R70-9. Hearings have been scheduled on a proposal originally made to the Air Pollution Control Board by its staff, for November 23 at Chicago Circle Campus and November 25 at SIU in Edwardsville. Mr. Currie will prepare by November 17 for Board publication in advance of those hearings a revised draft embodying suggestions made by Mr. Romanovsky and by Board members at an informal Board meeting November 2 and will write to NAPCA and to Drs. Quon and Carnow asking for testimony at the hearings. Mr. Currie will introduce the criteria documents and his preliminary memorandum on the subject, together with whatever supporting data on nitrogen oxides and lead are obtained by that time. The proposed revised draft, like the original proposal, will

apply to the Chicago and St. Louis air quality control regions, and state-wide standards will be considered at a later time. Mr. Currie will discuss with Argonne and with the Institute the question of assistance in designing an implementation plan. Prompt final action is required since the federal deadline for submission of these standards is around December 15. Whether lead and nitrogen oxides will be included in the final regulations at this time will depend upon whether or not there is adequate information in the record after hearing. In any event further hearings will be held on those subjects after publication of the federal criteria, expected in the first quarter of 1971.

7. Air Quality Standards for Additional Regions. NAPCA has designated interstate air quality control regions, in addition to those for Chicago and St. Louis, for the Rockford and Paducah regions, both of which contain portions of Illinois. In addition, consultations have recently been held looking toward the designation of interstate regions at Dubuque, Davenport, and Burlington, each including Illinois counties. NAPCA has most recently given the Board a tentative proposal to divide the remainder of the State into several regions, separating out such metropolitan areas as Springfield, Peoria, and Champaign. Mr. Currie said that he had told Dr. Middleton he thought it preferable to designate the entire remainder of the State as a single region, since the important thing was to assure that the whole state secured the benefits of federal law and since the needed flexibility for recognizing regional differences could be attained within a single region without the necessity for administratively complicated multiple implementation plans and dates. He said he would prepare a letter to Dr. Middleton stating this as the Board's position, and Mr. Lawton and Mr. Dumelle agreed. By the end of 1970, Mr. Currie said, he would propose state-wide air quality standards for the pollutants for which NAPCA had issued criteria, and such standards would embody numerical statements of the nondegradation principle, so that the strictest standards would be applied to areas now clean. Implementation plans for several new regions would follow.

8. Implementation Plans. One of the two most important tasks facing the Board, Mr. Currie said, was the development and adoption of plans for implementing the sulfur and particulate air quality standards for the Chicago and St. Louis regions. Initial modeling results are expected the second week in November from Argonne, and the Board expects to adopt the plans by the end of 1971. Considerable strengthening of the particulate emission regulations will be required, Mr. Currie said, and his view was that the best available technology should be mandatory. Some differentiation may be necessary, however, between rural and urban areas with respect to low-sulfur fuels in the short run, in order to assure maximum allocation of limited supplies to areas where they are most needed. Area emission limitations will

be required in order to assure that a large number of sources, each subject to maximum control, do not cumulatively cause a violation of the air quality standards. Prohibition of coal and fuel oil for residential heating may be the sole means of coping with a limited number of self-polluting areas in the largest cities. Mr. Currie will prepare a proposed set of emission standards for hearing purposes within the next few weeks and will pursue the question of the additional elements of the implementation plans with Argonne and with other concerned parties.

9. Toxic Air Pollutants. Mr. Harker is preparing a proposed regulation to deal with asbestos and Mr. Klein one for cadmium. Mr. Currie will prepare a resolution for Board consideration requesting the EPA to investigate possible cadmium pollution from the New Jersey Zinc Co. at DePue. Professor Patterson of IIT is undertaking, under Institute auspices, a literature survey of lead as a pollutant of both air and water, and Mr. Lawton is studying mercury as an air pollutant. Beryllium, Mr. Currie said, appears according to the Litton study to be essentially a problem at beryllium producing facilities, which apparently have been brought under control because of early concern over the issue. Mr. Dumelle said he would obtain a compilation of industrial standards for various toxic substances to be used as a guide for the development of more stringent standards for the ambient air. He said he hoped the Board would not get bogged down in interminable lists of individual pollutants, but agreed that a general catchall provision forbidding the emission of toxic quantities of any substance was of little help. Mr. Currie asked that Board members and assistants divide among themselves the job of reading the numerous Litton studies and preparing, where desirable, proposed regulations on various toxic substances. Mr. Dumelle suggested that a single set of hearings be scheduled if possible for a number of toxic pollutants. Mr. Currie said the Board must keep its eyes open for additional toxic substances that may become known and be prepared to adopt specific regulations applicable to them when the need arises, but agreed that the Board cannot at this stage spend a great deal of time in looking for information on very many individual pollutants.

10. Effluent Standards, #R70-8. Mr. Dumelle's new proposal for effluent standards for water contaminants, Mr. Currie said, was the other of the two most important items of business before the Board. Mr. Dumelle said he would prepare for Mr. Currie's signature a letter to the Institute for Environmental Quality requesting that technical witnesses be provided to testify to the best available technology at the coming hearings. Mr. Currie asked Mr. Kee to work with Mr. Dumelle in seeing that sufficient evidence was obtained.

11. Septic Tanks. Mr. Kissel's trip along the Fox River led to an increased awareness on the Board that uncontrolled use of septic tanks can create serious water pollution problems. Professor Patterson is undertaking a preliminary study of the problem for the Institute, looking toward a Board proposal for regulations to eliminate pollution from this source.

12. Water Quality Standards. Mr. Kee is preparing a proposed general revision of the Illinois River standards, on the basis of FWQA suggestions, the September 2 Peoria discussion, the October 28 memorandum on the Mississippi River standards, the Water Survey report indicating the inadequacy of secondary treatment on the Illinois, and other information. This revision will be followed by revisions to other water quality standards, such as the Fox River, on the basis of information received at the November 10 meeting in Elgin; the Mississippi; and SWB-14, the standards for intrastate waters, which Mr. Currie said are inadequate because there are no designations of stream sector uses so that the criteria for aquatic, recreation, and water supply uses may be wholly inapplicable, and because there are no timetables for the implementation plan. Mr. Dumelle noted that as a second step it would be necessary to limit effluents in terms of pounds as well as concentrations and to determine by modeling what input limits are necessary in order to achieve the water quality standards, and Mr. Currie agreed.

13. Regional Sewage Treatment. Mr. Kissel will ask the Board Nov. 10 to schedule an inquiry hearing looking toward possible regulations requiring regional sewage treatment in DuPage County, in light of the obvious inefficiencies of a proliferation of small plants, and in light of new federal regulations encouraging regionalization as a condition of further grants. Mr. Sullivan will be designated hearing officer, with Mr. Dumelle as attending Board member.

DuPage municipalities, FWQA, the Northeast Illinois Planning Commission, the EPA, and others will be invited to testify.

14. Radioactivity. The Board will attempt to use the pending hearing in #70-21, Commonwealth Edison Permit (Dresden #3), to acquire information that will lead not only to a decision in that case but also to the development of regulations for the control of radioactive discharges under title VI-A of the Act, since specific regulations are a better guarantee of equal treatment and a better guide to future Board actions than are individual case adjudications. Mr. Romanek reported that HEW has requested that Edison employ better radioactive controls than presently planned for Dresden, and that the best available controls be required. HEW will be asked to testify. The Board will meet soon at an informal meeting with AEC representatives to obtain additional background information on radiation. The Institute will be asked to secure the testimony of Dr.

Sternglass for the Dresden hearings. A week has been set aside for these hearings, in Morris, Illinois starting December 7.

15. STP Operators. Mr. Cliff Fore, of Southern Illinois University at Edwardsville, has agreed to submit to the Board ideas for revising the present regulations for training and certification of sewage treatment plant operators. Even the best plant cannot prevent pollution unless it is properly operated.

16. Permits. Mr. Currie will propose regulations specifying the types of facilities for which permits are required and the conditions to be written into each permit, after the implementation plan and other more pressing business have been completed. Permit requirements are important enforcement tools for emission and effluent standards, and no permit should be issued for an installation that would cause a violation of air or water quality standards despite otherwise adequate controls. Permits can also serve as a medium for emission and effluent inventories and for detailed episode action plans. It has been suggested that actual emission tests be required before the issuance of an operating permit, and that adequate provision for ultimate disposal of captured contaminants be required.

17. Solid Wastes. The Institute has promised a report on its statutory study of recycling of wastes by the end of 1970, and additional ideas for regulations should emerge from pending cases regarding solid waste disposal practices. The need for additional legislation to increase the Board's power regarding the sale and use of articles that cause disposal problems will be explored.

18. Public Water Supplies. The statute, Mr. Dumelle said, appears to leave this subject largely to the EPA, but the Board will determine what it can do to assure adequate protection.

19. Noise. The Institute has been asked to conduct a study on aircraft noise in response to a number of complaints received by the Board. The City of Chicago has commissioned a general study of noise whose results according to Commissioner Poston should be available to the Board, perhaps by the end of 1970. No enforcement is possible under the statute until regulations have been adopted. Proposed regulations will follow receipt of the results of these studies, probably in the first months of 1971.

20. Coal Mine Wastes. The Board has scheduled a meeting for February in Carbondale to explore with experts as in preliminary hearing the questions of water and air pollution from coal mines, which has arisen in one case presently pending before the Board. The EPA has been invited to present the views of its experts on this subject, and it is anticipated that proposed regulations will result.



21. Agricultural Wastes. The EPA is preparing a proposal for regulations to control feedlot wastes, and Board meetings have been scheduled for preliminary inquiries into pollution problems resulting from fertilizers and pesticides. Mr. Aldrich is working on additional proposals.

22. Open Burning. The statute puts a blanket ban on open burning or refuse and allows the Board to make exceptions based on absence of harm. Questions have arisen concerning the relation between this provision and the old regulations allowing backyard incineration. Mr. Lawton will propose a new regulation to make clear the applicability of the new statute to such matters as leaf-burning, with perhaps a distinction between rural and urban areas.

After this discussion of priorities, the Board discussed the desirability of employing outside hearing officers to help alleviate the increasing burden of variance cases. Those present agreed that a fee of \$200 per day of hearing or pre-hearing conference plus actual travel expenses was a reasonable one, with no additional fee for incidental time spent in setting up hearing dates, transmitting notices, or examining the transcript. Mr. Lawton agreed to work with Mr. Kissel in the immediate future to set up a list of hearing officers and a fee schedule and to arrange a briefing for those on the list to explain the practices, procedures, and problems of conducting Board hearings. In particular, he said, the briefing should stress the pre-hearing conference practice as illustrated by the transcript in the Truax-Traer case and by experiences of Mr. Kissel as hearing officer in several big cases.

The Board agreed to discuss the case of EPA v. Cooling #70-2, at its next informal meeting.

I, Regina E. Ryan, certify that the Board has approved the above minutes this *9th* day of *December* 1970.

Regina E. Ryan  
Clerk of the Board