

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1971

MILES LABORATORIES, INC.)	
)	
v.)	#PCB 70-51
)	
ENVIRONMENTAL PROTECTION AGENCY)	
)	
OLIN CORPORATION)	
)	
v.)	#PCB 70-48
)	
ENVIRONMENTAL PROTECTION AGENCY)	
)	

Dissenting Opinion (by Mr. Dumelle)

The Board on March 3, 1971 granted Olin Corporation a one-year variance to use its 1.15% sulfur coal during episodes as if it met the 1.0% sulfur coal regulations. In my opinion, this action does not place the importance upon episode control that should be given by this Board.

Air pollution episodes are disaster conditions and have caused illness and death to people. The Thanksgiving 1966 episode in New York was probably responsible for 24 deaths each day for seven days. The great London disaster of 1952 killed between 3,500 and 4,000 persons (Virginia Brodine, Environment, Jan.-Feb., 1971, p. 18, 20). Raw data, upon which this Board has urged an institute investigation, indicates that some 125 excess deaths may have occurred in the Chicago Nov. 6-12, 1969 episode.

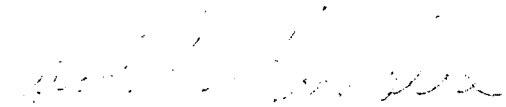
The Board's opinion by Mr. Currie, argues that Olin has a firm gas contract and thus cannot burn the low sulfur coal in the ordinary course of business. Gas contracts usually bind the gas company to supply the gas but generally set only minimum and maximum quantities to be used. Certainly Olin could either (1) burn up its coal in some programmed fashion or (2) purchase additional lower sulfur coal and blend it with the 1.15% coal to achieve an average of 1.0% sulfur.

The majority Board opinion argues that the 1% sulfur coal is needed only in the "unlikely event" of a gas outage. This argument is really an argument against the very regulation which this Board in its wisdom

just enacted on November 24, 1970. If the Board's new regulation requiring a four day supply of low sulfur coal is not needed in cases where the gas supply has a proven record of great reliability then the regulation ought to be amended through established procedures.

The Environmental Protection Agency, in opposing this variance stated,

"The fact remains, however, that the Board's regulations expressly require coal having less than 1% sulfur content. Those regulations are very recently adopted. Furthermore, they were adopted after numerous public hearings and the receipt of a great deal of evidence. Accordingly, the Board's decision to require less than 1% sulfur coal must be accepted as being current and well-founded. Finally, to allow this petition would be encouraging others who have greater than 1% sulfur coal on hand to petition for a variance. The line must be drawn somewhere, and the Board has recently drawn it."



Jacob D. Dumelle
Member
Illinois Pollution Control Board

I, Regina E. Ryan, Clerk of the Illinois Pollution Control, certify that Mr. Jacob D. Dumelle submitted the Dissenting Opinion this 11th day of March, 1971.



Regina E. Ryan
Clerk
Illinois Pollution Control Board