

ILLINOIS POLLUTION CONTROL BOARD  
July 22, 1976

U.S. INDUSTRIAL CHEMICALS )  
COMPANY, DIVISION, NATIONAL )  
DISTILLERS AND CHEMICAL CORPORATION,) )  
 )  
 ) Petitioner, )  
 v. ) PCB 76-78  
 )  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is the application of the rule of law laid out by the U.S. Supreme Court in Train v. NRDC, 43 LW 4467, April 16, 1975.

The essence of Justice Rehnquist's opinion is that State variances may not be granted beyond the attainment date (mid-1975) if ambient air quality standards are or will be violated.

The Petitioner, in its own submission, shows serious violations of the 3-hour 0.5 ppm standard ( $1300 \text{ ug}/\text{m}^3$ ) for sulfur dioxide for Cases "A" and "B" (see Amended Petition, Figure 1). The Case "A" curve shows a peak value of about  $2300 \text{ ug}/\text{m}^3$  which is some 77% over the 3-hour Federal and Illinois air quality standard.

In addition, the Agency's Recommendation points out an unstudied and worst case condition as follows:

Furthermore, Petitioner has not performed any calculation for "D" stability class and high wind speeds. For sources with small stacks, the Agency is of the opinion that "D" stability with a high wind speed will often lead to higher ground level concentrations than "A" or "B" stability (Rec. p. 5)

Thus, the 77% excess over the standard may in fact be far higher.

Given this obvious violation of an air quality standard, the

Board has now fully and completely reversed its stand in Train.  
It should so state explicitly so that the public may receive  
guidance.

Submitted by Jacob D. Dumelle  
Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control  
Board, hereby certify the above Dissenting Opinion was submitted on  
the 26<sup>th</sup> day of July, 1976.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board