## ILLINOIS POLLUTION CONTROL BOARD September 20, 1973

MARQUETTE	CEMENT	MANUFACTURING		COMPANY	)		
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Dissenting Opinion (By Mr. Dumelle):

My dissent in this case is based upon the operation by Marquette of its Kiln No. 3 so as to create a health hazard.

The grant of the variance by the Board shields Marquette from prosecution from April 6, 1973 to May 26, 1973 for violating particulate emission levels. I question whether the original variance (PCB 70-23, 1 PCB 145, January 6, 1971) contemplated below ground level emissions of 6,500 lbs. per hour at any time.

But even saying that the period from March 1, 1973 (when the precipitator fire occurred) to April 6, 1973 somehow came under the original variance grant does not excuse operation from April 6 to May 26.

High-volume air samplers were first installed by the Agency on May 1 (Amended Recommendation, p. 3). Their data was presumably available a few days later. So even had Marquette vaited until the May 1, and May 8 and 9 readings were available, they should have shut down by May 12 at the latest. The additional operation for 14 days until May 26 may have shortened someone's life or caused permanent health damage.

While the record is not clear, it would appear reasonable that Marquette itself could see, without measurement, the enormity of their dust emissions. And in good conscience they should have voluntarily cut back production much sooner - even in April, if the problem occurred then.

The Agency may wish to consider the requirement for a tall stack as a "fail-safe" device in future permits involving precipitators with short stacks on processes which cannot be shut down instantly. Not only would the effects of the controlled emissions be reduced by a tall stack but should control equipment fail (by fire, or electrical failure), then the tall stack might be the sole protection for people's lives.

Jacob D. Dumelle

Christan Mayott

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Dissenting Opinion was filed on the \_\_\_\_\_\_\_ day of September, 1973.