

ILLINOIS POLLUTION CONTROL BOARD  
August 12, 1976

OLIN CORPORATION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 76-165  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

DISSENTING OPINION (by Mr. Dumelle):

This is a difficult case upon which to dissent. I agree with the majority of the Board and with the record on the hazards involved in dismantling these buildings rather than burning them.

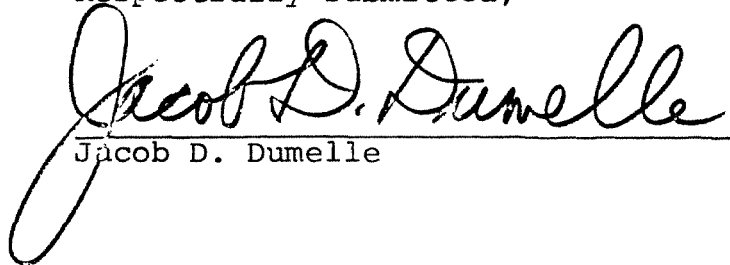
Most of the emissions from the buildings are of a de minimus nature. However, the Train v. NRDC decision, 421 U.S. 60 (1975) prohibits State variances when ambient air quality standards are in violation.

Air quality in the nearby area would be impacted by the 1000 lbs. of particulate to be emitted in the proposed single day of burning. The particulate standard of 75 ug/m<sup>3</sup> on an annual average was violated in 1975 at Granite City in 5 locations with levels being recorded of 158, 138, 105, 97 and 96 ug/m<sup>3</sup>. The same standard was also violated at Cahokia (103), Wood River (81), East St. Louis (80), and Alton (78). (See 1975 Annual Air Quality Report issued by the Illinois Environmental Protection Agency, p. 42).

Were these four buildings to be used for firefighting instruction, then a permit could be issued by the Illinois Environmental Protection Agency under Rule 504(a)(1) of the Air Pollution Control Regulations and no variance would be needed. But that Rule does not cover buildings used in explosives manufacturing and should not be used as a subterfuge to avoid the variance issue.

What simply must be done is to bring the air of the Metro East area to clean and healthy levels and then this type of issue would not squarely face the Board. I am not comfortable in this dissent but I feel the U.S. Supreme Court has given all of us no choice in the matter.

Respectfully submitted,

  
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Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 30<sup>th</sup> day of August, 1976.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board