

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1976

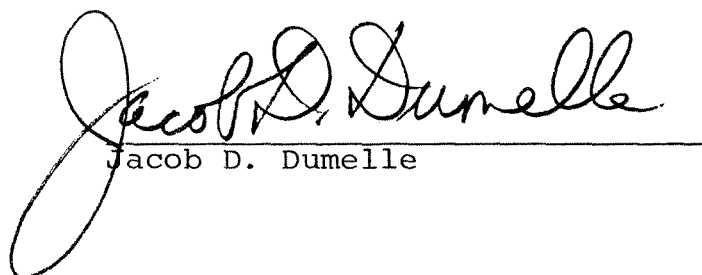
QUALITY READY MIX CONCRETE COMPANY,)
)
) Petitioner,)
)
)
) v.) PCB 76-224
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this cause is the fact that air quality in nearby Clinton, Iowa exceeds the Federal standard for particulate matter. The Agency's Recommendation give the annual geometric mean as 82.5 ug/m^3 compared to the standard of 75.


Thus in the absence of a showing that this source does not contribute to this violation of air quality I feel that Train v. NRDC, 421 U.S. 60 (1975) governs. Also Section 116 of the Clean Air Act prohibits the "adoption" of an emission standard or limitation less stringent than in the approved Illinois implementation plan. (See International Harvester v. Environmental Protection Agency, Dissenting Opinion, PCB 75-271, September 15, 1976).

Federal decisions and Federal law apply to the entire country. And the fact that the receptor of Illinois emissions in this case may be in Iowa does not mean that it should not receive protection from poor air quality.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 12th day of November, 1976.



Christan L. Moffett Clerk
Illinois Pollution Control Board