

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

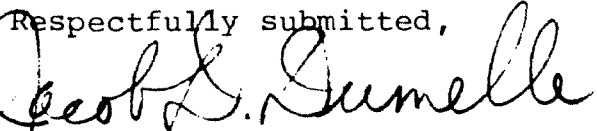
CITY OF CHICAGO,)
)
) Petitioner,)
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)
) v.) PCB 77-108
)
)
) ENVIRONMENTAL PROTECTION AGENCY,)
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)
)
) Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

The relief petitioned here is a variance from the Board Order of September 30, 1976 in PCB 73-285, 286 and 457 which required adherence to a stipulated compliance plan. It is my belief that air variances may not be granted after July 31, 1975 (See International Harvester v. EPA, PCB 75-271, September 15, 1976, Dissenting Opinion, 23 PCB 451) where Federal ambient air quality standards are not being met.

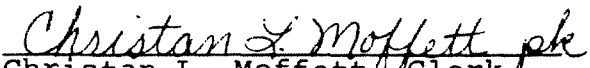
The Agency's recommendation shows that the nearest particulate monitoring station (4136 S. California Avenue), which is 1.8 miles west, was more than 10% over the Federal primary standard. This station registered 83 ug/m³ of particulate during 1976 compared to the national standard of 75 ug/m³. The national secondary standard is 60 ug/m³. Thus, until the Federal Clean Air Act is amended or until court decision hold otherwise, it is my feeling that this variance is not legally permissible under these facts.

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 30th day of June, 1977.



Christan L. Moffett, Clerk
Illinois Pollution Control Board