



Five citizens, who live within one-half block from the O'Keefe Bros. Coal Company, testified at the hearing, but the testimony of one citizen witness was excluded from consideration by the Board because of prejudice against Respondent. The remaining four citizens all testified that they could identify the dust in and around their homes as being coal dust because they either used to burn coal as a home heating fuel (R. 19, 20) or from the coal dust's physical characteristics (R. 110, 132, 134, 167, 170 and 197). The four citizen witnesses testified that they were subjected to more coal dust when the wind was either from the south, southeast, or southwest (R. 48, 62, 63, 77, 124, 133, 135, 169, and 195). Mrs. Karpinski testified that:

"If it happens to be day when there is wind, and I say in our cases the wind would have to be from the west or southwest, depending from which direction, the coal dust is driving toward our houses. It is in the air. You can see it at that time".(R.48)

The four citizen witnesses also testified that more coal dust is present when coal handling operations are in progress at the O'Keefe Bros. Coal Company. Mrs. Karpinski testified:

"I tell you when you see most of it (coal dust)when we have a wind from the southwest and they pick up the coal with these big scoops and drop them, you get all that dust coming, depending on the wind". (R. 21).

Mrs. Canova testified:

"When they are loading their trucks up with their big shovels or big scoops...you can see the dust coming from the coal yard".(R. 81)

Mrs. Jabonski testified:

"...when the crane is...dropping your coal, there is a certain amount of dust you can see as the coal is put down".

Mrs. Jabonski further testified:

"I can do them in the morning (clean the venetian blinds or window sills) and when the coal yard is working you can find it (coal dust) in an hour after you are through dusting then, you have got a film there".(R. 131).

Both Mrs. Karpinski and Mrs. Jabonski testified that coal dust was not present before O'Keefe Bros. Coal Company located in the neighborhood (R. 50, 116, and 117).

I would find that the above citizen testimony clearly establishes that O'Keefe Bros. Coal Company was allowing the emission of coal dust in sufficient quantities to constitute air pollution as prohibited by Section 9(a) of the Environmental Protection Act. I believe the Majority erred in dismissing the allegation of violation of Section 9(a) of the Environmental Protection Act.



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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 19<sup>th</sup> day of December, 1973.



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Christan L. Moffett, Clerk  
Illinois Pollution Control Board