

ILLINOIS POLLUTION CONTROL BOARD
August 1, 1974

COMMONWEALTH EDISON COMPANY)
)
)
 v.) PCB 74-11
)
)
 ENVIRONMENTAL PROTECTION AGENCY)
)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is that I believe that Commonwealth Edison Company has not carried its burden of evaluating environmental hazards caused by its operation of the Waukegan Power Plant.

The predecessor variance, PCB 73-40, was granted on October 4, 1973 to run until April 4, 1974. On April 14, 1974 the Board granted an interim variance until May 29, 1974 in this proceeding. On May 29, 1974 a second interim variance was granted until August 4, 1974. The majority decision of this day extends the variance for a third time until October 4, 1974.

The order in PCB 73-40 clearly requires that Edison establish a 9-station network of particulate and SO₂ monitoring stations (Par. 3). In particular the order states "Daily data is to be furnished to the Agency". The November 29, 1973 supplemental order retained the requirement for daily data to be furnished to the Agency. The supplemental order goes on to state

Once the network of monitoring stations has been placed in service, the limitation on the operation of the Waukegan station herein specified shall be suspended to allow the accumulation of relevant data to enable the Board to better evaluate the actual effects of Waukegan Station emissions on ambient air quality.

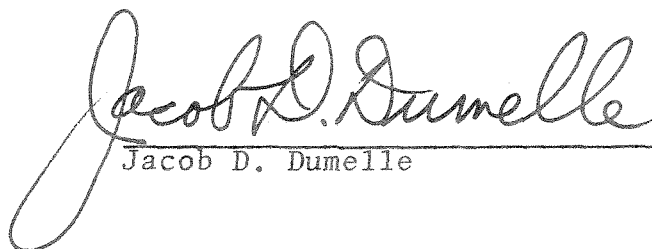
The intent of these orders is quite clear especially when read with my October 4, 1973 opinion in PCB 73-40 and PCB 72-491. Severe health hazards were found to exist by the Board because of both SO₂ and particulate projected levels. The intent was to gather daily data on both SO₂ and particulate and evaluate the health hazard by actual measurement.

Edison has not furnished a scrap of data on particulate measurements even though its network has been operative since April 17, 1974. The Edison petition, filed two months later, on July 22, 1974, provides ambient SO₂ data (Ex. D) but states "Particulate and meteorological data is not yet available".

Beyond this nothing else appears in the record. High-volume air samplers, evidently used in this network, operate for 24-hours with a pre-weighed filter. After operating, they are turned off and the filter removed. All that remains is to stabilize the filter to a uniform humidity and then re-weigh. Thus there seems to be no reason why particulate data from April 17 to July 17, inclusive, could not have been provided. Ninety days of data from nine stations would be far better than no data from any station.

The Illinois Environmental Protection Agency did not go on record in the instant interim variance extension. It has the initial burden of ensuring adherence to Board orders but made no comment on the failure of Edison to comply.

The majority order (pp. 5-6) expresses "grave doubts" about granting this interim variance. I would have rejected the Waukegan interim variance and granted the portion dealing with the Sabrooke plant. Board orders are written to be obeyed. And where public health is the reason for the order, compliance ought to be insisted upon.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 5th day of September, 1974.



Christan L. Moffett, Clerk
Illinois Pollution Control Board