

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1991

JEFFERSON SMURFIT CORP.,)
)
) Petitioner,)
)) PCB 91-8
) v.) (Provisional Variance)
))
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
))
) Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

The Petitioner had been burning coal of about 1.5 lbs per MMBtu sulfur dioxide emission potential. The standard is 1.8. The "average" expected SO₂ emission rate is 1.87. The maximum permitted under the majority's grant of this provisional variance is 2.0 lbs. of SO₂ per MMBtu.

Nowhere in the IEPA's Recommendation or in the Petitioner's materials is there any statement about the ambient levels of sulfur dioxide. Is the AAQS (ambient air quality standard) for a one-hour period exceeded using coal which causes an emission of 2.0 lbs. SO₂ per MMBtu?

We do not know. No one in Illinois has had an opportunity to ask for a public hearing or to comment on this variance from the existing 1.8 standard.

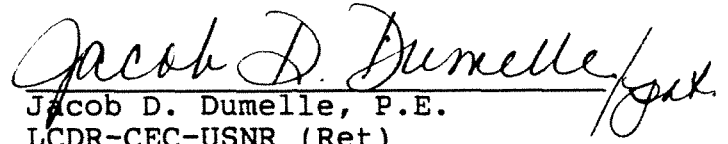
The difference of 0.2 lbs per MMBtu between the standard and the permitted rate represents an 11% increase in sulfur dioxide emissions. Is the Alton area right at the air quality standard or is it well below? If periods of fumigation occur in high winds will the AAQS be exceeded under the variance? We are told nothing.

This Board's first duty is to safeguard the health of its citizens. We don't know if this variance protects Illinoisans' health.

The Board's second duty is not to violate USEPA standards. To do so repeatedly (more than once a year on average) will make portions of Illinois liable to designation as "non-attainment areas". That designation may bring with it a construction ban on new or expanded industry in the Metro East area.

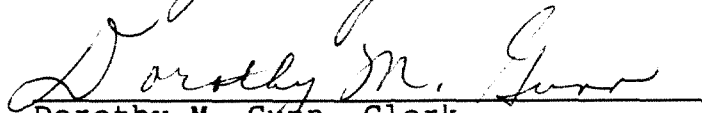
The IEPA on p. 2 of its Recommendation states "...the average expected sulfur dioxide emission rate is 1.87 lb/MMBtu...". But IEPA does not give the period over which that "average" is figured. The maximum one-hour ambient air quality level resulting

from the burning (at the 2.0 lbs level actually granted) has to be computed and checked against the USEPA standard. It appears this was never done because all of the materials submitted are silent.


Jacob D. Dumelle, P.E.
LCDR-CEC-USNR (Ret)
Board Member

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 29th day of January, 1991.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board