

ILLINOIS POLLUTION CONTROL BOARD  
March 27, 1986

IN THE MATTER OF: )  
 )  
PETITION FOR SITE-SPECIFIC ) R 84-48  
REGULATION APPLICABLE TO )  
PARTICULATE EMISSIONS FROM )  
LTV STEEL COMPANY'S )  
CHICAGO WORKS HOT SCARFING )  
MACHINES (35 Ill. Adm. Code )  
212.451) )

DISSENTING STATEMENT (by R. Flemal):

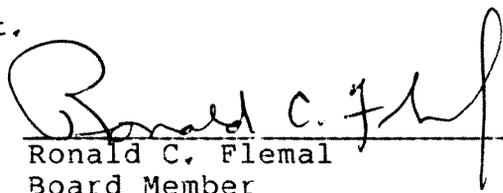
While I agree with the facts and determinations as presented in the majority Opinion, I believe that the rule as proposed is inconsistent with these same facts. LTV has made a convincing argument that to upgrade existing pollution control equipment on its hot scarfing machine would impose an arbitrary or unreasonable financial burden. Given this circumstance, it is the combination of the pollution control equipment and the hot scarfing machine, and not just the hot scarfing machine (as proposed by the majority), to which the exception is appropriately applied. To determine otherwise is to allow that LTV could alter the pollution control equipment, conceivably into configurations where financial burden could no longer be successfully argued, and yet continue to operate under the exception.

There are several methods by which the discrepancy between the Opinion and the proposed rule could be rectified. The most straightforward would have been to include the pollution control equipment within the portion of the proposed rule which defines the equipment to which the exception applies, as follows:

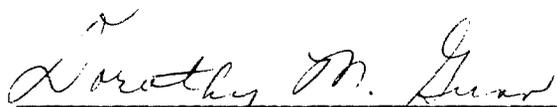
Provided, however, that the existing hot scarfing machine and its existing pollution control equipment operated by the LTV Steel Company, Inc., at its Chicago Works, may emit particulate ...

Alternatively, the proposed rule could have included a provision whereby the rule expire at some specified future date. At this future date the justification could then be reviewed to ascertain whether it continues to exist.

For these reasons, I dissent.

  
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Ronald C. Flemal  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Statement was submitted on the 3<sup>rd</sup> day of March, 1986.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control