

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1988

IN THE MATTER OF: )  
 )  
ORGANIC MATERIAL EMISSION ) R86-18  
STANDARDS AND LIMITATIONS: )  
ORGANIC EMISSION GENERIC )  
RULE )

DISSENTING OPINION (by J.D. Dumelle):

The effect of the majority's 4-3 passage of this rule may well be to cause the shut down of the Viskase Corporation plant in Bedford Park for a loss of 400-1000 jobs.

The majority decision is wrong because it misunderstands the very purpose of this type of rule. This rule is a "RACT" rule. "RACT" is the acronym for "reasonably available control technology." The very words "reasonably available" imply an economic test. Shutting down a plant is an "unreasonable" measure by any interpretation.

A second reason the majority's decision is wrong is that all Board rules, including RACT proposals, must also be "economically reasonable and technically feasible." It is economically unreasonable to shut down the plant.

This rulemaking was not designed to solve the ozone problem in the Chicago area. Indeed, if Viskase were to close, its 218 tons per year of carbon disulfide emissions in a typical year would not begin to reach the approximate 100,000 tons per year reduction needed to meet the ozone standard in the Chicago area.

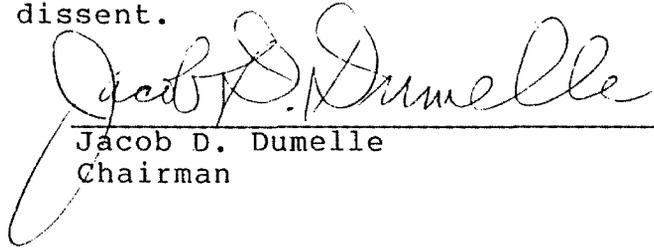
The majority places great weight upon the availability of an adjusted RACT standard to Viskase. But if the adjusted standard is not granted or later disapproved by USEPA the plant will close anyway. The passage of this rule today by a 4-3 vote puts Viskase at the risk of prosecution by any citizen or by the Attorney General.

Viskase, if closed, would have to eliminate at least 400 jobs. If it also moves its research and development and administrative headquarters an additional 600 jobs would be lost to Illinois. Every job in manufacturing generates 0.65 other jobs in retailing and services. Thus the 1,000 jobs, if lost, become about 1,650 jobs in total that would disappear.

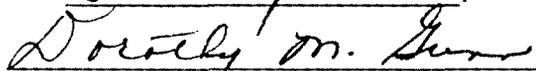
This Board, absent a severe and proven public health situation, should not cause factories to close. And since the 4-

3 majority misunderstood the nature of this rulemaking their action was clearly wrong legally.

For these reasons, I dissent.

  
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Jacob D. Dumelle  
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 8<sup>th</sup> day of February, 1988.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board