

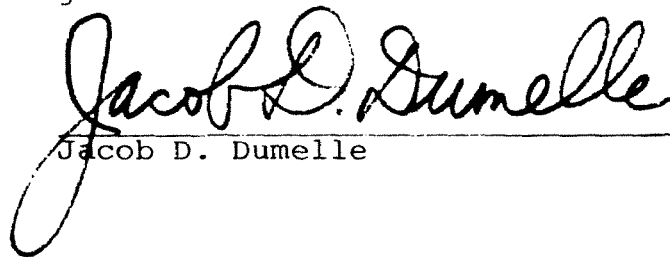
ILLINOIS POLLUTION CONTROL BOARD
April 14, 1977

STEPAN CHEMICAL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 76-161
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by Mr. Dumelle):


My reason for dissenting in this matter is that I believe the Board may not grant variances where ambient air quality standards have not been attained by mid-1975 (See International Harvester v. Environmental Protection Agency, PCB 75-271, September 15, 1976, dissenting opinion).

The carbon monoxide and particulate emissions here appear to be de minimus in their effect upon air quality. The non-particulate hydrocarbon emissions of 358 lbs/hr. are photochemically reactive materials which would enter into the creation of oxidants. Air quality standards have not been met for oxidant in the Chicago Metropolitan Area which is the location of this source. Thus, under Train v. NRDC, 421 U.S. 60 (1975), a variance from Rules 205(f) and 205(g)(1)(c) may not be granted.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 21st day of April, 1977.



Christan L. Moffett, Clerk
Illinois Pollution Control Board