

ILLINOIS POLLUTION CONTROL BOARD
July 8, 1976

SALEM GRAVURE, DIVISION OF WORLD)
COLOR PRESS, INC.,)
)
Petitioner,)
)
)
v.) PCB 76-51
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

My dissent in this case rests upon three considerations:

1. The variance flies in the face of a U.S. Supreme Court decision.
2. The episode-type control required ignores all of the recent findings on oxidant precursor transport.
3. The monitoring program required has no cost estimates and may be impossible for fulfillment because of equipment delivery time.

1. The U.S. Supreme Court Decision

On April 16, 1975 the U.S. Supreme Court in Train v. NRDC, 43 LW 4467, forbade states from issuing variances which would interfere with the attainment of national ambient air quality standards after mid-1975. The 83.9 tons of solvents to be emitted at this location until October 1976 will "enhance" the production of photochemical smog and ozone (Majority Opinion, p. 2). Ozone is a problem all over Illinois as is verified by the 1975 Annual Air Quality Report issued by the Illinois Environmental Protection Agency. In this report, the statement appears "Statewide, all air quality control regions having ozone monitors recorded violations in 1975 even though not every site within a region had a violation" (p. 41).

Thus this variance is squarely against the U.S. Supreme Court's decision. (See also interim order in King-Seeley Company v. Environmental Protection Agency, PCB 75-159, April 24, 1975, 16 PCB 505.)

2. Episode Control and Oxidant Transport

The variance imposes shutdowns on the Petitioner when ozone levels exceed 0.17 ppm after the third consecutive day of such levels. The reactive hydrocarbons emitted are precursors (ingredients) in the formation of oxidant. But the oxidant so formed may be 100 miles or more away when it is formed and thus never be detected on monitors based in or around Salem. The oxidant air quality problem may manifest itself in Olney or Effingham or Mattoon or Charleston. Yet a source of the oxidant would continue to operate indefinitely under this variance as drawn because of the point of measurement.

3. Monitoring Costs and Equipment Delivery

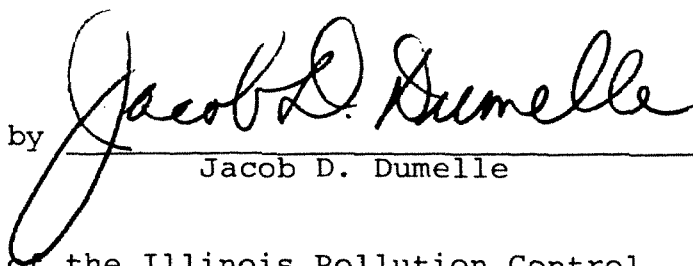
No cost estimates appear in this record for the monitoring program ordered. Since in-stack and ambient air monitoring equipment is required for both ozone and hydrocarbons "proximate to its printing facility" it can be seen that at least ten (10) separate monitors are needed even if only four wind directions are covered.

We know nothing of the total cost or equipment availability. It is quite probable that such a monitoring program, including technician labor and data analysis would run to at least \$50,000 for the one year period ordered. But if the equipment is not available, then performance becomes impossible.

In summary then, the Board has granted a variance which is not within its power to grant under law. The variance sets up shutdown conditions which are ill-conceived and mandates a monitoring program which is expensive and perhaps impossible to implement within the stated time period.

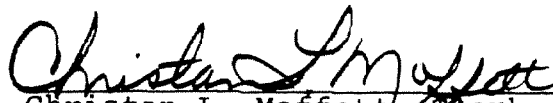
I respectfully dissent.

Submitted by



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 19th day of July, 1976.



Christan L. Moffett, Clerk
Illinois Pollution Control Board