

ILLINOIS POLLUTION CONTROL BOARD  
December 4, 1975

TEXACO, INC. )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 75-339  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

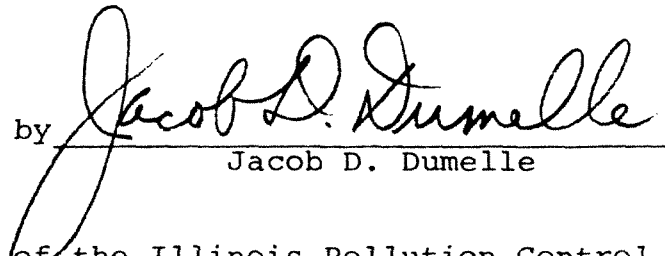
DISSENTING OPINION (by Mr. Dumelle):

My dissent is based upon two reasons. First, I do not agree that Texaco has shown good faith in achieving compliance with the Regulations. Texaco made a deliberate corporate decision in 1973 that compliance would not be achieved for this source in 1975 by doing other, earlier compliance date projects first. Texaco had a duty under the Environmental Protection Act, and certainly the resources, to put enough effort and manpower, to achieve all of the dates in timely fashion.

The Board, by its majority decision here, is saying that half a loaf on time excuses the other half which can be 15 months late. This is a dangerous precedent.

Second, the analysis of air quality is deficient under the Train v. NRDC decision. Joliet and Lockport are in Will County which is part of the Metropolitan Chicago Interstate Air Quality Control Region established by the U.S. Government on March 31, 1971 (42 CFT 481.14). The showing required under Train may well have to be that no part of this Air Quality Control Region violates ambient air quality standards for sulfur dioxide.

For these reasons, I 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 10<sup>th</sup> day of December, 1975.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board