

ILLINOIS POLLUTION CONTROL BOARD
June 26, 1975

IOWA-ILLINOIS GAS AND ELECTRIC)
CO.,)
)
Petitioner,)
)
v.) PCB 75-150
)
)
ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

My dissent in this case follows the reasons advanced by me in my dissenting opinion in Shell Oil Company v. Environmental Protection Agency, PCB 75-90, May 22, 1975.

The "legal airshed" affected by the sulfur dioxide emissions of the Iowa-Illinois Gas and Electric Company may be the Metropolitan Quad Cities Interstate Air Quality Control Region. This AQCR was established by the Federal government effective December 8, 1970. It includes the Illinois counties of Carroll, Henry, Mercer, Rock Island and Whiteside and the Iowa counties of Clinton, Louisa, Muscatine and Scott.

The Petitioner itself has presented no air quality data in this case and gives only a conclusory statement (Pet.p.10). The Board majority opinion finds that the U.S. Supreme Court requirements as set out in Train v. NRDC, April 16, 1975, are met in this case by the air quality data from a single monitoring station located three miles from the subject facility.

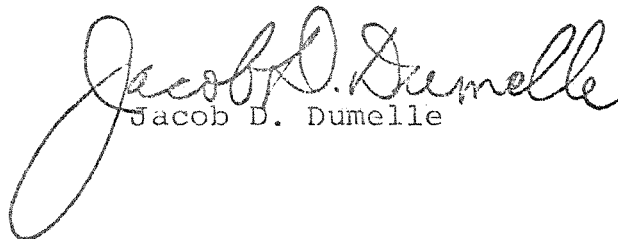
We are not told if this single measuring station is upwind or downwind (on an annual average using wind directions) from the source. In the Shell case the Board at least had data from not one, but three monitoring stations in the vicinity of the source. My dissent in Shell went to the background contribution of that discharge to known nearby violations of Federal air standards.

We do not know if the sulfur dioxide air standards are being violated anywhere in the nine counties listed. As a minimum, data

from Davenport, Iowa, which is just across the Mississippi, should have been submitted. Modelling or diffusion data downwind from the Moline facility should have also been submitted since we have no knowledge, on the record, of the stack heights at this location. And if we reject the "legal airshed" argument, we are left with nothing in this record to describe the "physical airshed" of the Quad-Cities Region. As I noted in Shell, a river-based region can experience channeling of pollution along a valley because of bluffs which act as guide walls for winds.

Finally, the alternatives of (a) selling the 0.5% sulfur oil or (b) blending it with less-than 0.27% sulfur oil to consume it in conformance to the regulation, were not explored.

I would have denied the Variance without prejudice and the Petitioner could have later presented information on the points noted.


Jacob D. Dumelle

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 23rd day of July, 1975.


Christian L. Moffett, Clerk
Illinois Pollution Control Board