

ILLINOIS POLLUTION CONTROL BOARD
December 27, 1971

U. S. INDUSTRIAL CHEMICALS COMPANY,)
DIVISION OF NATIONAL DISTILLERS AND)
CHEMICAL CORPORATION) #71-44
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (BY MR. LAWTON):

On October 14, 1971, the Board entered an Order granting U. S. Industrial Chemicals Company a variance to exceed the particulate emission limitations set forth in the Rules and Regulations Governing the Control of Air Pollution, subject to terms, conditions and time schedules set forth in said Order. Paragraph 4 of the Order provided as follows:

"The Company shall, within thirty-five days after receipt of this Order, post with the Agency a bond or other security in the amount of \$500,000.00, in a form satisfactory to the Agency, which sum shall be forfeited to the State of Illinois in the event that the conditions of this order are not complied with or the facilities in question are operated after expiration of these variances in violation of regulation limits."

On December 20, 1971, the Board received a Motion for Stay of Order pending review of the Order in the Appellate Court, which motion asserted that the petitioner and the Environmental Protection Agency have been unable to agree on a form of bond, and accordingly, petitioner is not able to comply with the Board's Order in this respect.

We stay our Order of October 14, 1971 as to the bond, to January 17, 1972, and direct the petitioner and the Agency, respectively, prior to said date, to submit to the Board the form of bond proposed by each party. After receipt of the proposed bond forms, we shall issue a further Order directing the form of bond to be posted, and such further order as to stay as shall be appropriate in the circumstances. In all other respects, the motion for stay of our October 14, 1971 order is denied so that petitioner may proceed with its program of compliance as contemplated by our order.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the above Supplemental Opinion and Order was adopted on the 27 day of December, 1971 by a vote of 4-0.

