

ILLINOIS POLLUTION CONTROL BOARD
January 31, 1972

MOLEX, INC.)
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 v.) # PCB 71-200
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 ENVIRONMENTAL PROTECTION AGENCY)

Opinion and Order of the Board on Motion to Reopen (by Mr. Currie):

Our January 6, 1972 order granted Molex a variance to complete its particulate control program on several conditions, some of which the company asks us to modify or to stay pending appeal.

First Molex asks that we extend the period of the variance beyond May 22, 1972 to August 22 because of difficulties in obtaining a permit from Cook County. These difficulties are not new. This argument was made at the hearing, and taken into account by the Board. It was our conclusion that pollution from this plant had gone on long enough; that any additional hardship attributable to troubles with the county were self-inflicted in the sense that timely attention to the pollution problem would have made all this unnecessary; and that pollution from the plant should cease within seven months from the date of hearing. We decline to change our minds on the subject. We are not ordering the company to close on May 22 if it is not in compliance; we merely refuse to give it a shield against prosecution if it remains in violation thereafter. What sanctions to impose at that point would await a complaint and hearing.

We deny the motion to set aside the penalty and bond required by the order. Our authority to impose these requirements is established by a long line of prior cases and the order sustained by the record. In line with prior cases, e.g., Spartan Printing Co. v. EPA, # 71-19 (Oct. 14, 1971), we will as requested stay payment of the penalty on condition that a bond be posted assuring payment of the penalty, with 5% interest, in the event the order is sustained on appeal. To stay the bond would render that requirement meaningless and we decline to do so.

Finally, Molex asks that we modify the order to permit compliance with the regulations by process modifications as an alternative to the installation of a scrubber. We are not concerned as to how compliance is achieved; so long as emissions

meet the regulation limits our order is satisfied, and it is hereby amended to make that clear.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board on Motion to Reopen this 31 day of January, 1972 by vote of 5-0.

Christan Moffett