

3. The Utility shall post a bond in a form approved by the Agency to guarantee performance of the conditions of the granting of this variance. Said bond shall be in the amount of \$500,000.
4. Failure to comply with any of the conditions of this variance shall result in the revocation of the grant of this variance."

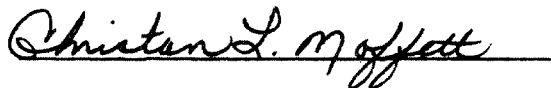
On December 6, 1971, we received a Motion for Reduction of Performance Bond, or, in the alternative, for a stay. The company asserts that the \$500,000.00 bond required was arbitrarily determined and constitutes a penalty, and as such, is unjust, discriminatory and unlawful. In support of its assertion, the company alleges an increase in its total indebtedness and represents that the proposed construction will entail additional borrowing in the approximate amount of \$680,000.00. Petitioner also alleges that the requirement of the Environmental Protection Agency that the obligation of the bond be shown as a liability in the company's corporate financial statements will impair its credit and hinder its ability to obtain the necessary funds to pursue its abatement program.

Lastly, the company asserts that the order of the Board is discriminatory when considered in light of other orders entered requiring posting of a bond.

We deny the motion for reduction, or in the alternative, in the stay of the bond. Normally, in cases of this sort, we have required a bond in the approximate amount of the construction cost anticipated. However, in instances where the construction is in the millions of dollars, we have often required a bond in the amount of \$500,000.00, feeling that this will furnish adequate assurance that the program of abatement upon which the variance was granted will be pursued to final completion. Cf. Illinois Power Company v. Environmental Protection Agency, Nos. PCB71-193, 195, 196, 197, 198.

Petitioner has asserted no facts suggesting in any way that our order is arbitrary or unreasonable, and, accordingly, the motion for reduction or stay is denied.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Supplemental Order and Opinion was adopted on the 6th day of January, 1972 by a vote of 4-0.


Christan L. Moffett