

ILLINOIS POLLUTION CONTROL BOARD  
November 11, 1971

ILLINOIS POWER CO. )  
 )  
 )  
 v. ) PCB 71-193  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

Order on Motion for Stay and Petition for Further Proceedings:

Our order of September 30, 1971 approved the company's revised program for complying with the particulate emission regulations on certain conditions. The company asks that we reexamine those parts of the order pertaining to penalty, bond, and operating restrictions and stay those portions pending rehearing and appellate review. We grant the motion in part as hereinafter described.

The decline to reconsider the penalty or bond provisions, on which the factual issues were amply explored at the hearing and the legal issues settled by prior decisions of the Board. The company has had its opportunity on those issues. Details of the bond or other security can be worked out with the Agency. As in prior cases, we shall stay the penalty but not the security pending appeal. See Spartan Printing Co. v. EPA, # 71-19 (Sept. 16, 1971).

The company suggests that the operating restrictions imposed by our order will unreasonably hamper its operations. The company may submit particulars to support this claim, and we shall consider the issue on its merits. But since the conditions were meant to restrict use of the units in question only when other sources of power are available, we see no emergency that would induce us to stay these important provisions without proof of how they are said to interfere. The stay is therefore denied on this issue.

On November 9 we received a request for relief from the requirement that equipment for Wood River units 1-3 be ordered by January 1, 1972. We recognize that the time is short and what counts is ultimate compliance. Given these facts we accept the company's assurance of compliance with the date for beginning construction as an adequate interim checkpoint. The date for ordering equipment is stricken.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Order this 11 day of November, 1971.

