

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1971

COMMONWEALTH EDISON COMPANY)

v.)

ENVIRONMENTAL PROTECTION AGENCY)

PCB 71-129

Supplemental Statement (by Mr. Dumelle)

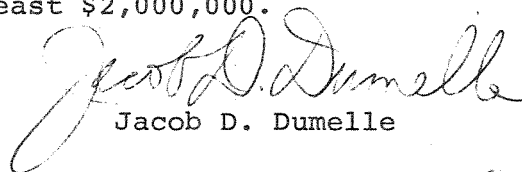
While I fully concur in the unanimous opinion in this case I do wish to point out that the bond has been set at only \$500,000. This is contrary to the Board's previous policy of requiring a bond equal in amount to the cost of the control facilities being constructed.

In GAF Corporation v. EPA, PCB 71-11 (April 19, 1971) a variance was granted to a water polluter which included the condition that the company post a bond in the amount of \$2,600,000. The amount represented the company's estimate of the cost of installation of control facilities.

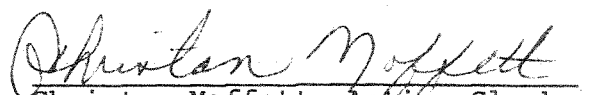
Standard Brands, Inc. v. EPA, PCB 71-98 (August 2, 1971) was another water pollution case in which we required a bond as a condition to a variance grant in an amount equal to the cost of control facilities. That figure was \$3,000,000.

The estimated construction cost of treatment facilities in Libby, McNeill & Libby v. EPA, PCB 71-153 (September 30, 1971) was \$220,000 and a bond in that amount was required as a variance condition.

The control equipment promised by Edison to be installed at the Will County Station amounts to \$19,400,000 in cost (R. 710, 743). I agree that a bond in this full amount would be excessive but I feel the Board ought not to now set a "ceiling" of \$500,000 for bonds in every case to come before it in the future. In this case, I would have required a bond of at least \$2,000,000.


Jacob D. Dumelle

I, Christan Moffett, Acting Clerk of the Illinois Pollution Control Board, certify that the above Supplemental Opinion was submitted on the 22 day of October, 1971.


Christan Moffett, Acting Clerk
Illinois Pollution Control Board