ILLINOIS POLLUTION CONTROL BOARD
April 5, 1973

ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
	)	#72-242
v.	)	
	)	
INTERNATIONAL HARVESTER COMPANY,	)	
WISCONSIN STEEL DIVISION	)	

ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Respondent has filed a Motion to Dismiss the above-captioned proceeding on the basis of invalidity of the action because of the Supremacy Clause, which Respondent contends creates a conflict with or preemption by federal legislation, interference with interstate commerce and violation of federal maritime jurisdiction, together with a memorandum in support of said motion.

The Environmental Protection Agency has filed an Answer and Memorandum in opposition of the Motion to Dismiss. Respondent has filed a Motion for Leave to File a Reply Memorandum, to which the Agency has filed objections.

Leave is granted to Respondent to file its Reply Memorandum. The objections of the Agency are overruled.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 5 day of April, 1973, by a vote of 4 to 0.

Christan L. Moffett/ek