

ILLINOIS POLLUTION CONTROL BOARD
December 8, 1977

ENVIRONMENTAL PROTECTION AGENCY)
)
 Complainant,)
)
 v.) PCB 77-286
)
 BURLINGTON NORTHERN, INC.,)
)
 Respondent.)

ORDER OF THE BOARD (by Mr. Goodman)

On November 21, 1977, Respondent filed a Motion to Dismiss Complaint on grounds of federal preemption. On November 28, 1977, Complainant filed its Response. The Board agrees with the position taken by Complainant in its Response and finds that the federal law does not preempt our consideration of the Complaint filed herein. The Motion to Dismiss is denied.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of December, 1977 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board