

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 75-267  
)  
)  
TERMINAL RAILROAD ASSOCIATION )  
OF ST. LOUIS, a Missouri )  
Corporation, )  
)  
Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

Motion to Dismiss filed on July 24, 1975 is denied. We find that the Federal Noise Control Act of 1972, 42 U.S.C.A. §4901 does not preempt the application of the chapter 8: Noise Pollution Regulations to Respondent as alleged in the present complaint. We further find that Article VI of the United States Constitution is not violated by this complaint. In addition the allegations in the complaint are adequate to advise Respondent of the full extent and nature of the matters complained of, and to prepare a defense.

The allegation concerns localized switching equipment and facilities not the rolling stock. The Federal Noise Control Act of 1972, 42 U.S.C.A. § 4901 et seq., does not preempt until the effective date of federal regulations adopted pursuant to it. There is no federal regulation in effect which pertains to the equipment in question.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 18<sup>th</sup> day of September, 1975 by a vote of 3-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board