

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 1974

ENVIRONMENTAL PROTECTION AGENCY )  
COMPLAINANT )  
)  
)  
v. ) PCB 74-250  
)  
)  
CONSOLIDATED COAL COMPANY, a )  
Delaware Corporation, and )  
CONTINENTAL OIL COMPANY, a )  
Delaware Corporation )  
RESPONDENTS )

ORDER OF THE BOARD (by Mr. Marder)

This matter coming to be heard on the Motion to Dismiss Complaint, filed July 25, 1974, on behalf of Consolidated Coal Co., the Board being fully apprised in the premises herein, finds as follows:

- 1) Consolidated alleges that there is a failure to state a case of action because Part 2 of the Board's Noise Regulations does not go into effect until August 9, 1974.
- 2) That the Agency's Complaint charges violation of Rule 102, which is not included in Part 2 of the Regulations.
- 3) That Rule 102 became effective on August 3, 1973.

Motion to Dismiss Complaint filed by Consolidated Coal Co. is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted by the Board on the 8th day of August, 1974, by a vote of 4 to 0.

