ILLINOIS POLLUTION CONTROL BOARD
July 19, 1973

ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
	)	#72-328
v.	)	
	)	
PEABODY COAL COMPANY	)	
(WILL SCARLET MINE)	)	

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

Motion to dismiss has been filed by Respondent, Peabody Coal Company, alleging that comments made by Agency personnel to a newspaper reporter were false and defamatory, and while not connected with the present action, were designed to "rouse public hostility and to prejudice the judgment of the Board".

We have read the newspaper article attached to the pleading and can assure Respondent that nothing therein contained in any way will prejudice the judgment of this Board, or have any effect on it whatsoever so far as the instant proceeding is concerned.

The motion to dismiss is denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above-captioned Order was adopted on the 19 day of July, 1973, by a vote of 4 to 0.