

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1971

ENVIRONMENTAL PROTECTION AGENCY)
)
 v.) PCB71-291
)
 JAMES MCHUGH CONSTRUCTION CO., et al)

Order on Motion to Dismiss:

The City of Chicago moves to dismiss on the ground that it is an independent contractor not liable for the acts of those with whom it has contracted. This contention raises factual questions that can be resolved only after hearing, as well as the legal question whether the common law immunity of contractors is a part of the Environmental Protection Act. The motion is denied.

I, Christan L. Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above order this 29 day of November, 1971.

Christan L. Moffett