

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1973

CITIZENS FOR A BETTER ENVIRONMENT,)
an Illinois Not-For-Profit Corp.)
)
v.) #72-464
)
JOLIET ARMY AMMUNITION PLANT,)
UNITED STATES ARMY PROCUREMENT)
AND SUPPLY AGENCY)
)
and)
)
UNIROYAL, INC., Operating)
Contractors, a New York Corp.)

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

Motion has been filed by Respondent, Uniroyal, Inc. for dismissal and for a stay of all proceedings asserting that the Board lacks jurisdiction over Uniroyal, Inc. in its capacity as a government contractor, that the complaint failed to state a cause of action and that the Board has not obtained jurisdiction over the United States. Respondent, in essence, contends that since it is under contract with the United States Government, its acts are subject to the same immunity that would otherwise be enjoyed by the sovereign.

Since we have held that the United States Government does not have immunity in this proceeding, such argument falls by its own terms. See Citizens For a Better Environment, an Illinois Not-For-Profit Corp. v. Joliet Army Ammunition Plant, United States Army Procurement and Supply Agency and Uniroyal, Inc., #72-464, () .

We find the complaint to be adequate and further find that irrespective of jurisdiction over the United States Government, a cause of action has been asserted against Uniroyal, Inc. The motion for dismissal and a stay of all proceedings is accordingly denied.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Order was adopted on the 12th day of April, 1973, by a vote of 4 to 0.

Christan D. Moffett