

ILLINOIS POLLUTION CONTROL BOARD
September 24, 1981


CATERPILLAR TRACTOR CO.,)
)
) Petitioner,)
)
) v.) PCB 81-29
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

ORDER OF THE BOARD (by I. Goodman):

Respondent's September 2, 1981 Motion For Leave To Withdraw Motion To Dismiss And For Authorization to establish hearing date is hereby granted. Petitioners' motion of September 11, 1981 to strike is hereby denied. The judicial doctrine of res judicata will not lie in this case since the fact situation is not the same as that of PCB 80-3, the case cited by petitioner.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 24th day of September, 1981 by a vote of 4.



Christan L. Moffett, Clerk
Illinois Pollution Control Board