

ILLINOIS POLLUTION CONTROL BOARD

September 20, 1973

ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 73-200
	)	
SAM KANTER, SAM COHEN, and	)	
BENJAMIN KANTER, d/b/a STANDARD	)	
METAL COMPANY,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by Mr. Henss)

Respondents Sam Kanter, Sam Cohen and Standard Metal Company have filed a Motion to Strike and Dismiss the Complaint, and in support of the Motion specify five grounds which are numbered 1 through 5 in the Motion. The Motion is denied as to paragraphs 2, 3, 4 and 5 of the Motion. Paragraph 1 of the Motion states that Respondent Benjamin Kanter died in 1969 and the business referred to in the Complaint is carried on by a corporation titled Standard Scrap Metal Company, an Illinois corporation. The Motion is not verified and is not supported by any affidavit regarding identity of the parties. Therefore, that part of the Motion will be taken with the case.

Complainant is granted leave to amend the Complaint regarding the matter of parties if it chooses to do so.

It is ordered that the Motion to Strike and Dismiss be denied as to paragraphs 2, 3, 4 and 5 of the Motion. The Motion will be taken with the case as to paragraph 1 of the Motion.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 20<sup>th</sup> day of September, 1973 by a vote of 5 to 0.

*Christan L. Moffett*