

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1975

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
)
v.) PCB 75-368
)
COMMONWEALTH EDISON CO., an)
Illinois Corporation and the)
FIRST NATIONAL BANK OF JOLIET,)
as Trust under Trust Number 724,)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon the Motion to Dismiss Amended Complaint filed on December 3, 1975 by the First National Bank of Joliet, as Trustee under Trust No. 724. First National Bank seeks dismissal of the Amended Complaint as it concerns itself.

The Board grants Respondent's motion. The First National Bank on December 29, 1970, entered into an agreement with the Crown-Trygg Corporation establishing Trust No. 724 for the property on which the solid waste management site which is the subject of the Amended Complaint is located. On January 4, 1971, the entire beneficial interest in said Trust No. 724 was assigned to Maurice Greenberg and Samuel Greenberg, who took subject to a lease agreement with Commonwealth Edison Co. The Trust Agreement indicates that the First National Bank of Joliet holds mere legal title to the property in question. First National Bank gains no economic benefit from operations conducted on the property leased by Commonwealth Edison and has no actual or contractual capacity to control the activities of Commonwealth Edison Co. Therefore, the Amended Complaint is dismissed with prejudice as it concerns the First National Bank of Joliet.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 18th day of December 1975 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board