

ILLINOIS POLLUTION CONTROL BOARD

August 23, 1973

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 vs. ) PCB 73-322  
 )  
 AJAX SAND AND GRAVEL, INC. an )  
 Illinois corporation, HARRIS TRUST )  
 & SAVINGS BANK, as Trustee under )  
 Trust #31605 and WESTERN NATIONAL )  
 BANK OF CICERO, a National Bank )  
 Corporation, as Trustee under its )  
 Trust #3513, GARY-WHEATON BANK )  
 as Trustee under Trust #1176 )

ORDER OF THE BOARD (by Mr. Henss)

Western National Bank requests that the Complaint be dismissed as to Land Trust #3513 on the ground that the Trust is in no way involved in the gravel pit or landfill but is vacant subdivision land located to the east of the landfill and gravel pit operation. This raises a factual issue and we will take the motion with the case. If the Complainant becomes convinced prior to hearing that it has named the wrong Respondent then a Stipulation for Dismissal should be filed with us. In absence of such an agreement, the issue will be resolved as one of the factual disputes in the case.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted this 23<sup>rd</sup> day of August, 1973 by a vote of 3 to 0.

