

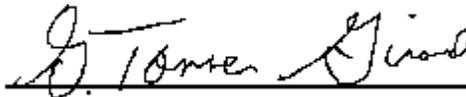
ILLINOIS POLLUTION CONTROL BOARD
January 18, 2001

GILBERTS CITGO L.L.C, an Illinois corporation,)
)
)
 Petitioner,)
)
 v.) PCB 01-50
) (Water Well Setback Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY, WHEELING)
 TRUST & SAVINGS BANK a/k/a COLE)
 TAYLOR BANK, successor trustee, as trustee)
 under Trust No. 73-314 and JOHN)
 CAPORASO, as beneficiary of Trust No. 73-)
 314,)
)
 Respondents.)

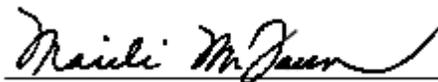
DISSENTING OPINION (by G.T. Girard and M. McFawn):

We respectfully dissent from the majority order in this case. We agree with the majority that Gilbert's Citgo L.L.C. (Citgo) has not demonstrated that the proposed installation of petroleum storage tanks within the 200-foot setback zone mandated by Section 14.2(a) of the Environmental Protection Act (Act) (415 ILCS 5/14.2(a) (1998)) would not pose a significant hazard to the respondents' potable water supply well. However, we disagree on the outcome. The record in this case demonstrates that Citgo has not presented "adequate proof . . . that the location of the potential source . . . will not constitute a significant hazard to the potable water supply well" within the 200-foot setback. 415 ILCS 5/14.2(c) (1998). Therefore, we would issue a final order denying Citgo's petition for a water well setback exception, and closing the docket.

For this reason we respectfully dissent.

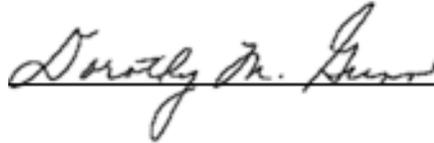


G. Tanner Girard, Board Member



Marili McFawn, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the 23rd day of January 2001.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board