

ILLINOIS POLLUTION CONTROL BOARD

September 21, 2000

GILBERTS CITGO L.L.C, an Illinois corporation,)	
)	
Petitioner,)	
)	
v.)	
)	PCB 01-50
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	(Water Well Setback Exception)
)	
Respondent.)	
)	
)	
)	

ORDER OF THE BOARD (by C.A. Manning):

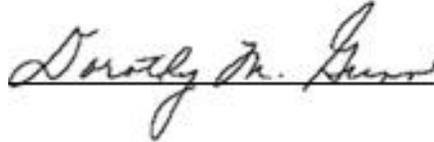
On September 8, 2000, Gilberts Citgo L.L.C. (Gilberts), filed a petition for a water well setback exception relating to installation of underground storage tanks (USTs) at a site located at the southeast corner of Route 72 and Center Road in Gilberts, Kane County, Illinois.

The petition states that, pursuant to Section 14.2(c) of the Environmental Protection Act (Act) (415 ILCS 5/14.2(c) (1998)), on March 15, 2000, Gilberts attempted to obtain the consent of Marcia Caporaso (Caporaso), the affected well owner. No consent was given. Pet. at 5. On May 25, 2000, the Illinois Environmental Protection Agency (Agency) issued a concurrence letter approving the location of the USTs within the water well setback zone.

The petitioner is ordered, by October 5, 2000, to file an updated petition. The updated petition must name the affected well owner as a party respondent. While the Board's procedural rules regarding the filing of water well setback petitions do not specifically so require, the Board believes that it is appropriate to join the affected well owners as party respondents pursuant to 35 Ill. Adm. Code 103.121 and 103.141, as persons who have "an interest which the [Board's] order may affect." 35 Ill. Adm. Code 103.121(c) and 103.141; see State Oil Company v. Dr. and Mrs. James Krone and IEPA (May 24, 1999), PCB 90-102; KRKH, Inc. v. IEPA (September 9, 1999), PCB 00-25. The updated petition shall also include any new facts or legal issues that have arisen so that the Board can properly review the sufficiency of the petition and make a determination whether this matter should be accepted for hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of September 2000 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board