

ILLINOIS POLLUTION CONTROL BOARD

August 9, 2001

MDI LIMITED PARTNERSHIP #42,)
)
Complainant,)
)
v.) PCB 00-181
) (Enforcement - Citizens, UST)
REGIONAL BOARD OF TRUSTEES FOR)
BOONE AND WINNEBAGO COUNTIES and)
BOARD OF EDUCATION OF BELVIDERE)
DISTRICT 100,)
)
Respondents.)

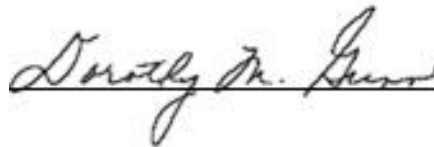
ORDER OF THE BOARD (by G.T. Girard):

On July 16, 2001, Board of Education of Belvidere District 100 (Board of Education) filed a motion for leave to file a third-party complaint, *instanter*, pursuant to the Board's procedural rules. See 35 Ill. Adm. Code 103.206(d). The third-party complaint alleges that the City of Belvidere was in "complete ownership and control" of the subject property from July 26, 1991, until March 20, 1998. The third-party complaint further alleges that "if there were violations of the Environmental Protection Act" (415 ILCS 5/1 *et seq.* (1998)) or the Board's regulations pertaining to the remediation of contamination from two leaking underground storage tanks, the violations and damage were "proximately caused" by the acts of the City of Belvidere.

At this time, the Board has not received proof that the motion to file a third-party complaint had been served on the City of Belvidere, the third-party respondent. Therefore, the Board directs the Board of Education to file such proof by August 30, 2001, or the third-party complaint will be dismissed.

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 9th day of August 2001 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board