

ILLINOIS POLLUTION CONTROL BOARD
December 4, 1980


ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.) PCB 80-177
MCLEAN COUNTY SERVICE COMPANY,)
an Illinois corporation,)
Respondent.)

ORDER OF THE BOARD (by D. Satchell):

On November 14, 1980 McLean County Service Company (McLean) filed a petition to join additional parties respondent in this enforcement case. The complaint alleges violations resulting from discharge of fertilizer solution from a tank owned by McLean. The motion seeks to add as parties the manufacturer and vendor of a valve which failed on the tank. The complaint filed by the Illinois Environmental Protection Agency does not allege violations by these persons; they are therefore not proper parties respondent. To the extent the motion may be construed as a request for leave to file a third party complaint, the Board does not allow such (Owens-Illinois, Inc. v. IEPA, PCB 77-288, 29 PCB 85, January 19, 1978; IEPA v. Giachini, PCB 77-143, 33 PCB 547, May 24, 1979; IEPA v. Carlstrom, PCB 78-153, 34 PCB 47, June 22, 1979). McLean may file a separate complaint against these persons pursuant to Section 31(b) of the Environmental Protection Act and Part III of the Procedural Rules. The motion is denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 4th day of December, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board