

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-70
)
)
 VILLAGE OF CRAINVILLE,)
)
 Respondent.)


ORDER OF THE BOARD (by Mr. Dumelle):

On January 31, 1977 Respondent Village of Crainville filed the instant Motion for Leave to File Third Party Complaint. The Village asserts a claim of indemnification against Argonaut Insurance Company as a Third Party Respondent. The Board has no jurisdiction over such a claim. The instant motion requests the Board to adjudicate a matter whose subject is contract law; not pollution law. The instant motion seeks adjudication of a claim of one party against another. The Board has no jurisdiction to do so. The Third Party Complaint states that the Village has already instituted a civil suit in Williamson County regarding the claim presented. That is where this claim belongs.

If the Village feels that the Insurance Company is necessary for a complete determination of the controversy presented in the Complaint in this matter it may request pursuant to Procedural Rule 303(c) that the Board make Argonaut Insurance Company a party. However, under the facts presented, the Board finds the Village's remedy to lie within the jurisdiction of the Circuit Courts. The Motion for Leave to File Third Party Complaint is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 3rd day of February, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board