

EidenLaw

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Libertyville, IL 60048
Phone. 224 - 513 - 5500

Date: March 25, 2014

fax: 224 - 513 - 5501
email: meiden@eidenlaw.com
web: www.eidenlaw.com

Via: Certified Mail return
receipt requested and First
Class Mail



ORIGINAL

PCB 14-122

Our File No.: 13-1023

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601 - 3218

RECEIVED
CLERK'S OFFICE

MAR 27 2014

STATE OF ILLINOIS
Pollution Control Board

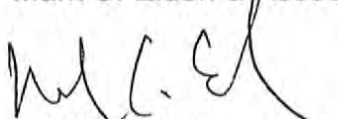
Dear Clerk,

I represent Ascend R.L.B., Inc .which owns property known as 36701 N. Highway 83, Lake Villa, IL 60046. Ascend owns property located at 36674, 36660, 36650 N. Bernice Dr., Lake Villa, IL 60046, Lake County PIN's 06-09-209-008; 06-09-209-009; 06-09-209-010. The purpose of this letter is to file our Petition for Setbacks Exception under in 415 ILCS 5/14.2. The exception sought is described in detail in the Petition for Setback Exception enclosed with this letter.

I have enclosed an original and 9 copies of the Petition and one set of large scale drawings. The 8.5" x 11" copies of the large scale drawings are difficult to read. If you would like additional large scale drawings, please let me know.

It appears that the rules do not require me to notify the adjoining municipality (Round Lake Beach). If you require this, please notify me immediately.

Very truly yours,
Mark C. Eiden & Associates, PC.


Mark C. Eiden

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Petition for Setback Exception by US Mail and Certified Mail return receipt requested, upon the following persons:

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601 - 3218

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794 - 9276

Original and nine (9) copies

One (1) copy

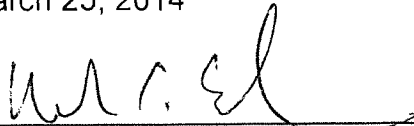
John Tierney
36701 N. Highway 83
Lake Villa, IL 60046

Vera Tierney
36701 N. Highway 83
Lake Villa, IL 60046

One (1) copy

One (1) copy

March 25, 2014



Mark C. Eiden, attorney licensed in the state of Illinois
ARDC number 3126068

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAR 27 2014

STATE OF ILLINOIS
Pollution Control Board

Ascend R.L.B., Inc., an Illinois corporation,)

Petitioner)

v.)

Illinois Environmental Protection Agency,)

John Tierney and Vera Tierney,)

Respondents)

PCB: 14-122



ORIGINAL

PETITION FOR SETBACK EXCEPTION

This Petition for Setback Exception is dated March 20, 2014 and is made by Ascend R.L.B., Inc. ("Ascend") as Petitioner to the Illinois Environmental Protection Agency Water Pollution Control Board ("Board") and the other Respondents above. Please refer to Exhibit A to identify the locations of relevant improvements identified in this Petition.

1. The purpose of this Petition is to request an exception to the setback requirement in 415 ILCS 5/14.2(a) requiring a minimum 200 foot separation between a new potential route (as defined in said section) and a potable water system, pursuant to the requirements of 415 ILCS 5/14.2(c).
2. Ascend owns property located at 36674, 36660, 36650 N. Bernice Dr., Lake Villa, IL 60046, Lake County PIN's 06-09-209-008; 06-09-209-009; 06-09-209-010 ("Subject Property"). Ascend proposes to build a small commercial center on the Subject Property as well as a Septic System to service only the Subject Property ("Septic System").
3. John and Vera Tierney ("Tierney") own property located at 36701 N. Highway 83, Lake Villa, IL 60046 ("Tierney Property") which adjoins the Subject Property on the Subject Property's north boundary. The Tierney Property contains a potable water well ("Tierney Well") which serves only the Tierney Property. The Tierney well is located approximately 130 feet from the perimeter of the Septic System, or 70% of the 200 foot setback required.

4. Ascend will also construct a well on the Subject Property to service its proposed improvements ("Subject Property Well"). It is approximately 195 feet from the Septic System, or 5 feet short of the required setback.

5. On September 16, 2013, Ascend's consultant, Pearson, Brown & Associates, Inc. submitted to the Board a written request for a letter of concurrence for a setback waiver under 415 ILCS 5/14.2(c). The letter is attached hereto as Exhibit B.

6. By letter dated October 2, 2013, the Illinois Environmental Protection Agency concurred with the waiver request with regard to the setback for both the Tierney Well and the Subject Property Well. A copy of the letter is attached hereto as Exhibit C ("Concurrence Letter").

7. On October 3, 2013, Lynn Dunaway of the IEPA, notified Ascend's consultant, Don Henne, that the Concurrence Letter was sent to both Mr. Henne and Tierney. A copy of the email correspondence from Mr. Dunaway is attached hereto as Exhibit D.

8. Beginning in early April, 2103 and ending about November 7, 2013, Ascend and its consultants met with Tierney many times to offer improvements to the Tierney Well, and to replace the Tierney Well if ever adversely affected by the Septic System, as set forth in the "Tierney Waiver Agreement" attached as Exhibit E. The letter to Tierney is dated October 21, 2013 ("Notice Date") and specifically references the "Setback Waiver" and ongoing negotiations for the waiver. The waiver has not been obtained.

9. As required by 415 ILCS 5/14.2(b), it has been more than 120 days since the Notice Date.

10. Ascend has granted the waiver for the Subject Property Well on the Ascend Property and therefore Ascend does not petition for an exception from the setback requirements of 415 ILCS 5/14.2(a) for such well.

11. Facts in support of the exception are:

a. The potential impacts if a release from the Septic System occurs, is the possibility that the Tierney Well could become contaminated. The risk of contamination is low because many layers and great depths of clay are between the Septic System and the Tierney Well. A soil investigation was performed by the Lake County Department of Health on the Subject Property as part of their due diligence for issuance of a septic permit. Attached as Exhibit F is the Health Department's summary of their findings, stating in relevant part:

I performed the soil evaluation for the Health Department. The soils in the tested area have been determined to meet the minimum soil characteristics (acceptable soil loading rate, depth to limiting layer, and soil resource group) for a septic system according to the ordinance.

b. On information and belief, the Tierney Well has a 4.5" galvanized steel casing and is approximately 300' deep. Such a casing is very resistant to water intrusion. Its depth is well below the layers of clay in northeastern Lake County making Septic System water intrusion extremely unlikely.

c. The Septic System will have an aerobic treatment unit. This form of treatment consumes the organic matter, leaving only small amounts of inert matter to be eliminated by pumping. A *conventional* septic system allows the sludge to remain in the tank where bacteria are not completely broken down. Sometimes, during high use, wastewater can flow out of the tank before it has time to separate from the sludge. Hence, an aerobic system significantly reduces the possibility of contamination.

d. Sewage will be produced only from commercial center bathrooms and floor drains. No food, detergents, laundry soap or other harmful substances will enter the Septic System, as is often the case with residential uses.

e. The Septic System is a standard residential design and is limited to 500 gallons per day ("gpd"), which is one of the smallest designs available. This further reduces the volume of wastewater which could result in contamination. The Subject Property is comprised of 3 subdivided lots which contain enough area and frontage for 2 residences. Residential septic systems on small lots are predominant in the area. Using the smallest design of 300 gpd for each house, the maximum flow would be 600 gpd, or 100gpd more than the Septic System. Additionally, residential flows would contain, among other things, detergents, food and laundry soap not present on the Subject Property

f. As illustrated on Exhibit A, the Septic System has been purposely located to remain out of the setback area of all local wells, except the Tierney Well which could not be avoided due to the location of the Tierney Well.

g. The Subject Property is located on the east side of Route 83. Most if not all properties to the east and north, and for a distance of ¼ mile to the south, are on septic systems. There are several instances where the 200 foot setback is breached, although such properties were likely developed prior to the current regulations. Ascend is not aware of any significant contamination problems in such area. Please refer to Exhibit G for a depiction.

h. No local sewer system is available to the Subject Property for Ascend's proposed use. The only public sewer available is on the west side of Route 83 and is owned by the Village of Round Lake Beach. Connection would require horizontal drilling under a 4 lane highway, and then along the highway to the connection point. The cost is out of proportion with the size of the Subject Property (1.1 acres) and the land uses which are available on the Subject Property. Furthermore, the Village will only allow use of its sewer upon

annexation, which would require a prohibition against one or more of the Subject Property uses currently allowed under County Zoning.

- i. The IEPA has concurred with the Waiver Request.
12. The following technology based controls will be used
- a. Ascend will enter into a maintenance contract providing septic inspections performed by a licensed professional twice per year.
 - b. The Septic System is an at grade class 5 injection well (mound system) with aerobic number eight stone and topsoil. This is the most appropriate and commonly used septic design in the Lake County. It is the current state of the art for this geographic area.
 - c. The well design has been approved by the Lake County Health Department using their own soils investigation.
 - d. The installation of the Septic System will be done by a licensed installer.
13. Ascend will use the maximum feasible alternative setback
- a. Please refer to Exhibit A. The Septic System was located so it would fall outside of the setback for all other wells in the area, and as far as practically possible from the Tierney Well.
 - b. The closest edge of the Septic System is approximately 130 feet from the Tierney well and the farthest edge falls outside of the 200 foot setback.
14. The risk of contamination of other wells is low because:
- a. There are many layers and great depths of clay between the Septic System and local well.
 - b. The best technology is being utilized, including an aerobic filter.
 - c. Technology controls will consist of twice yearly inspections by licensed inspectors.
 - d. Sewage volume is very low, less than residences which could be built.
 - e. Sewage content is limited to fewer waste products than residential.
 - f. The Septic System has been located so it as far from local wells as possible.

g. The materials of the Tierney Well and its depth are very resistant to any form of intrusion.

15. Attached as Exhibit H is a letter and mailing receipt showing that notice of the filing of this Petition was served upon Tierney along with a copy of this Petition.

16. This Petition is filed on "Recycled Paper".


WHEREFORE, based upon the foregoing, compliance with the setback requirement poses an arbitrary and unreasonable hardship upon Ascend. Therefore, Ascend requests an exception to the setback requirements of 415 ILCS 5/14.2(a) between the Septic System and the Tierney Well pursuant to the requirements of 415 ILCS 5/14.2(c).

Signature Page Follows

~~Based upon the foregoing, compliance with the setback requirement poses an arbitrary and unreasonable hardship upon Ascend:~~

Respectfully Submitted,

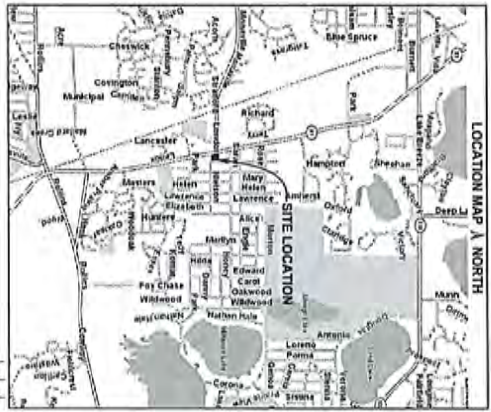
Ascend R.L.B., Inc.

By: 

Its: President

EXHIBIT A

Property, Setback and Improvement Depictions



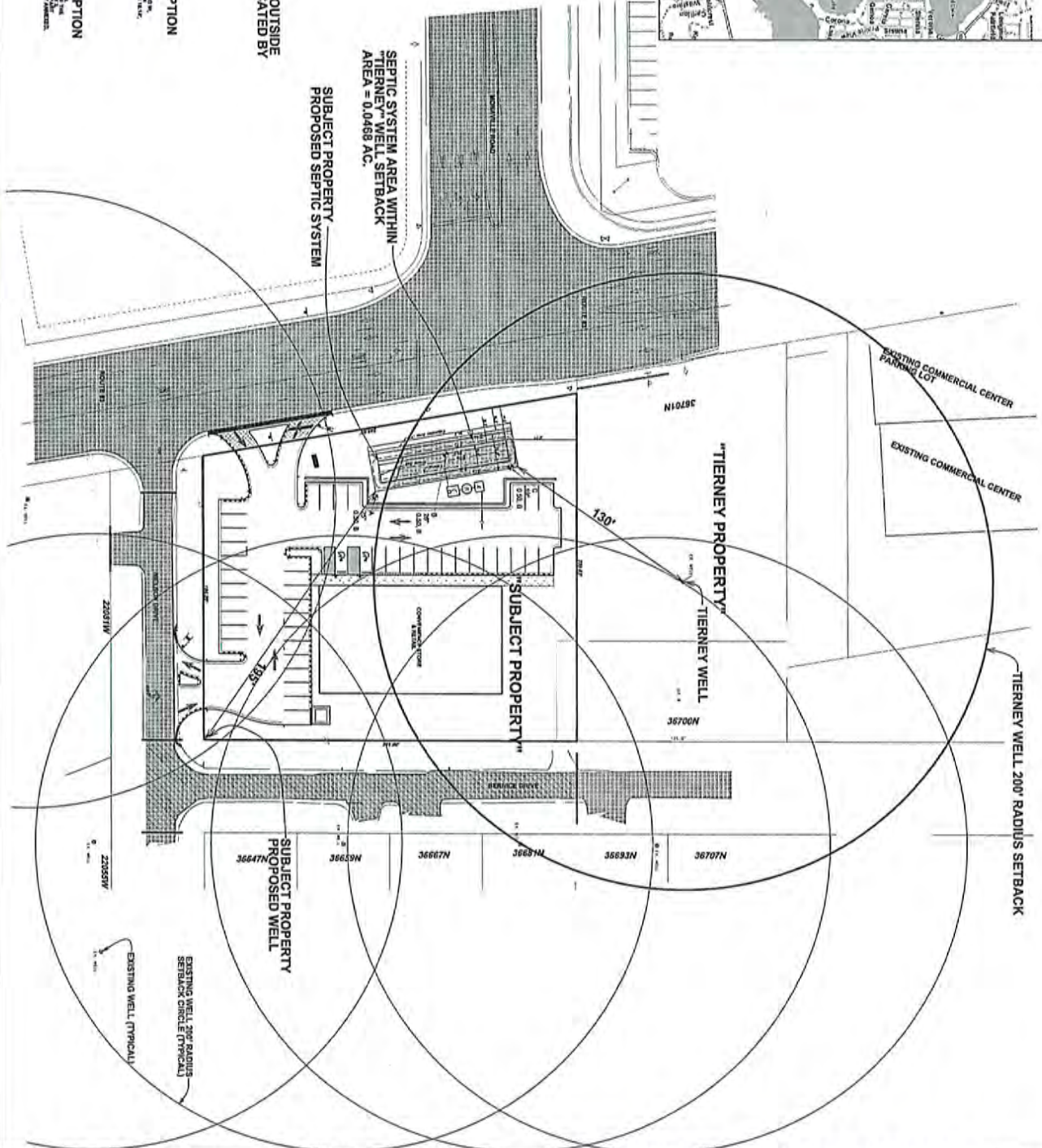
NOTE:
 SUBJECT PROPERTY SEPTIC SYSTEM OUTSIDE
 ALL OTHER WELL SETBACKS AS INDICATED BY
 200' RADIUS SETBACK CIRCLES

"TIERNEY PROPERTY" LEGAL DESCRIPTION

THE PART OF THE SEPTIC SYSTEM AND THE WELL SETBACKS AS SHOWN ON THIS PLAN ARE THE PROPERTY OF THE SUBJECT PROPERTY AND ARE NOT TO BE CONSIDERED AS A PART OF THE SEPTIC SYSTEM AND WELL SETBACKS OF ANY OTHER PROPERTY.

SUBJECT PROPERTY LEGAL DESCRIPTION

THE PART OF THE SEPTIC SYSTEM AND THE WELL SETBACKS AS SHOWN ON THIS PLAN ARE THE PROPERTY OF THE SUBJECT PROPERTY AND ARE NOT TO BE CONSIDERED AS A PART OF THE SEPTIC SYSTEM AND WELL SETBACKS OF ANY OTHER PROPERTY.



EXCEPTION EXHIBIT

DATE	BY	DESCRIPTION

CONVENIENCE STORE & RETAIL

UNINCORPORATED LAKE COUNTY, ILLINOIS
PEARSON, BROWN & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1302 W. WINCHESTER ROAD - SUITE 205
 LIBERTYVILLE, IL 62444
 PHONE: (618) 387-4707
 FAX: (618) 387-3941
 E-MAIL ADDRESS: pba@pearsonbrown.com
 © COPYRIGHT BY PEARSON, BROWN & ASSOCIATES, INC. ALL RIGHTS RESERVED



SHEET NUMBER
1
 OF 1 SHEETS
 JOB No. 0611

EXHIBIT B

September 16, 2013 Waiver Request

PEARSON, BROWN & ASSOCIATES, INC.
CONSULTING ENGINEERS

1850 W. WINCHESTER ROAD, SUITE 205
LIBERTYVILLE, IL 60048-5355
PHONE 847 / 367-6707
FAX 847 / 367-2567

BRANCH OFFICE
W352N5338 LAKE DRIVE
OCONOMOWOC, WI 53066
PHONE 847 / 367-6707

September 16, 2013

Illinois Environmental Protection Agency
Division of Water Pollution Control
Post Office Box 19276
Springfield IL 62794-9276

Attn: Lynn Dunaway
Permit Section

Re: Convenience Store and Retail
Unincorporated Lake County, Illinois

On behalf of our client, Ascend R.L.B. Inc., we are requesting the Illinois EPA provide a letter of concurrence for a setback waiver for the referenced project. We have listed below our responses to the requirements listed in Attachment 1 of the Setback Waiver and Setback Exception:

- *Identify the new potential source or route. (Provide the size type(s) of material stored and type of container(s) or structure(s).)*

At - Grade mound with aerobic unit #8 stone and topsoil. (See attached preliminary septic plan)

- *Generally describe the possible effect of the potential source on the potable well. (The Illinois EPA is looking for a statement such as: "If a release does occur, there is a possibility that the well could become contaminated", or a discussion of why the risk is low.)*

The risk of contamination is low because many layers and great depths of clay are between septic and wells. Also the system has Aerobic Treatment Unit to treat effluent prior to discharge.

- *Describe any applicable technology based controls, which would be utilized to minimize the risk to the potable well. (Either a description of the containment, leak detectors, monitoring system, practices to be used on-site or brochures, plans or other documents submitted as part of the permit. For septics, regular inspections by a licensed professional meet this criteria.)*

A minimum of twice a year regular septic inspections performed by a licensed professional.

- *State whether, and under what conditions an alternate water supply will be provided. (If the well becomes contaminated, will the potential source owner provide the well owner with an alternative source of potable water and if so from what source (e.g. new well, hook up to public supply, etc.))*

Source owner to provide new well.

- *Include the name and address of each potable well owner, and who the well services.*

**John & Vera Tierney
36701 N. Hwy 83
Lake Villa, IL. 60046**

Well serves his property only.

- *Provide the legal location, Township, Range, Section and Section quarter-quarter-quarter-quarter, for the potential source or a map showing a large enough area that the Illinois EPA can reference the location to its own topographic maps.*

That part of Lots 1, 2 and 3 in Block 110 in Venetian Village, Unit no. 9; being a Subdivision of part of Sections 9 and 10, Township 45 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof Recorded September 3, 1948 as Document 652035, in Block 31 of Plats, pages 52 and 53, also all that part of Illinois Route 83 lying Westerly of and adjacent thereto not previously annexed, in Lake County, Illinois.

(Section 9, NE ¼, SE ¼ ¼)

Should you have any questions or concerns, please do not hesitate to contact me.

PEARSON, BROWN & ASSOCIATES, INC.

Donald Henne
Associate

Enclosures

Cc: Mukesh Patel, Ascend R.L.B. Inc.

EXHIBIT C

IEPA Concurrence letter



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

October 2, 2013

Pearson, Brown & Associates, Inc.
1850 W. Winchester Road, Suite 205
Libertyville, IL 60048-5355

Re: Installation of a New Potential Route (Class V Septic System) at 36650 N Bernice Drive Lake Villa, Lake County

Dear Mr. Donald Henne:

This letter responds to the submittal, dated September 16, 2013, requesting a waiver on behalf of your client from the minimum setback zone requirements set forth in Section 14.2 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/14.2). The waiver is for the installation of a new Class V injection well (potential route), within the minimum setback zone of an on-site well and an off-site private well.

The Agency concurs with the waiver request under Section 14.2(b) of the Act, assuming all written specifications and assurances submitted to the Agency are implemented in the manner in which they have been proposed.

As the owner of a well and the owner of the potential route (septic system), you must be advised that by concurring with a request under Section 14.2(b) of the Act, the Agency is merely stating that the request accurately describes the reasonably foreseeable effects of the potential route upon the water wells and accurately describes any applicable technology-based controls. The Agency expresses no opinion on whether installing the potential route in such close proximity to the water wells is an environmentally sound idea. Installing the potential route is done at the owner's risk.

The Agency's concurrence with this request does not relieve you as owner of a well and of the potential route, from complying with the requirements of the Act or other State or federal laws and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Cobb".

Richard P. Cobb, P.G.
Deputy Manager, Division of Public Water Supplies
Bureau of Water

EXHIBIT D

IEPA notice to Ascend and Tierney

Mark Eiden

From: dhenne@pearsonbrown.com on behalf of Don Henne (Pearson, Brown & Assoc., Inc.) <dhenne@pearsonbrown.com>
Sent: Friday, March 07, 2014 10:40 AM
To: Mark Eiden
Subject: Fw: Setback Waiver and Setback Exception

----- Original Message -----

From: Dunaway, Lynn
To: dhenne@pearsonbrown.com
Sent: Thursday, October 03, 2013 8:59 AM
Subject: RE: Setback Waiver and Setback Exception

A concurrence letter was issued and went out in yesterday's mail. [The off-site well owner was also notified](#), by mail yesterday. You should allow a day or two for the mail to arrive, but you may proceed with requesting a waiver from the well owner at your convenience.

From: dhenne@pearsonbrown.com [<mailto:dhenne@pearsonbrown.com>]
Sent: Thursday, October 03, 2013 9:52 AM
To: Dunaway, Lynn
Subject: Setback Waiver and Setback Exception

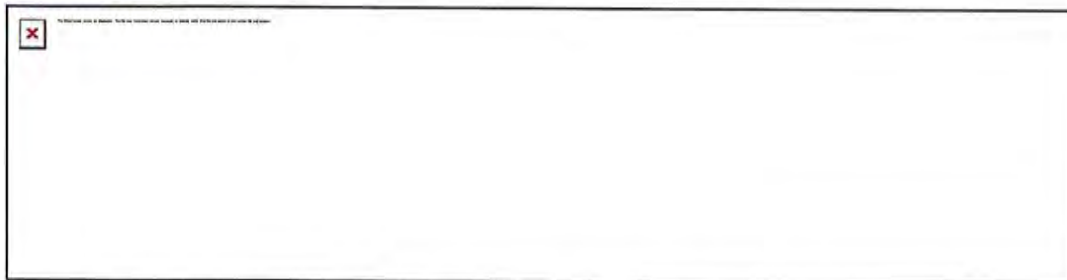
Lynn,

We submitted a "Setback Waiver" package on September 16, 2013 (please see attached) to the IEPA. I am following up to see if you received the package, if the IEPA sends out a card/letter stating they received the package, the package is complete/incomplete and the review will be completed 90 days +/-.

Thanks,

Don

Donald S. Henne,
Associate
dhenne@pearsonbrown.com



WARNING!

This file is provided for your information and convenience only. No claim for accuracy is made. Accuracy of information must be verified from approved original plans. User must assume all risk and liability for any alteration of this data. Pearson, Brown &

EXHIBIT E

Tierney Waiver Agreement and Drawing

PEARSON, BROWN & ASSOCIATES, INC.
CONSULTING ENGINEERS

1850 W. WINCHESTER ROAD, SUITE 205
LIBERTYVILLE, IL 60048-5355
PHONE 847 / 367-6707
FAX 847 / 367-2567

BRANCH OFFICE
W352N5338 LAKE DRIVE
OCONOMOWOC, WI 53066
PHONE 847 / 367-6707

October 21, 2013

John Tierney
36701 N. Hwy 83
Lake Villa, Illinois 60046

Attention: John Tierney

Re: Convenience Store & Retail – Setback Waiver
Lake County, Illinois

Per the attached Agreement Exhibit, dated October 21, 2013, Ascend R.L.B., Inc. shall provide the following:

- A 24' easement for ingress and egress across their property, Ascend R.L.B., Inc. to provide Legal Plat. (please note, per Lake County Planning, Building, & Development Department a future easement for ingress and egress @ 36701 N. Hwy 83, Lake Villa, shall be required to allow the property to the south ingress and egress, see attached email).
- Up-grade the existing well on 36701N and provide \$5000.00 for possible sidewalk and landscaping repairs (all well work & payments, directly to S.O.S, shall commence once the building permit for Ascend R.L.B. Inc. is granted by the county).
- If it is determined that Ascend R.L.B. Inc.'s, septic system contaminated your well Ascend R.L.B., Inc. shall replace your well.

I, John Tierney, agree with the above and give the owner (Ascend R.L.B., Inc.) of a potential source (septic system) permission to locate the potential source within the setback zone (200') of my potable well.

COMMENTS: _____

Ascend R.L.B., INC.
By: _____
Name/Title: Mac Patel, Owner

Accepted by: _____
Printed Name: _____
Company: John Tierney
Address: 36701 N. Hwy 83
Lake Villa, IL 60046
Telephone: 847-395-8224
Date: _____

2/1/2018

3000 NORTH 2ND ST, LIBERTYVILLE, IL 62548

LOCAL OFFICE:
 PEARSON, BROWN & ASSOCIATES, INC.
 1830 W. WINCHESTER ROAD, SUITE 202
 LIBERTYVILLE, IL 62548
 PHONE: (618) 387-4737
 FAX: (618) 387-2587
 E-MAIL: pba@pearsonbrown.com

PROJECT: 3000 NORTH 2ND ST, LIBERTYVILLE, IL 62548
 PROJECT NO: 18-001
 SHEET NO: 1 OF 1
 DATE: 2/1/2018
 DRAWN BY: A.K.Z.
 CHECKED BY: A.K.Z.
 ORIGINAL ISSUE: 10/21/13

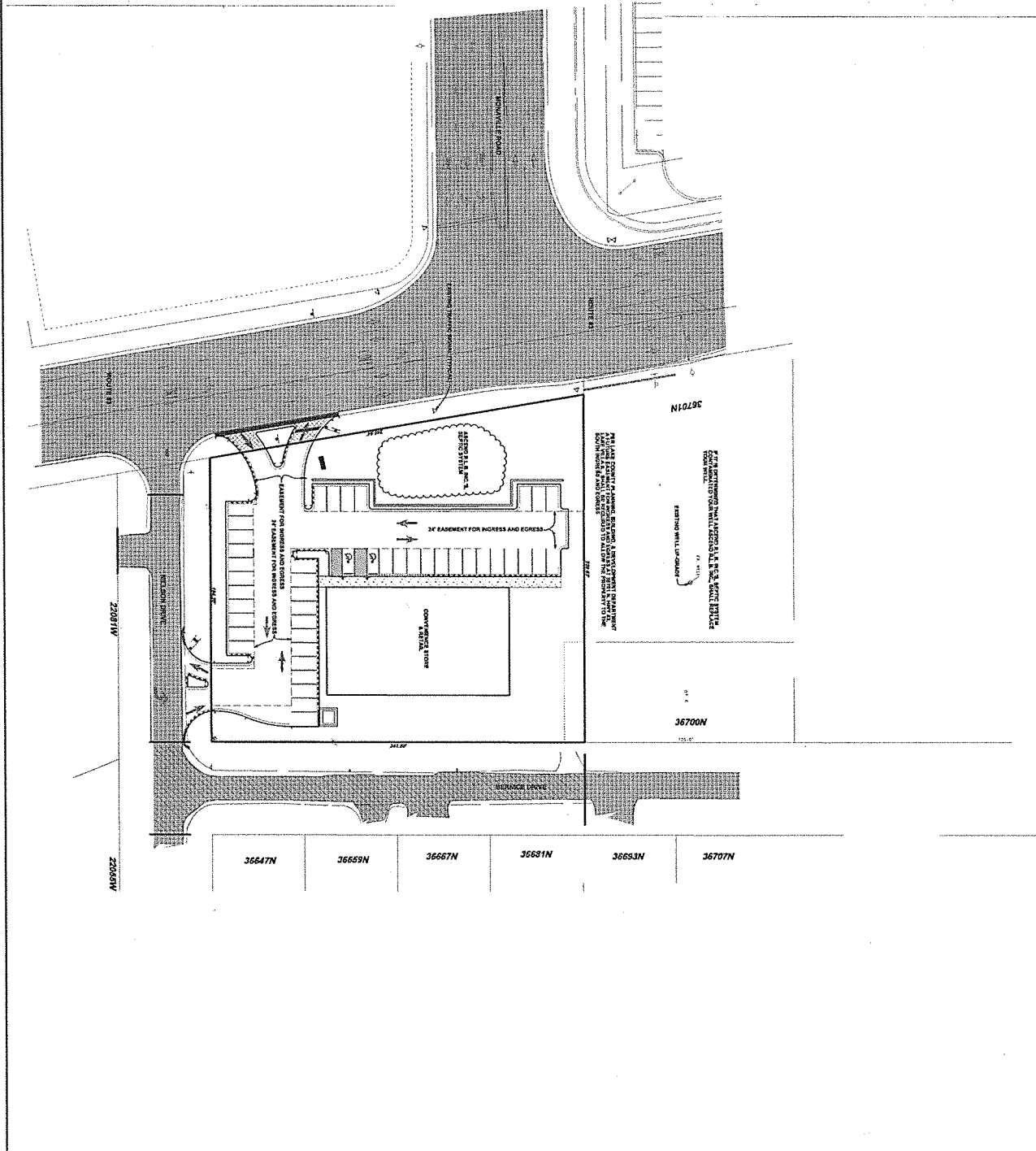
REVISIONS:

NO.	DATE	DESCRIPTION
1	10/21/13	ISSUE FOR PERMITS
2	11/15/13	REVISED PER PERMITS
3	12/15/13	REVISED PER PERMITS
4	1/15/14	REVISED PER PERMITS
5	2/1/18	REVISED PER PERMITS

NOTICE: THIS PLAN IS FOR PERMITS ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON.

FIG 147

PEARSON, BROWN & ASSOCIATES, INC.
 1830 W. WINCHESTER ROAD, SUITE 202
 LIBERTYVILLE, IL 62548
 PHONE: (618) 387-4737
 FAX: (618) 387-2587
 E-MAIL: pba@pearsonbrown.com



AGREEMENT EXHIBIT

SHEET NUMBER: 1
 OF SHEETS: 1

NO.	DATE	BY	DESCRIPTION

CONVENIENCE STORE & RETAIL
 UNINCORPORATED LAKE COUNTY, ILLINOIS

DESIGNED BY: D.S.H.
 DRAWN BY: A.K.Z.
 CHECKED BY: A.K.Z.
 ORIGINAL ISSUE: 10/21/13

PEARSON, BROWN & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1830 W. WINCHESTER ROAD, SUITE 202
 LIBERTYVILLE, IL 62548
 PHONE: (618) 387-4737
 FAX: (618) 387-2587
 E-MAIL ADDRESS: pba@pearsonbrown.com

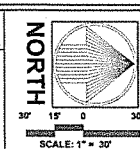


EXHIBIT F

Health Department Summary

Mark Eiden

From: Copenhaver, Tom S. <TCopenhaver@lakecountyil.gov>
Sent: Thursday, January 30, 2014 12:07 PM
To: Mark Eiden
Subject: RE: Rte 83/Nielsen Septic, Lake Villa

Mark,

I performed the soil evaluation for the Health Department. The soils in the tested area have been determined to meet the minimum soil characteristics (acceptable soil loading rate, depth to limiting layer, and soil resource group) for a septic system according to the ordinance.

Chapter 7 contains the design criteria for system types.

Call or email if you have additional questions.

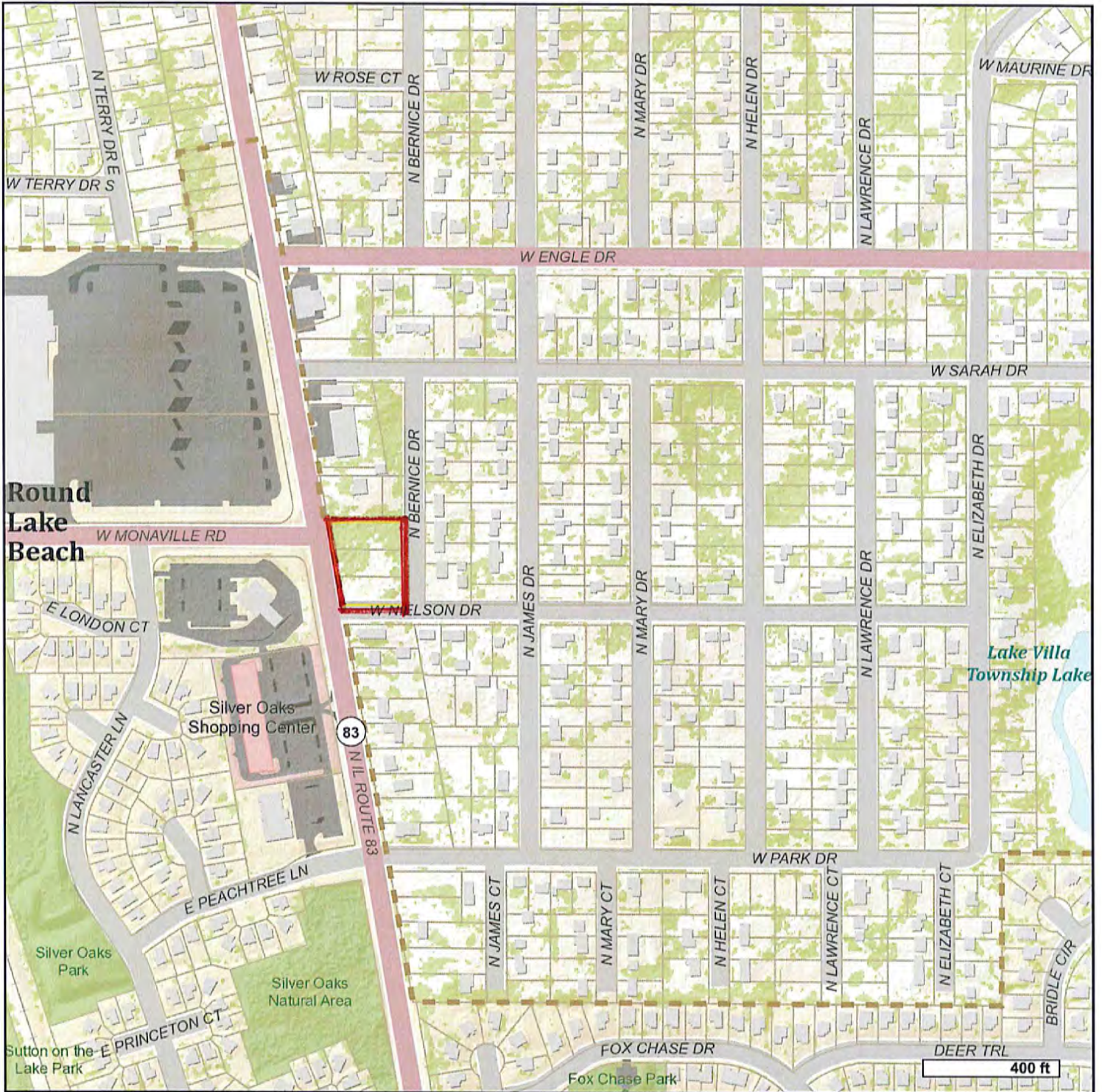
Thanks.

Tom Copenhaver, LEHP, CPSS
Onsite Wastewater Treatment System Program Coordinator
500 W. Winchester Rd.
Libertyville, IL 60048
Telephone: 847.984.5008
Fax: 847.377.5622
tcopenhaver@lakecountyil.gov

EXHIBIT G

Neighborhood Lots

Lake County, Illinois



LakeCounty
Geographic Information System

Lake County Department
of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 03/14/2014

User Graphic:

- Lake County Border
- Water
- Municipalities
- Tax Parcels
- Parks
- Railroads
- Trails
- 2011 Buildings

Disclaimer

The selected soil feature layer may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

EXHIBIT H

Service List

Petitioner:

Mukesh R Patel
4140 Sunset Lane
Northbrook, IL 60062

Petitioner's attorney

Mark C Eiden
EidenLaw 611 S. Milwaukee Ave
Suite 4
Libertyville, IL 60048

Respondents

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601 - 3218

PCB/IEPA attorney

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794 - 9276

John Tierney
36701 N. Highway 83
Lake Villa, IL 60046

Vera Tierney
36701 N. Highway 83
Lake Villa, IL 60046

CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Petition for Setback Exception by US Mail and Certified Mail return receipt requested, upon the following persons:

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Chicago, IL 60601 - 3218

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P.O. Box 19276
Springfield, IL 62794 - 9276

Original and nine (9) copies

One (1) copy

John Tierney
36701 N. Highway 83
Lake Villa, IL 60046

Vera Tierney
36701 N. Highway 83
Lake Villa, IL 60046

One (1) copy

One (1) copy

March 25, 2014



Mark C. Eiden, attorney licensed in the state of Illinois
ARDC number 3126068

EidenLaw

Mark C. Eiden & Associates, PC
611 S. Milwaukee Ave., Suite 4
Libertyville, IL 60048
Phone. 224 - 513 - 5500

Date: March 25, 2014

fax: 224 - 513 - 5501
email: meiden@eidenlaw.com
web: www.eidenlaw.com

Via: Certified Mail return
receipt requested and First
Class Mail

Our File No.: 13-1023

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601 - 3218

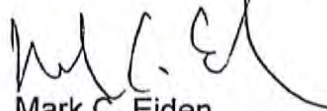
Dear Clerk,

I represent Ascend R.L.B., Inc .which owns property known as 36701 N. Highway 83, Lake Villa, IL 60046. Ascend owns property located at 36674, 36660, 36650 N. Bernice Dr., Lake Villa, IL 60046, Lake County PIN's 06-09-209-008; 06-09-209-009; 06-09-209-010. The purpose of this letter is to file our Petition for Setbacks Exception under in 415 ILCS 5/14.2. The exception sought is described in detail in the Petition for Setback Exception enclosed with this letter.

I have enclosed an original and 9 copies of the Petition and one set of large scale drawings. The 8.5" x 11" copies of the large scale drawings are difficult to read. If you would like additional large scale drawings, please let me know.

It appears that the rules do not require me to notify the adjoining municipality (Round Lake Beach). If you require this, please notify me immediately.

Very truly yours,
Mark C. Eiden & Associates, PC.


Mark C. Eiden

EidenLaw

Mark C. Eiden & Associates, PC
611 S. Milwaukee Ave., Suite 4
Libertyville, IL 60048
Phone. 224 - 513 - 5500

Date: March 25, 2014

fax: 224 - 513 - 5501
email: meiden@eidenlaw.com
web: www.eidenlaw.com

Via: Certified Mail return
receipt requested and First
Class Mail

Our File No.: 13-1023

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794 - 9276

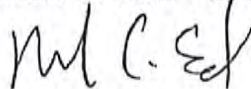
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Class Mail

Our File No.: 13-1023

Vera Tierney
36701 N. Highway 83
Lake Villa, IL 60046

Dear Mrs. Tierney,

I represent Ascend R.L.B., Inc .which owns property on the south boundary of your property known as 36701 N. Highway 83, Lake Villa, IL 60046. Ascend owns property located at 36674, 36660, 36650 N. Bernice Dr., Lake Villa, IL 60046, Lake County PIN's 06-09-209-008; 06-09-209-009; 06-09-209-010. I hereby notify you that Ascend is seeking a setback exception under in 415 ILCS 5/14.2. The exception sought is described in detail in the Petition for Setback Exception enclosed with this letter.

Very truly yours,
Mark C. Eiden & Associates, PC.



Mark C. Eiden

Enclosure: Petition for Setback Exception

EidenLaw

Mark C. Eiden & Associates, PC
611 S. Milwaukee Ave., Suite 4
Libertyville, IL 60048
Phone. 224 - 513 - 5500

Date: March 25, 2014

fax: 224 - 513 - 5501
email: meiden@eidenlaw.com
web: www.eidenlaw.com

Via: Certified Mail return
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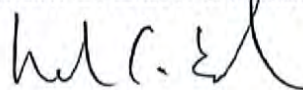
Our File No.: 13-1023

John Tierney
36701 N. Highway 83
Lake Villa, IL 60046

Dear Mr. Tierney,

I represent Ascend R.L.B., Inc .which owns property on the south boundary of your property known as 36701 N. Highway 83, Lake Villa, IL 60046. Ascend owns property located at 36674, 36660, 36650 N. Bernice Dr., Lake Villa, IL 60046, Lake County PIN's 06-09-209-008; 06-09-209-009; 06-09-209-010. I hereby notify you that Ascend is seeking a setback exception under in 415 ILCS 5/14.2. The exception sought is described in detail in the Petition for Setback Exception enclosed with this letter.

Very truly yours,
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Mark C. Eiden

Enclosure: Petition for Setback Exception

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fax: 224 - 513 - 5501
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Via: First Class Mail

Our File No.: 13-1023

Pollution Control Board, Attn: Clerk
100 West Randolph Street
James R. Thompson Center, Suite 11-500
Chicago, IL 60601 - 3218



ORIGINAL

RECEIVED
CLERK'S OFFICE

MAR 27 2014

STATE OF ILLINOIS
Pollution Control Board

PCB 14-122

Dear Clerk,

Enclosed is a letter and copy of the petition. All originals and copies have been sent Certified Mail.

Very truly yours,
Mark C. Eiden & Associates, PC.

Mark C. Eiden

Enclosure