

ILLINOIS POLLUTION CONTROL BOARD
July 14, 2014

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JUL 15 2014

STATE OF ILLINOIS
Pollution Control Board

ASCEND R.L.B., an Illinois corporation,)	
)	
Petitioner,)	
)	
v.)	
)	
ILLINOIS ENVIRONMENTAL)	PCB 14-122
PROTECTION AGENCY and JOHN)	(Water Well Setback Exception)
AND VERA TIERNEY,)	
)	
Respondents.)	

 ORIGINAL

NOTICE OF FILING

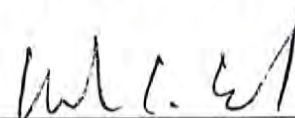
John T. Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, IL 60601

Bradley P. Halloran, Hearing Officer
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Christopher W. Cramer
Erickson Papanek Peterson Rose
1625 Shermer Road
Northbrook, IL 60062

Stephanie Flowers
Assistant Counsel
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board a Notice of Withdrawal of the Petition for Water Well Set Back Exception in the above captioned cause and copies of which are herewith served upon you.

By 

Mark C. Eiden, Attorney

Dated: July 14, 2014

Mark C. Eiden & Associates, P.C.
611 S. Milwaukee Ave., Suite 4
Libertyville, IL 60048
224-513-5500(phone)
224-513-5501 (fax)
ARDC# 3126068

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUL 15 2014

Ascend R.L.B., Inc., an Illinois corporation,)
)
 Petitioner)
)
 v.)
)
 Illinois Environmental Protection Agency,)
 John Tierney and Vera Tierney,)
)
 Respondents)

STATE OF ILLINOIS
Pollution Control Board

PCB: PCB 14-122

**NOTICE OF WITHDRAWAL OF THE PETITION FOR
WATER WELL SET BACK EXCEPTION**

Ascend hereby withdraws Petitioner's Petition for Set Back Exception filed on March 25, 2014. The purpose of the Petition was 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).

On April 17, 2014, the Agency filed its "Agency Response to the Petition for Water Well Set Back Exception".

Ascend filed 2 replies to the Agency's response

A hearing on the matter was set for July 1, 2014

On June 19, 2014, Tierney, through their attorney, filed their Response to Ascend's Petition and Reply to the Agency Response.

On June 25, 2014, the Agency filed a Hearing Officer Order posing additional questions to Ascend.

The response by Tierney's attorney, which appears to be beyond the time for filing under the statute, and recent requests made by the Agency, are voluminous and require considerable additional expense for a 500 gallon septic system on a 1 acre, which is not justifiable at this time given the value of the property.

Ascend seeks to withdraw the petition without prejudice to filing of a future petition when circumstances warrant.

Respectfully Submitted,

Ascend R.L.B., Inc.

By: 
Mark C. Eiden, its attorney

Dated: July 14, 2014

Mark C. Eiden
Mark C. Eiden & Associates, PC
611 S. Milwaukee Ave.
Suite 4
Libertyville, IL 60048
ARDC number 3126068

This Reply is filed on "Recycled Paper"

CERTIFICATE OF SERVICE

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I, the undersigned, certify that I have served the attached **Reply to Agency Response to the Petition for Water Well Set Back Exception by US Mail and Certified Mail return receipt requested**, upon the following persons:

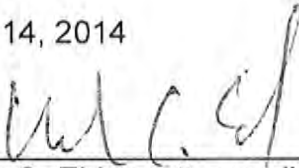
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July 14, 2014



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