ILLINOIS POLLUTION CONTROL BOARD

Blake Leasing Company, LLC – Real Estate Series, as owner of Kirkland Quick Stop,	)	
Petitioner,	)	PCB No. 16-100 (Water Well Setback Exception)
v.	)	
Illinois Environmental Protection Agency and Village of Kirkland,	)	
Respondents.	)	

NOTICE OF FILING

To: See Attached Certificate of Service

PLEASE TAKE NOTICE that on April 21, 2017, the Petitioner, Blake Leasing Company, LLC – Real Estate Series as owner of Kirkland Quick Stop, submits its Response to IEPA's March 23, 2017 Response and Comments, along with Cost Estimates for Proposed Revised Remedial Activities, a copy of which is attached and served upon you.

Dated: April 21, 2017

Respectfully submitted,

On behalf of Blake Leasing Company, LLC – Real Estate Series

/s/Charles F. Helsten
Charles F. Helsten
One of Its Attorneys

Charles F. Helsten
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100 Park Avenue
P.O. Box 1389
Rockford, IL 61105-1389
815-490-4900
chelsten@hinshawlaw.com

CERTIFICATE OF SERVICE

I, Charles F. Helsten, an attorney, certify that I have served the above Notice of Filing and attached Response to IEPA's March 23, 2017 Response and Comments, along with Cost Estimates for Proposed Revised Remedial Activities, via email and by depositing the attached in the U.S. Mail at Rockford, Illinois, with proper postage or delivery charge prepaid.

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

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Village of Kirkland
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Kirkland, Illinois 60146
Mayor_bellah@mchsi.com

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/s/Charles F. Helsten

71325808v1 0982512

ST. JOHN - MITTELHAUSER & ASSOCIATES

TECHNICAL MEMORANDUM

Date: April 21, 2017

From: Ron St. John, Steve Swenson; St. John – Mittelhauser & Associates, Inc.

RE: Written Responses to the Illinois EPA's Response dated March 23rd, 2017 to the Petitioner's Responses to the Illinois Pollution Control Board Questions for Blake Leasing Company, LLC v. Illinois Environmental Protection Agency and Village of Kirkland; PCB 16-100 (Water Well Setback Exception)

Blake Leasing, LLC - Real Estate Series is providing the following written responses to the Illinois EPA response dated March 23, 2017.

> *In its response to the Board Question 1, Blake responds that injection wells will only be located within the setback zone of Well #1 (11424). Referring to Figure 1a, the Agency notes that monitoring wells MW-1 and MW-15, which have exceedances of remedial objectives, have injection wells both up gradient and down gradient of their locations. However, MW-3a, MW-12 and MW-6, which have higher concentrations of contaminants and consistently exceed remedial objectives do not have injection wells immediately down gradient of their locations. The Agency acknowledges that much of the Blake property where the injection wells are proposed has low dissolved oxygen (DO) concentrations, however, the majority of monitoring wells in that area do not have exceedances of remedial objectives. Even though MW-18 has higher levels of DO, MW-19 periodically falls below the 1.0 mg/L DO that Blake has established as the threshold for natural biologic action to take place. The Agency also recognizes that Blake's property ends just north of MW-3a, MW-14 and MW-6. Blake has installed monitoring wells between its property and railroad property, therefore Blake appears to have access to this area. The Agency believes that it is defensible to install injection wells in the same area. […] The Agency is aware that installation of injection wells in this area may be within the setback zone of Well #2 (11425). The Agency believes that Blake has presented information that adequately demonstrates the safety and likely efficacy of the proposed air sparging. In the interest of achieving remediation goals as has been proposed, the Agency fully supports the installation of these injection wells within the setback zones of both Wells #1 (11424) and #2 (11425), as needed to meet those goals.*

> **Response:** Blake Leasing agrees with the assessment of the proposed air sparging system for the Kirkland Quick Stop Site (KQS) performed by the Agency in its response letter dated March 23rd, 2017. As a result, Blake Leasing has incorporated the recommendations made by the Agency into the current air

1401 Branding Avenue, Downers Grove, IL 60515
Phone: (630) 427-8100 Fax: (630) 427-8129

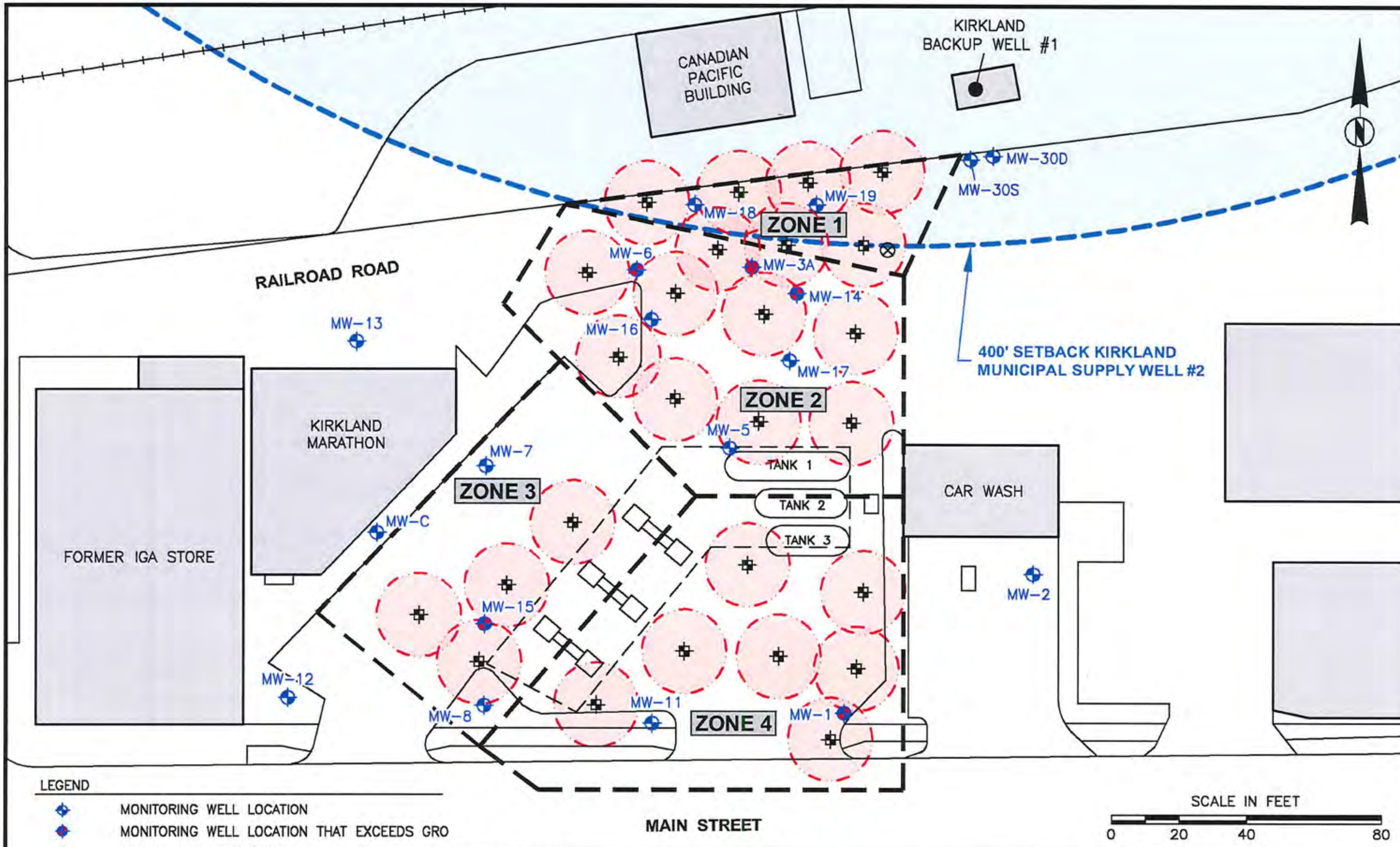
sparging system design. Modifications include:

- Increasing the total number of air injection wells from 15 wells in the prior design to 26 in the current design
- Including four (4) new air injection wells on the KQS property and in the adjacent alleyway within the setback zone of Well #1 (11424)
- Including five (5) new air injection wells in the adjacent alleyway within the setback zone of Well #2 (11425)
- Including two (2) new air injection wells in the adjacent alleyway within the setback zone of Well#1 (11424), having radii of influence that will overlap the setback zone of Well #2 (11425)

Additional air injection wells (Zone 1 and Zone 2, Figure 1) have been added to the KQS property and the alleyway that exists to the north, as recommended by the Agency. As the Agency also pointed out in its response, some of the newly proposed injection wells will be within the setback zone of Well #2 (11425), which is also shown on Figure 1. The dissolved oxygen concentrations are below 1.0 mg/L throughout much of the vicinity surrounding monitoring wells MW-6, MW-3A, MW-14, and slightly down gradient (generally to the north) of these points. Low-level petroleum hydrocarbon impacts have been observed in these wells, and the increased dissolved oxygen in the subsurface there will expedite the natural attenuation of these contaminants.

Four (4) additional injection wells have been added to the on-site/alleyway well network outside of the setback zone for Well #2 (11425), but within the setback zone of Well #1 (11424), to increase the air sparging coverage there. Under the combined radii of influence for the revised injection well network, the areas surrounding the on-site monitoring wells with intermittent, low-level petroleum hydrocarbon impacts (MW-1, MW-5, and MW-15) will be covered to the fullest extent possible (taking into account the existing service station infrastructure).

In summary, revised air sparging system design now includes a total of 26 injection wells (15 injection wells were included in the prior system design). Five (5) of these injection wells have proposed locations within the setback zone of Well #2 (11425), and an additional two (2) wells will have radii of influence which will overlap the setback zone. Together, these seven (7) injection wells will increase the dissolved oxygen in the petroleum impacted region in the vicinity of MW-6, MW-3A, MW-14, MW-18 and MW-19. The increased dissolved oxygen levels should also ensure continued compliance in the down gradient monitoring wells MW-18 and MW-19, which do not show exceedances of the remedial objectives.



CHK BY	SRS
DWN BY	OS
DATE	4-13-17
SCALE	AS SHOWN
CAD NO.	16013.01J2
PRJ NO.	15-16013

AIR SPARGING SYSTEM
CONCEPTUAL SITE MODEL

KIRKLAND QUICK STOP
411 MAIN STREET
KIRKLAND, ILLINOIS

SM&A
ST. JOHN - MITTELHAUSER & ASSOCIATES

FIGURE
1

Owner/Operator and Licensed Professional Engineer/Geologist Budget Certification Form

I hereby certify that I intend to seek payment from the UST Fund for costs incurred while performing corrective action activities for Leaking UST incident 891717. I further certify that the costs set forth in this budget are for necessary activities and are reasonable and accurate to the best of my knowledge and belief. I also certify that the costs included in this budget are not for corrective action in excess of the minimum requirements of 415 ILCS 5/57, no costs are included in this budget that are not described in the corrective action plan, and no costs exceed Subpart H: Maximum Payment Amounts, Appendix D Sample Handling and Analysis amounts, and Appendix E Personnel Titles and Rates of 35 Ill. Adm. Code 732 or 734. I further certify that costs ineligible for payment from the Fund pursuant to 35 Ill. Adm. Code 732.606 or 734.630 are not included in the budget proposal or amendment. Such ineligible costs include but are not limited to:

Costs associated with ineligible tanks.
Costs associated with site restoration (e.g., pump islands, canopies).
Costs associated with utility replacement (e.g., sewers, electrical, telephone, etc.).
Costs incurred prior to IEMA notification.
Costs associated with planned tank pulls.
Legal fees or costs.
Costs incurred prior to July 28, 1989.
Costs associated with installation of new USTs or the repair of existing USTs.

Owner/Operator: Blake Leasing Compnay, LLC - Real Estate Series

Authorized Representative: John Blake Title: Owner

Signature: [signature] Date: 4/20/2017

Subscribed and sworn to before me the 20th day of April, 2017.

[signature] (Notary Public) Seal:

OFFICIAL SEAL
DENICE A KRUSEMEIER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:12/23/19

In addition, I certify under penalty of law that all activities that are the subject of this plan, budget, or report were conducted under my supervision or were conducted under the supervision of another Licensed Professional Engineer or Licensed Professional Geologist and reviewed by me; that this plan, budget, or report and all attachments were prepared under my supervision; that, to the best of my knowledge and belief, the work described in the plan, budget, or report has been completed in accordance with the Environmental Protection Act [415 ILCS 5], 35 Ill. Adm. Code 732 or 734, and generally accepted standards and practices of my profession; and that the information presented is accurate and complete. I am aware there are significant penalties for submitting false statements or representations to the Illinois EPA, including but not limited to fines, imprisonment, or both as provided in Sections 44 and 57.17 of the Environmental Protection Act [415 ILCS 5/44 and 57.17].

L.P.E./L.P.G.: Steven R. Swenson L.P.E./L.P.G. Seal:

LICENSED PROFESSIONAL GEOLOGIST
STEVEN R. SWENSON
196-001387
3/31/19
ILLINOIS

L.P.E./L.P.G. Signature: [signature] Date: 4-21-17

Subscribed and sworn to before me the 21st day of April, 2017.

[signature] (Notary Public) Seal:

OFFICIAL SEAL
DENICE A KRUSEMEIER
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:12/23/19

The Illinois EPA is authorized to require this information under 415 ILCS 5/1. Disclosure of this information is required. Failure to do so may result in the delay or denial of any budget or payment requested hereunder.

Illinois Environmental Protection Agency

Bureau of Land • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

General Information for the Budget and Billing Forms

LPC #: 0370305005 County: DeKalb

City: Kirkland Site Name: Blake Leasing Co. LLC - Real Estate Series

Site Address: Kirkland Quick Stop 411 West Main Street, Kirkland, Illinois 60146

IEMA Incident No.: 891717

IEMA Notification Date: 9-7-89

Date this form was prepared: April 14, 2017

This form is being submitted as a (check one, if applicable):

- ☒ Budget Proposal
- ☐ Budget Amendment (Budget amendments must include only the costs over the previous budget.)
- ☐ Billing Package

Please provide the name(s) and date(s) of report(s) documenting the costs requested:

Name(s): Technical Report; Technical Memorandums

Date(s): Jan 5, 2017; 2/23/17 3/17/17 4/21/17

This package is being submitted for the site activities indicated below:

35 Ill. Adm. Code 734:

- ☐ Early Action
- ☐ Free Product Removal after Early Action
- ☐ Site Investigation . . . . Stage 1: ☐ Stage 2: ☐ Stage 3: ☐
- ☒ Corrective Action Actual Costs

35 Ill. Adm. Code 732:

- ☐ Early Action
- ☐ Free Product Removal after Early Action
- ☐ Site Classification
- ☐ Low Priority Corrective Action
- ☐ High Priority Corrective Action

35 Ill. Adm. Code 731:

- ☐ Site Investigation
- ☐ Corrective Action

General Information for the Budget and Billing Forms

The following address will be used as the mailing address for checks and any final determination letters regarding payment from the Fund.

Pay to the order of: Blake Leasing Company, LLC - Real Estate Series

Send in care of: John D. Blake

Address: 6807 Rote Road

City: Rockford State: IL Zip: 61107

The payee is the: Owner ☒ Operator ☒ (Check one or both.)

John D Blake

Signature of the owner or operator of the UST(s) (required)

W-9 must be submitted.
Click here to print off a W-9 Form.

Number of petroleum USTs in Illinois presently owned or operated by the owner or operator; any subsidiary, parent or joint stock company of the owner or operator; and any company owned by any parent, subsidiary or joint stock company of the owner or operator:

Fewer than 101: ☒ 101 or more: ☐

Number of USTs at the site: 14 (Number of USTs includes USTs presently at the site and USTs that have been removed.)

Number of incidents reported to IEMA for this site: One

Incident Numbers assigned to the site due to releases from USTs: 891717

Please list all tanks that have ever been located at the site and tanks that are presently located at the site.

Product Stored in UST	**Size (gallons)**	**Did UST have a release?**	**Incident No.**	**Type of Release** Tank Leak / Overfill / Piping Leak
Gasoline	2,000	Yes ☐ No ☒		
Gasoline	1,000	Yes ☐ No ☐		
Diesel Fuel	1,000	Yes ☒ No ☐	891717	Piping Leak
Gasoline	5,000	Yes ☐ No ☒		
Gasoline	5,000	Yes ☐ No ☒		
Gasoline	500	Yes ☒ No ☐	891717	Tank Leak
Gasoline	500	Yes ☐ No ☒		
Gasoline	500	Yes ☐ No ☒		
Gasoline	500	Yes ☐ No ☒		

Product Stored in UST	**Size (gallons)**	**Did UST have a release?**	**Incident No.**	**Type of Release** Tank Leak / Overfill / Piping Leak
Gasoline	300	Yes ☐ No ☒		
Gasoline	10,000	Yes ☐ No ☒		
Gasoline	4,000	Yes ☐ No ☒		
Diesel Fuel	6,000	Yes ☐ No ☒		
Gasoline	3,000	Yes ☐ No ☒		
		Yes ☐ No ☐		
		Yes ☐ No ☐		
		Yes ☐ No ☐		
		Yes ☐ No ☐		

Add More Rows

Undo Last Add

Electronic Filing: Received, Clerk's Office 4/21/2017

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
Blake Leasing Company LLC - Real Estate Series

3 Check appropriate box for federal tax classification; check only **one** of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☑ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ P
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any)
Exemption from FATCA reporting code (if any)
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
6807 Rote RD

Requester's name and address (optional)

6 City, state, and ZIP code
Rockford, Illinois 61107

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number
☐☐☐ – ☐☐ – ☐☐☐☐

or

Employer identification number
4 5 – 3 6 3 5 9 4 4

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ [signature] Date ▶ 4/19/2017

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.