

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 May 2, 2017, the Petitioner, Blake Leasing Company, LLC – Real Estate Series as owner of Kirkland Quick Stop, submits its Motion to File Amended Petition for Water Well Setback Exception pursuant to 415 ILCS 5/14.2(c), a copy of which is attached and served upon you.

Dated: May 2, 2017

Respectfully submitted,

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

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

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CERTIFICATE OF SERVICE

I, Charles F. Helsten, an attorney, certify that I have served the above Notice of Filing and attached Motion to File Amended Petition for Water Well Setback Exception pursuant to 415 ILCS 5/14.2(c), 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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/s/Charles F. Helsten

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

**PETITIONER'S MOTION TO FILE AMENDED PETITION FOR WATER WELL
SETBACK EXCEPTION PURSUANT TO 415 ILCS 5/14.2(C)**

NOW COMES Petitioner, Blake Leasing Company, LLC – Real Estate Series as owner of Kirkland Quick Stop, by and through its attorneys, Hinshaw & Culbertson, LLP, and moves this Honorable Board for leave to further amend its pending Petition for Water Well Setback Exception pursuant to 415 ILCS 5/14.2(c) as set forth herein, and, in support thereof, states as follows:

1. Petitioner, Blake Leasing Company, LLC – Real Estate Series is the owner of the Kirkland Quick Stop (“KQS”) gas station property located at 411 West Main Street, Kirkland, DeKalb County, Illinois 60146 (“Subject Property”) and/or (“Site”).

2. On or about January 6, 2017, Petitioner presented its Amended Petition to further address the prior release of petroleum product (unleaded gasoline and diesel) from an underground storage tank system formally located at the Subject Property.

3. Subsequent thereto, in response to this Honorable Board’s questions of February 23, 2017, concerning the Amended Petition, the Petitioner filed certain Responses.

4. Subsequent thereto, on or about the 23rd day of March, 2017, the Illinois Environmental Protection Agency (the “Agency”), filed its Response to Petitioner’s Responses

made to this Honorable Board's questions of February 23, 2017. A copy of the Agency's Response is marked Exhibit A and attached hereto for convenient review and incorporated herein by this reference.

5. Of particular note and significance in the Agency's Response is the following excerpt set forth on page 2 of that document:

*"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(sp) 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**". (emphasis added).*

6. In response thereto, on or about the 21st day of April, 2017, the Petitioner filed its Supplemental Technical Memorandum in support of its air sparging proposal. That document acknowledged the observations and conclusions of the Agency, and presented a supplemental sparging plan which it believes addresses the Agency's concerns, and includes possible remedial activities within the setback zone for Well #2 (11425).

7. As the current Petition only requests setback relief for Well #1, in light of these recent developments, and in an effort to address the Agency's concerns, as well as to approach the remedial effort at this Site in a manner which results in both administrative and technical efficiency, and so as to prevent the need for the filing of separate Petitions for each Well, the Petitioner now requests that its claim for relief in the pending Petition be amended to request that this Honorable Board grant a setback zone exception pursuant to Section 415 ILCS 14.2(c) for both Kirkland Municipal Well #1 (11424) and Kirkland Municipal Well #2 (11425), and for such other and further relief as this Board deems just and proper.

Dated: May 2, 2017

Respectfully submitted,

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

/s/ Charles F. Helsten

Charles F. Helsten
One of Its Attorneys

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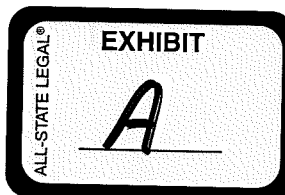
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BLAKE LEASING COMPANY, LLC,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 2016-100
	)	(Water Well Setback Exception)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY and VILLAGE	)	
OF KIRKLAND,	)	
	)	
Respondent.	)	

**ILLINOIS EPA'S RESPONSE TO PETITIONER'S RESPONSES TO THE ILLINOIS
POLLUTION CONTROL BOARD QUESTIONS**

NOW COMES the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Agency"), by and through its counsel, and pursuant to 35 Ill. Adm. Code 101.500, hereby submits its response to BLAKE LEASING COMPANY, LLC's ("Petitioner" or "Blake") Responses to the Illinois Pollution Control Board's ("Board") questions of February 23, 2017.

The Agency has reviewed Blake's responses to the Board's questions. The Agency generally concurs with the information that Blake and its consultant SM&A have provided. 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 exceedences of remedial objectives, have injection wells both up gradient and down gradient of their locations. However, MW-3a, MW-14 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 exceedences 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 it is advisable for Blake to install injection wells in the same area.

In support of its opinion, the Agency notes that the DO iso-concentration lines in Figures 1a, 1b and 1c all show significant reductions in DO concentrations immediately up gradient of MW-3a, MW-14 and MW-6. Therefore, that reduced oxygen water is migrating towards the residual hydrocarbons. Furthermore, the high concentrations of hydrocarbons in these wells indicate that some level of hydrocarbons above the remedial objectives is likely to exist between wells MW-3a, MW-14 and MW-6, and MW-18 and MW-19 where remedial objectives are being met. 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. The Agency is concerned that remedial goals may not be met for lack of including a small portion of the Well #2 (11425) setback zone in this petition and therefore limiting the ability to install injection wells in that small area.

WHEREFORE, the Illinois EPA respectfully submits its Response.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

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CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING and ILLINOIS EPA'S RESPONSE TO PETITIONER'S RESPONSES TO THE ILLINOIS POLLUTION CONTROL BOARD QUESTIONS upon

Village of Kirkland
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by placing a true copy in an envelope duly addressed bearing proper first class postage in the United States mail at Springfield, Illinois on March 23, 2017, or by sending an email from my email account (joanne.olson@illinois.gov) to the email addresses designated below with the following attached as a 5 page PDF document in an e-mail transmission on or before 5:00 pm on March 23, 2017.

/s/Joanne M. Olson
Joanne M. Olson