

ILLINOIS POLLUTION CONTROL BOARD
August 23, 2018

BLAKE LEASING COMPANY, LLC – REAL)
ESTATE SERIES, as owner of KIRKLAND)
QUICK STOP,)
)
Petitioner,)
)
v.) PCB 18-26
) (Water Well Setback Exception)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY; VILLAGE OF)
KIRKLAND, ILLINOIS; and SOO LINE)
RAILROAD COMPANY (d/b/a CANADIAN)
PACIFIC RAILWAY and CANADIAN)
PACIFIC)
)
Respondents.)

ORDER OF THE BOARD (by B.K. Carter):

On November 7, 2017, Blake Leasing Company, LLC – Real Estate Series (Blake Leasing) filed a petition (Pet.) requesting that the Board grant an exception from the community water supply well setback requirement under Section 14.2(c) of the Environmental Protection Act (Act). See 415 ILCS 5/14.2(c) (2016); 35 Ill. Adm. Code 106.Subpart C. Blake Leasing requested the exception for an underground storage tank (UST) system operating at the Kirkland Quick Stop within the setback for the Village of Kirkland’s Emergency Backup Well No. 1. Pet. at 2; Mot. at 1.

Blake Leasing states that, since filing the petition, it sought to obviate the need for an exception by eliminating Backup Well No. 1 as a “community water supply well” or “other potable water supply well” requiring a setback under Section 14.2(a) of the Act. Mot. at 1-2, citing 415 ILCS 5.14.2(a) (2016). Blake Leasing states that the Village of Kirkland agreed to eliminate Emergency Backup Well No. 1 as an “existing or permitted community water supply well.” Pet. at 2, citing Exhibit A. In addition, the Village of Kirkland adopted a site-specific groundwater use restriction ordinance for the parcel that includes the well. Pet. at 2, citing Exh. B. Blake leasing argues that the ordinance prevents the well from being an “other potable water supply well.” Pet. at 2, citing 415 ILCS 5/14.2(a) (2016).

Based on these two actions, Blake Leasing believes that its UST system now complies with Section 14.2 of the Act and no longer requires an exception to the required setback. Pet. at 2. Blake Leasing requests that the Board dismiss the petition. *Id.* On August 22, 2018, the Illinois Environmental Protection Agency responded that it has no objection to the motion.

The Board grants the motion, dismisses the petition, and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 23, 2018, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A Brown, Clerk
Illinois Pollution Control Board