

ILLINOIS POLLUTION CONTROL BOARD
May 19, 2016

BLAKE LEASING COMPANY, LLC,)
)
 Petitioner,)
)
 v.) PCB 16-100
) (Water Well Setback Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY and VILLAGE OF)
 KIRKLAND,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

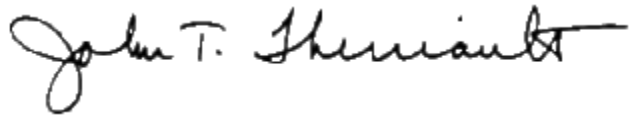
Blake Leasing Company, LLC (Blake) seeks an exception from the water well setback requirement in Section 14.2 of the Environmental Protection Act for its gas station in Kirkland, DeKalb County. See 415 ILCS 5/14.2 (2014). The Board accepted Blake’s petition for hearing on April 21, 2016. Blake Leasing Company, LLC v. IEPA and Village of Kirkland, PCB 16-100 (April 21, 2016). On April 27, 2016, the hearing officer issued questions to Blake with a May 26, 2016 deadline for Blake’s answers.

On April 28, 2016, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss (Mot.) Blake’s petition stating that the Agency was never served with the petition and Blake’s “Certificate of Service does not provide the correct address for the Agency.” Mot. at 2. The motion asks that the petition be dismissed or “[i]n the alternative . . . the Board grant [the Agency] 21 days to file its response . . .” *Id.* at 3.

Blake responded to IEPA’s motion (Resp.) and corrected the service error on April 29, 2016. Resp. at 7. The Board finds that all necessary parties have now been properly served with the petition. See 35 Ill. Adm. Code 101.304(g)(1), 106.300, 106.302. The Board denies the Agency’s motion and gives the Agency until June 16, 2016 (21 days after Blake’s deadline for filing answers) to file its response to Blake’s petition. The Board directs the Agency to consider Blake’s answers in its response.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 19, 2016 by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board