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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD

April 27, 2016

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

 ORIGINAL

HEARING OFFICER ORDER

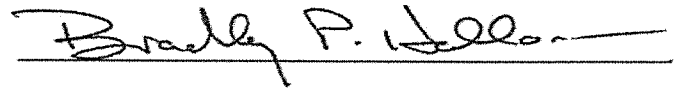
The parties are hereby notified that the above-captioned matter has been assigned to the hearing office noted below. From this date forward, any documents filed with the Clerk of the Board must also be served on the hearing officer. Electronic service on the hearing officer is sufficient and encouraged.

In an effort to assist the Board in its determination of the above-captioned water well setback exception petition, the petitioner is directed to file written responses addressing the attached questions on or before May 26, 2016. If additional response time is needed, the schedule will be addressed at the next telephonic status conference noted below. Further, the Agency's response time to the petition will be discussed at the next status conference.

The parties are encouraged to submit their consent to be served by electronic service of my hearing officer orders and their respective e-mail addresses to me or the Clerk of the Board.

The parties or their legal representatives are directed to participate in a telephonic status conference with the hearing officer on May 5, 2016, at 11:30 a.m. The telephonic conference must be initiated by the petitioner, but each party is nonetheless responsible for its own appearance. At the conference, the parties must be prepared to discuss the status of the above-captioned matter and their readiness for hearing.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Bradley P. Halloran", is written over a horizontal line.

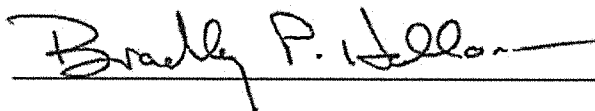
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph Street
Chicago, Illinois 60601
312.814.8917
Brad.Halloran@illinois.gov

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on April 27, 2016, to each of the persons on the service list below.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on April 27, 2016:

John T. Therriault
 Illinois Pollution Control Board
 James R. Thompson Center
 100 W. Randolph St., Ste. 11-500
 Chicago, Illinois 60601



Bradley P. Halloran
 Hearing Officer
 Illinois Pollution Control Board
 100 W. Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 (312) 814-8917

SERVICE LIST

PCB 2016-100
 Charles F. Helsten
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 P.O. Box 1389
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PCB 2016-100
 Division of Legal Counsel
 IEPA
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, IL 62794-9276

PCB 2016-100
 Mayor Les Bellah
 Village of Kirkland
 511 W. Main Street
 Kirkland, IL 60146

The Board directs Blake Leasing to respond to the following questions.

35 Ill. Adm. Code 310(b)

The Petition for Water Well Setback Exception (petition) and attached corrective action plan (CAP) provide that the injection wells will be injected with a hydrocarbon degrading aerobic bacteria, an enzyme-based surfactant and nutrient product, and a biological oxygen compound.

- 1) Submit Appendix D of the CAP, including a copy of the Material Safety Data Sheets for the hydrocarbon degrading aerobic bacteria, enzyme-based surfactant and nutrient product, and biological oxygen compound and the description of bioremediation amendments, to supplement the petition.
- 2) Explain whether the enhanced bioremediation injections may change the character of the groundwater supply for the Village of Kirkland CWS wells. For example, will the resultant products of bio-degradation negatively impact the community water supply in any way?
- 3) Explain whether the enhanced bioremediation injections or the impact of the injections on the existing soil and groundwater could cause an exceedance of the primary drinking water regulations at 35 Ill. Adm. Code 611 during or after remediation.

Exh. E to the petition states, "Groundwater testing on July 1, 2015 of the two Village of Kirkland municipal water supply wells (main and backup) for petroleum contaminants BTEX/MTBE and PNAs detected below laboratory detection limit (BDL) concentrations and <Tier 1 Class I GROs (drinking water standards) for all BTEX/MTBE and PNA compounds." Exh. E at 1, Exh. A at 6.

- 4) Has Blake Leasing agreed with the Village of Kirkland to have the CWS wells tested for BTEX/MTBE, PNAs, as well as the injected bacteria and OSEI product components after the injection activities?
 - a. If an agreement is in place, describe how the Village and Blake Leasing will respond if BTEX/MTBE, PNAs, the injected bacteria, or OSEI product are above drinking water standards.
 - b. If no agreement is in place for testing the CWS wells after injection, explain why.
 - c. Will Blake Leasing be required to prove to the Agency that an acceptable level of BTEX/MTBE, PNAs, injected bacteria, and OSEI product components remains in the groundwater or CWS wells before receiving a NFR letter from the Agency?
 - d. Comment on the Board requiring Blake Leasing to sample the CWS wells for BTEX/MTBE, PNAs, injected bacteria, and OSEI product components following the injection activities as a condition of the exception. Provide a suggested timeframe for the sampling.

- 5) How will Blake Leasing determine if the enhanced bioremediation injection is successful and what criteria will be used to make that determination?
- 6) Explain Blake Leasing's plan if levels of benzene and PNA persist in the groundwater monitoring wells above the groundwater remediation objectives after the second quarter of sampling.

The CAP proposes two quarterly groundwater sampling events on the 30th and 120th day after the final injection. Exh. A at 10.

- 7) Comment on the Board requiring a minimum of four consecutive quarters of groundwater sampling rather than two, as proposed in the petition.

The CAP states, "Once Agency approval of the CAP along with approved IEPA and Kirkland waivers allowing the injection wells has been received by GEOTHINK, the Class V Injection Well Inventory Forms and application can be submitted to Mr. Bur Filson of the IEPA Permits section to obtain proper permit to commence injection well drilling, construction and subsequent bioremediation treatments in-situ." Exh. A at 4.

- 8) Indicate whether IEPA will require Blake Leasing to obtain an Underground Injection Control (UIC) Permit for the 47 Class V injection wells pursuant to 35 Ill. Adm. Code 704.147.

35 Ill. Adm. Code 106.310(c)

Blake Leasing states the maximum feasible alternative setback is "600 feet for the main supply well, and a setback of 300 feet for the emergency backup well." Pet. at 5. The petition states the emergency backup CWS well is located 75 feet east of the northern boundary of the subject property and the main CWS well is 422 feet north of the northern boundary. Pet. at 2. The off-site remediation injection area proposed for injection is located along the northern property line. Pet. at 3. Based on Exh. B, Fig. 5, the Board estimates that the off-site remediation injection area is approximately 50 feet from the emergency backup CWS well and approximately 414 feet from the main CWS well.

- 9) Clarify the maximum feasible alternative setback for all CWS wells.
- 10) Indicate the property lines of the Blake Leasing Kirkland Quick Stop property on Exh. A, Fig. 5.

35 Ill. Adm. Code 106.310(d)

The CAP states, "The most recent SWAP and ISGS Well Search results from July 2015 for the 2 municipal wells and nearby residential wells are provided in Appendix B." Exh. A at 6.

- 11) Submit a copy of Appendix B of the CAP to supplement the petition.

- 12) Indicate whether the locations of the enhanced bioremediation injection wells would be within the setback zone of any other wells besides the Village of Kirkland CWS wells.

The CAP states, "The 47 injection wells and 16 monitoring wells will be properly abandoned by Cabeno after receipt of the draft No Further Remediation (NFR) letter from IEPA. Exh. A at 11.

- 13) Comment on the Board including a condition that the exception automatically expires upon issuance of a NFR letter from IEPA.

415 ILCS 5/14.2(f)

- 14) Provide evidence of whether or not either DeKalb County or the Village of Kirkland has an ordinance with more stringent well setback standards than the prohibitions of 415 ILCS 5/14.2.