

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MULLINS FOODS PRODUCTS, and)	
ANGELL REALTY XII, LLC)	
Petitioners,)	
)	
v.)	PCB 22-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Angell Realty XII LLC
Attn: Tim Whelan
4140 West Fullerton Avenue
Chicago, IL 60639
twhelan@newlywedsfoods.com

Newly Weds Foods, d/b/a Mullin Food Products
Attn: Dan Nora
Assistant General Counsel
8550 W. Bryn Mawr Avenue, Suite 100
Chicago, IL 60631
dnora@newlywedsfoods.com

PLEASE TAKE NOTICE that I have today caused to be filed a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** with the Illinois Pollution Control Board, copies of which are served upon you.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
melanie.jarvis@illinois.gov

Dated: June 8, 2023

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

MULLINS FOODS PRODUCTS, and)	
ANGELL REALTY XII, LLC)	
Petitioners,)	
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)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

**REQUEST FOR NINETY DAY EXTENSION
OF APPEAL PERIOD**

NOW COMES the Respondent, the Illinois Environmental Protection Agency (“Illinois EPA”), by one of its attorneys, Melanie A. Jarvis, Deputy Chief Counsel, and, pursuant to Section 40(a)(1) of the Illinois Environmental Protection Act (415 ILCS 5/40(a)(1)) and 35 Ill. Adm. Code 105.208, hereby requests that the Illinois Pollution Control Board (“Board”) grant an extension of the thirty-five (35) day period for petitioning for a hearing to September 18, 2023, or any other date not more than a total of one hundred twenty-five (125) days from the date of receipt of the Illinois EPA’s final decision. In support thereof, the Illinois EPA respectfully states as follows:

1. On or about May 11, 2023, the Illinois EPA issued a final decision to the Petitioner.
2. On June 6, 2023, the Petitioner made a written request to the Illinois EPA for an extension of time by which to file a petition for review, asking the Illinois EPA to join in requesting that the Board extend the thirty-five day period for filing a petition by ninety days. Upon information and belief, Petitioner received the final decision on or about May 16, 2023.

3. The additional time requested by the parties may eliminate the need for a hearing in this matter or, in the alternative, allow the parties to identify issues and limit the scope of any hearing that may be necessary to resolve this matter.

WHEREFORE, for the reasons stated above, the parties request that the Board, in the interest of administrative and judicial economy, grant this request for a ninety-day extension of the thirty-five day period for petitioning for a hearing.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A Jarvis
Deputy Chief Counsel – Land Enforcement
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov
Dated: June 8, 2023

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on June 8, 2023, I served true and correct copies of a **REQUEST FOR NINETY DAY EXTENSION OF APPEAL PERIOD** by the method(s) and to the persons identified below:

Electronic Service

Don Brown, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
don.brown@illinois.gov

Angell Realty XII LLC
Attn: Tim Whelan
4140 West Fullerton Avenue
Chicago, IL 60639
twhelan@newlywedsfoods.com

Newly Weds Foods, d/b/a Mullin Food Products
Attn: Dan Nora
Assistant General Counsel
8550 W. Bryn Mawr Avenue, Suite 100
Chicago, IL 60631
dnora@newlywedsfoods.com

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
Deputy Chief Counsel – Land Enforcement
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-5544
866/273-5488 (TDD)
melanie.jarvis@illinois.gov

From: DNora@newlywedsfoods.com
To: [Jarvis, Melanie](mailto:Jarvis.Melanie)
Cc: TWhelan@newlywedsfoods.com
Subject: [External] Leaking UST Incident 20220899
Date: Tuesday, June 6, 2023 1:25:08 PM
Attachments: [Scan from BRPR66.pdf](#)

Dear Ms. Jarvis:

The undersigned writes behalf on Mullins Food Products, Inc. and Angell Realty XII LLC.

Thank you for taking the time to speak to me earlier today. As discussed, we would like to file for a 90 day extension regarding the decision for the above referenced file.

We received the attached decision on May 19, 2023. Our appeal deadline would otherwise be June 23, 2023.

Can you write back confirming the extension and when any appeal would need to be filed by.

Best,
Dan

(See attached file: Scan from BRPR66.pdf)



Dan Nora

Assistant General Counsel | Newly Weds Foods, Inc.
8550 W. Bryn Mawr Ave. Suite 100 | Chicago, IL 60631
Office: 773-292-3815
Email: DNora@newlywedsfoods.com
www.newlywedsfoods.com

Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 · (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

(217) 524-3300

CERTIFIED MAIL

MAY 11 2023

7022 2410 0001 5388 2384

Tim Whelan
Angell Realty XII LLC
4140 West Fullerton Avenue
Chicago, IL 60639

Re: 0310305045 -- Cook County
Broadview / Mullins Food Products
2700 West Roosevelt Road
Leaking UST Incident 20220899
Leaking UST Technical File

Dear Mr. Whelan:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the 45-Day Report/Corrective Action Completion Report (report) submitted pursuant to Section 57.6 of the Environmental Protection Act (415 ILCS 5) (Act) and 35 Illinois Administrative Code (35 Ill. Adm. Code) 734.Subpart B. The report was dated December 31, 2022, and was received by the Illinois EPA on January 11, 2023. A corrected Property Owner Summary was received electronically on May 10, 2023.

Owners or operators may proceed without conducting site investigation activities if, upon completion of early action requirements pursuant to 35 Ill. Adm. Code 734.Subpart B, the owner or operator can demonstrate compliance with the remediation objectives at 35 Ill. Adm. Code 742. Upon completion of the early action requirements, the owner or operator shall submit a corrective action completion report demonstrating compliance with the required levels.

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the Illinois EPA hereby notifies the owner or operator that the Corrective Action Completion Report is rejected for the reasons described below:

1. The owner or operator (Angell Realty XII LLC) must submit the Notification Form for Underground Storage Tanks to the Office of the Illinois State Fire Marshal (OSFM). The type of notification must be "New Owner." The new owner must be Angell Realty XII LLC, as they became the owner on January 31, 2018, according to the deed on file with Cook County.
2. The owner or operator must submit a new 45-Day Report form. The form must be signed by Angell Realty XII LLC.

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It should be noted that the 45-Day Report is approved pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a); therefore, the 45-day reporting requirements of 35 Ill. Adm. Code 734.210(e) have been satisfied. This action does not constitute any decision or determination regarding the timeliness of the submittal of the 45-Day Report, nor does it waive or otherwise preclude any enforcement action the Illinois EPA may initiate in response to such a violation.

The Illinois EPA has the following additional comments at this time:

1. If the owner or operator's address is anything other than what is indicated at the top of this letter, a request to update the Illinois EPA's files should be submitted along with the correct information. There have been several different addresses provided for the owner or operator associated with this release.
2. For future reference, it is always necessary to provide site maps meeting all requirements of 35 Ill. Adm. Code 734.440.
3. Please note two (2) soil samples must be collected from the excavation floor for each UST with a volume of 1,000-gallons or more (35 Ill. Adm. 734.210(h)(1)(B)).

An underground storage tank system owner or operator may appeal this decision to the Illinois Pollution Control Board. Appeal rights are attached.

If you have any questions or need further assistance, please contact the undersigned at (217) 785-5736 or at melinda.friedel@illinois.gov.

Sincerely,



Melinda Friedel, P.E.
Project Manager
Leaking Underground Storage Tank Section
Bureau of Land

TB SA
TB: SP:

Attachment: Appeal Rights

c: Lou Filosa / Effluent Technology, Inc. (electronic copy), loueti@comcast.net
BOL File

Appeal Rights

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board pursuant to Sections 40 and 57.7(c)(4) of the Act by filing a petition for a hearing within 35 days after the date of issuance of the final decision. However, the 35-day period may be extended for a period not to exceed 90 days by written notice from the owner or operator and the Illinois EPA within the initial 35-day appeal period. If the owner or operator wishes to receive a 90-day extension, a written request that includes a statement of the date the final decision was received, along with a copy of this decision, must be sent to the Illinois EPA as soon as possible.

For information regarding the filing of an appeal, please contact:

Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
(312) 814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
PO Box 19276
Springfield, IL 62794-9276
(217) 782-5544

