

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BK WILMETTE LODGE, LLC)	
Petitioner,)	
)	
v.)	PCB 24-
)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
Respondent.)	

NOTICE

Don Brown, Clerk
Illinois Pollution Control Board
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

BK Wilmette Lodge LLC
Attn: Nadeya Khalil
1742 Kimball Avenue.
Chicago, IL 60647

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: January 17, 2024

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BK WILMETTE LODGE, LLC)	
Petitioner,)	
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)	(LUST Appeal – Ninety Day
ILLINOIS ENVIRONMENTAL PROTECTION)	Extension)
AGENCY,)	
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**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, Assistant 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 May 10, 2024, 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 January 4, 2024, the Illinois EPA issued a final decision to the Petitioner.
2. On January 10, 2024, 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 January 6, 2024.

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: January 17, 2024

THIS FILING IS SUBMITTED ON RECYCLED PAPER

CERTIFICATE OF SERVICE

I, the undersigned attorney at law, hereby certify that on January 17, 2024, 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
60 East Van Buren St., Suite 630
Chicago, IL 60605
don.brown@illinois.gov

BK Wilmette Lodge LLC
Attn: Nadeya Khalil
1742 Kimball Avenue.
Chicago, IL 60647

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY



Melanie A. Jarvis
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BK Wilmette Lodge LLC

1742 N Kimball Avenue
Chicago, IL 60647

January 11, 2024

Illinois Environmental Protection Agency
Division of Legal Counsel
P.O. Box 19276
Springfield, IL 62794-9276

RE: 1010 Central Ave, Wilmette, IL

Dear Sir or Madam:

We have received a letter of final determination from the Illinois Environmental Protection Agency on January 4, 2024, that rejects the submitted Corrective Action Completion Report dated May 6, 2023.

We respectfully request an extension from 35 days to 90 days to petition for a hearing of the final decision (copy attached).

Thank you in advance for your assistance.



Nadeya Khalil
BK Wilmette



(217) 524-3300

CERTIFIED MAIL

9589 0710 5270 1328 8642 58

JAN 04 2024

Steve Blonsky
BK Wilmette Lodge, LLC
1740 North Kimball Avenue
Chicago, IL 60647

Re: 0313305140 -- Cook County
Wilmette/BK Wilmette Lodge, LLC
1010 Central Avenue
Leaking UST Incident 20210310
Leaking UST Technical File

Dear Mr. Blonsky:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report (report) submitted for the above-referenced incident. This report was dated May 6, 2023 and was received by the Illinois EPA on May 9, 2023. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code).

Pursuant to Section 57.7(c) of the Act and 35 Ill. Adm. Code 734.505(b) and 734.510(a), the report is rejected for the reason listed below:

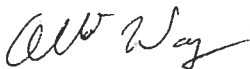
1. Per Ill Adm. Code 734.135, all plans, budgets, and reports must be signed by the owner or operator with an original signature and list the owner's or operator's full name, address, and telephone number. Please also note that the form addressing site ownership (Property Owner Summary Form) must also be certified, by original signature, of all title holders of record of the site or any portion of the site, or the agent(s) of such person(s).

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 by phone at (217) 558-8140 or by email at Albert.Wang2@illinois.gov.

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Albert Wang".

Albert Wang
Project Manager
Leaking Underground Storage Tank Section
Bureau of Land

SP
SP

Attachment: Appeal Rights

c: Duane Clark, Mionx Corporation (electronic copy)
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
60 East Van Buren Street, Ste. 630
Chicago, IL 60605
(312) 814-3461

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

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