

1. Your Contact Information

Name: Michael J. Korman
Street Address: 2306 Sundrop Drive
Glenview, IL. 60026
County: Cook
State: Illinois
Phone Number: (847) 800 - 4782

2. Place where you can be contacted during normal business hours (if different from above)

Name: _____
Street Address: _____
County: _____
State: _____
Phone Number: () - _____

3. Name and address of the respondent (alleged polluter)

Name: Illinois Department of Transportation
Street Address: 201 W Center Court
Schaumburg, Illinois 60196
County: Cook
State: Illinois
Phone Number: (847) 705 - 4172

4. Describe the type of business or activity that you allege is causing or allowing pollution (e.g., manufacturing company, home repair shop) and give the address of the pollution source if different than the address above.

For the project listed under IEPA NPDES Permit # ILR10AV06 Permit ID: 37006 the filed Notice of Intent and Stormwater Pollution Prevention Plan is not compliant with IEPA General NPDES Permit No. ILR10 with effective date of 03-August-2018. Site facility item and location is: IDOT Contract 60N83. Mar '19 Letting Item 4. SN-016-0533 carrying Willow Road over Lehigh & SOO Line LAT: 42.105556; LONG: -87.814417. This site is an active construction project which will expand the Willow Road overpass that flies over Lehigh Road and the SOO Line in the Village of Glenview, IL.

5. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.

In reviewing the Notice of Intent (NOI) filed for this project it is missing the following key components as required under the NPDES Permit # ILR10AV06. This Permit was approved by the IEPA as noted on the public listing of permitting the IEPA posts.

Specifically the Notice of Intent is incomplete: (Part II A.1) & the Signature Requirement has not been posted for the public to review (Part VI G.) Additionally, the SWPPP posted is substantially non-compliant with the NPDES Permit violations of nearly every SWPPP requirement including missing plans IAW Part IV D and Certifications IAW Part VI. G.

6. Describe the type of pollution that you allege (e.g., air, odor, noise, water, sewer back-ups, hazardous waste) and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

Stormwater runoff is not being actively managed at this project site. I recently drove through the entirety of the site and there do not appear to be any Best Management Practices one would expect to see including complete Silt Fence, Vehicle washout area, a properly engineered construction entrance. I recently filed a complaint with the Village of Glenview; asking them to ask the General Contractor to be more vigilant about dust control, roadway debris and detritus. Stormwater runoff from the upper roadway surface including potential fuel, road salt and other pollutants are entering nearby Lake Glenview & Chicago River.

7. Describe the duration and frequency of the alleged pollution. Be as specific as you reasonably can about when you first noticed the alleged pollution, how frequently it occurs, and whether it is still continuing (include seasons of the year, dates, and times of day if known).

According to the Village of Glenview website the project began on March 19, 2019 and is anticipated to be completed in late 2020. I drive through this site under Willow Road nearly every day and similarly I drive over the Willow Road bridge several times per day. I have noticed dirt filled roadways since early days of the project. I have been concerned about the lack of complete Silt Fence at this site, which has a significant amount of dirt/soil disturbance, since the beginning of the project. With Winter upon us I have noticed an increase of road/rock salt on the upper roadway that has not been cleaned.

8. Describe any bad effects that you believe the alleged pollution has or has had on human health, on plant or animal life, on the environment, on the enjoyment of life or property, or on any lawful business or activity.

There are two areas which could see significant impact to nearby waterways.

There are animal habitats along the West Fork of the North Branch of the Chicago River which are within sight of this project. I feel confident in stating that the lack of any substantial Stormwater Best Management Practices (BMPs) and the lack of a SWPPP plan created using Good Engineering Practices (NPDES Permit # ILR10AV06 Part IV) will contribute to the degradation of these habitats. Both the very nearby Kent Fuller Air Station Prairie Preserve and Lake Glenview would be impacted by a lack of proper controls.

9. Describe the relief that you seek from the Board (e.g., an order requiring that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)).

I would ask the Illinois Department of Transportation to partner with the Village of Glenview to immediately establish a fully compliant Notice of Intent and Stormwater Pollution Prevention Plan which follows every aspect of the federally approved Illinois NPDES Permit # ILR10. I would further ask that this new SWPPP be implemented without delay. Finally, I would ask that a review take place on a selection of other Illinois Department of Transportation projects throughout the State of Illinois. If the survey finds that other NOIs & SWPPPs are non-compliant to bring them into compliance.

10. Identify any identical or substantially similar case you know of brought before the Board or in another forum against this respondent for the same alleged pollution (note that you need not include any complaints made to the Illinois Environmental Protection Agency or any unit of local government).

I am not aware of any.

11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)

I intend to represent myself and I am not an Attorney.

12. Michael J. Korman
(Complainant's signature)

CERTIFICATION
(optional but encouraged)

I, Michael J. Korman, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Michael J. Korman
(Complainant's signature)

Subscribed to and sworn before me

this First day

of March, 2020.

Julie Moon
Notary Public

My commission expires: 8/1/21

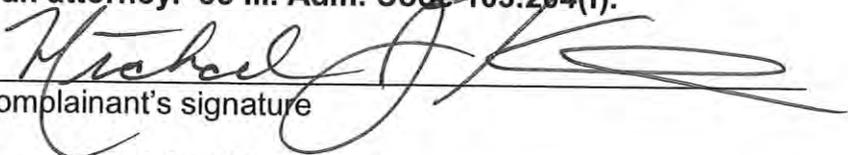


NOTICE OF FILING

Note to the Complainant: This Notice of Filing must accompany the Formal Complaint and the Documentation of Service. Once you have completed the Notice of Filing, the Formal Complaint, and the Documentation of Service, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

Please take notice that today I, Michael J. Korman, filed with the Clerk of the Illinois Pollution Control Board (Board) a Formal Complaint, a copy of which is served on you along with this Notice of Filing. You may be required to attend a hearing on a date set by the Board.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney. 35 Ill. Adm. Code 103.204(f).


Complainant's signature

Street 2306 Sundrop Drive

City, state, zip code Glenview, IL. 60026

Date 01-MARCH-2020

INFORMATION FOR RESPONDENT RECEIVING FORMAL COMPLAINT

The following information has been prepared by the Board for general informational purposes only and does not constitute legal advice or substitute for the provisions of any statute, rule, or regulation. Information about the Formal Complaint process before the Board is found in the Environmental Protection Act (Act) (415 ILCS 5) and the Board's procedural rules (35 Ill. Adm. Code 101, 103). These can be accessed on the Board's website (www.ipcb.state.il.us). The following is a summary of some of the most important points in the Act and the Board's procedural rules.

Board Accepting Formal Complaint for Hearing; Motions

The Board will not accept this Formal Complaint for hearing if the Board finds that it is either "duplicative" or "frivolous" within the meaning of Section 31(d)(1) of the Act (415 ILCS 5/31(d)(1)) and Section 101.202 of the Board's procedural rules (35 Ill. Adm. Code 101.202 (definitions of the terms "duplicative" and "frivolous")). "Duplicative" means the complaint is identical or substantially similar to a case brought before the Board or another forum. See 35 Ill. Adm. Code 103.212(a) and item 10 of the Formal Complaint.

“Frivolous” means that the Formal Complaint seeks relief that the Board does not have the authority to grant or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. See 35 Ill. Adm. Code 103.212(a) and items 5 through 9 of the Formal Complaint.

If you believe that this Formal Complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you received the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. See 35 Ill. Adm. Code 101.504, 103.212(b). If you need more than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after you received the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the Formal Complaint is duplicative or frivolous will stay the 60-day period for filing an Answer to the complaint. See 35 Ill. Adm. Code 103.204(e), 103.212(b); see also 35 Ill. Adm. Code 101.506 (generally, all motions to strike, dismiss, or challenge the sufficiency of any pleading must be filed within 30 days after service of the challenged document).

The party making a motion must “file” the motion with the Board’s Clerk and “serve” a copy of the motion on each of the other parties to the proceeding. The Board’s filing and service requirements are set forth in its procedural rules (35 Ill. Adm. Code 101.300, 101.302, 101.304), which are located on the Board’s website (www.ipcb.state.il.us).

If you do not file a motion with the Board within 30 days after the date on which you received the Formal Complaint, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing without any input from you. The Board will then assign a hearing officer who will contact you to schedule times for holding telephone status conferences and a hearing. See 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an Answer to this Formal Complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an Answer within 60 days after the Board rules on your motion. See 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

Failing to file an Answer to the Formal Complaint within 60 days after you were served with the complaint may have severe consequences. Failure to timely file an Answer will mean that all allegations in the Formal Complaint will be taken as if you admitted them

for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office, or an attorney. See 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an Answer and any motions or briefs, and present a defense at hearing.

Costs

In defending against this Formal Complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file with the Board your Answer or any other document in the enforcement proceeding. The Board will pay its own hearing costs (e.g., hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3461.

DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods: [*check only one—A, B, C, D, or E*]

A. U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as _____ [month/date], 20___. [*Attach the signed delivery confirmation showing the date of delivery.*]

B. _____ U.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. On _____ [month/date], 20___, by the time of ___:___ AM/PM, at _____ [*address where you provided the documents to the U.S. Postal Service or the third-party commercial carrier*], copies of the attached Formal Complaint and Notice of Filing were provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. [*Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation corresponds.*]

C. _____ Personal service and I made the personal delivery on _____ [month/date], 20___, by the time of ___:___ AM/PM.

D. _____ Personal service and another person made the personal delivery. Attached is the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as _____

_____ [month/date], 20___. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E. _____ Personal service and another person made or will make the personal delivery. However, the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made or will make the personal delivery is not available to me at this time. On _____ [month/date], 20__, by the time of __:__ AM/PM, at

[address where you provided the documents to the person making the personal delivery], copies of the attached Formal Complaint and Notice of Filing were provided to _____ [name of the person making the personal delivery], with the respondent's address appearing on the envelope or package containing these documents, and with proper delivery charge prepaid. [Within seven days after it becomes available to you, file with the Board's Clerk the affidavit or declaration of service—containing the signature of the person who made personal delivery and showing the date of delivery—and identify the Formal Complaint to which that affidavit or declaration corresponds.]

RESPONDENT'S ADDRESS:

Name _____

Street _____

City, state, zip code _____
(list each respondent's name and address if multiple respondents)

Complainant's signature

Street _____

City, state, zip code _____

Date _____

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

My commission expires: _____

Received, Clerk's Office 03/05/2020 **PCB 2020-062



Quick Tools

Mail & Ship

Track & Manage

Postal Store

Business

International

Help

English

Locations

Support

Informed Delivery

Reg

USPS Tracking®

Tracking

FAQs >

Track Another Package +

Track Packages
Anytime, Anywhere

Get the free Informed Delivery® feature to receive automated notifications on your packages

[Learn More](#)

Confirmation

Tracking Number: 420601969510806676710062216409

Remove X

Your item was delivered at 7:50 am on March 3, 2020 in SCHAUMBURG, IL 60173. The item was signed for by G MALDONADO.

Status

Delivered

March 3, 2020 at 7:50 am
Delivered
SCHAUMBURG, IL 60173

[Get Updates](#) ▾

USPS Premium Tracking™ Available ▾

Delivered

GLENVIEW
1400 PATRIOT BLVD

GLENVIEW

IL
60026-7702
163138-9550

3/2/2020 (800)275-8777 02:13 PM

Received Clerk's Office 03/05/2020 0627

Product	Qty	Unit Price	Price
2-Day Flat Rate Env (Domestic) (AUSTIN, TX 78734) (Expected Delivery Day) (Wednesday 03/04/2020) (USPS Tracking #) (9505 5066 7671 0062 2163 83)	1	\$7.75	\$7.75
Insurance (Up to \$50.00 included)			\$0.00
2-Day Flat Rate Env (Domestic) (SCHAUMBURG, IL 60196) (Expected Delivery Day) (Tuesday 03/03/2020) (USPS Tracking #) (9510 8066 7671 0062 2164 03)	1	\$7.75	\$7.75
Signature Confirmation™			\$3.15
Insurance (Up to \$50.00 included)			\$0.00
1-Day Flat Rate Env (Domestic) (CHICAGO, IL 60601) (Expected Delivery Day) (Tuesday 03/03/2020) (USPS Tracking #) (9505 5066 7671 0062 2164 20)	1	\$7.75	\$7.75
Insurance (Up to \$50.00 included)			\$0.00
Total:			\$26.40
Discover			\$26.40
(Account #:XXXXXXXXXXXX1292) (Approval #:00254P) (Transaction #:915) (Receipt #:000915) (AID:A0000001523010 (AL:Discover) Chip) (PIN:Not Required)			

Postage
←

Receipt #: 940-15300921-1-1116153-1

Includes up to \$50 insurance