



**BEFORE THE POLLUTION CONTROL BOARD**

<b>Michael J. Korman</b>	)	
	)	
<b>Complainant,</b>	)	
	)	<b>CASE NO. PCB 2021-6</b>
<b>v.</b>	)	
	)	
<b>GW Glenview, L.L.C.</b>	)	
	)	
<b>Respondent,</b>	)	
	)	
	)	

**RESPONSE TO MOTION TO DISMISS COMPLAINT**

NOW COMES the Complainant, Michael J. Korman (“MJK”) by and through myself as a private Citizen of the State of Illinois in response to the Motion to Dismiss the Complaint filed by Jaffe & Berlin, LLC on behalf of the Respondent, GW Glenview, LLC, hereby states as follows:

MJK moves this Board to hear the petition through the established PCB Hearing Process as this is an Appeal of an Illinois Environmental Protection Agency (“IEPA”) decision to issue a permit for the project identified by NPDES # ILR10BF09 and identified on the issued permit as PFINGSTON & WILLOW COMMERCIAL DEVELOPMENT. The FORMAL COMPLAINT filed by MJK fully conforms to the IPCB Citizens’ Guide to the Illinois Pollution Control Board (Updated November 30, 2017).

The original complaint seeks to review the IEPA permit approval covered under 35 Ill. ADM. Code 105.204b. IEPA granted pro forma approval of the Notice of Intent for this project with a Permit Coverage Date of May 13, 2020. This complaint was filed with PCB before construction commenced. Construction has commenced on this project and I have identified Stormwater Pollution violations at this site which I will provide as part of the hearing process.

This response is intended to focus on the IEPA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (“NPDES”) Permit approval as follows:

In accordance with (“IAW”) the IEPA-signed General NPDES Permit For Storm Water Discharges From Construction Site Activities with an effective date of August 3, 2018, which was included in the Respondent’s Motion to Dismiss is deficient in the following list:

1. Under Facility Address, listed as 2660 PFINGSTON RD; should be 2660 PFINGSTEN RD
2. IAW Part II C.1 should be the mailing address; Facility City is shown as GLENVIEW but the mailing address is NORTHBROOK, IL. 60062 according to the United States Postal Service rendering the Facility City, and Facility Zip blocks of the Notice of Intent application invalid
3. IAW Part II C.1 the listed Latitude Degrees and Longitude Degrees are incorrect. The Notice of Intent application lists Latitude: 41.529167 and Longitude: -88.068333 which according to earthpoint.us is located in Joliet, Will County, IL.
4. IAW Part II C.1 the listed Section as 9 is incorrect, the Township listed as 43N is incorrect
5. On the cover page (page 1 of 4) titled as Storm Water Pollution Prevention Plan ("SWPPP") the title block lists Orland Park, IL which is incorrect.
6. As listed in Part IV of the NPDES ILR10 the SWPPP 'shall be prepared in accordance with good engineering practices'. The SWPPP is missing the required identification of potential sources of pollution, it lacks proper description of comprehensive best management practices for a typical project of this size.
7. IAW Part IV B.5: the Copy of the 'letter of notification of coverage' AND the 'General NPDES Permit for Storm Water Discharges from Construction Site Activities' shall be posted at the site in a prominent place for public viewing. Public viewing should NOT require entry onto private property, such as trespassing, but these should be able to be viewed from the street or nearby sidewalks (if applicable).
8. IAW Part IV D.1.e: The application is missing 'site map indicating drainage patterns and approximate slopes anticipated before and after major grading activities, locations where vehicles enter or exit the site and controls to prevent offsite sediment tracking, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, locations of on-site or off-site soil stockpiling or material storage'
9. IAW Part IV D.2: The application is missing 'details or drawings that show proper installation of controls and BMPs. The Illinois Urban Manual (<http://www.aiswcd.org/illinois-urban-manual/>) or other similar documents shall be used for developing the appropriate management practices, controls or revisions of the plan. The plan will clearly describe for each major activity identified in paragraph D. 1 above, appropriate controls and the timing during the construction process that the controls will be implemented.'
10. IAW Part IV D.2.c.ii.b: While respondent HAS initiated demolition, grubbing and clearing operations at the project site they have NOT installed any storm drain inlet protection at any of the eight immediately adjacent MS4 storm inlets as indicated in the Illinois Urban Manual, specifically IUM-561D (or equivalent).
11. IAW Part IV D.2.f and g are substantially non-compliant with a focus on g.iii and g.iv.

12. IAW Part IV D.2.h: Missing in its entirety.
13. IAW Part IV F: Missing in its entirety.
14. IAW Part VI G.2.d: Incorrect Certification statement is shown.
15. Please note, under #6 above this should include properly stamped and sealed Erosion and Sediment Control drawings including a General Location Map, Site Maps which would include Soils, Slopes, Vegetation and Current Drainage Patterns as covered under the US EPA Publication # EPA-833-R-06-004; Developing Your Stormwater Pollution Prevention Plan, A Guide for Construction Sites.

This Respondent has already been cited and fined (\$6,700) by the Village of Glenview for removing dozens of trees that were designated to be protected as part of a natural buffer between the existing residential properties South and West of the project. This is yet another permit violation as noted in Part IV D.2.a.vi 'maintain natural buffers'

As to the Respondents claims and assertions tied to my service on the Village of Glenview Plan Commission, I would state the following for the benefit of the Illinois Pollution Control Board:

I believe that the IEPA is ill-equipped and/or understaffed to properly review the Notices of Intent, the attendant SWPPP documents and is unable to enforce the USEPA delegated Construction Permit program. During my time on the Village of Glenview Plan Commission, resident after resident on project after project complained about Stormwater Pollution and flooding. I became keenly interested in the topic and have achieved the following certifications:

**-Qualified Preparer of Stormwater Pollution Prevention Plan (QPSWPPP) Advanced Certificate #e317f3a8 Expires 06/08/2022, by Stormwater One**

**-Qualified Compliance Inspector of Stormwater Advanced (QCIS) Advanced Certificate #e317f3a8 Expires 06/08/2022, by Stormwater One**

In addition to the Respondent, I have filed a Formal Complaint against the Illinois Department of Transportation which is Case #PCB 2020-062 and I have filed no less than nine Informal Complaints against other projects, ongoing and completed, within the Village of Glenview. EVERY one of these projects has a material deficiency in either application or execution.

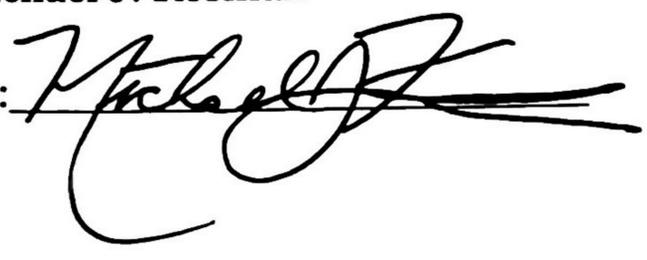
My desire to file these complaints is an effort to shine a spotlight on the seemingly incomplete effort by all parties to protect our Village, our watersheds, our rivers, lakes, properties (public and private) and citizens. I am NOT seeking to block this project but rather am asking for the proper Stormwater Pollution mitigation efforts under the law.

Finally, if the IEPA is, in fact, ill equipped to handle the current volume of Notices of Intent I would urge the Pollution Control Board to consider asking the United States Environmental Protection Agency to step in and run NPDES Compliance efforts in the State of Illinois as they do for Massachusetts, New Hampshire, New Mexico, District of Columbia, U.S. territories, and on federal and tribal lands.

For these reasons stated herein, the Board should allow the original complaint to proceed to the standard hearing process as the Board deems appropriate.

Respectfully Submitted,

Michael J. Korman

By: 

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