

ILLINOIS POLLUTION CONTROL BOARD  
July 20, 2023

PAUL CHRISTIAN PRATAPAS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 23-62  
 ) (Citizens Enforcement - Water)  
 CHARLESTON BUILDING AND )  
 DEVELOPMENT; and OZINGA READY )  
 MIX CONCRETE, INC., )  
 )  
 Respondents. )

ORDER OF THE BOARD (by B. F. Currie):

On November 22, 2022, Paul Christian Pratapas (Mr. Pratapas) filed a citizen’s complaint against Charleston Building and Development (Charleston) and Ozinga Ready Mix Concrete, Inc. (Ozinga). The complaint concerns a residential home construction site located at 7S110 Donwood, Naperville, in DuPage County.

On December 16, 2022, Ozinga filed a motion to dismiss the complaint for failure to properly serve and for frivolousness. On January 18, 2023, Charleston filed a motion to dismiss for improper service and for frivolousness.

On June 1, 2023, The Board directed Mr. Pratapas to file the required proof of service of the complaint on the respondents no later than July 3, 2023, or face dismissal of the complaint for failure to properly serve the respondents. *See* 35 Ill. Adm. Code 101.304(c), (d); *see also* 35 Ill. Adm. Code 103.204(a).

On July 3, 2023, Mr. Pratapas filed a motion for extension of time to file the required proof of service. (Mot.) Mr. Pratapas’ reasons for requesting an extension of time were, “Complainant currently cannot afford to re-serve Respondent via certified mail...”, and “Complainant still has not been able to identify a registered agent to receive service”. Mot. at 1. Ozinga and Charleston did not respond to the motion.

On July 14, 2023, Ozinga filed a response opposing the request for extension of time (Resp.). Ozinga argues that “Complainant’s Motion fails to provide the Board with any reason for it to find that thirty days was not a sufficient amount of time for the Complainant to locate and serve the Complaint upon an Illinois corporation such as Ozinga.” Resp. at 2.

A total of 240 days have elapsed since Mr. Pratapas initially filed the complaint with the Board. Additionally, the Board has already granted Mr. Pratapas an extension of 30 days to file the required proof of service. The Board notes that Mr. Pratapas used a sample citizen complaint form, available on the Board’s website, to file his complaint on November 22, 2022. The

instructions accompanying that form include detailed steps on how to serve complaints on respondents in accordance with the Board's rules.<sup>1</sup> Additionally, the instructions inform potential filers of the following:

To file with the Board your Formal Complaint or any other document in the enforcement proceeding, you do not pay any filing fee to the Board. The Board will pay its own hearing costs, such as hearing room rental, court reporting fees, and hearing officer expenses. You are responsible for the costs that you or your attorney may incur in pursuing your complaint (e.g., attorney fees, duplicating charges, travel expenses, and witness fees). *Id.*

The nominal expense of serving the complaint upon a respondent is an expense that must be borne by the complainant. Therefore, the Board denies Mr. Pratapas' request for extension of time. The motions to dismiss the complaint, filed by Ozinga and Charleston, are therefore moot. Because Mr. Pratapas failed to timely file the required proof of service of the complaint, the Board dismisses this case and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2022); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.


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<sup>1</sup> Illinois Pollution Control Board, *Formal Complaint Package*, PCB.ILLINOIS.GOV, <https://pcb.illinois.gov/documents/dsweb/Get/Document-87676/> (last visited July 13, 2023).

**Names and Addresses for Receiving Service of  
Any Petition for Review Filed with the Appellate Court**

<b>Parties</b>	<b>Board</b>
Paul Christian Pratapas 1779 Kirby Parkway, Ste. 1, #92 Memphis, Tennessee, 38138 <a href="mailto:paulpratapas@gmail.com">paulpratapas@gmail.com</a>	Illinois Pollution Control Board Attn: Don A. Brown, Clerk 60 E. Van Buren St., Suite 630 Chicago, Illinois 60605
Richard S. Porter 100 Park Ave., P.O. Box 1389 Rockford, Illinois 61105 <a href="mailto:Rporter@hinshawlaw.com">Rporter@hinshawlaw.com</a>	
Patrick Connor 3233 N. Arlington Heights Road, Ste. 204 Arlington Heights, Illinois 60004 <a href="mailto:Patrick.connor@lawpjc.com">Patrick.connor@lawpjc.com</a>	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 20, 2023, by a vote of 3-0.



Don A. Brown, Clerk  
Illinois Pollution Control Board