

**FORMAL COMPLAINT**

**Before the Illinois Pollution Control Board**

)  
 )  
 Paul Christian Pratapas )  
 An American )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 )  
 First Class Outdoor Services )  
 )  
 )  
 Respondent )  
 )

PCB 20 -  
 [For Board use only]

**1. Your Contact Information**

Name: Paul Christian Pratapas  
Street Address: 1330 E. Chicago Ave. #110  
Naperville  
County: DuPage  
State: IL  
Phone Number: ( 630 ) 210 - 1637

**2. Name and Address of the Respondent**

Name: First Class Outdoor Services  
Street Address: 2300 Wisconsin Ave Ste 321  
Downers Grove  
County: DuPage  
State: Illinois  
Phone Number: ( 630 ) 426 - 1370

3. Location of Pollution: 2400 Maple Avenue Downers Grove, IL

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.**

First Class Outdoor Services is performing concrete work and clearing a site with what used to be a single-family home.

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

1. 415 ILCS 5.12(a)
2. 415 ILCS 5/12 (d)

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.**

Water. Toxic concrete washout water and slurry prohibited from making contact with soil and migrating to surface waters or into the ground water not properly managed. Sediment and sediment laden water freely allowed to enter the street and inlets, along with trackout.

- 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).**

Photographed and reported to ILEPA 12.07.2022. Photograph was taken while on a telephonic conference call with the Illinois Pollution Control Board regarding this exact issue.

- 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.**

The negative environmental impacts of concrete washout and sediment laden water is widely documented and part of the reason for the NPDES permit program.

Likely fraud of any required contractor certifications. Respondent is operating a concrete business without the ability/knowledge to comply with relevant laws. Poses immediate risk to federally protected Canadian Geese using the area during foraging. As well as, to the stormwater system and receiving water(s). Neighborhood pets.

- 9. Describe the relief that you seek from the Board.**

1. Find that Respondent has violated their permit and The Act
2. Assess a maximum civil penalty
3. Investigation into fraudulent contractor certifications if they were required
4. Due to unprecedented circumstances, voiding the permit(s) for the site until such time as the builder ceases to pollute the surrounding groundwater and surface water and any deficiencies related to designated concrete washout area design/implementation and trackout prevention are fixed and this case resolved
5. An order prohibiting respondent from pouring concrete or contracting concrete services until the resolution of this case and respondent demonstrates the knowledge and ability to comply with all relevant laws all the time
6. An order stating regulations for concrete washout facilities must be complied with as directed by the USEPA and discussed in the Illinois Urban Manual

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).

No identical or substantially similar cases have been brought to The Board which I am aware of.

11. I am representing myself as an individual.

12. Paul Christian Pratas  
Complainant's Signature

### CERTIFICATION

I, PAUL CHRISTIAN PRATAPAS, on oath or affirmation, state that I have read the foregoing and that it is accurate to the best of my knowledge.

Paul Christian Pratas  
Complainant's Signature

Subscribed to and sworn before me

this 8th day

of December, 2022

M. Mascitti  
Notary Public

My Commission Expires: 5/21/2023

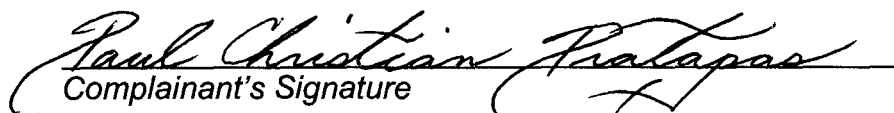


## **NOTICE OF FILING**

**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, Paul Christian Pratapas, 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:** 1330 E Chicago Ave. #110

**City/State/Zip:** Naperville, IL 60540

**Date:** 12/8/22

### **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](http://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 ([pcb.illinois.gov](http://pcb.illinois.gov)).

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.

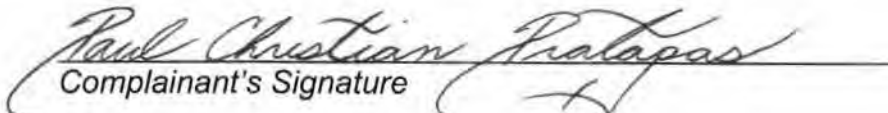


D. \_\_\_\_\_ Personal service and another person made the personal delivery. Attached is the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as \_\_\_\_\_ [month/date], 20\_\_\_. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E.  Personal service and I will make the personal delivery. However, the affidavit of service is not available to me currently.

RESPONDENT'S ADDRESS:

**Name:** First Class Outdoor Services  
**Street:** 2300 Wisconsin Avenue  
**City/State/Zip:** Downers Grove, IL 60515

  
Complainant's Signature

**Street:** 1330 E. Chicago Ave. #110


**City, State, Zip Code:** Naperville, IL 60540

**Date:** 12/08/2022

Subscribed to and sworn before me

this 8<sup>th</sup> day

of December, 2022

  
Notary Public

My Commission Expires: 5/31/2023



### *Hay bale and plastic washout pit*

A washout pit made with hay bales and a plastic lining is shown in Figure 9. Such pits can be dug into the ground or built above grade. The plastic lining should be free of tears or holes that would allow the washwater to escape (Fig. 10). After the pit is used to wash down the chutes of multiple ready mixed trucks and the washwater has evaporated or has been vacuumed off, the remaining hardened solids can be broken up and removed from the pit. This process may damage the hay bales and plastic lining. If damage occurs, the pit will need to be repaired and relined with new plastic. When the hardened solids are removed, they may be bound up with the plastic lining and have to be sent to a landfill, rather than recycled. Recyclers usually accept only unmixed material. If the pit is going to be emptied and repaired more than a few times, the hay bales and plastic will be generating additional solid waste. Ready mixed concrete

## **Operating and Inspecting Washout Facilities**

---

Concrete washout facilities should be inspected daily and after heavy rains to check for leaks, identify any plastic linings and sidewalls have been damaged by construction activities, and determine whether they have been filled to over 75 percent capacity. When the washout container is filled to over 75 percent of its capacity, the washwater should be vacuumed off or allowed to evaporate to avoid overflows. Then when the remaining cementitious solids have hardened, they should be removed and recycled. Damages to the container should be repaired promptly. Before heavy rains, the washout container's liquid level should be lowered or the container should be covered to avoid an overflow during the rain storm.