

FORMAL COMPLAINT

Before the Illinois Pollution Control Board

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)
 PAUL CHRISTIAN PRATAPAS,
 an American)

)
Complainant,)

)
 v.)

)
 CADILLAC OF NAPERVILLE,
 and)
 JOSEPH NICOLAS CONSTRUCTION)

)
Respondents)
)

PCB 20 -
 [For Board use only]

1. Your Contact Information

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

2. Name and Address of Respondents

Name: CADILLAC OF NAPERVILLE
Address: 1507 W OGDEN AVE
NAPERVILLE, IL 60540
County: DUPAGE
State: IL
Phone: (630) 786.9780

Name: JOSEPH NICOLAS CONSTRUCTION
Address: 901 OAK STREET
ELK GROVE VILLAGE, IL 60007
State: IL
Phone: (630) 863.6200

3. 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.

Cadillac of Naperville is building an addition to their showroom and/or service area to support the new EV Hummer Line of Personal Vehicles.

Location: of Pollution: **1507 W OGDEN AVENUE, NAPERVILLE, IL 60540**

4. 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)

5. **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 and animal life.

Cadillac of Naperville is operating a mobile mortar mixer with reservoir on the ground and with several wash out barrels on pallets without required BMPs to minimize the release of pollutants. Based on photographic evidence from other IPCB cases, this industry standard proliferated by the ILEPA continues despite shocking evidence in their possession. At end of shifts, they are washing out on the ground and leaving the site as is. Pollution location is around the corner from one of the mostly overly regulated/taxed businesses operated under the authority of The State of Illinois, a Medical Marijuana Dispensary.

6. **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:

12/05/2022 at 1:54pm, workers saw me taking pictures

12/08/2022 at 4:59pm, workers continued washing out on ground

Still occurring and respondent requests immediate action from the board upon receipt of this Formal Complaint to stop the polluting activities, as this is by no means an isolated case without indisputable evidence.

7. **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/mortar washout are widely known and the reason for the regulations. This pollution is connected to other polluting activities. Such as, assuming electric cars get filled with electricity from clean sources and misleading children and other uninformed individuals regarding these claims. Retention pond ~38 ft from mortar mixer.


8. 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. An order stating plans for mobile mortar mixers with and/or without reservoirs require ground BMPs/washout areas and must be implemented as presented and approved unless documented otherwise with standards being found in the Illinois Urban Manual.
4. Voiding permits for the site until such time as the builder ceases to pollute the surrounding groundwater and surface water and Respondents demonstrate an ability to comply with the approved and known guidelines for concrete/mortar washout
5. An order stating Joseph Nicolas Construction cannot mix/pour any more concrete/mortar until demonstrating the ability to comply with relevant environmental regulations
6. A study ordered examining rates of electrical grid expansion in IL to accommodate new customers (domestic vs immigrants) against modes of power generation in IL and their pollution profile(s) against rate of electric car purchases against use of public transportation against implementation of walkable communities
7. For the board to give an opinion on Illinois rate payers funding pollution under the guise of utility energy efficiency programs

9. 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.

10.


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 Pratapas
Complainant's Signature

Subscribed to and sworn before me

this 9th 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.

City/State/Zip: Naperville, IL 60540

Date: 12.09.2022

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

RESPONDENTS' ADDRESS:

Name: Cadillac of Naperville
Street: 1507 W Ogden Avenue
City/State/Zip: Naperville, IL 60540

Name: Joseph Nicholas Construction
Street: 901 Oakton Street
City/State/Zip: Elk Grove Village, IL 60007

Paul Christian Protopapas
Complainant's Signature

Street: 1330 E. Chicago Ave.

City, State, Zip Code: Naperville, IL 60540

Date: 12/09/2022

Subscribed to and sworn before me

this 9th day

of December, 2022

M. Mascitti
Notary Public

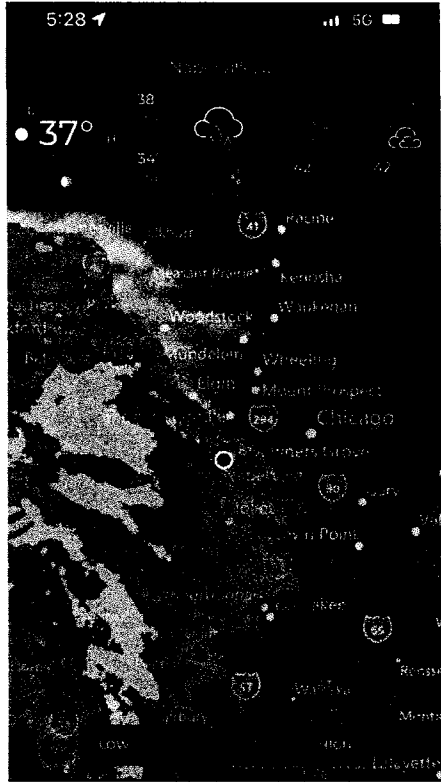
My Commission Expires: 5/21/2023



12/8/2022



12/8/2022



12/9/2022 5:20am

12/09/2022





12/9/2022

Used 2022 GMC HUMMER EV for Sale in Naperville, IL

 Filter

No Accidents

6 listings

Sort by: **Best Match** 




2022 GMC HUMMER EV


Edition 1 Crew Cab

\$179,995

 **fair price**

\$2,704 above market

 6,495 miles

 No accidents, 1 Owner, Personal use only