

FORMAL COMPLAINT

Before the Illinois Pollution Control Board

)
)
PAUL CHRISTIAN PRATAPAS,
an American;
)
Complainant,)

v.)

PCB 20 -
[For Board use only]

)
LEXINGTON HOMES (ILR10ZBZV) ;
and)
ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY,
an agency of the State of Illinois;

Respondents)
)
)

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: LEXINGTON HOMES
Address: 1731 N MARCEY ST
CHICAGO, IL 60614
County: COOK

Phone: 773.360.0300

Name: ILLINOIS EPA
Address: 1021 North Grand Ave. East, P.O. Box 19276
Springfield, IL 62794-9276

Phone: 217.782.3397

ADDRESS OF WHERE POLLUTION IS OCCURRING

30W221 BUTTERFIELD RD
NAPERVILLE, IL 60563

- 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.**

Lexington Homes is building another phase of Townhomes next to the site of PCB 2023-060

- 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)
3. IL Admin Code Title 35, 304.141(b)

- 5. Describe the type of pollution that you allege**

Water: Site has insufficient BMPs and is not implementing any plan which would qualify for approval. Sediment laden water freely entering streets and inlets. The retention pond which has not been completed is storing the toxic mix in the open where it is accessible by animals, including those from the adjacent wetlands.

- 6. 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.**

No identical or substantially similar cases have been brought to The Board which I am aware of. The case materials will be provided to the Illinois Attorney General's Office for additional prosecution.

6. Describe the duration and frequency of the alleged pollution.

Photographed: 01/03/2023, 10:21a

Lexington Homes was named in formal complaint 2023-060. This is the **25th** formal complaint involving ILEPA Implemented Federal Law filed just by complainant in less than a year and without making effort to find violations, but to stumble upon them in my daily activities. Lexington Trace 1 violations below were discovered while delivering a digital piano to a resident of the complex and predicting pollution with my coworker based on the construction stage I saw, and being right.



PCB 2023-060
Wetland Area which was to be protected



Washing out into inlet

PCB 2023-060



- 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 washout are widely known and the reason for the regulations. Leaving this toxic material in the open across from an occupied neighborhood and protected wetland, but with many no trespassing and security related signs is a direct threat to children and flora/fauna.

For reference, A single sink hole in the desert can provide the environment for an entire population of endangered macro invertebrates to thrive.

The biodiversity of wetlands are well known and this toxic container poses immediate and direct risk to it and all the other natural resource property belonging to the residents of the state of Illinois.

The ILEPA is more than aware of these ongoing issues and continues to permit projects they know have no intention or ability to comply with SWPPP plans they are approving. Meaning, I have to volunteer my time and resources doing the job they won't hire me to do, but hire people from other countries to do instead.

All the water ejected into the onsite retention area and in the protected wetland has a surface film indicating something other than dirt and water is entering and damaging the wetland ecology.

8. Describe the relief that you seek from the Board.

1. Find that Respondent has violated their permit
2. Assess a civil penalty of Fifty Thousand Dollars (\$ 50,000.00) against Respondent for each violation of the Act and Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation
3. An order stating plans for concrete washout areas 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 washout
5. A board order shutting the site down until the protected wetlands can be assessed and appropriate BMPs installed
6. Given the similarities between this case and respondents other case, PCB 2023-060, an immediate review of the SWPPP book and contractor certifications for the purpose of protecting the surrounding wetlands and the flying fauna which inhabit them
7. An explanation why so many ILEPA permit holders are totally incompetent to their permit guidelines, especially the parts involving public enforcement as the prime enforcement mechanism, and try to use trespassing laws to deflect accountability
8. For the ILEPA to have their NPDES Permitting Authority revoked
9. Any other relief the board finds appropriate
10. Additional fines for false statements made by attorney's for respondents, and/or claims the photographic evidence provided by a subject matter expert who holds EPA storm-water lied and is frivolous.

10. Paul Christian Pratas
Complainant's Signature

CERTIFICATION

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

Complainant's Signature

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

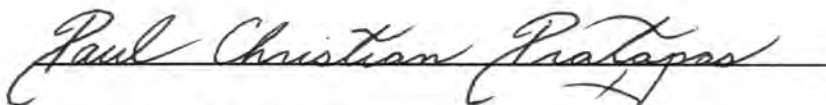
My Commission Expires: _____

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: 1.5.2022

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. ___X___ 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.

RESPONDENTS' ADDRESS:

Name: Lexington Homes
Street: 1731 Marcey St
City/State/Zip: Chicago, IL 60614

Name: Illinois EPA
Street: 1021 North Grand Ave. East P.O. Box 19276
City/State/Zip: Springfield, IL 62794-9276


Complainant's Signature

Street: 1330 E. Chicago Ave.

City, State, Zip Code: Naperville, IL 60540

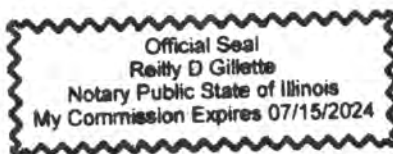
Date: 1.05.2023

Subscribed to and sworn before me

this 5 day

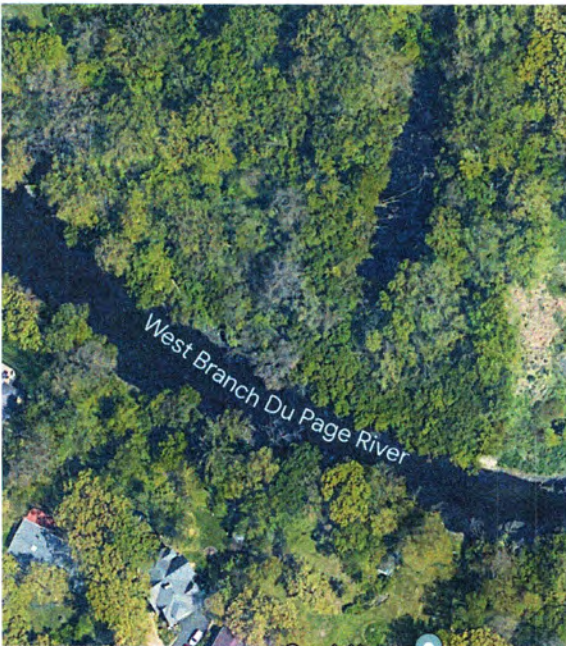
of January, 2023.


Notary Public



My Commission Expires: 07/15/2024

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.



A



B



C



D



E



F



G



H



I



J



K



Illinois Institute of Technology

By authority of the Board of Trustees, and upon the recommendation of the faculty of the

Stuart School of Business

Illinois Institute of Technology hereby confers upon

Paul Christian Pratapan

the degree of

Master of Science

in Environmental Management and Sustainability

with all the rights, privileges, and honors thereto appertaining

Awarded at Chicago, in the State of Illinois

December 17, 2011

John Fawc

Chairman of the Board of Trustees

Alan W. Evans

Trustee



John L. Anderson

President

Shirley Schaller

Treasurer



CERTIFICATE OF COMPLETION

presented to

Paul C. Pratapas

who has successfully completed EPA's Construction General Permit (CGP) Site Inspector Training Course
and passed the final exam

Chris Kloss, Water Permits Division Director



Date Certified: 9/6/2022

Expiration Date: May 17, 2027

By completing this course and passing the final exam, Paul C. Pratapas has complied with the CGP Part 6.3.a training requirements
for conducting construction inspections under the 2022 CGP.

