

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PAUL CHRISTIAN PRATAPAS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. PCB 2023-071</b>
	)	
<b>EVERCLEAN CAR WASH and</b>	)	
<b>WOODRIDGE POLICE DEPARTMENT,</b>	)	
	)	
<b>Respondents.</b>	)	

**NOTICE OF ELECTRONIC FILING**

To: Paul Christian Pratapas, 1330 E. Chicago Avenue, Naperville, Illinois 60540.

PLEASE TAKE NOTICE that on February 3, 2023, I electronically filed with the Office of the Clerk of the Pollution Control Board an Entry of Appearance and the Answer to Complaint of Respondent the Village of Woodridge, an Illinois home rule municipality, incorrectly named herein as "Woodridge Police Department," a copy of which is herewith served upon you.

Respectfully submitted,

By:       /s/Eric G. Patt        
Attorney for the Village of Woodridge,  
an Illinois home rule municipality

Dated: February 3, 2023

Eric G. Patt (ARDC#6203622)  
Robbins DiMonte, Ltd.  
Attorneys for the Village of Woodridge  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that a true copy of the foregoing Entry of Appearance and the Answer to Complaint of Respondent the Village of Woodridge, an Illinois home rule municipality, incorrectly named herein as "Woodridge Police Department," was filed electronically on February 3, 2023 with the following:

Don Brown  
Clerk of the Illinois Pollution Control Board  
60 East Van Buren Street, Suite 630  
Chicago, Illinois 60605

and that true copies were mailed by First Class Mail, postage prepaid, on February 3, 2023, to the parties listed above.

/s/Eric G. Patt  
Attorney for the Village of Woodridge,  
an Illinois home rule municipality



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<b>WOODRIDGE POLICE DEPARTMENT,</b>	)	
	)	
<b>Respondents.</b>	)	

**ANSWER OF VILLAGE OF WOODRIDGE TO  
COMPLAINANT'S COMPLAINT**

NOW COME one of the Respondents, THE VILLAGE OF WOODRIDGE, an Illinois home rule municipality, incorrectly named herein as "Woodridge Police Department" ("Woodridge"), by and through its attorneys, Robbins DiMonte, Ltd., and answer the Complainant's Complaint as follows:

1. Your Contact Information: Paul Christian Pratapas, 1330 E. Chicago Ave. #110, Naperville, DuPage, Illinois, (630)210-1637.

RESPONSE: Woodridge admits that Paul Christian Pratapas is the complainant and that he has reported his address and phone number as 1330 E. Chicago Avenue, Naperville, DuPage, Illinois, (630)210-1637.

2. Name and address of respondent: Woodridge Police Department, 1 Plaza Drive, Woodridge, IL 60517, (630)719-4740.

RESPONSE: Woodridge admits that the alleged address and phone number for the Woodridge Police Department are correct.

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: the Woodridge Police Department is Building a new Department Facility adjacent to the current HQ.

RESPONSE: Woodridge denies the allegations of Paragraph 4, and each of them.

4. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated: 415 ILCS 5.12(a), 415 ILCS 5/12(d), and IL Admin Code Title 35, 304.141(b).

RESPONSE: The statements in Paragraph 4 are legal conclusions to which a response from Respondents is neither necessary nor appropriate. To the extent an answer is appropriate, Woodridge denies the allegations in Paragraph 4, and each of them.

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. Toxic concrete/mortar washout water/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. Many geese photographed immediately adjacent. Site does not have a stabilized construction entrance which should have been noted and corrected via required inspection reports. There are four large mortar reserves sitting on the ground next to a skid steer which will likely be used to transport the mortar around the site. Site does not have adequate or required BMPs for these activities. The approved methods of removing washout water are evaporation and pump truck. Mortar area is next to large unstabilized area which leads to the unstabilized construction entrance leading to a public road. Sediment and other pollutants are not controlled and their entry into the street/inlets minimized.

RESPONSE: Woodridge denies the allegations of Paragraph 5, and each of them.

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 12/6/2022 after serving the Police Department documents for another IPCB case.

RESPONSE: Woodridge denies the allegations of Paragraph 6, and each of them.

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 effects of concrete washout and sediment laden water is widely documented and part of the reason for the NPDES permit program. Likely fraud of inspection reports and contractor certifications. Fraudulent submission/approval of boiler plate SWPPP with no intent/ability to comply as approved poses immediate risk to Canadian Gees using

area during foraging. As well as, to the stormwater system and receiving water(s). Neighborhood pets in adjacent occupied areas.

RESPONSE: To the extent Complainant's allegation actually sets forth purported bad effects the alleged pollution created, Woodridge denies the allegations of Paragraph 7, and each of them. With respect to the remainder of Complainant's allegation herein, Woodridge is without knowledge or information sufficient to form a belief as to the truth of said allegations of Paragraph 7 and, therefore, denies the same.

8. Describe the relief that you seek from the Board: 1. Given the details of IPCB 2023-069 and the involvement of a Woodridge Police Officer assisting in the intimidation of a citizen engaging in an enforcement action protected by the United States Constitution, the documented approval of this prohibited behavior by the Woodridge Police Chief and Deputy Chief, and the reliance on Citizen Enforcement Actions for the validity of the Clean Water Acts implementation, Complainant requests the permit for this site be voided upon receipt of this Formal Complaint; 2. The SWPPP Book seized, and the site stabilized; 3. Find that Respondent has violated their permit; 4. 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; 5. Investigation into fraudulent SWPPP inspection reports, contractor certifications and intimidation by Respondent; 6. Voiding the permit for the site until such time as the builder is able to adequately prevent the pollution of the surrounding groundwater and surface water and any SWPPP deficiencies related to signage, certifications, inspections, material storage and designated concrete/mortar washout area design/implementation are fixed; 7. An order requiring minimum SWPPP information such as permit number and contact info be posted in a publicly accessible place; 8. An order stating keeping all SWPPP details on an active construction site currently in violation of its permit(s), behind a gate, down a dirt road travelled by heavy trucks and either on or inside a construction trailer does not meet the minimum requirements and also discriminated against the elderly and disabled people; 9. An order stating SWPPP plan(s) for construction entrances, phasing and concrete/mortar washout areas must be implemented as presented and approved unless documented otherwise with standards being found in the Illinois Urban Manual; 10. The Board order a study examining the displacement of Canadian Geese and other Migratory Birds by unchecked construction in IL and if any municipalities monetize this damage and include it in their Sustainability Reports.

RESPONSE: The statements contained in Paragraph 8 are either inapplicable to Woodridge, legal conclusions to which a response from Woodridge is neither necessary nor appropriate, or nonsensical requests for which the Illinois Pollution Control Board

cannot grant relief. Further, Woodridge is without knowledge or information sufficient to form a belief as to the nature of the relief sought by Complainant. To the extent an answer is appropriate, Woodridge denies the allegations in this paragraph and denies that the Complainant is entitled to any relief from Woodridge.

9. Identify any identical or substantially similar case you know of that is already pending 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.

RESPONSE: Woodridge is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 and, therefore, denies same.

#### **AFFIRMATIVE DEFENSES**

Woodridge denies all allegations of alleged wrongdoing by Woodridge, and further denies all allegations which otherwise have not been expressly admitted in this Answer. In addition, Woodridge asserts the following affirmative defenses. Woodridge does not assume the burden of proof on these defenses where substantive law provides otherwise.

#### **FIRST AFFIRMATIVE DEFENSE: FAILURE TO STATE A CLAIM**

In the alternative, without admitting any of the Complaint's allegations that it has denied or otherwise contradicting its answers, and solely by way of affirmative and/or additional defense, Woodridge alleges as follows:

1. Complainant does not assert any facts demonstrating that Woodridge caused or threatened or allowed the discharge of any contaminants into the environment "so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the

Pollution Control Board” under the Illinois Environmental Protection Act. 415 ILCS 5/12(a).

2. Complainant does not assert any facts demonstrating that Woodridge deposited “any contaminants upon the land in such place and manner so as to create a water pollution hazard.” 415 ILCS 5/12(d).
3. Complainant does not assert any facts demonstrating that Woodridge discharged any pollutant “subject to, or which contributes or threatens to cause a violation of, any applicable federal or state water quality standard, effluent standard, guideline or other limitation,” promulgated pursuant to the Clean Water Act or the Illinois Environmental Protection Act, in violation of any applicable NPDES Permit. Ill. Admin. Code Tit. 35, § 304.141.
4. Complainant does not assert any facts to establish that any purported discharge of pollutants by Woodridge was done in concentrations greater than those permitted present in Ill. Admin. Code Tit. 35, § 304.141.

WHEREFORE, Woodridge asks that the Board enter an order denying Complainant any and all of the relief he seeks herein against Woodridge; and such other and further relief to which Woodridge is entitled.

#### **ADDITIONAL AFFIRMATIVE DEFENSES**

Woodridge reserves the right to add further additional defenses after receiving information from Complainant through discovery.



WHEREFORE, Respondent the Village of Woodridge, incorrectly named herein as “Woodridge Police Department,” respectfully requests that the Board enter an order in favor of Woodridge, and for any such other relief as the Board deems appropriate and just.

Respectfully submitted,

By:     /s/Eric G. Patt      
Attorney for the Village of Woodridge,  
an Illinois home rule municipality

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Dated: February 3, 2023