

ILLINOIS POLLUTION CONTROL BOARD
May 4, 2023

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-72
) (Citizens Enforcement - Water)
 FIRST CLASS OUTDOOR SERVICES,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Van Wie):

On December 9, 2022, Paul Christian Pratapas (complainant) filed a complaint against First Class Outdoor Services (respondent). The complaint concerns respondent's construction site located in DuPage County. For the reasons below, the Board directs complainant to file proof of service of the complaint consistent with the Board's rules at 35 Ill. Adm. Code 103.204(a), and (b).

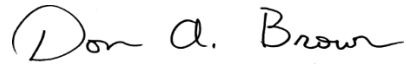
Under the Environmental Protection Act (Act) (415 ILCS 5 (2020)), any person may bring an action before the Board to enforce Illinois' environmental requirements. See 415 ILCS 5/3.315, 31(d)(1) (2020); 35 Ill. Adm. Code 103. Under the Board's rules, an enforcement proceeding begins by serving a notice and the complaint on a respondent. See 35 Ill. Adm. Code 103.204(a), (b). Specifically, service must be "by U.S. Mail with a recipient's signature recorded, a third-party commercial carrier with a recipient's signature recorded, or personal service." *Id.* Notably, enforcement complaints may not be served by e-mail. See 35 Ill. Adm. Code 101.1000(e).

If service is not timely initiated or completed, then the "proceeding is subject to dismissal, and the filing party is subject to sanctions." 35 Ill. Adm. Code 101.304(b)(4). In this case, Mr. Pratapas used a sample complaint form available from the Board's website that is directed at citizen complaints. The Board's form includes a sample affidavit of service that lists appropriate methods of service. Mr. Pratapas reported to the Board that the complaint would be served on the respondent by "[p]ersonal service and I will make the personal delivery. However, the affidavit of service is not available to me currently." Comp. at 9.

In submitting the proof of service, complainant indicated that he served the formal complaint by electronic service. See December 12, 2022 filing. As noted above, the Board rules prohibit service of a complaint in an enforcement proceeding by electronic means. Therefore, the Board directs complainant to file proof of service by June 5, 2023 or the Board will dismiss this proceeding.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 4, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown". The letters are fluid and connected, with a large initial "D" and "B".

Don A. Brown, Clerk
Illinois Pollution Control Board