

07/03/2023

IPCB 2023-75

Paul Christian Pratapas

Complainant

v

Willow Run Homes by M/I Homes

Respondent

COMPLAINANTS MOTION TO AMEND FORMAL COMPLAINT

WHEREAS the board ordered complainant to amend formal complaint for specificity regarding the extent, duration, or strength of the alleged violation(s)

WHEREAS the following photo was taken on site at Willow Run Homes by M/I Homes and was included with the Formal Complaint filed with The Board



Complainant requests Formal Complaint be amended to include the following:

This designated concrete washout area demonstrates a total disregard for permit requirements and is representative of M/I practices as demonstrated in photographic evidence provided to The Board, as well as is an industry standard as demonstrated by the photographs submitted with the other Formal Complaints filed by Complainant. And the documented words of a chief engineer for a involved municipality dealing with their own case containing the same total disregard for permit requirements regarding concrete/paint/stucco washout.

The designated washout area is missing any and all adequate curbside and ground protection. The area should have a plastic type barrier against the soil with 3 inch stone on top

07/03/2023

IPCB 2023-75

with no area of soil left exposed. The Act states no pollutants, such as concrete washout, should touch the ground. This implementation of a completely different design than was approved with the permit demonstrates a total misunderstanding of how the area and container should be used.

The common practice is for personnel/superintendents to think the container is for the concrete and not understand the pollutant of significance is the washout water. What I have seen a hundred times as a Certified SWPPP Compliance Manager is the concrete truck will dump its remaining load and do a basic washout over the container. Then, back up and do a more complete washout on the ground of the designated area and/or the street in front of the container. This lack of concern for contaminated water is further demonstrated by the lack of a cover on the pictured container as required by their permit. I believe Illinois experiences rain and snow.

This designated washout area is also being used to store miscellaneous items, which along with the orientation of the container blocks access to the part of the container used by the trucks while washing out. The side. The container is not sitting flat and the slope of the designated area as implemented freely allows pollutants to enter the street uncontrolled.

The area of exposed soil doesn't even meet permit requirements. Pollutants aren't controlled and prevented from entering the street, inlets and/or leaving the site. At minimum, there should be a curbside cutback as approved by the Illinois Urban Manual to prevent sediment from accumulating in the curbside gutter as seen in the photo.

I would encourage The Board to order M/I homes to have this contractor service a container in their presence. The approved ways include vacuuming the washout water, letting it evaporate or sealing container prior to removal. I have never seen a vacuum truck in Illinois service any designated concrete washout container. I have never seen the evaporation technique used. The design of this container would prevent concealing the water without a custom lid, which does not exist. A superintendent for the "#1 Homebuilder in America" told me the containers were simply loaded on a truck and hauled away with the toxic washout water disregarded completely.

Based on my professional experience and experience inspecting sites as part of Formal/ Informal Complaints, including multiple sites by M/I Homes, it can be assumed any major homebuilder will have a designated concrete washout area comparable to this. Even the people approving permits don't know the washout water is a/the pollutant of concern.

NEPA and it's regulatory intention is to avoid pollution and enforcement avoidance via segmentation. It is important to see this as a company standard, an industry standard and a major opportunity for The Board to address a significant source of pollution in Illinois. It is also important to note there are readily available solutions for the Illinois concrete industry to adopt and completely avoid this problem. Some states currently require these readily available solutions for concrete trucks.

 Paul Christian Pratapas July 3, 2023

Paul Christian Pratapas
1779 Kirby Parkway, Ste 1, #92
Memphis, TN 38138
630.210.1637

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)

Complainant,)

) PCB No: 23-75

v.) (Citizens Enforcement – Water))

,)

Respondents)

WILLOW RUN HOMES by M/I HOMES,)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on 07/03/2023, PAUL CHRISTIAN PRATAPAS electronically filed with the Office of the Clerk of the Illinois Pollution Control Board

MOTION TO MODIFY FORMAL COMPLAINT, copy of which is hereby served upon you.

Paul Christian Pratapas
Complainant

Paul Christian Pratapas July 3, 2023

Paul Christian Pratapas
paul.pratapas@gmail.com
1779 Kirby Parkway, STE 1-92
Memphis, TN 38138
630.210.1637

CERTIFICATE OF SERVICE

I, Paul Christian Pratapas, certify that I caused the foregoing MOTION TO MODIFY FORMAL COMPLAINT to be served all parties of record, as shown below:

Paul Christian Pratapas
paulpratapas@gmail.com
1779 Kirby Parkway, Ste 1, #92
Memphis, Tennessee 38138
(630)-210-1637

Illinois Pollution Control Board
Don Brown - Clerk of the Board
don.brown@illinois.gov
100 W. Randolph St. Suite 11-500
Chicago, Illinois 60601
(312)-814-3620

Peckar & Abramson, P.C.
emckanna@pecklaw.com
Eileen McKanna
30 North LaSalle Street, #4126
Chicago, IL 60602

Corporate Law Partners, PLLC
aviner@corporatelawpartners.com
Anne E. Viner
140 South Dearborn Street, 7th Floor
Chicago, IL 60603

by causing a copy of same to be sent via email transmission to the email addresses reflected above, on the 3rd day of July, 2023.

Paul Christian Pratapas

Complainant

Paul Christian Pratapas July 3, 2023