

ILLINOIS POLLUTION CONTROL BOARD
July 6, 2023

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-58
) (Citizens Enforcement - Water)
 D.R. HORTON, INC. and EARTHWORKS)
 ENVIRONMETAL, LLC,)
)
 Respondents.)

ORDER OF THE BOARD (by M. Gibson):

On November 16, 2022, Paul Christian Pratapas (Mr. Pratapas) filed a citizen's complaint against Lincoln Valley by DR Horton, Inc. (Horton) and Earthworks Environmental, LLC (Earthworks). The complaint concerns Horton and Earthwork's residential construction project located at 1011 Churchill Drive in North Aurora, Will County.

On December 16, 2022, Horton filed a motion requesting that the Board not accept the complaint for failure to properly serve the complaint, as well as a motion to dismiss the complaint on the grounds that Mr. Pratapas alleges a wholly past violation. On December 28, 2022, Earthworks filed a motion requesting that the Board not accept the complaint for failure to properly serve the complaint on Earthworks, as well as a motion to dismiss the action on the grounds that the complaint is frivolous.

On May 18, 2023, the Board granted both Horton and Earthworks' motions to not accept the complaint for failure to properly serve the respondents, and directed Mr. Pratapas to file the required proof of service of the complaint on the respondents no later than June 19, 2023, or face dismissal of the complaint for failure to properly serve the respondents. *See* 35 Ill. Adm. Code 101.304(c), (d); *see also* 35 Ill. Adm. Code 103.204(a). Because Mr. Pratapas failed to timely file the required proof of service of the complaint, the Board dismisses this case and closes the docket.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 6, 2023, by a vote of 3-0.



Don A. Brown, Clerk
Illinois Pollution Control Board