

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,

Complainant,

v.

LISLE TOWNSHIP HIGHWAY
DEPARTMENT,

Respondent.

Case No. PCB 2023-013

Board Member: A. Palivos

Hearing Officer: C. Webb

**RESPONDENT, LISLE TOWNSHIP HIGHWAY DEPARTMENT'S, MOTION FOR
EXTENSION OF TIME TO FILE A MOTION THAT THE FORMAL COMPLAINT IS
FRIVOLOUS**

NOW COMES the Respondent, LISLE TOWNSHIP HIGHWAY DEPARTMENT, by and through its attorneys, Ancel Glink, P.C., pursuant to 35 Ill. Adm. Code 101.522, and moves the hearing officer C. Webb to grant Respondent until September 9, 2022 to file a motion that the Formal Complaint is frivolous. In support thereof, Respondent states as follows:

1. On July 11, 2022, Complainant, Paul Christian Pratapas, filed a Formal Complaint against Respondent, Lisle Township Highway Department. (Please see Exhibit A.)

2. Respondent, Lisle Township Highway Department, seeks additional time to file a motion that the Formal Complaint is frivolous. Specifically, Counsel for Respondent, requires additional time to investigate the underlying facts, gather documents and information related to the frivolous Formal Complaint allegations, and consult with the Respondent regarding the allegations and claims in Complainant's Formal Complaint to determine the appropriate response to the Formal Complaint.

3. Respondent, Lisle Township Highway Department, respectfully requests the Illinois Pollution Control Board grant an extension until September 9, 2022 to file a motion that the Formal Complaint is frivolous.

WHEREFORE, Respondent, LISLE TOWNSHIP HIGHWAY DEPARTMENT, respectfully requests that the Illinois Pollution Control Board grant an extension of time to September 9, 2022 to file a motion that the Formal Complaint is frivolous.

Dated: August 10, 2022

Respectfully Submitted,

LISLE TOWNSHIP HIGHWAY
DEPARTMENT

/s/ David S. Silverman
One of the Attorneys for Respondent,
Lisle Township Highway Department

David S. Silverman
Jaime C. Such
ANCEL GLINK, P.C.
140 S. Dearborn Street, Sixth Floor
Chicago, IL 60603
Tel: (312) 782-7606/ Fax: (312) 782-0943
dsilverman@ancelglink.com
jsuch@ancelglink.com

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Board Member: A. Palivos
Hearing Officer: C. Webb

CERTIFICATE OF SERVICE

TO: Don A. Brown
Clerk of the Board
Illinois Pollution Control Board
60 E. Van Buren Street, Ste. 630
Chicago, IL 60605
Don.Brown@illinois.gov

Carol Webb
Hearing Officer
Illinois Pollution Control Board
60 E. Van Buren Street, Ste. 630
Chicago, IL 60605
Carol.Webb@illinois.gov

Paul Pratapas
1330 E. Chicago Ave., #110
Naperville, IL
paulpratapas@gmail.com

The undersigned, an attorney, certify that I served Respondent's Motion For Extension Of Time To File A Motion That The Formal Complaint Is Frivolous by emailing a copy of same to the parties listed above on the 10th day of August 2022, before 5:00 p.m.

ANCEL GLINK, P.C.

By: /s/ David S. Silverman
One of the Attorneys for Respondent

[x] Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

David S. Silverman (dsilverman@ancelglink.com)
Jaime C. Such (jsuch@ancelglink.com)
ANCEL GLINK, P.C.
140 S. Dearborn Street, Sixth Floor
Chicago, IL 60603
Tel: (312) 782-7606/ Fax: (312) 782-0943

EXHIBIT A

FORMAL COMPLAINT

Before the Illinois Pollution Control Board

)	
)	
Paul Christian Pratapas)	
)	
Complainant(s),)	
)	
v.)	PCB 20 -
)	[For Board use only]
Lisle Township Highway Department)	
)	
Respondent(s))	
)	

Note to the Complainant: If you do not use this Formal Complaint form and instead draft and type your own, it must contain all of the information requested by this form. All items must be completed. If there is insufficient space to complete any item, you may attach additional sheets, specifying the number of the item you are completing. Once you have completed the Formal Complaint, the Notice of Filing, and the Documentation of Service, you must "file" these three documents with the Clerk of the Board and "serve" a copy of each document on each respondent. Specific requirements for the filing, service, and contents of these documents are set forth in the Board's procedural rules (35 Ill. Adm. Code 101, 103) and addressed in the explanatory materials accompanying this form.

1. Your Contact Information

Name: Paul Christian Pratapas
Street Address: 1330 E. Chicago Ave. #110
Naperville
County: DuPage
State: IL
Phone Number: (630) 696 - 2843

2. Place where you can be contacted during normal business hours (if different from above)

Name: _____
Street Address: _____
County: _____
State: _____
Phone Number: () -

3. Name and address of the respondent (alleged polluter)

Name: Village of Lisle Highway Department
Street Address: 4719 Indiana Ave.
Lisle
County: DuPage
State: Illinois
Phone Number: (630) 964 - 0057

4. 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.

Village of Lisle Highway Department: Ed Young Commissioner
Sidewalk and curb replacement program

Pollution located off Chicago Ave in Naperville, IL throughout neighborhoods at intersections with Westmorland Dr and Concord Rd. Including but not limited to Jane Ave., Millcreek Ln., and Millcreek Ct.

5. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated.

The Clean Water Act
40 CFR 450.21 (e)(1)

6. 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.

Toxic concrete washout water and slurry which is prohibited from making contact with soil and migrating to surface waters or into the ground water. As photographed, it is being buried in the holes for a curb segment before they pour it. Same thing occurred with the space next to curb segment where the asphalt was removed. Looked like the yellow stone which goes under asphalt was placed on top of the washout after it dried enough to be stable. As photographed. Rinse water also being left in the road. One worker even wiped their tool clean in someone's front yard on the grass.

7. 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 : June 30, 2022 at 12:56pm

Photographed : July 1, 2022 at 10:15am

Photographed : July 7, 2022 at 2:40pm

These are ongoing programs. I witnessed them wash out in front of my parents' house sometime in 2019 as part of the sidewalk replacement program.

8. 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 toxic washout has been poured in front of private residences without notification of the dangers to children and pets. The washout can be seen already running down the curbside gutter towards the inlet which drains to The DuPage River, a Water of The United States posing a risk to plant and animal life. As well as the water quality of the river and ground water.

9. Describe the relief that you seek from the Board (e.g., an order requiring that the respondent stop polluting, take pollution abatement measures, perform a cleanup, reimburse cleanup costs, change its operation, or pay a civil penalty (note that the Board cannot order the respondent to pay your attorney fees or any out-of-pocket expenses that you incur by pursuing an enforcement action)).

I am requesting The Village of Lisle Highway Department immediately stop polluting and change their operations to include BMP measures required by The EPA to maintain compliance with The Clean Water Act. Specially, stop washing out concrete trucks in the street, holes, and in the curbside gutter while operating their sidewalk and curb replacement programs. Or any other activity which includes pouring concrete.

10. 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 (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.

- 11. State whether you are representing (a) yourself as an individual or (b) your unincorporated sole proprietorship. Also, state whether you are an attorney and, if so, whether you are licensed and registered to practice law in Illinois. (Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. Also, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, an individual who is not an attorney is allowed to represent (a) himself or herself as an individual or (b) his or her unincorporated sole proprietorship, though the individual may prefer having attorney representation.)

I am representing myself as an individual.

- 12. Paul Pratas
(Complainant's signature)

CERTIFICATION
(optional but encouraged)

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

Paul C Pratas
(Complainant's signature)

Subscribed to and sworn before me

this 11th day

of July, 2022

M. Mascitti
Notary Public



My commission expires: 5/21/2023

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. #110**

City, state, zip code: **Naperville, IL 60540**

Date **7/11/22**

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

From: [Paul Pratapas](#)
To: [Brown, Don](#)
Subject: [External] Lisle Highway Dept Photos
Date: Sunday, July 17, 2022 9:27:57 PM

























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Kind Regards,

Paul Pratapas
630.696.2843

Electronic Filing: Received, Clerk's Office 08/10/2022

From: [Paul Pratapas](#)
To: [Brown, Don](#)
Subject: [External] Re: PCB 23-13 and PCB 23-14
Date: Friday, July 15, 2022 3:56:08 PM
Attachments: [image001.png](#)

Hey Don,

I wasn't sure if I was supposed to. Attaching evidence wasn't mentioned. But, of course. You will have them Monday.

I have several, here are two, guy in Orange shirt is Horizon project

Buried washout is Lisle





On Fri, Jul 15, 2022 at 3:49 PM Brown, Don <Don.Brown@illinois.gov> wrote:

Mr. Pratapas, both of your complaints mention photos that are not attached. Could you forward them when you get a chance via email?



Don A. Brown

Clerk of the Board

Illinois Pollution Control Board

312-814-3461

FAX: 312-814-3669

Don.Brown@illinois.gov

We're Moving! Effective June 1, 2022, the new address for the IPCB will be: