

1. Your Contact Information

Name: Paul Christian Pratapas
Street Address: 1330 E. Chicago Ave.
Naperville
County: DuPage
State: IL
Phone Number: 630.210.1637

2. Name and Address of Respondents

Name: Midwest Construction Partners
Address: 1300 Woodfield Rd Suite 150
Schaumburg, IL 60173
County: Cook?
State: IL
Phone: 847.239.7515

Name: City of Naperville
Mayor: Steve Chirico
Address: 400 S Eagle ST.
Naperville, IL 60540
State: IL
Phone: 630.420.6111

3. Describe the type of business or activity that you allege is causing or allowing pollution and give the address of the pollution source if different than the address above.

Midwest Construction Partners is contracted on one of Mayor Steve's special projects of modifying ordinances/zoning, etc., in Naperville. This particular complaint refers to an asinine decision to apply the Urban Planning ideology of Urban Infill to a portion of the parking lot of the Costco/HMart Parking lot in Naperville. At the time pictures were taken, the building foundation was being poured.

This is another high visibility pollution site in Naperville across the street from the forced low visibility and Naperville Police opposed Recreational Marijuana Dispensary. One of the most highly regulated and taxed industries in the State despite peer reviewed empirical evidence supporting medical benefits.

Address of Pollution: 1211 East Ogden Avenue, Naperville, IL 60540

- 4. 415 ILCS 5.12(a)
415 ILCS 5.12(d)

5. Describe the type of pollution that you allege and the location of the alleged pollution. Be as specific as you reasonably can in describing the alleged pollution.

The concrete trucks were tracking out into the main entrance and intersection of the shopping area located off of Ogden Avenue. The concrete trucks were washing out on the ground adjacent to the concrete pump they just released into, and performed a secondary prohibited rinse on the asphalt off site. There are inadequate BMPs for track out and pouring concrete and wet site conditions were not taken into consideration.

6. Describe the frequency of the pollution

This type of pollution occurs each and every time concrete or mortar is used in Illinois. Photographs are from 12/21/2022 12:51 pm with snow on the ground

7. Describe negative impacts on environment and wildlife, etc..

There is a lot of wildlife in DuPage County placed at risk by concrete washout

8. Describe the relief you seek from the board:

- Find Respondent(s) violated their permit and The Act
- Assess maximum civil penalties
- An order stating concrete washout BMPs must be implemented with standards being found in the Illinois Urban Manual
- An order from the board requiring Respondent place required regulatory signage at the site, and not advertisements for polluters and retail not even built
- Voiding permits for the site until such time as the builder ceases to pollute the surrounding groundwater and surface water and present a safety issue for people accessing this shopping area
- An order for Mayor of Naperville, Steve Chirico to be deposed on topics to include, but not be limited to
 - a. The proliferation of pollution and non-compliance on the most major roads
 - b. Conflicts of Interest between construction companies, banks, architects, luxury homebuilders, etc. and the mayor's office/city hall
 - c. The Mayor's credentials for leading a land development program not including public service roles
 - d. The Mayor's views on the non financial benefits of the construction versus the negative impacts on the environment and quality of life for residents.
 - e. Reasons one small stretch of Jefferson St near City Hall has been under construction off and on for 20 years, and just the other day I saw a coyote walking near a site known to leave toxic slurry and water on the ground.
- An order requiring independent inspections of all permitted construction sites in Naperville
- An order from The Board freezing additional permitting of construction sites in Naperville until all open IPCB enforcement cases are resolved

9. No identical or substantially similar cases have been brought to The Board which I am aware of.

10. *Paul Christian Pratas*

Complainant's Signature

CERTIFICATION

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

Complainant's Signature

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

My Commission Expires: _____

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.

City/State/Zip: Naperville, IL 60540

Date: 12/24/2022

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 complaint is identical or substantially similar to a case brought before the Board or another forum. *See* 35 Ill. Adm. Code 103.212(a) and item 10 of the Formal Complaint.

“Frivolous” means that the Formal Complaint seeks relief that the Board does not have the authority to grant or fails to state a cause of action upon which the Board can grant relief. For example, the Board has the authority to order a respondent to stop polluting and pay a civil penalty, to implement pollution abatement measures, or to perform a cleanup or reimburse cleanup costs. The Board does not have the authority, however, to award attorney fees to a citizen complainant. *See* 35 Ill. Adm. Code 103.212(a) and items 5 through 9 of the Formal Complaint.

If you believe that this Formal Complaint is duplicative or frivolous, you may file a motion with the Board, within 30 days after the date you received the complaint, requesting that the Board not accept the complaint for hearing. The motion must state the facts supporting your belief that the complaint is duplicative or frivolous. Memoranda, affidavits, and any other relevant documents may accompany the motion. *See* 35 Ill. Adm. Code 101.504, 103.212(b). If you need more than 30 days to file a motion alleging that the complaint is duplicative or frivolous, you must file a motion for an extension of time within 30 days after you received the complaint. A motion for an extension of time must state why you need more time and the amount of additional time you need. Timely filing a motion alleging that the Formal Complaint is duplicative or frivolous will stay the 60-day period for filing an Answer to the complaint. *See* 35 Ill. Adm. Code 103.204(e), 103.212(b); *see also* 35 Ill. Adm. Code 101.506 (generally, all motions to strike, dismiss, or challenge the sufficiency of any pleading must be filed within 30 days after service of the challenged document).

The party making a motion must “file” the motion with the Board’s Clerk and “serve” a copy of the motion on each of the other parties to the proceeding. The Board’s filing and service requirements are set forth in its procedural rules (35 Ill. Adm. Code 101.300, 101.302, 101.304), which are located on the Board’s website (pcb.illinois.gov).

If you do not file a motion with the Board within 30 days after the date on which you received the Formal Complaint, the Board may find that the complaint is not duplicative or frivolous and accept the case for hearing without any input from you. The Board will then assign a hearing officer who will contact you to schedule times for holding telephone status conferences and a hearing. *See* 35 Ill. Adm. Code 103.212(a).

Answer to Complaint

You have the right to file an Answer to this Formal Complaint within 60 days after you receive the complaint. If you timely file a motion alleging that the complaint is duplicative or frivolous, or a motion to strike, dismiss, or challenge the sufficiency of the complaint, then you may file an Answer within 60 days after the Board rules on your motion. See 35 Ill. Adm. Code 101.506, 103.204(d), (e), 103.212(b).

Failing to file an Answer to the Formal Complaint within 60 days after you were served with the complaint may have severe consequences. Failure to timely file an Answer will mean that all allegations in the Formal Complaint will be taken as if you admitted them 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. See 35 Ill. Adm. Code 103.204(f).

Necessity of an Attorney

Under Illinois law, an association, citizens group, unit of local government, or corporation must be represented before the Board by an attorney. In addition, an individual who is not an attorney cannot represent another individual or other individuals before the Board. However, even if an individual is not an attorney, he or she is allowed to represent (1) himself or herself as an individual or (2) his or her unincorporated sole proprietorship. See 35 Ill. Adm. Code 101.400(a). Such an individual may nevertheless wish to have an attorney prepare an Answer and any motions or briefs and present a defense at hearing.

Costs

In defending against this Formal Complaint, you are responsible for your attorney fees, duplicating charges, travel expenses, witness fees, and any other costs that you or your attorney may incur. The Board requires no filing fee to file with the Board your Answer or any other document in the enforcement proceeding. The Board will pay its own hearing costs (*e.g.*, hearing room rental, court reporting fees, hearing officer expenses).

If you have any questions, please contact the Clerk's Office at (312) 814-3461.

DOCUMENTATION OF SERVICE

Note to the Complainant: This Documentation of Service must accompany the Formal Complaint and the Notice of Filing. Once you have completed the Documentation of Service, the Formal Complaint, and the Notice of Filing, you must file these three documents with the Board's Clerk *and* serve a copy of each document on each respondent.

This form for the Documentation of Service is designed for use by a non-attorney and must be notarized, *i.e.*, it is an "affidavit" of service. An attorney may modify the form for use as a "certificate" of service, which is not required to be notarized.

Affidavit of Service

I, the undersigned, on oath or affirmation, state that on the date shown below, I served copies of the attached Formal Complaint and Notice of Filing on the respondent at the address listed below by one of the following methods:

A. U.S. Mail or third-party commercial carrier with the recipient's signature recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. Attached is the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature and showing the date of delivery as _____ [month/date], 20___. [Attach the signed delivery confirmation showing the date of delivery.]

B. U.S. Mail or third-party commercial carrier with a recipient's signature recorded or to be recorded by the U.S. Postal Service or the third-party commercial carrier upon delivery. However, the delivery confirmation from the U.S. Postal Service or the third-party commercial carrier containing the recipient's signature is not available to me at this time. **By 1/16, 2023, by the time of 5:00 PM, at The Naperville Post Office by The Police Station**, copies of the attached Formal Complaint and Notice of Filing will be provided to the U.S. Postal Service or the third-party commercial carrier, with the respondent's address appearing on the envelope or package containing these documents, and with proper postage or delivery charge prepaid. **(MIDWEST CONSTRUCTION PARTNERS)**

C. Personal service and I made the personal delivery on _____ [month/date], 20__, by the time of __:__ AM/PM.

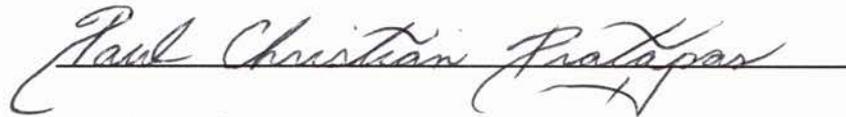
D. Personal service and another person made the personal delivery.

E. Personal service and I will make the personal delivery. However, the Notice of service is not available to me currently. **(CITY OF NAPERVILLE)**

RESPONDENTS' ADDRESS:

Name: Midwest Construction Corporation
Street: 1300 Woodfield Rd Ste 150
City/State/Zip: Schaumburg, IL 60173

Name: City of Naperville, Mayor Steve Chirico
Street: 400 S Eagle St
City/State/Zip: Naperville, IL 60540



Complainant's Signature

Street: 1330 E. Chicago Ave.

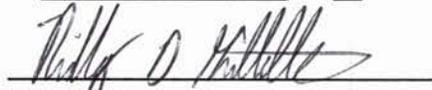
City, State, Zip Code: Naperville, IL 60540

Date: 12.27.2022

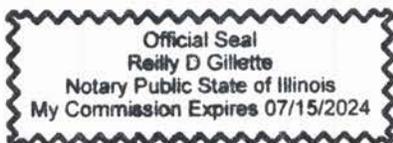
Subscribed to and sworn before me

this 27 day

of December, 2022.


Notary Public

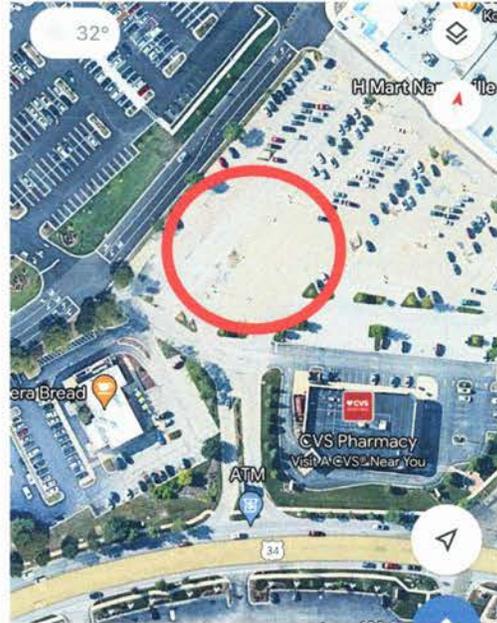
My Commission Expires: 07/15/2024



“Mayor Chirico’s tireless dedication to Naperville, coupled with his passion for the City and devotion to serving its residents and businesses, continue to make Naperville the premiere location to live, work, and explore in the Chicago metropolitan region. Mayor Chirico serves on the Executive Board of the DuPage Mayors and Managers Conference as well as on the Naperville Development Partnership and the Naper Settlement Museum Board.

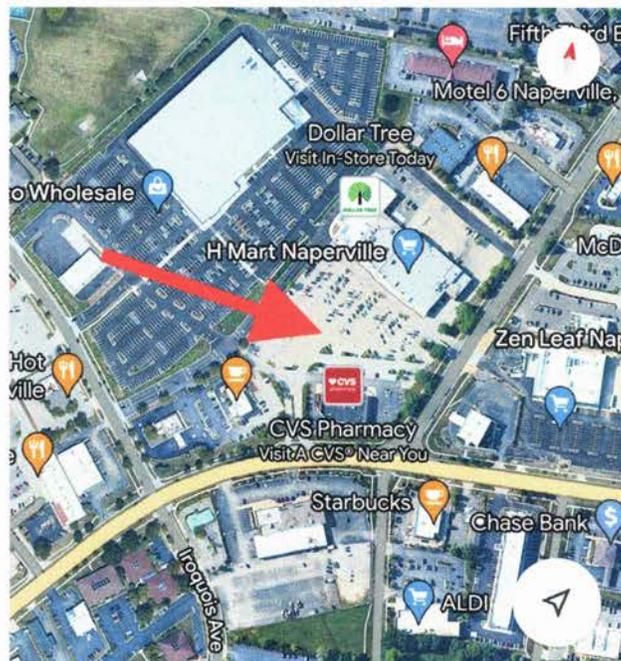
Mayor Chirico's current term expires in 2023.”

In urban planning, **infill**, or in-fill, is the rededication of land in an urban environment, usually open-space, to new construction.^[1] Infill also applies, within an urban polity, to construction on any undeveloped land that is not on the urban margin. The slightly broader term "land recycling" is sometimes used instead. Infill has been promoted as an economical use of existing infrastructure and a remedy for urban sprawl.^[2] Its detractors view it as overloading urban services, including increased traffic congestion and pollution, and decreasing urban green-space.^[3] ^[4] Many also detract it for social and historical reasons, partly due to its unproven effects and its similarity with gentrification.^[5]



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