

ILLINOIS POLLUTION CONTROL BOARD
June 15, 2023

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-69
) (Citizen's Enforcement - Water)
 EVERCLEAN CAR WASH AND)
 WOODRIDGE POLICE DEPARTMENT,)
)
 Respondents.)

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

On December 5, 2022, Paul Christian Pratapas filed a citizen's complaint (Comp.) against Everclean Car Wash (Everclean) and Woodridge Police Department (Woodridge) alleging violations of the Environmental Protection Act (415 ILCS 5 (2020)). The complaint concerns the construction of an automatic car wash in Woodridge, DuPage County. On January 19, 2023, Everclean filed a motion to dismiss the complaint on the grounds that it is frivolous for failure to state a cause of action (Mot). On February 3, 2023, Woodridge filed an answer to the complaint (Ans). Complainant did not respond to the motion to dismiss.

The Board first addresses the proper name of the respondent. The Board next addresses Everclean's motion to dismiss the complaint on the grounds of frivolousness, and then Woodridge's answer to the complaint. The Board grants Everclean's motion to dismiss for frivolousness but gives Mr. Pratapas time to amend his complaint; and strikes five of Mr. Pratapas' requests for relief.

NAMED RESPONDENT

As filed, Mr. Pratapas named "Woodridge Police Department" as the respondent in this complaint. In its February 3, 2023 answer to the complaint, Woodridge indicated that the proper name for the respondent is "Village of Woodridge". The Board corrects the caption in this order and directs the Clerk to correct the respondent's name in the docket of this case.

MOTION TO DISMISS AND ANSWER

Under Section 31(d)(1) of the Act, the Board will dismiss complaints that are frivolous. See 415 ILCS 5/31(d)(1) (2020). "Frivolous" is defined in the Board's rules as "any request for relief that the Board does not have the authority to grant, or a complaint that fails to state a cause of action upon which the Board can grant relief." 35 Ill. Adm. Code 101.202(b). Everclean argues that the complaint is frivolous because it fails to state a cause of action. Mot. at 3-6.

The Board's procedural rules require complaints to include "dates, location, events, nature, extent, duration, and strength of discharges or emissions and consequences alleged to constitute violations." 35 Ill. Adm. Code 103.204(c)(2). Mr. Pratapas' complaint alleges that the violation occurred on May 17, 2022, at the general location of "the Everclean build site onto IL RT53". Comp. at 2-3. However, the complaint lacks any details describing the extent, duration or strength of the alleged violation and only cites to a "hose from a water pump extending from the Everclean build site onto IL RT53," and that the water coming from the hose was "laden with sediment." *Id.*

Additionally, Woodridge's answer to the complaint states that Mr. Pratapas' requests for relief are nonsensical and cannot be granted under the authority of the Illinois Pollution Control Board. Ans. at 3. Complaints must request relief that the Board has the ability to grant. 35 Ill. Adm. Code 101.202(b). In his complaint, Mr. Pratapas requests that the Board:

- 1) find that Everclean violated the Act;
 - 2) assess a maximum civil penalty;
 - 3) investigate the officer for the purposes of protecting civil liberties of Americans;
 - 4) request the Chief resign in the interest of the public;
 - 5) prohibit Everclean from building additional sites without a pollution prevention plan;
 - 6) explain the role of law enforcement in enforcing environmental laws alongside Americans exercising their civil liberties in a Board order; and
 - 7) list any and all laws subject to exemption after 20 years of being a police officer.
- Comp. at 3.

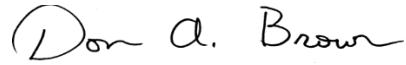
The Board has broad statutory authority to grant relief; however, some requests from Mr. Pratapas in this complaint are beyond that authority. Specifically, of those requested, the Board can only find that Everclean violated the Act and assess a maximum civil penalty. *See* 35 Ill. Adm. Code 101.106(b). Therefore, the Board strikes numbers three through seven of the requests for relief listed above. The Board will allow Mr. Pratapas 30 days to amend his complaint as to the specificity of the violations and his request for relief. Further, because all applicable requests for relief related to Woodridge are stricken, the Board dismisses Woodridge as a respondent from the case.

ORDER

1. The Board directs the Clerk to correct the name of the respondent in the docket.
2. The Board grants Everclean's motion to dismiss for frivolousness and directs Mr. Pratapas to amend his complaint for specificity no later than July 17, 2023.
3. The Board strikes five of Mr. Pratapas's relief requests, numbered three through seven.
4. The Board dismisses Woodridge as a respondent in this case.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 15, 2023, by a vote of 3-0.

A handwritten signature in cursive script that reads "Don A. Brown".

Don A. Brown, Clerk
Illinois Pollution Control Board