

Paul Christian Pratapas

Complainant

v

Horizon Construction Group, Inc.

Respondent

COMPLAINANTS MOTION TO AMEND FORMAL COMPLAINT

Complainant requests The Board to amend Formal Complaint and consider the following specifics regarding Respondent's refusal to comply with permit obligations and attempts to eliminate the primary mechanism for enforcement while continuing to work under an NPDES permit. And to eliminate the bias towards permit violators created from the illegal implementation of the CWA NPDES permitting program by the ILEPA:

 09-25-2023

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

VIOLATIONS OF NPDES PERMIT ILR10 ILLINOIS CONSTRUCTION GENERAL PERMIT

Part VI. STANDARD PERMIT CONDITIONS

A. **Duty to Comply:** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and the CWA and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. Failure to obtain coverage under this permit or an individual permit for storm water releases associated with construction activities is a violation of the Illinois Environmental Protection Act and the CWA.

Part V. RETENTION OF RECORDS

B. The permittee shall retain a copy of the storm water pollution prevention plan and any revisions to said plan required by this permit at the construction site from the date of project initiation to the date of final stabilization.

Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. Prohibition of Non-StormWater Discharges

1. Except as provided in Part I paragraph B.2 and paragraphs 2, 3 or 4 below, all discharges covered by this permit shall be comprised entirely of storm water.
2. Left Blank Intentionally by Complainant
3. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), wastewater from washout and clean out of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents,

toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

B. Signature, Plan Review and Notification

1. If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plans location must be posted near the main entrance of the construction site.

6. All storm water pollution prevention plans and all completed inspection forms/reports required under this permit are considered reports that **shall be available to the public at any reasonable time upon request.**

D. Contents of Plan

2. Controls

a. Erosion and Sediment Controls The permittee shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to.

(iii) Minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques.

(v) Minimize sediment discharges from the site.

f. Pollution Prevention: The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants.

F. Contractors

2. Certification Statement: All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with paragraph 1 above shall sign a copy

of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

"I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit(ILR10)that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification."

**VIOLATIONS OF 2017 NPDES GENERAL PERMIT FOR DISCHARGES FROM
CONSTRUCTION ACTIVITIES**

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.⁹ At a minimum, the notice must include:

- The NPDES ID (i.e., permit tracking number assigned to your NOI);
- A contact name and phone number for obtaining additional construction site information;
- The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];" and
- The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>."

VIOLATION OF THE U.S. CONSTITUTION

- The First Amendment is the cornerstone of a government of, by and for the people. One of the five freedoms it guarantees is the right of the people to **petition the government for change**.
- The right to petition protects our right to ask the government to fix a wrong or change a policy. We can petition the federal, state and local governments. Petitions directed to the judicial, executive and legislative branches are all protected.

ADDITIONAL FACTS

- Complainant established TN residency as required to work in Shelby County Air Pollution Control upon the end of their lease terms in Illinois.
- Complainant must maintain TN residency while interviewing with Shelby County Department of Juvenile Corrections
- Permitted site was missing the required signage noted above in, "1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE"
- Respondent refused access to the SWPPP book and it's contents required by NPDES IRL10 in the presence of a Village of Bolingbrook senior engineer and confirmed via email with said engineer, and via text messages filed with the Board
- Respondent lacks respect for their permit obligations and feels at ease wasting the time of The Board while engaging in egregious violations of their permit requirements
- Respondent made a materially false statement in the 09/25/2023 conference call regarding Part IV (B) (6) of their permit obligations under the IL Construction General Permit in an attempt to continue refusing access to public records required to petitioning the government for relief