

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PAUL CHRISTIAN PRATAPAS,)	
)	
Complainant,)	
)	IPCB 2023-067
v.)	(Citizens Enforcement – Water)
)	
LAKWEST CUSTOM HOMES,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

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

Illinois Pollution Control Board
James R. Thompson Center, Suite 11
100 W Randolph St.
Chicago, IL 60601

PLEASE TAKE NOTICE that on September 27, 2023, I electronically filed with the Clerk of the Pollution Control Board, Respondent's Answer to Complaint, a copy of which is attached hereto and herewith served upon you.

s/James W. Ford
James W. Ford
Attorney for Respondent
Ford & Britton, P.C.
120 N LaSalle St., Suite 950
Chicago, IL 60602
jford@fordbritton.com
(312) 924-7500

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ANSWER TO COMPLAINT

NOW COMES the Respondent, Lakewest Custom Homes, Ltd., by and through its attorneys, Ford & Britton, PC, and in answer to Complainant’s Complaint, states as follows:

1. Your Contact Information: Paul Christian Pratapas, 1330 E. Chicago Ave, Naperville, DuPage, IL, 630-210-1637.

RESPONSE: Respondent admits that Paul Christian Pratapas is the complainant and that he reported his address as 1330 E Chicago Ave., Naperville, IL and his phone number as 630-210-1637 in the Complaint. Complainant provided a change of address thereafter to 1779 Kirby Parkway, Ste 1, #92, Memphis, TN 38138.

2. Name and Address of Respondent: Lakewest Custom Homes, Dan Jurjovec, DuPage, 630-470-9442.

RESPONSE: Respondent admits that it is headquartered in DuPage, Illinois and that it can be contacted through counsel.

Address of Pollution: Intersection East Chicago Ave and S Huffman St., Naperville IL.

RESPONSE: Respondent denies any pollution occurred at this location by it or its agents or employees.

3. 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. Lakewest was constructing “Luxury” townhomes for @Properties on a VERY small patch of land adjacent to a tributary of a Water of the United States and/or the Naperville MS System. Rocks were only BMP not destroyed.

RESPONSE: Respondent admits that it constructed luxury townhomes in Naperville, IL and that the construction occurred near a storm/sewer drainage system. Respondent admits that it used best management practices. Respondent denies all remaining allegations contained in paragraph 3.

4. List specific sections of the Environmental Protection Act, Board regulations, Board order, or permit that you allege have been or are being violated. 1. 415 ILCS 5.12(a). 2. 415 ILCS 5/12(d).

RESPONSE: Respondent denies that it violated 415 ILCS 5.12(a) or (d).

5. 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.

Water. Complainant was walking down the street into downtown Naperville and noticed the pipe, snow, and complete lack of any BMPs while standing on the Chicago Avenue Bridge over the Water of the United States. There was however, a large corrugated pipe sat on top of the snow at an angle leading from the build area into what I would guess is a tributary of a Water of the United States or the Naperville MS3/4. But Dan Jurjovec and Lakewest homes prevented any further discovery of information relevant to completing this Formal Complaint with the IPCD or anyone else.

Upon initial contact with the property owner @Properties, Dan Jurjovec of Lakewest Custom Homes paid an attorney to send certified mail a threatening letter to what I assume is an address they searched and found online. Which is the address an Environmental Engineer with an MBA and who worked on the original Economic Impact Analysis of implementing the Clean Air Act, and my Mother. My name is totally unique and shows random things when searched online.

RESPONSE: Respondent denies the allegations contained in paragraph 5.

6. 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 (including seasons of the year, dates, and time of day if known). See included photographs.

RESPONSE: Respondent denies any photographs were included with the Complaint it received and denies that there was any pollution.

7. 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 negative environmental impacts of sediment laden water and other construction related pollutants is widely documented and the reason for the Corps Jurisdiction. The letter created serious problems for complainant for absolutely no reason and was an attempt at intimidating me away from exercising my right to petition the government and engage in citizen enforcement actions. On the main road into downtown next to a fire station.

RESPONSE: Respondent denies that any of its actions have had any bad effects 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. Respondent denies any pollution.

8. Describe the relief that you seek from the Board.
 1. Find that Respondent has violated The Act
 2. Assess a maximum civil penalty against Respondent(s)
 3. Investigation into any relevant inspection reports and/or contractor certifications
 4. An order stating Waters of the United States must be protected via approved BMPS
 5. An order prohibiting Lakewest Custom Homes from building any additional homes until their contact info and all relevant info is obtainable without conflict or endangerment to any citizens exercising their civil liberties
 6. Provide case information to United States Postal Inspector Service for the purpose of determining if mail fraud charges are appropriate
 7. An order requiring Dan Jurjovec to provide the board his credentials as a homebuilder
 8. An order requiring case details to be shared with the America Bar Association
 9. A review of @property sites in the State of Illinois for compliance with Environmental and Safety Regulations
 10. A no contact order prohibiting respondents from engaging in harassment against me and my Parents for engaging in our civil liberties

RESPONSE: The relief sought in paragraph 8 consists of legal conclusions to which a response from Respondent is neither necessary nor appropriate. Further, the Board has already stricken requests for relief numbered 3, 5, 6, 7, 8, 9, and 10, per its August 3, 2023 Order. To the

extent an answer is appropriate, Respondent denies this paragraph, any subparagraphs included, and denies that Complainant is entitled to any relief from Respondent.

9. 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.

RESPONSE: Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and therefore, deny same. Based on Respondent's knowledge and belief, no such similar case has been brought.

WHEREFORE, Respondent, Lakewest Custom Homes, Ltd., requests that the Board enter an order in favor of Respondent and any such other relief as the Board deems appropriate.

**Affirmative Defense
Failure to State of Claim**

In the alternative, without admitting any of Complainant's allegations that Respondent has denied, or otherwise contradicting its answer, and solely by way of affirmative and/or additional defense, Respondent alleges as follows:

1. Complainant does not assert any facts demonstrating that Respondent caused or allowed the discharge of any contaminants into the environment to cause water pollution in Illinois.
2. Complainant does not allege any facts to demonstrate that Respondent violated regulations or standards adopted by the Pollution Control Board.
3. Complainant does not allege any facts to demonstrate that Respondent deposited any contaminants upon the land.

4. Complainant only alleges that he saw a corrugated pipe on the land near water where townhomes were being constructed. He does not allege that the pipe was connected to anything, that any contaminants were in the pipe, or that contaminants ran through the pipe.

5. The mere presence of a corrugated pipe, not connected to anything, on land, does not demonstrate a violation of 415 ILCS 5.12(a) or (d) absent the allegation that Respondent was discharging or depositing contaminants into the environment through the pipe. Such factual allegations are missing. As such, Complainant's claims are barred for failure to state a claim upon which relief can be granted.

WHEREFORE, Respondent, Lakewest Custom Homes, Ltd., requests that the Board enter an order denying Complainant any and all of the relief he seeks herein, and such other and further relief to which Respondent is entitled.

Respectfully submitted,

s/James W. Ford
James W. Ford
Attorney for Respondent
Ford & Britton, P.C.
120 N LaSalle St., Suite 950
Chicago, IL 60602
jford@fordbritton.com
(312) 924-7500

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PROOF OF SERVICE

NOW COMES the Respondent, Lakewest Custom Homes, Ltd., by and through its attorneys, Ford & Britton, PC, and pursuant to the Board’s procedural rules, provides proof of service of the attached Respondent’s Answer to Complaint and Notice of Electronic Filing upon

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

Illinois Pollution Control Board
James R. Thompson Center, Suite 11
100 W Randolph St.
Chicago, IL 60601

By having a true and correct copy affixed with proper postage placed in the U.S. Mail at Ford & Britton, P.C., 120 N LaSalle St., Suite 950, Chicago, IL 60602, at or before 5:00 p.m., on September 27, 2023.

s/James W. Ford
James W. Ford
Attorney for Respondent
Ford & Britton, P.C.
120 N LaSalle St., Suite 950
Chicago, IL 60602
jford@fordbritton.com
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