

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 TO
DECLARE THE FORMAL COMPLAINT FRIVOLOUS**

NOW COMES the Respondent, LISLE TOWNSHIP HIGHWAY DEPARTMENT, by and through its attorneys, Ancel Glink, P.C., pursuant to 415 ILCS 5/31(d)(1) and 35 Ill. Adm. Code 101.202, 101.504, and 103.212(b), and moves the Illinois Pollution Control Board ("Board") to declare the Formal Complaint 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. Pursuant to 415 ILCS 5/31(d)(1) and 35 Ill. Adm. Code 101.202, the Board will not accept a Formal Complaint for hearing if the Board finds that it is "frivolous," which means a 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.
3. Upon information and belief, the project and alleged violations in the Formal Complaint did not result in any violations of state or federal rules or regulations.
4. Further, upon information and belief, the contract at issue in the Formal Complaint was executed pursuant to the contract terms and in accordance with local, state, and federal rules and regulations.

5. Additionally, all applicable local, state, and federal rules and regulations will be set forth in future contracts with Lisle Township Highway Department to ensure those rules and regulations are not violated in the future.

6. Respondent, Lisle Township Highway Department, respectfully requests the Board to declare the Formal Complaint frivolous.

WHEREFORE, Respondent, LISLE TOWNSHIP HIGHWAY DEPARTMENT, respectfully requests that the Illinois Pollution Control Board declare the Formal Complaint frivolous pursuant to 415 ILCS 5/31(d)(1) and 35 Ill. Adm. Code 101.202, 101.504, and 103.212(b).

Dated: September 9, 2022

Respectfully Submitted,

LISLE TOWNSHIP HIGHWAY
DEPARTMENT

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

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

The undersigned, an attorney, certify that I served Respondent's Motion To Declare The Formal Complaint Frivolous by emailing a copy of same to the parties listed above on the 9th day of September 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.

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