

**FORMAL COMPLAINT**

**Before the Illinois Pollution Control Board**

	)	
	)	
PAUL CHRISTIAN PRATAPAS,	)	
an American	)	
	)	
<i>Complainant,</i>	)	
	)	
v.	)	PCB 20 -
	)	<i>[For Board use only]</i>
	)	
Everclean Car Wash;	)	
And	)	
Woodridge Police Department	)	
	)	
<i>Respondents</i>	)	
	)	

**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: Everclean Car Wash  
Thomas Kim  
Address: 6804 IL-53  
Woodridge, IL 60517  
Phone: 847.833.7058

Name: Woodridge Police Department  
Chief Brian Cunningham  
Deputy Chief **Ken Ostarello**  
Address: 1 Plaza Drive  
Woodridge, IL 60517  
Phone: (480) 436 - 0041

- 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.**

Construction of an automatic Car Wash by Thomas Kim CEO of Everclean Carwash.

- 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)

- 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 driving South on IL RT53 when he noticed a hose from a water pump extending from the Everclean build site onto IL RT53. Upon closer inspection the water was laden with sediment and in violation. Within moments of looking and taking pictures, the excavator operator walked across the site and directly in front of complainant who was off site and standing in the curb area of IL RT 53. The operator began making denials saying the hose was allowed to be directed onto IL RT 53 and that the water was clean. He then began trying to intimidate complainant with threats of calling the police on complainant and demanding to know who I was and what I was doing. The threats continued and were of concern because the contact began by the operator leaving his vehicle, walking all the way across the site and then offsite onto the public road to intimidate complainant. Given the number of similar incidents occurring complainant called the Woodridge Police to discuss the highly confident polluters attempts to make a false police report of an offense against him. Complainant left site briefly and returned to find the officer pictured in the photographic evidence section speaking with the excavator operator who was smiling. The officer then told me "I have been doing this for 20 years" "People call the police" and nothing within the area of a crime has occurred. He told me what the person violating several laws wanted him to tell me.

- 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 (include seasons of the year, dates, and times of day if known).**

May 17, 2022 and all photos/emails time/date stamped

- 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 effects of sediment laden water on plant and animal life are widely known and accepted.

Not having the support of the police during the ungodly number of citizen enforcement actions I have had to do only goes to show how imperative it is the ILEPA be stopped from issuing any new NPDES SWPPP permits and there be a review of all active sites.

If I had a problem and needed help, the police are going to be the last people I call. This experience really illustrates why.

- 8. Describe the relief that you seek from the Board.**

1. Find that Respondent has violated The Act
2. Assess a maximum civil penalty
3. Independent investigation into the officer for the purposes of protecting civil liberties of Americans
4. Complainant requests the Chief resign in the interest of the public
5. An order prohibiting Everclean Car Wash from building additional sites without a Pollution Prevention Plan
6. A board order explaining the role law enforcement has in enforcing environmental laws alongside Americans exercising their civil liberties
7. A board order listing any and all laws subject to exemption after 20 years of being a police officer

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.

10. *Paul Pratapas*  
Complainant's Signature

CERTIFICATION

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

*Paul Pratapas*  
Complainant's Signature

Subscribed to and sworn before me

this 5 day

of December, 2022.

*Ana Herrera Campos*  
Notary Public




My Commission Expires: 9/6/2026

**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: 12/5/22

**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](http://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](http://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: [*check only one—A, B, C, D, or E*]

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. On \_\_\_\_\_ [*month/date*], 20\_\_, by the time of \_\_:\_\_ AM/PM, at \_\_\_\_\_ [*address where you provided the documents to the U.S. Postal Service or the third-party commercial carrier*], copies of the attached Formal Complaint and Notice of Filing were 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. [*Within seven days after it becomes available to you, file with the Board's Clerk the delivery confirmation—containing the recipient's signature and showing the date of delivery—and identify the Formal Complaint to which that delivery confirmation corresponds.*]

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. Attached is the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made the personal delivery, showing the date of delivery as \_\_\_\_\_ [month/date], 20\_\_\_. [Attach the other person's signed affidavit or declaration showing the date of delivery.]

E.   X   Personal service and I will make the personal delivery. However, the affidavit of service is not available to me currently.

RESPONDENTS' ADDRESS:

**Name:** Everclean Carwash  
**Street:** 6804 IL 53  
**City/State/Zip:** Woodridge, IL 60517

**Name:** Woodridge Police Department  
**Street:** 1 Plaza Drive  
**City/State/Zip:** Woodridge, IL 60517

  
Complainant's Signature

**Street:** 1330 E. Chicago Ave.

**City, State, Zip Code:** Naperville, IL 60540

**Date:** 12/5/22

Subscribed to and sworn before me

this 5 day

of December, 2022

  
Notary Public



My Commission Expires: 9/6/2026

**(720 ILCS 5/12-6) (from Ch. 38, par. 12-6)**

**Sec. 12-6. Intimidation.**

(a) A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts:

- (1) Inflict physical harm on the person threatened or any other person or on property; or
- (2) Subject any person to physical confinement or restraint; or
- (3) Commit a felony or Class A misdemeanor; or
- (4) Accuse any person of an offense; or**
- (5) Expose any person to hatred, contempt or ridicule; or
- (6) Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (7) Bring about or continue a strike, boycott or other collective action.

(b) Sentence.

Intimidation is a Class 3 felony for which an offender may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years.

(Source: P.A. 96-1551, eff. 7-1-11.)

### **Illinois Disorderly Conduct Statute**

The Illinois Disorderly Conduct Statute, found at 720 ILCS 5/26-1, is an extremely comprehensive statute that prohibits a wide variety of different activities, all commonly referred to as "disorderly conduct." The statute bars:

1. Breaches of the peace
2. False fire alarms
3. False bomb reports
4. School-related threats of violence or destruction
5. False reports of crimes or safety issues
6. Calling 911 without a valid reason
7. False reports to the Department of Children and Family Services
8. False reports regarding nursing home, mental hospital or intellectual disabilities facility neglect/abuse
9. False requests for an ambulance
10. False reports of violence
11. 'Peeping Tom' invasions of privacy
12. Collection agency harassment

# The Right to Petition Government

*Grade Level:*

6, 7, 8, 9, 10, 11, 12

*Keywords:*

Constitution of the United States

The right to petition grants people not only the freedom to stand up and speak out against injustices they feel are occurring, but also grants the power to help change those injustices. The nonprofit community plays an active role by providing an organized medium to join citizens together in support of causes or in petition of practices that violate their cause.

## Definition

To understand the definition of the concept, right to petition government, one must first understand where this concept originates. The right to petition is one of the fundamental freedoms of all Americans, and is documented in the First Amendment to the Constitution of the United States.

The First Amendment consists of five “freedoms,” which are: Religion, Free Speech, Free Press, Assembly, and Petition. The Petition section of the first amendment, also commonly referred to as the Petition Clause, states that “People have the right to appeal to government in favor of or against policies that affect them or in which they feel strongly. This freedom includes the right to gather signatures in support of a cause and to lobby legislative bodies for or against legislation,” (Copley First Amendment Center) (2). A more simple definition of the right to petition, is “the right to present requests to the government without punishment or reprisal. This right is guaranteed in the First Amendment to the U.S. Constitution” (History Central, 1).

Looking at the specific definition of the word petition, as it relates to the freedom of petition and the First Amendment, the word can be used to describe “any nonviolent, legal means of encouraging or disapproving government action, whether directed to the judicial, executive or legislative branch. Lobbying, letter-writing, e-mail campaigns, testifying before tribunals, filing lawsuits, supporting referenda, collecting signatures for ballot initiatives, peaceful protests and picketing: all public articulation of issues, complaints and interests designed to spur government action qualifies under the petition clause...” (Copley First Amendment Center) (1).

The **Clean Water Act (CWA)** is the primary federal law in the United States governing water pollution. Its objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters; recognizing the responsibilities of the states in addressing pollution and providing assistance to states to do so, including funding for publicly owned treatment works for the improvement of wastewater treatment; and maintaining the integrity of wetlands.

The Clean Water Act was one of the United States' first and most influential modern environmental laws. Its laws and regulations are primarily administered by the U.S. Environmental Protection Agency (EPA) in coordination with state governments







