

ILLINOIS POLLUTION CONTROL BOARD
December 15, 2022

PAUL CHRISTIAN PRATAPAS,)
)
 Complainant,)
)
 v.) PCB 23-54
) (Citizen's Enforcement - Water)
 WAGNER FARMS BY PULTE HOMES,)
)
 Respondent.)

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

On November 9, 2022, Paul Christian Pratapas filed a citizen's complaint (Comp.) against Wagner Farms by Pulte Homes (Pulte). The complaint concerns Pulte's residential construction at 3723 Quick Fire Drive in Naperville, Will County. Comp. at 2.

Under the Board's rules, an enforcement proceeding commences by serving a notice and complaint on a respondent. 35 Ill. Adm. Code 103.204(a), (b). Service must be "by U.S. Mail with a recipient's signature recorded, a third-party commercial carrier with a recipient's signature recorded, or personal service." *Id.* Enforcement complaints may not be served by e-mail. *See* 35 Ill. Adm. Code 101.1000(e). "A proceeding is subject to dismissal, and the filing party is subject to sanctions, if service is not timely initiated or completed." 35 Ill. Adm. Code 101.304(b)(4).

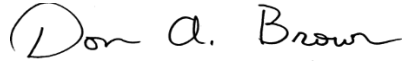
Mr. Pratapas relies on a sample complaint form available from the Board. It includes a form affidavit of service listing methods for service. On it, Mr. Pratapas indicated that the complaint would be served on the respondent by "[p]ersonal service and another person made or will make the personal delivery. However, the affidavit of service signed by the other person (or the declaration of service signed by the process server) who made or will make the personal delivery is not available to me at this time." *Id.* at 9. Although the form affidavit requested the name of the person making personal delivery and the date, time, and address at which the complaint was provided to them, it did not include any of those items of information.

On November 13, 2022, Mr. Pratapas filed a form proof of service from an unspecified District Court. The form lists options for the method of service. Mr. Pratapas checked the option indicating that, "[a]fter all due diligence, I was unable to locate and serve the targeted person(s)."

The Board directs Mr. Pratapas to file the required proof of service of the complaint on the respondent no later than Tuesday, January 16, 2023, which is the first business day following the 30th day after the date of this order (*see* 35 Ill. Adm. Code 101.300(a)), or face dismissal of the complaint.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 15, 2022, by a vote of 4-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board