

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

Paul Christian Pratapas,	)	
an American,	)	
Complainant,	)	
	)	PCB No.: 2023-064
v.	)	
	)	
Cantera Development Holdings, LLC,	)	
incorrectly sued as Arden of Warrenville,	)	
Respondent.	)	

NOTICE OF ELECTRONIC FILING

To: Illinois Pollution Control Board	Paul Christian Pratapas
Don Brown – Clerk of the Board	Complainant
<u>don.brown@illinois.gov</u>	paulpratapas@gmail.com

PLEASE TAKE NOTICE that I have electronically filed today with the Illinois Pollution Control Board the attached Respondent’s Second Motion to Dismiss Formal Complaint, or to Not Accept Complainant’s Formal Complaint on behalf of Cantera Development Holdings, LLC, copy of which is attached hereto and hereby served upon you.

Dated: July 17, 2023



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William J. Anaya, ARDC No.: 6180020  
Attorneys for Respondent,  
Cantera Holdings Development, LLC

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Cantera Development Holdings, LLC,	)	
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**RESPONDENT’S SECOND MOTION TO DISMISS  
FORMAL COMPLAINT, OR TO NOT ACCEPT  
COMPLAINANT’S FORMAL COMPLAINT**

On November 29, 2022, Paul Christian Pratapas, an American, filed a Complaint against a party he identified as “Arden of Warrenville.” In the earlier Motion to Dismiss filed on January 12, 2023, Cantera Development Holdings, LLC (“Cantera”) notified the Board that there was no entity known as “Arden of Warrenville,” and that property known as “Arden of Warrenville” was owned by Cantera Development Holdings, LLC.

By this second motion to dismiss, Cantera makes it clear that the property loosely and vaguely referred to in the Complaint is not “Arden of Warrenville,” and, while real property commonly known as “Arden of Warrenville” is owned by Cantera, the property loosely and poorly described in the Complaint is not owned by Cantera. Indeed, the property in question is not adequately described in the Complaint at all.

In the earlier motion to dismiss, Cantera also notified the Board that “Arden of Warrenville” was a completed project at the time of Mr. Pratapas’ Complaint, and that there was no construction activity currently being performed at the real property commonly known as “Arden of Warrenville,” nor had any construction activity occurred there at any relevant time referred to in the Complaint. By this motion to dismiss, Cantera attaches a report prepared by Hey and

Associates, Inc. describing the current conditions of the property owned by Cantera, and supporting Cantera's claim. See Exhibit A.

That is, the property poorly referred to in the Complaint is not owned by Cantera, and it is not known as Arden of Warrenville. Mr. Pratapas apparently saw an Arden of Warrenville sign in the vicinity, and wrongfully assumed the poorly described property apparently at issue is owned and operated by an entity known as "Arden of Warrenville." There is no such entity, and the property described in the Complaint is not "Arden of Warrenville." Clearly, Mr. Pratapas failed to properly or reasonably identify both the property and the owner of the property referred to in the Complaint. The property described in the Complaint is not known as Arden of Warrenville and is not owned by Cantera – and there is no entity known as Arden of Warrenville.

Next, as the Board correctly determined in its Order dated June 1, 2023, Mr. Pratapas had failed to serve "Arden of Warrenville," or the owner of Arden of Warrenville, Cantera. However, the Board allowed Mr. Pratapas the opportunity to properly serve Cantera by July 3, 2023. On June 27, 2023, Mr. Pratapas filed with the Board's Clerk, a USPS Certified Mail receipt indicating that he had forwarded something to Alina Sandal. See Exhibit B. Mr. Pratapas also filed a Notice with the Board indicating that he had sent the Complaint to Ms. Sandal by Certified Mail. *Id.* On July 14, 2023, the Mr. Pratapas filed another notice with the Board indicating that he had served the Complaint on Cantera on July 5, 2023 – two days late. See Exhibit C.

According to the Board's Order, the Complaint was to be served upon Ms. Sandal by July 3, 2023. It was not. Sending something is not effective service of process, and Mr. Pratapas failed to affect service at the time prescribed by the Board.

Finally, attached at Exhibit A is a "Construction Site Stormwater Observation report" prepared by Hey and Associates, Inc. (Steve McChesney) identifying the property owned by

Cantera and actually known as “Arden of Warrenville” is free of any alleged violation referred to in the Complaint.

Cantera respectfully requests that the Board dismiss the Complaint for failure to effect proper service of process, and for failure to reasonably identify the property at issue, and for failure to identify the actual owner of the property alleged to be in violation.

GREENSFELDER, HEMKER & GALE, P.C.



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Attorneys for Respondent,  
Cantera Holdings Development, LLC

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200 West Madison Street, Suite 3300  
Chicago, IL 60606  
Phone: (312) 419-9090 Fax: (312) 419-1930

EXHIBIT A

**Electronic Filing: Received, Clerk's Office 07/17/2023  
CONSTRUCTION SITE STORMWATER OBSERVATION**

Date/Time of Inspection	2023-06-27 1330	Observer/DECI	Steve McChesney CPESC
Community	Warrenville	Field Contact Information	Daniel Simon
Project Name	River West Townhomes		
In Attendance		Address/Location	Ferry Road & Torch Way
Weather Conditions	smoky, 77°F		
Acreage of Site	Approx 3.5	Reason for Inspection	<input type="checkbox"/> weekly <input checked="" type="checkbox"/> rain <input type="checkbox"/> other
Water Sample Taken	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Stage of Construction	Final stabilization, home building
Follow up Needed		Photos Taken	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Copy To	Yuriy	Next Site Visit	1xEa7d&after0.50"or>runoff

Construction Entrance/Pavement	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Detention/Sediment Basin Condition	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Dewatering Facility	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> N/A	Ditch Checks/Silt Dikes	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> N/A
Dust Control	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Inlet Protection	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Native Vegetation	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Overland Flow/Offsite Drainage Paths	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Perforated Riser	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> N/A	Perimeter SE/SC Controls	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Restrictor Plate/Structure	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Silt Fence	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Soil Stockpile Stabilized/Protected	<input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input checked="" type="checkbox"/> N/A	Stabilization Measures	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A
Stormwater System	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A	Wetlands/Waters Protection Measures	<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory <input type="checkbox"/> N/A

Less than 7d since last report, this after 0.50" or > runoff.

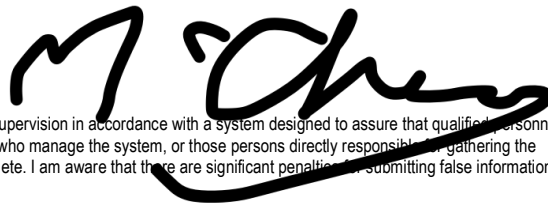
Ponds trickle discharge clear water. SWPPP box ok. Pond slightly murky. Inlets along street okay. Insulating Building E.

**RECENTLY COMPLETED**

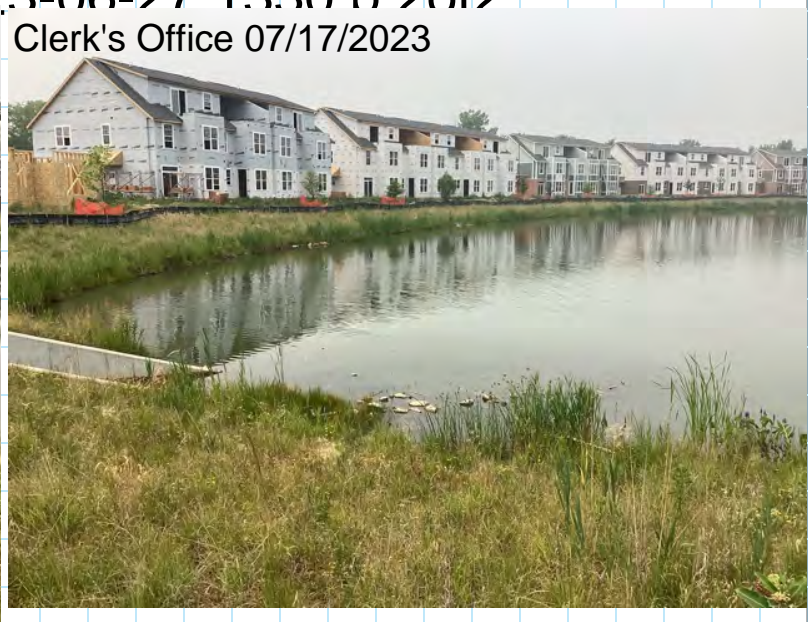
Masons completed behind E

**RECOMMENDATIONS**

1. Provide sufficient concrete washouts when anticipating pouring driveways.
2. Sweep streets as necessary.



I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Clear water, low volume discharge



Streets good, minor trackout  
Recent disturbance from Nicor gas seeded



Double-row silt fence and  
tree protection behind  
buildings E-K

EXHIBIT B



7022 2410 0001 4247 5672

<b>U.S. Postal Service™</b> <span style="float: right;">64</span> <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®. Winnetka, IL 60093	
OFFICIAL USE	
Certified Mail Fee \$4.15 \$ <span style="float: right;">43.25</span>	0967 95  Postmark Here  06/26/2023
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ 0.00 <input type="checkbox"/> Return Receipt (electronic) \$ 0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$ 0.00 <input type="checkbox"/> Adult Signature Required \$ 0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$ 0.00	
Postage \$1.98 \$	
Total Postage and Fees \$9.48 \$	
Sent To <b>ALINA SANDAL</b> Street and Apt. No., or PO Box No. <b>2 NORTHFIELD PLAZA, STE 320</b> City, State, ZIP+4® <b>NORTHFIELD, IL 60093</b>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



**CERTIFICATE OF SERVICE**

I, Paul Christian Pratapas, certify that I caused the foregoing FORMAL COMPLAINT to be served all parties of record, as shown below:

Alina Sandal  
Cantera Development Holdings, LLC  
2 Northfield Plaza  
Suite 320  
Northfield, IL 60093

by causing a copy of same to be sent certified mail to the mail address reflected above via USPS Memphis Tennessee on the 26th day of June, 2023.

Paul Christian Pratapas

Complainant

*Paul Christian Pratapas* 6/26/2023

EXHIBIT C

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete Items 1, 2, and 3. 2023-64</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: ANNA ALINA SANDAL CANTERA DEVELOPMENT 2 NORTHFIELD PLAZA SUITE 320 NORTHFIELD, IL 60093	B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 7636 2122 7220 26	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: [ ] No	
2. 7022 2410 0001 4247 5672	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery	
PS Form 3811, July 2020 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span>		

# USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

## 70222410000142475672

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

### Latest Update

Your item was delivered to an individual at the address at 1:19 pm on July 5, 2023 in WINNETKA, IL 60093.

### Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Feedback

#### Delivered

**Delivered, Left with Individual**

WINNETKA, IL 60093  
July 5, 2023, 1:19 pm

#### Redelivery Scheduled for Next Business Day

WINNETKA, IL 60093  
July 3, 2023, 2:50 pm

#### In Transit to Next Facility

July 2, 2023

#### Departed USPS Regional Destination Facility

PALATINE IL DISTRIBUTION CENTER  
June 30, 2023, 10:35 pm

#### Arrived at USPS Regional Destination Facility

PALATINE IL DISTRIBUTION CENTER  
June 29, 2023, 3:44 am

#### Arrived at USPS Regional Origin Facility

# Electronic Filing: Received, Clerk's Office 07/17/2023

MEMPHIS TN DISTRIBUTION CENTER

June 26, 2023, 10:32 pm

**USPS in possession of item**

MEMPHIS, TN 38117

June 26, 2023, 12:58 pm

**Hide Tracking History**

**Text & Email Updates**



**USPS Tracking Plus®**



**Product Information**



**See Less** ^

Track Another Package

Enter tracking or barcode numbers

## Need More Help?

Contact USPS Tracking support for further assistance.

**FAQs**

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that the above Notice and attached documents were served via email transmission to the Clerk and all other parties listed below at the addresses indicated on July 17, 2023.

Illinois Pollution Control Board  
Don Brown – Clerk of the Board  
100 West Randolph Street, #11-500  
Chicago, IL 60601  
**don.brown@illinois.gov**

Paul Christian Pratapas, Complainant  
1330 East Chicago Avenue, #110  
Naperville, IL 60540  
**paulpratapas@gmail.com**

Respectfully submitted,



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William J. Anaya