

1. Your Contact Information

Name: Paul Christian Pratapas
Street Address: 1779 Kirby Parkway, Suite 1-92
Germantown, TN 38135
County: Shelby County
Phone Number: 630 .210 .1637

2. Name and Address of the Respondent

Name: Pulte Home Company, LLC
Street Address: 3350 Peachtree R.D. NE, STE 1500
Atlanta, GA 30326
County: Fulton
Phone Number: (847) 230-5400

3. Describe the type of business or activity that you allege is causing or allowing pollution.

Pulte Homes is building new neighborhoods of residential housing. There are single family homes and neighborhoods designated for senior citizens, among other types as described in the SWPPP for each respective site. Pulte failed to post required regulatory signage and also has refused access to all SWPPP Books for permitted sites.

Individually Permitted Sites in this complaint: Sawgrass, Winding Creek, Trillium Farm, Naper Commons, Wagner Farms

4. List specific sections that you allege have been or are being violated.

1. 415 ILCS 5.12(a)
2. 415 ILCS 5/12 (d)
3. IL Admin Code Title 35, 304.141(b)

Describe the type of pollution that you allege

Water:

Toxic concrete washout water and slurry prohibited from making contact with soil and migrating to surface waters or into the ground water not managed. Photographs show concrete trucks have been cleaning out at the end of driveways. Sediment and sediment laden water freely allowed to enter the street and inlets. Inlet filter baskets filled with water and overflowing indicating they are clogged with the fine sediment and require maintenance. Workers photographed on a dirt covered road cleaning their boots off on the curb next to an inlet surrounded with sediment laden water. There appeared to be a total unawareness of any issues at hand. Cut out curbs left without BMPs. Pollutants are not controlled.

Extent, Severity and Duration: A review of the SWPPP Book would be required to completely answer this question. Pulte has refused access

Sawgrass Photographed: December 18, 2022 at 1:48pm on a Sunday afternoon.

Location of Pollution: 16646 S Sunmeadow Dr., Lockport DR, IL 60441

Wagner Farm Photographed: On or around May 21, 2022. Photographed on a weekend immediately following the rain when nobody was working. Site is how it was left for the weekend.

Location of Pollution: 3723 Quick Fire Dr, Naperville, IL 60564

Trillium Farm Photographed: Thanksgiving 11/24/2022 at 3 in the afternoon. 11/25/2022 & 11/27/2022

Location of Pollution: 28W785 Trillium Dr., Winfield, IL 60190

Winding Creek Photographed: 12/13/2022 at 11:13 PM following rainfall.

Location of Pollution: 242 Olmstead Ct., Batavia, IL 60510

Naper Commons Photographed: On or around May 24, 2022

Location of Pollution: 2308 Weatherbee Ln., Naperville, IL 60563

The impacts on wildlife, plants and the environment cannot be appropriately assessed without viewing the SWPPP Book, but the pollution poses immediate risk to wildlife and residents of partially completed developments, especially in the senior community.

Describe the relief that you seek from the Board.

1. Find that Respondent has violated their permits
2. Assess a civil penalty of Fifty Thousand Dollars (\$ 50,000.00) against Respondent for each violation of the Act and Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of each violation
3. Examination of SWPPP inspection reports and contractor certifications by The Board
4. An order stating SWPPP plan(s) for phasing, curbside protection, concrete washout areas must be implemented as presented and approved unless documented otherwise with standards being found in the Illinois Urban Manual.
5. An order stating pollutants must be controlled and minimized from entering the street and/or stormwater system and required regulatory signage posted
6. An order stating concrete washout must not be discharged into the environment
7. A Board order requiring resonant to provide access to the SWPPP Books for the permitted sites referred to in this complaint
8. Any other relief the board finds appropriate

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

Previous cases dismissed without prejudice do to procedural error during service consolidated into this complaint. Errors were due in part to failures to comply with permit guidelines related to citizen enforcement actions.

PCB 2023-074
PCB 2023-079
PCB 2023-063
PCB 2023-054
PCB 2023-055

10. Paul Christian Pratas

Complainant's Signature

CERTIFICATION

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

Paul Christian Pratas

Complainant's Signature

Subscribed to and sworn before me

this 26th day

of July, 2023

Tikki Smith

Notary Public

My Commission Expires: 06/28/2027

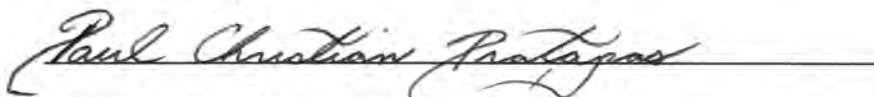


NOTICE OF FILING

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: 1779 Kirby Parkway, Suite 1-92

City/State/Zip: Germantown, TN 38135

Date: 7/26/23

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). 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).

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.

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

Pulte Home Company, LLC
C/O Todd N Sheldon
ILLINOIS CORPORATION SERVICE COMPANY
801 ADLAI STEVENSON DRIVE
SPRINGFIELD, IL 62703-4261

by causing a copy of same to be sent via USPS Certified Mail to the mailing address reflected above, ~~on~~ ^{by PP} 7/26/23 the 29TH day of JULY, 2023 at 1:00 PM. However, the Proof of Service is not available to me at this time, but will be filed within seven days of receipt.

RESPONDENT'S ADDRESS:

Name: Pulte Home Company, LLC
Street: 3350 PEACHTREE RD. NE, STE 1500
City/State/Zip: ATLANTA, GA 30326

Paul Christian Pratapas

Complainant's Signature

Street: 1779 Kirby Parkway, Suite 1-92
City, State, Zip Code: Germantown, TN 38135
Date: 7/26/23

Subscribed to and sworn before me

this 26th day

of July, 2023

Tikki Smith

Notary Public

My Commission Expires: 06/28/2027



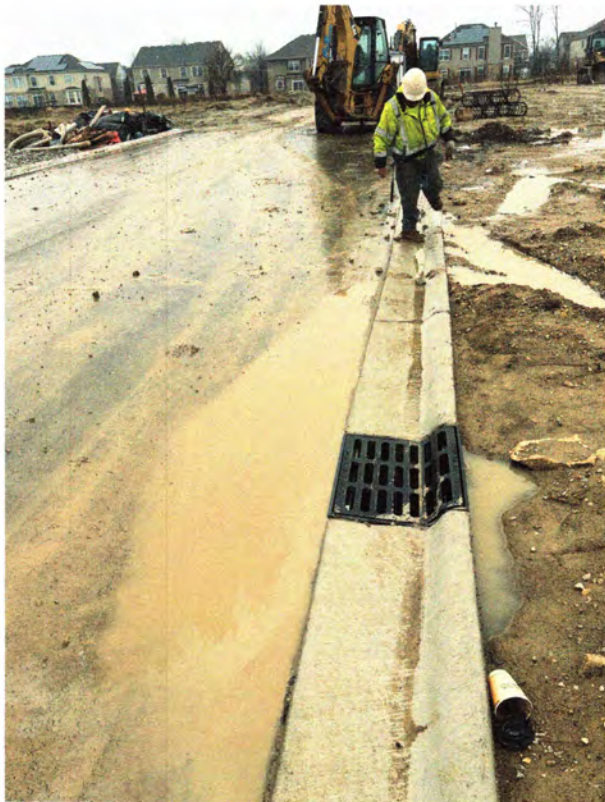


Exhibit A: Sawgrass Site



Exhibit B: Wagner Farms Site



Exhibit C: Trillium Farm Site



Exhibit D: Winding Creek Site

Exhibit E: Naper Commons Site

