

Paul Christian Pratapas

Complainant

v

Lexington Trace, LLC

Respondent

COMPLAINANTS 2nd MOTION TO AMEND FORMAL COMPLAINT

Whereas on 08/03/2023 The Board ordered Complainant to amend the Formal Complaint to include specifics about alleged violations by Respondent, Lexington Trace, LLC at their development known commercially as "Lexington Trace". The development site was without required signage listing permit information.

Complainant requests The Board to amend Formal Complaint and consider the following specifics as seen in the photographic evidence initially filed 11/18/2020:

Paul Christian Pratapas August 28, 2023

Paul Christian Pratapas
1779 Kirby Parkway, Ste 1, #92
Memphis, TN 38138
630.210.1637

Exhibit A



Pollutants are not controlled. The downslope curb is cut out and without protection. Trash and sediment are free to enter the street.

Exhibit B



Sediment laden water carried from street and site indicating pollutants are not controlled, the SWPPP required updating and curbside protection is likely needed

Exhibit C



Sediment laden water discharged into a wetland area which did not have the protections listed in SWPPP which were part of permit approval. Pollutants are not controlled and the failures of active BMPs were not being recorded in SWPPP corrective action reports.

Exhibit D



This was the curb beside of a multifamily home being constructed. Per the engineering plans viewed by Complainant, this type of building would have a stabilized area where the parking area will be from which vehicles work from to avoid getting sediment in the street. This area would have three inch stone to remove sediment from vehicle tires. This minimizes pollutants from becoming uncontrolled and entering the street. Instead, respondent installed a ramp for concrete trucks to enter resulting in maximum soil disturbance, transfer and travel. These trucks would then pull forward and wash their shoots into the curbside inlet. Significant amounts of sediment have entered the street as a result

Exhibit E



Concrete washout in tire tracks where the concrete trucks were entering the site via the ramp.

Exhibit F



Ozynga Concrete washing their truck shoot directly into the curbside inlet. This is adjacent to what the SWPPP listed as a protected wetland

Exhibit G



After the truck in Exhibit F drove away.

Exhibit H



Closer look of curbside inlet in Exhibit G. The area listed in the SWPPP as a protected wetland can be seen in background.

Exhibit I



Pollutants continue to be uncontrolled even after initial informal complaint and corrective actions. The orange fence along the protected wetland is in the background indicating when the photo was taken. The waddles are not working and again a cut out curb was installed without any BMPs. There is a structure seen discharging water from around the site into the retention area which contains sediment laden water.

Exhibit J



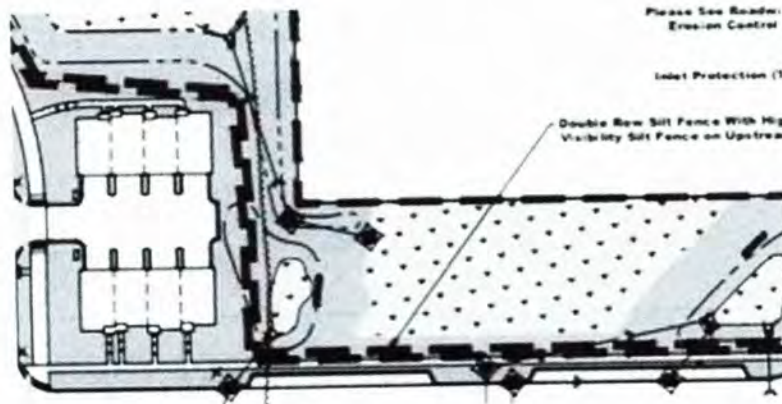
Another structure on site discharging sediment laden water from inlets around the site indicating pollutants are not controlled.

Exhibit K



Sediment accumulation around inlet. Blocking inlets with filter fabric is not an approved BMP, causes flooding and this development was partially occupied and indicates permit holder is unable to control pollutants

Exhibit L



Screen grab from SWPPP as approved showing where the BMPs were supposed to be which were never installed. Also shows the building next to the ramp with the central parking area.

It can be assumed pollutants at the site were uncontrolled from the beginning of construction through the date the last picture was taken. The conversations I had with the superintendent and compliance manager indicated they had little to no understanding of their SWPPP responsibilities. The day I viewed the SWPPP, the aforementioned individuals began following me around the site and making threats for if I didn't leave. So, a full understanding of the impacts, intensity, duration etc. of the pollution can only be done in conjunction with an evaluation of the SWPPP book. However, pollutants traveled freely and penetrated all of the water retention areas with each rainfall, including the wetland. BMPs Respondent indicated they would use in their permit application were missing throughout the site.