

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: M/I Homes of Chicago, LLC
Street Address: 5350 77 CENTER DRIVE, #100
CHARLOTTE, NC 28217
County: Mecklenburg County
Phone Number: 704.228.3892

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

NPDES permitted construction of new housing developments within the State of Illinois with permit coverage active within the last three years.

Individually Permitted Sites in this complaint:

1. Chelsea Manor
2. Silo Bends
3. Willow Run

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)

VIOLATIONS OF NPDES PERMIT ILR10 ILLINOIS CONSTRUCTION GENERAL PERMIT

Part VI. STANDARD PERMIT CONDITIONS

A. **Duty to Comply:** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and the CWA and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application. Failure to obtain coverage under this permit or an individual permit for storm water releases associated with construction activities is a violation of the Illinois Environmental Protection Act and the CWA.

Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER

NON-NUMERIC LIMITATIONS

A. Prohibition of Non-Storm Water Discharges

1. Except as provided in Part I paragraph B.2 and paragraphs 2, 3 or 4 below, all discharges covered by this permit shall be comprised entirely of storm water.
2. Left Blank Intentionally by Complainant
3. The following non-storm water discharges are prohibited by this permit: concrete and wastewater from washout of concrete (unless managed by an appropriate control), wastewater from washout and clean out of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

B. Signature, Plan Review and Notification

6. All storm water pollution prevention plans and all completed inspection forms/reports required under this permit are considered reports that **shall be available to the public at any reasonable time upon request.**

D. Contents of Plan

2. Controls

a. Erosion and Sediment Controls The permittee shall design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to.

(iii) Minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques.

(v) Minimize sediment discharges from the site.

f. Pollution Prevention: The permittee shall design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants.

F. Contractors

2. Certification Statement: All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with paragraph 1 above shall sign a copy of the following certification statement before conducting any professional service at the site identified in the storm water pollution prevention plan:

*I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit(ILR10)that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.”

**VIOLATIONS OF 2017 NPDES GENERAL PERMIT FOR DISCHARGES FROM
CONSTRUCTION ACTIVITIES**

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.⁹ At a minimum, the notice must include:

- The NPDES ID (i.e., permit tracking number assigned to your NOI);
- A contact name and phone number for obtaining additional construction site information;
- The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: “If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];” and
- The following statement “If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>.”

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. 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. These baskets are designed to catch sediment. Not filter it out of water.

Frequency, Severity and Duration:

A review of the SWPPP Book would be required to completely answer this question. M/I Homes of Chicago has refused access and did not place required regulatory signage at any of the inspected sites. It can be assumed the pollution will continue for every minute of every project until regulator intervention.

The ILEPA has led permit holders to believe the ILEPA has the authority to modify and eliminate conditions of Federal Law. This has led to safety issues for citizen enforcement, the primary mechanism the CWA NPDES relies on to meet the needs of enforcement. If the board will not intervene it will require filing a federal civil suit against Respondent and the ILEPA.

Chelsea Manor Inspected: November 13, 2022

Location of Pollution: Aurora, IL. No regulatory signs with address of development or any other required info

Silo Bend and The Townes Inspected: December 18, 2022 1:48pm

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

Willow Run Photographed: December 9, 2022 11:40am

Location of Pollution: 15312 S Sawgrass Circle, Plainfield IL

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 occupied developments.

Pollution is severe enough to cause Respondent to try and accuse Complainant of trespassing on their sites despite signage inviting the public up to 1.5 miles from the site. From this, we can safely declare M/I Homes has no intentions of modifying their behavior for the sake of doing the right thing as required by Federal Law.

Respondent **knowingly and repeatedly** violates their permit obligations and pollutes each time the ILEPA grants them an NPDES permit.

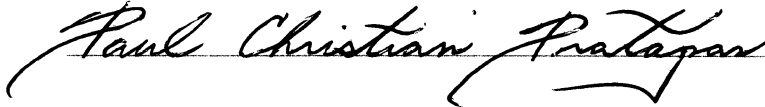
Describe the relief that you seek from the Board.

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 respondent to provide access to the SWPPP Books for the permitted sites referred to in this complaint
8. Pause all SWPPP permits issued to Respondent until complies with Constitution and posts regulatory signage and provides public access to the SWPPP Binder as described above

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. Upon advice from The Speaker of the House of Representatives, they have been refiled and consolidated into this complaint. Errors were due in part to failures to comply with permit guidelines related to citizen enforcement actions and ILEPA's inappropriate implementation of an unauthorized modified NPDES SWPPP program in violation of the CWA.

Complainant will be seeking an injunction and monetary damages in Federal Civil Court for violations of Civil Liberties.



Complainant's Signature

CERTIFICATION

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

Complainant's Signature

Subscribed to and sworn before me

this _____ day

of _____, 20__.

Notary Public

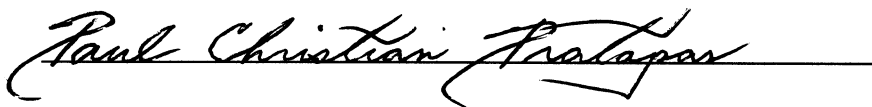
My Commission Expires: _____

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 38138

Date: 09-12-2023

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

Electronic Filing: Received, Clerk's Office 09/12/2023 **PCB 2024-018**
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.

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:

M/I Homes of Chicago, LLC
ILLINOIS CORPORATION SERVICE COMPANY
801 ADLAI STEVENSON DRIVE
SPRINGFIELD, IL 62703-4261

PF 9/12/23

by causing a copy of same to be sent via USPS Certified Mail to the mailing address reflected above, ~~on~~ *by* the 13 day of SEPTEMBER, 2023 at 5 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: M/I Homes of Chicago, LLC
Street: 5350 77 CENTER DRIVE, #100
City/State/Zip: CHARLOTTE, NC 28217

Paul Christian Pratapas

Complainant's Signature

Street: 1779 Kirby Parkway, Suite 1-92
City, State, Zip Code: Germantown, TN 38138
Date: Sept 12, 2023

Subscribed to and sworn before me

this 12th day
of September, 2023.

Jaivon Cooke

Notary Public



My Commission Expires: 12/02/2025



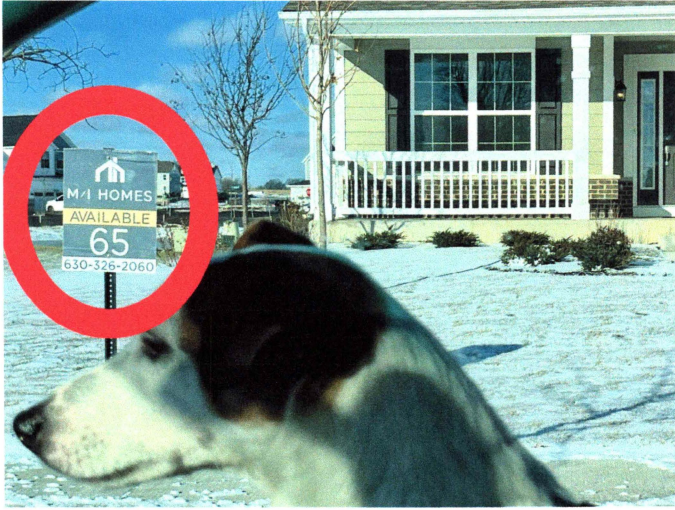
A



B



C



1



2



3



4



5



Exhibit C: Willow Run Site

