

ILLINOIS POLLUTION CONTROL BOARD
April 11, 2019

SUSANNE M. KIRKHAM and)
STEVEN C. KIRKHAM,)
)
Complainants,)
)
v.) PCB 19-70
) (Citizen's Enforcement - Water)
VILLAGE OF POPLAR GROVE, ILLINOIS,)
)
Respondent.)

ORDER OF THE BOARD (by B.K. Carter):

On November 7, 2018, Susanne M. Kirkham and Steven C. Kirkham (Kirkhams) filed a *pro se* citizens enforcement complaint against the Village of Poplar Grove (Village). The Kirkhams' complaint concerned the Village's sanitary sewer system in Boone County. The complaint alleges the Village violated the Illinois Environmental Protection Agency (Agency) water pollution regulations, resulting in the overflow of raw sewage in the Kirkhams' residential basement.

On February 28, 2019, the Board dismissed the complaint as frivolous for failure to state a claim. Kirkham v. Village of Poplar Grove, Illinois, PCB 19-70, slip op. at 3 (Feb. 28, 2019). The Board, however, allowed the Kirkhams until March 29, 2019, to amend their complaint. *Id.* The Board also cautioned the Kirkhams that failing to file an amended complaint by March 29, 2019, "will result in the Board dismissing this case and closing the docket." *Id.* No amended complaint was filed by that date. The Board therefore dismisses the case and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2016); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. Filing a motion asking that the Board reconsider this final order is not a prerequisite to appealing the order. 35 Ill. Adm. Code 101.902.

Names and Addresses for Receiving Service of Any Petition for Review Filed with the Appellate Court	
Parties	Board
Susanne Kirkham Steven Kirkham 19704 Dunham Road Woodstock, Illinois 60098 stevek19704@gmail.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601
Best Vanderlaan and Harrington Attn: Denise N. Kruse & Alison M. Harrington 25 E. Washington St., Suite 800 Chicago, Illinois 60602 eservice@bestfirm.com	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 11, 2019, by a vote of 4-0.



Don A. Brown, Clerk
 Illinois Pollution Control Board