

ILLINOIS POLLUTION CONTROL BOARD
February 6, 2025

MICHAEL LAURENZANA,)	
)	
Petitioner,)	
)	
v.)	PCB 25-43
)	(Enforcement)
UNDESIGNATED BY COMPLAINANT,)	
)	
Respondent.)	

ORDER OF THE BOARD (by M.D. Mankowski):

This matter came before the Board on January 24, 2025, by a letter submitted *pro se* by Mr. Michael Laurenzana. The letter states that it is a complaint “filed in accordance with 415 ILCS 5/31(d)(1) (2022) and 35 Ill. Adm. Code 103 [Enforcement].” For the reasons below, the Board does not proceed to determine whether the complaint is frivolous or duplicative and declines to accept the complaint for hearing. However, Mr. Laurenzana may file an amended complaint within 30 days by Monday, March 10, 2025, or face dismissal of this docket.

Below, the Board first reviews docket PCB 25-27 previously initiated by Mr. Laurenzana before addressing the complaint filed in this docket. The Board then reaches its conclusion.

PCB 25-27

The case PCB 25-27 originated with a letter submitted *pro se* to the Board’s Chair and Members and received on November 25, 2024. In an order on December 5, 2024, the Board construed the letter as a petition for review of a National Pollutant Discharge Elimination System (NPDES) permit. The Board identified a number of respects in which the letter was deficient as a petition. It directed Mr. Laurenzana by January 6, 2025, to file and properly serve an amended petition in accordance with the Board’s order and with the Environmental Protection Act (Act) and Board rules. Laurenzana v. IEPA, PCB 25-27, slip op. at 2 (Dec. 5, 2024).

On January 6, 2025, Mr. Laurenzana timely responded with a letter addressed to the Member of the Board, which the Board construed as an amended petition. In an order on January 23, 2025, the Board found that the amended petition had not cured the deficiencies identified in the earlier order. The Board declined to accept the amended petition and closed the docket. Laurenzana v. IEPA, PCB 25-27, slip op. at 2 (Jan. 23, 2025).

However, the order stated that, if Mr. Laurenzana wished to file a citizen’s complaint alleging that one or more entities or individuals has violated the Act, the Board’s regulations, or a permit issued under the Act, he could do so. The order added that “[a] citizen’s complaint must comply with the applicable requirements of the Act and the Board’s procedural rules.”

Laurenzana v. IEPA, PCB 25-27, slip op. at 2 (Jan. 23, 2025), citing 415 ILCS 5/31(d)(1) (2022); 35 Ill. Adm. Code 103.

COMPLAINT

Under Section 31(d)(1) of the Act, “[a]ny person may file with the Board a complaint, . . . against any person allegedly violating this Act, any rule or regulation adopted under this Act, any permit or term of condition of a permit, or any Board order.” 415 ILCS 5/31(d)(1) (2022); *see* 415 ILCS 5/5(d) (2022); 35 Ill. Adm. Code 103 (Enforcement).

Under the Board’s procedural rules, “[a]n enforcement proceeding will be commenced by the service of a notice and complaint by U.S. Mail with a recipient's signature recorded, a third-party commercial carrier with a recipient's signature recorded, or personal service upon all respondents and the filing of the notice and complaint with the Clerk.” 35 Ill. Adm. Code 103.204(a), citing 35 Ill. Adm. Code 101.300(b), (c), 101.302(h), 101.304(c)(2). The rules also require that “[t]he notice must be directed to the respondents notifying them of the filing of the accompanying complaint and that they may be required to attend a hearing at a date set by the Board. 35 Ill. Adm. Code 103.204(b).

Section 31(d)(1) of the Act provides that, unless the Board determines that a complaint is duplicative or frivolous, it will schedule a hearing. 415 ILCS 5/31(d)(1) (2022). A complaint is frivolous if it requests “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.” A complaint is duplicative if it is “identical or substantially similar to one brought before the Board or another forum.” 35 Ill. Adm. Code 101.202.

On January 24, 2025, Mr. Laurenzana filed a complaint under Section 31(d) of the Act and Part 103 of the Board’s procedural rules, which the Board has reviewed in detail. The complaint refers to an anhydrous ammonia bulk storage facility owned by Central Commodities. The complaint also alleges that it “has been constructed without necessary permit approval.” However, the complaint does not identify as a respondent any person or persons alleged to have committed a violation on which the Board can conduct a hearing. Also, as with his amended petition for review filed on January 6, 2025, Mr. Laurenzana’s complaint “does not include documentation of service on anyone.” *See Laurenzana v. IEPA*, PCB 25-27, slip op. at 2 (Jan. 23, 2025).

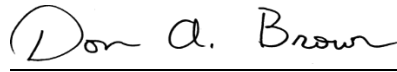
CONCLUSION

Because an enforcement complaint begins with serving the complaint on all respondents (35 Ill. Adm. Code 103.204(a)), and Mr. Laurenzana has not documented this service on anyone, the Board does not proceed to determine whether the complaint is frivolous or duplicative and declines to accept it. If Mr. Laurenzana wishes to pursue an enforcement action against one or more respondents, the Board directs him by Monday, March 10, 2025, the first business day following the 30th day after the date of this order, to file an amended complaint and serve it on all respondents. As the Board has pointed out, its website at pcb.illinois.gov “provides information on how to both file a complaint with the Board and serve a copy of the complaint on

a respondent or respondents.” Laurenzana v. IEPA, PCB 25-27, slip op. at 2 (Jan. 23, 2025). Any amended complaint that Mr. Laurenzana wishes to file must comply with the applicable requirements of the Act and the Board’s procedural rules. *See* 415 ILCS 5/31(d) (2022); 35 Ill. Adm. Code 103. If Mr. Laurenzana files an amended complaint, the Board at that time will determine whether to accept it.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 6, 2025, by a vote of 5-0.

A handwritten signature in cursive script that reads "Don A. Brown". The signature is written in dark ink and is positioned above a horizontal line.

Don A. Brown, Clerk
Illinois Pollution Control Board