

ILLINOIS POLLUTION CONTROL BOARD  
November 3, 2011

ROLF SCHILLING, PAM SCHILLING, )  
and SUZANNE VENTURA, )  
)  
Complainants, )  
)  
v. ) PCB 10-100  
) (Enforcement – Water)  
GARY D. HILL, VILLA LAND TRUST, )  
and PRAIRIE LIVING WEST, LLC, )  
)  
Respondents. )

ORDER OF THE BOARD (by J.A. Burke):

On September 30, 2011, Gary D. Hill, Villa Land Trust and Prairie Living West, LLC (collectively, respondents), filed a third-party complaint against Horve Contractors, Inc. (Horve). To date, the Board has not received notice that the respondents have properly served the third-party complaint on Horve. The Board’s procedural rules require the respondents to serve the third-party complaint on Horve either personally, by registered or certified mail, or by messenger service. 35 Ill. Adm. Code 101.304(c), 103.204(a). Proof of service of the complaint must be filed with the Board upon completion of service. 35 Ill. Adm. Code 101.304(b).

The Board notes that the third-party complaint was accompanied by a certificate of service stating that the respondents served the third-party complaint on Horve on September 28, 2011, by certified mail. However, the requisite proof that the third-party complaint has been served by certified mail is the certified mail return receipt, 35 Ill. Adm. Code 101.300(c), which has not yet been filed with the Board. The respondents’ filing on September 30, 2011, also states that a “Notice to Third Party Respondent” was included with the filing, but the Board has not received this document.

The Board directs the respondents to file with the Board proper proof that they have served the third-party complaint on Horve. The respondents must file the proof by Monday, December 5, 2011, which is the first business day following the 30th day from the date of this order. Failure to provide proper notice of service may result in the dismissal of the third-party complaint.

IT IS SO ORDERED

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 3, 2011, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board