## ILLINOIS POLLUTION CONTROL BOARD November 15, 2018

DIANA LEINDL, and KEVIN LEINDL,	)
	)
Complainant,	)
V.	)
	)
HARTSBURG GRAIN CO.,	)
Respondent.	
response.	)

PCB 19-59 (Citizens Enforcement – Noise)

ORDER OF THE BOARD (by U. Choe):

On September 14, 2018, Diana Leindl and Kevin Leindl (collectively the Leindls) filed a complaint *pro se* against Hartsburg Grain Co. (Hartsburg). The complaint concerns noise and dust allegedly emitted from dryers at Hartsburg's commercial property located at 100 West Front Street in Hartsburg, Logan County. As discussed below, the Board declines to accept the complaint for hearing at this time because the record does not show that the Leindls have properly served the complaint on Hartsburg.

A complainant must serve an enforcement complaint on each respondent either personally, by U.S. Mail with a recipient's signature recorded upon delivery, or by a third-party commercial carrier with a recipient's signature recorded upon delivery. 35 Ill. Adm. Code 101.304(c)(2), 103.204(a). Accompanying the Leindl's complaint was sworn documentation of service without specifying how or when the Leindls served Hartsburg.

"A party serving a document upon another party must also file documentation of that service." 35 Ill. Adm. Code 101.304(d).

The record in this case lacks the required documentation of service on Hartsburg. Under these circumstances, the Board directs the Leindls to file with the Board proper documentation that they have served the complaint on Hartsburg. The Leindls must file this documentation by Monday, December 17, 2018, or the Board may dismiss this case. 35 Ill. Adm. Code 101.304(d). The Board today reserves ruling on whether the complaint is duplicative, frivolous, or otherwise deficient. *See* 415 ILCS 5/31(d)(1); 35 Ill. Adm. Code 103.

IT IS SO ORDERED.

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2018, by a vote of 5-0.

Brown (1) on a.

Don A. Brown, Clerk Illinois Pollution Control Board