## ILLINOIS POLLUTION CONTROL BOARD December 20, 2018

DIANA LEINDL, and KEVIN LEINDL,	)	
Complainant,	)	
v.	)	PCB 19-59 (Citizens Enforcement – Noise)
HARTSBURG GRAIN CO.,	)	(Citizens Emorcement – ivoise)
Respondent.	)	

## 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.

Accompanying the Leindl's complaint was form documentation of service. Although the sworn affidavit of service was notarized on August 31, 2018, it did not indicate which method the Leindls had used to serve the complaint.

On November 15, 2018, the Board ordered the Leindls to file proper documentation of service by December 17, 2018. On November 20, 2018, the Leindls filed the first page of the form documentation of service indicating that they had personally served Hartsburg on September 14, 2018. However, they did not include the second page of the form documentation, which the complainant completes with a signature and the notary's seal. Here, since Ms. Leindl claims she personally served Hartsburg, the affidavit of service requires her notarized signature attesting to service 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).

"A party serving a document upon another party must also file documentation of that service." For each method of service, the Board's procedural rules provide requirements for documenting service and then filing the documentation. 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 Tuesday, January 22, 2019, 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 December 20, 2018, by a vote of 5-0.

Don A. Brown, Clerk

Illinois Pollution Control Board