

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2021

MICHAEL J. KORMAN,)
)
 Complainant,)
)
 v.) PCB 20-62
) (Citizens Enforcement – NPDES, Water)
 ILLINOIS DEPARTMENT OF)
 TRANSPORTATION)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by A. Palivos):

On March 3, 2020, Michael J. Korman (Korman) filed a complaint against the Illinois Department of Transportation (IDOT). The complaint concerns IDOT’s construction project which will expand the Willow Road overpass over Leigh Road and the SOO Line in Glenview, Illinois. On August 5, 2020, IDOT filed a demand for a bill of particulars. Korman responded to this demand on August 17, 2020. On September 11, 2020, IDOT filed a motion to strike Korman’s bill of particulars. Korman responded to this demand on September 24, 2020. Subsequently, IDOT filed a motion to strike Korman’s second bill of particulars on October 7, 2020.

On April 1, 2021 the Board denied both IDOT motions to strike a bill of particulars. However, the Board found that - considered together - the two bills did not particularize the March 3, 2020 complaint sufficiently to meet the requirements of the Act and Board regulations and did not sufficiently advise IDOT of the claim against it. Consequently, the Board directed Korman to file an amended complaint addressing these requirements by Monday, May 3, 2021.

The Board did not receive an amended complaint by May 3, 2021. As such, the Board now dismisses this 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) (2018); *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
Michael J. Korman 2306 Sundrop Drive Glenview, IL mike.korman@swpppaudit.com	Illinois Pollution Control Board Attn: Don A. Brown, Clerk James R. Thompson Center 100 West Randolph Street, Suite 11-500 Chicago, Illinois 60601 don.brown@illinois.gov
Office of the Attorney General Attn: Arlene R. Haas 69 West Washington Street Suite 1800 Chicago, IL 60602 arlene.haas@illinois.gov	
Illinois Department of Transportation Attn: Matthew D. Dougherty 2300 S. Dirksen Parkway Springfield, IL 62764 Matthew.Dougherty@illinois.gov	

I, Don A. Brown, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on June 3, 2021, by a vote of 4-0.



Don A. Brown, Clerk
Illinois Pollution Control Board