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MAY 19 1997  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DAVID and SUSI SHELTON,

Complainants,

v.

STEVEN and NANCY CROWN

Respondents.

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PCB 96 - 53  
(Citizen's Suit Noise Complaint)

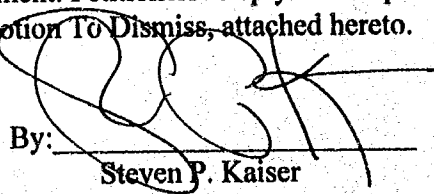
NOTICE OF FILING.

To: Richard R. Elledge, Esq.  
Gould & Ratner  
222 North LaSalle Street  
Chicago, Illinois 60601

Ms. June Edverson, Hearing Officer  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

Ms. Dorothy Gunn  
Illinois Pollution Control Board  
100 W. Randolph Street, Suite 11-500  
Chicago, Illinois 60601

PLEASE TAKE NOTICE that on the 19th day of May 1997, I caused to be filed with the Illinois Pollution Control Board the following document: Petitioners' Reply To Respondents' Post-Hearing Brief and Petitioners' Response To Motion To Dismiss, attached hereto.

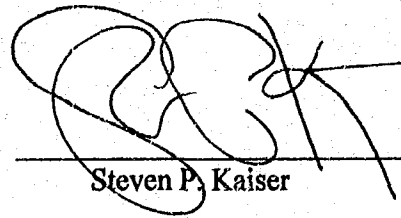
By:   
Steven P. Kaiser

Steven P. Kaiser  
The Jeff Diver Group  
45 South Park Blvd., Suite 270  
Glen Ellyn, Illinois 60137  
(630) 790-0001

**SUBMITTED ON RECYCLED PAPER.**

**PROOF OF SERVICE**

The undersigned, an attorney, hereby certifies that he caused the above-referenced document to be served upon those persons listed above by hand delivering an original and ten copies to the Illinois Pollution Control Board; by hand-delivery one copy to the assigned Hearing Officer; and, by first class U.S. Mail to Respondents' counsel, properly addressed, postage prepaid at 45 S. Park Boulevard, Glen Ellyn, Illinois, before 5:00 p.m. on May 19, 1997.



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Steven P. Kaiser

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PCB 96 - 53  
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**RESPONDENTS' RESPONSE TO MOTION TO DISMISS**

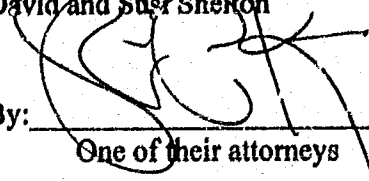
The Sheltons, through their attorneys, respond to the Motion To Dismiss as follows:

1. The Crowns argue that the Board should dismiss this complaint because they came into compliance with the Illinois Environmental Protection Act in August of 1996, one year after the complaint was filed and six weeks after the hearing began.
2. The Sheltons maintain that a Board order is necessary to ensure that the Crowns maintain the physical structures and operating protocols necessary to maintain compliance with the Act.
3. 415 ILCS 5/33 [Final orders of the Board; procedure; enforcement] provides as follows:

It shall not be a defense to findings of violations of the provisions of the Act or Board regulations or a bar to the assessment of civil penalties that the person has come into compliance subsequent to the violation...." (Emphasis added.)

WHEREFORE, the Sheltons pray that the Board deny the Crewns' Motion To Dismiss.

Respectfully submitted  
David and Susi Shelton

By:   
One of their attorneys

Jeffrey R. Diver  
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Dated: May 19, 1997