

ILLINOIS POLLUTION CONTROL BOARD  
April 15, 1999

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| RONALD R. and MELODY L. | ) |                                 |
| KANAVERSKIS,            | ) |                                 |
|                         | ) |                                 |
| Complainants,           | ) |                                 |
|                         | ) |                                 |
| v.                      | ) | PCB 98-112                      |
|                         | ) | (Enforcement - Citizens, Noise) |
| M. A. GHALAYINI,        | ) |                                 |
|                         | ) |                                 |
| Respondent.             | ) |                                 |

ORDER OF THE BOARD (by E.Z. Kezelis):

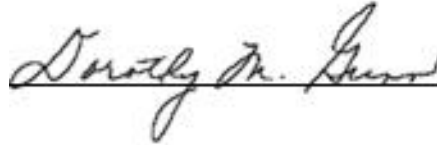
This matter comes before the Board on a motion to dismiss without prejudice (motion) filed by Ronald R. and Melody L. Kanaverskis (complainants), on March 12, 1999. The complainants originally filed this citizen enforcement action on February 25, 1998. In their complaint, they alleged that M. A. Ghalayini (respondent), caused or allowed noise pollution by installing and operating an air conditioning unit and furnace exhaust on property adjacent to the complainants' DuPage County, Illinois, residence. The present motion requests that the Board dismiss the complaint without prejudice. The respondent has not responded to the motion.

The parties have apparently reached an agreement whereby the respondent caused the air conditioning unit to be relocated and the furnace exhaust to be muffled. In their motion, the complainants state that as a result of these actions, they no longer consider the noise to be objectionable. Due to the somewhat temporary nature of the remedy, however, the complainants seek a dismissal without prejudice. For example, if the air conditioning unit is returned to its original location or the muffling device is removed from the furnace exhaust, the complainants want to preserve their right to reassert this matter before the Board.

The complainants' motion is granted and this matter is dismissed without prejudice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 15th day of April 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board