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**ORIGINAL**  
**SWANSON, MARTIN & BELL**  
ATTORNEYS AT LAW  
ONE IBM PLAZA • SUITE 2900  
330 NORTH WABASH • CHICAGO, ILLINOIS 60611  
(312) 321-9100 • FAX (312) 321-0990

**RECEIVED**  
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MAY 01 2003

Writer's Direct Dial Line  
STATE OF ILLINOIS  
Pollution Control Board  
Writer's E-mail Address  
eharvey@smbtrials.com

May 1, 2003

**VIA HAND-DELIVERY**

Ms. Dorothy M. Gunn  
Clerk of the Board  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, IL 60601

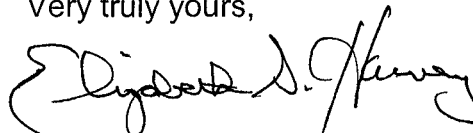
RE: *City of Kankakee v. County of Kankakee*  
PCB Nos. 03-125, 03-133, 03-134, and 03-135(cons.)

Dear Ms. Gunn:

Enclosed please find the original affidavit of Charles Helsten, a faxed copy of which was filed with the Board as Exhibit C to the County's Response to the City's Motion to Reconsider Discovery Rulings. As I have already filed the required number of copies with the Board when filing the motion on April 29, 2003, I have included only the original affidavit with this letter.

Please call me if you have any questions.

Very truly yours,

  
Elizabeth S. Harvey

Enclosures

cc: Service List (see attached, via U.S. Mail)  
(w/out enclosures)

**SERVICE LIST**  
**KANKAKEE COUNTY/WMII LANDFILL SITING**

Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601

Charles F. Helsten  
Richard Porter  
Hinshaw & Culbertson  
100 Park Avenue  
P.O. Box 1389  
Rockford, IL 61105

Kenneth A. Leshen  
One Dearborn Square  
Suite 550  
Kankakee, IL 60901

Donald Moran  
Pedersen & Houpt  
161 North Clark Street  
Suite 3100  
Chicago, IL 60601-3242

George Mueller  
George Mueller, P.C.  
501 State Street  
Ottawa, IL 61350

L. Patrick Power  
956 North Fifth Avenue  
Kankakee, IL 60901

Jennifer J. Sackett Pohlenz  
Querry & Harrow, Ltd.  
175 West Jackson Boulevard  
Suite 1600  
Chicago, IL 60604

Keith Runyon  
165 Plum Creek Drive  
Bourbonnais, IL 60914

Kenneth A. Bleyer  
Attorney at Law  
923 West Gordon Terrace, #3  
Chicago, IL 60613-2013

Leland Milk  
6903 S. Route 45-52  
Chebanse, IL 60922-5153

Patricia O'Dell  
1242 Arrowhead Drive  
Bourbonnais, IL 60914

~~ORIGINAL~~  
**AFFIDAVIT OF CHARLES HELSTEN**

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STATE OF ILLINOIS  
*Pollution Control Board*


I, Charles F. Helsten, having been sworn, hereby states the following:

1. I am a licensed attorney in the State of Illinois. I was retained to provide legal representation to the County staff during the local siting proceeding on the application for site expansion approval filed by Waste Management of Illinois, Inc. (WMII). I currently serve as co-counsel for the County in this appeal before the Pollution Control Board.
2. As part of my representation of the County staff, I provided legal advice and representation regarding the preparation of the staff's summary and report on the application. That summary and report was filed, in the public record with the County Clerk, on January 6, 2003.
3. During my representation of the County staff, while the application was pending before the County Board (August 16, 2002 to January 31, 2003), I had no substantive contact with the County Board or the Regional Planning Commission (RPC) regarding the application, nor did I provide legal representation to either entity.
4. In January 2003, I received a voice mail message from Mr. Moran, counsel for WMII. Mr. Moran's message made only a general statement that the subject of his inquiry was certain of the special conditions being recommended by County staff in the summary and report which had been filed for the record on January 6, 2003.
5. I returned Mr. Moran's call, but did not speak to him. I left a voice mail message indicating that notwithstanding the fact I only represented County staff on this matter and nor the Regional Planning Commission or the County Board, nonetheless, I did not feel it was appropriate to discuss this matter with him.
6. I had no substantive conversations with Mr. Moran at any time while WMII's application was pending.

Further affiant sayeth naught.

  
Charles F. Helsten

Sworn to before me this  
29 day of April, 2003.

  
\_\_\_\_\_  
Joan Lane

