

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VERNON and ELAINE ZOHFELD,	)	
	)	
Complainants,	)	
	)	
vs.	)	PCB No. 05-193
	)	(Citizen's Enforcement, Air)
BOB DRAKE, WABASH VALLEY	)	
SERVICE COMPANY, MICHAEL J.	)	
PFISTER, NOAH D. HORTON, and	)	
STEVE KINDER,	)	
	)	
Respondents.	)	

**NOTICE OF FILING**

TO: Ms. Dorothy M. Gunn	Carol Webb, Esq.
Clerk of the Board	Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
100 West Randolph Street	1021 North Grand Avenue East
Suite 11-500	Post Office Box 19274
Chicago, Illinois 60601	Springfield, Illinois 62794-9274
<b>(VIA ELECTRONIC MAIL)</b>	<b>(VIA ELECTRONIC MAIL)</b>

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an **ENTRY OF APPEARANCE OF THOMAS G. SAFLEY, ENTRY OF APPEARANCE OF GALE W. NEWTON, JOINDER IN MOTION TO STAY PROCEEDINGS FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE KINDER, and JOINDER IN MOTION FOR EXTENSION OF TIME FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE KINDER,** on behalf of Respondent, Michael J. Pfister, copies of which are herewith served upon you.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

Dated: July 8, 2005

By: /s/ Thomas G. Safley  
One of Their Attorneys

Thomas G. Safley  
Gale W. Newton  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
(217) 523-4900

**CERTIFICATE OF SERVICE**

I, Thomas G. Safley, the undersigned, certify that I have served the attached ENTRY OF APPEARANCE OF THOMAS G. SAFLEY, ENTRY OF APPEARANCE OF GALE W. NEWTON, JOINDER IN MOTION TO STAY PROCEEDINGS FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE KINDER, and JOINDER IN MOTION FOR EXTENSION OF TIME FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE

KINDER, upon:

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

Carol Webb, Esq.  
Hearing Officer  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Post Office Box 19274  
Springfield, Illinois 62794-9274

via electronic mail on July 8, 2005, and upon:

Stephen F. Hedinger, Esq.  
Hedinger Law Office  
2601 South Fifth Street  
Springfield, Illinois 62703

Thomas H. Bryan, Esq.  
Fine & Hatfield, P.C.  
520 N.W. Second Street  
Post Office Box 779  
Evansville, Indiana 47705-0779

by depositing said documents in the United States Mail in Springfield, Illinois, postage prepaid, on July 8, 2005.

/s/ Thomas G. Safley  
Thomas G. Safley

WVSC:002/Fil/NOF-COS – EOAs, Joinder Motions

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PFISTER, NOAH D. HORTON, and	)	
STEVE KINDER,	)	
	)	
Respondents.	)	

**ENTRY OF APPEARANCE OF THOMAS G. SAFLEY**

NOW COMES Thomas G. Safley, of the law firm of HODGE DWYER ZEMAN, and hereby enters his appearance on behalf of Respondent, MICHAEL J. PFISTER, in the above-referenced matter.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

By: /s/ Thomas G. Safley  
Thomas G. Safley

Dated: July 8, 2005

Thomas G. Safley  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
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STEVE KINDER,	)	
	)	
Respondents.	)	

**ENTRY OF APPEARANCE OF GALE W. NEWTON**

NOW COMES Gale W. Newton, of the law firm of HODGE DWYER ZEMAN, and hereby enters his appearance on behalf of Respondent, MICHAEL J. PFISTER, in the above-referenced matter.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

By: /s/ Gale W. Newton  
Gale W. Newton

Dated: July 8, 2005

Gale W. Newton  
HODGE DWYER ZEMAN  
3150 Roland Avenue  
Post Office Box 5776  
Springfield, Illinois 62705-5776  
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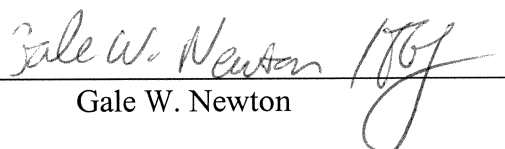
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PFISTER, NOAH D. HORTON, and	)	
STEVE KINDER,	)	
	)	
Respondents.	)	

**ENTRY OF APPEARANCE OF GALE W. NEWTON**

NOW COMES Gale W. Newton, of the law firm of HODGE DWYER ZEMAN, and hereby enters his appearance on behalf of Respondent, MICHAEL J. PFISTER, in the above-referenced matter.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

By:   
Gale W. Newton

Dated: July 8, 2005

Gale W. Newton  
HODGE DWYER ZEMAN  
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PFISTER, NOAH D. HORTON, and	)	
STEVE KINDER,	)	
	)	
Respondents.	)	

**JOINDER IN MOTION TO STAY PROCEEDINGS FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE KINDER**

NOW COMES Respondent, MICHAEL J. PFISTER ("Respondent"), by his attorneys, HODGE DWYER ZEMAN, and joins in the Motion to Stay Proceedings filed by Co-Respondents Wabash Valley Service Company, Noah D. Horton, and Steve Kinder in this matter, and in support of said Motion, states as follows:

1. On May 9, 2005, Complainants filed their Complaint with the Illinois Pollution Control Board ("Board") in this matter.

2. On April 26, 2005, a criminal Information (the "Information") was filed with the United States District Court of the Southern District of Illinois relating to this same "incident." See United States of America v. Wabash Valley Service Co., Glen S. Kinder, and Noah David Horton, Criminal No. 05-40029-JPG, a copy of which Information is attached as an exhibit to the Motion to Stay Proceedings.

3. Respondent is named as a respondent in the present matter but is not named as a Defendant in the Information.

4. On or about, July 8, 2005, Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder filed a Motion to Stay Proceedings of the Board and a Motion for Extension of Time to answer the Complaint.

5. Respondent would be prejudiced in the present matter if a stay were not issued because he would be unable to obtain information from Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder, in respect to his defenses or in respect to any cross-complaints he may file, since Wabash Valley Service Company, Noah D. Horton, and Steve Kinder intend to maintain their Fifth Amendment rights against self-incrimination. See Motion to Stay Proceedings.

6. For the reasons listed above, and further discussed in the Motion to Stay Proceedings, Respondent joins in the Motion to Stay Proceedings filed by Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder.

WHEREFORE, Respondent, MICHAEL J. PFISTER, respectfully prays that the Illinois Pollution Control Board grant the Motion to Stay Proceedings filed by Co-



Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder, and that the Illinois Pollution Control Board grant Respondent all other relief just and proper in the premises.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

By: /s/ Thomas G. Safley  
One of His Attorneys

Dated: July 8, 2005

Thomas G. Safley  
Gale W. Newton  
HODGE DWYER ZEMAN  
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STEVE KINDER,	)	
	)	
Respondents.	)	

**JOINDER IN MOTION FOR EXTENSION OF TIME FILED BY WABASH VALLEY SERVICE COMPANY, NOAH D. HORTON, AND STEVE KINDER**

NOW COMES Respondent MICHAEL J. PFISTER ("Respondent"), by his attorneys, HODGE DWYER ZEMAN, and joins in the Motion for Extension of Time filed by Co-Respondents Wabash Valley Service Company, Noah D. Horton, and Steve Kinder in this matter, and in support of said Motion, states as follows:

1. On May 9, 2005, Complainants filed their Complaint with the Illinois Pollution Control Board ("Board") in this matter.

2. On April 26, 2005, a criminal Information (the "Information") was filed with the United States District Court for the Southern District of Illinois relating to this same "incident." See United States of America v. Wabash Valley Service Co., Glen S. Kinder, and Noah David Horton, Criminal No. 05-40029-JPG, a copy of which Information is attached as an exhibit to the Motion to Stay Proceedings filed by Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder.

3. Respondent is named as a Respondent in the present matter but is not named as a Defendant in the Information.

4. On or about, July 8, 2005, Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder filed a Motion to Stay Proceedings of the Board and a Motion for Extension of Time to answer the Complaint.

5. Respondent has joined the Motion to Stay Proceedings.

6. If Respondent is required to file his Answer in the above-captioned matter prior to the Board's ruling on the Motion to Stay, the purpose and intent of the Motion to Stay would be thwarted and, should the Board rule favorably on the Motion to Stay, the purpose and intent of the Board's issuance of a stay would be thwarted.

7. For the reasons listed above, and further discussed in the Motion for Extension of Time, Respondent joins in the Motion for Extension of Time filed by Co-Respondents, Wabash Valley Service Company, Noah D. Horton, and Steve Kinder.

WHEREFORE, Respondent, MICHAEL J. PFISTER, respectfully prays that the Hearing Officer grant the Motion for Extension of Time filed by Co-Respondents,

Wabash Valley Service Company, Noah D. Horton, and Steve Kinder, that the Hearing Officer grant Respondent the same relief, and that the Hearing Officer grant Respondent all other relief just and proper in the premises.

Respectfully submitted,

MICHAEL J. PFISTER,  
Respondent,

By: /s/ Thomas G. Safley  
One of His Attorneys

Dated: July 8, 2005

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