

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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FEB 13 2007

STATE OF ILLINOIS
Pollution Control Board

VERNON and ELAINE ZOHFELD,)
)
 Complainants,)
)
 vs.)
)
 BOB DRAKE, WABASH VALLEY)
 SERVICE COMPANY, MICHAEL J.)
 PFISTER, NOAH D. HORTON, and)
 STEVE KINDER,)
)
 Respondents.)

PCB No. 05-193
(Citizen's Enforcement, Air)

NOTICE OF FILING

TO: Ms. Dorothy M. Gunn
 Clerk of the Board
 Illinois Pollution Control Board
 100 West Randolph Street
 Suite 11-500
 Chicago, Illinois 60601
(VIA FIRST CLASS MAIL)

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

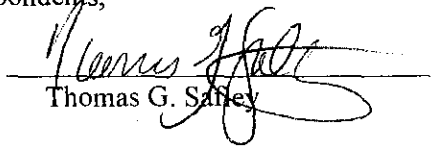
(SEE PERSONS ON ATTACHED SERVICE LIST)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board an original and nine copies each of a **SUPPLEMENTATION OF AFFIDAVIT**, copies of which are hereby served upon you.

Respectfully submitted,

BOB DRAKE, WABASH VALLEY
 SERVICE COMPANY, MICHAEL J.
 PFISTER, NOAH D. HORTON, and
 STEVE KINDER,
 Respondents,

Dated: February 6, 2007

By: 
 Thomas G. Safley

Thomas G. Safley
 Gale W. Newton
 Lauren C. Lurkins
 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, hereby certify that I have served the
attached SUPPLEMENTATION OF AFFIDAVIT upon:

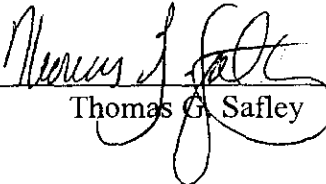
Ms. Dorothy M. Gunn
Clerk of the Board
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

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

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
Evansville, Indiana 47705-0779

by depositing said documents in the United States Mail, postage prepaid, in Springfield,
Illinois on February 6, 2007.


Thomas G. Safley

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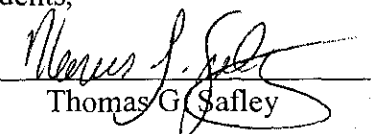
SUPPLEMENTATION OF AFFIDAVIT

NOW COMES Respondent MICHAEL J. PFISTER, by his attorneys, HODGE DWYER ZEMAN, and files the attached Affidavit of Michael J. Pfister in support of Respondent Michael J. Pfister's Motion for Summary Judgment. The attached Affidavit is an original copy and is meant to replace the copy previously filed with the Illinois Pollution Control Board.

Respectfully submitted,

BOB DRAKE, WABASH VALLEY
SERVICE COMPANY, MICHAEL J.
PFISTER, NOAH D. HORTON, and
STEVE KINDER,
Respondents,

Dated: February 6, 2007

By: 
Thomas G. Safley

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WVSC:002/Filings/Motion to Supplement Affidavit

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AFFIDAVIT OF MICHAEL J. PFISTER

Michael J. Pfister, being first duly sworn, deposes and states under oath, and if sworn as a witness would testify, as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. I am employed by Wabash Valley Service Company ("Wabash Valley") to drive spray equipment and to apply agrichemicals at various times and locations, in addition to other activities.
3. Wabash Valley transacts business by engaging in the selling and application of agrichemicals to fields in various counties of the State of Illinois.
4. I did not apply or spray or participate in any way in any application or spraying of any agrichemicals on or after May 8, 2000 on the property owned by Bob Drake that is situated adjacent to property owned by Vernon and Elaine Zohfeld.
5. I did not apply or spray any other substance at, nor was I present at, Complainants' property, Respondent Drake's property, or at any other property adjacent to Complainants' property, on or at any time after May 8, 2000.

6. I have no personal knowledge of any agrichemical spraying at any such property on or after May 8, 2000.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

FURTHER AFFIANT SAYETH NOT.

Michael J. Pfister
Michael J Pfister

Subscribed and sworn to before
me this 1 day of FEBRUARY, 2007.

Denise J. Schroeder
Notary Public



WVSC:002/Fil/Affidavit of Michael J. Pfister