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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

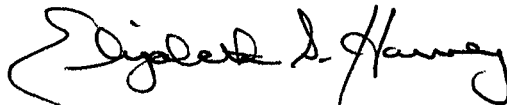
RE: *City of Kankakee v. County of Kankakee*  
PCB Nos. 03-125, 03-133, 03-134, and 03-135(cons.)

Dear Ms. Gunn:

Enclosed please find the original affidavit of Ester Fox, a faxed copy of which was filed with the Board as Exhibit B to the County's Motion to Quash Notice to Produce Ester Fox (directed to the hearing officer). 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

Enclosure

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

0-0-8

**AFFIDAVIT OF ESTER FOX**

I, Ester Fox, being over the age of 21 and having been sworn, hereby states the following, based on personal knowledge:

1. I am the Chief Deputy Clerk, Kankakee County, Illinois. As part of my job responsibilities, I assisted persons who came to the Clerk's Office, inquiring about the siting application filed by Waste Management of Illinois, Inc.
2. I have some recollection of Mr. George Mueller, attorney for Mr. Karlock, visiting the Clerk's Office prior to the beginning of the local hearings on the application. I do not remember the date of that visit.
3. Mr. Mueller asked to see everything filed as part of the siting application. I showed him everything of which I was aware.
4. Much later, on or about the first day of the County's hearings on the application (November 18, 2002), I learned that WMII had filed its operating record with the Clerk's office as part of its application. I was unaware of the existence of that operating record when Mr. Mueller visited the Clerk's Office.
5. I did not purposefully fail to show Mr. Mueller any portion of the application, but showed him everything of which I was aware. I do not remember any subsequent contact or inquiry to the Clerk's Office (after his visit to the Clerk's Office) by Mr. Mueller regarding the siting application, or any portion thereof.
6. From May 2 through May 10, 2003, I will be out of state on a long-planned trip, and am unable to appear at the hearings set for May 5 through 9, 2003.
7. I am competent to testify to the above.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Ester Fox

Sworn to before me this  
30<sup>th</sup> day of April, 2003.

  
\_\_\_\_\_  
Sharon R. Geiger

