

RECEIVED
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 PEABODY COAL COMPANY, a Delaware)
 corporation,)
)
 Respondent.)

JUL 18 2003

STATE OF ILLINOIS
Pollution Control Board

PCB 99-134

SUBSTITUTION OF AFFIDAVIT OF W.C. BLANTON

NOW COMES Respondent, PEABODY COAL COMPANY (hereinafter "PCC"), through its undersigned attorney, and hereby substitutes the original of the Affidavit of W.C. Blanton Relating to PCC's Motion For Leave To Serve Interrogatories for the facsimile copy that had been filed along with PCC's Motion For Leave To Serve Interrogatories. In support of this substitution, PCC states as follows:

1. On July 14, 2003, PCC submitted, in support of its Motion For Leave To Serve Interrogatories, the Affidavit of W.C. Blanton Relating to PCC's Motion For Leave To Serve Interrogatories, dated July 14, 2003. At the time of that submittal, only a facsimile copy of that Affidavit was available for filing. The submittal was filed by U.S. Mail.

2. The original of the Affidavit of W.C. Blanton Relating to PCC's Motion For Leave To Serve Interrogatories is now available for submittal, and with this pleading PCC submits, as a substitution, that original for the facsimile copy. The original and four copies are being sent to the Board's Clerk's Office and one each is being sent to the persons on the service list.

WHEREFORE, Respondent PEABODY COAL COMPANY substitutes the original of the Affidavit of W.C. Blanton for the facsimile copy previously provided.

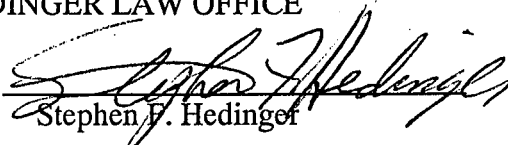
Respectfully submitted,

PEABODY COAL COMPANY,
Respondent

By its attorney

HEDINGER LAW OFFICE

By:


Stephen F. Hedinger

HEDINGER LAW OFFICE
2601 S. Fifth St.
Springfield, IL 62703
(217) 523-2753 phone
(217) 523-4366 fax

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Complainant,)	
)	
v.)	PCB 99-134
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Corporation,)	
)	
Respondent.)	

**AFFIDAVIT OF W. C. BLANTON RELATING TO PCC'S
MOTION FOR LEAVE TO SERVE INTERROGATORIES**

W. C. Blanton, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify hereto.

2. I am an attorney duly authorized to practice law in the States of Indiana, Missouri, and Minnesota; and I am one of the attorneys of record for Respondent, Peabody Coal Company ("PCC"), in connection with the above-captioned matter, having been granted leave by the Illinois Pollution Control Board ("Board") to appear pro hac vice in this matter on behalf of PCC.

3. This affidavit is being filed with the Board in support of PCC's Motion For Leave To Serve Interrogatories, filed in this matter herewith.

4. Sometime relatively soon after the State served Complainant's Second Set Of Interrogatories upon PCC, I had a telephone conversation with Jane E. McBride, the State's attorney of record in this case, regarding PCC's questions and objections to the interrogatories contained in that document. In the course of our conversation, Ms. McBride and I discussed the

fact that the State had directed substantially more than 30 interrogatories to PCC without obtaining leave from the Hearing Officer to do so. The substance of our conversation with respect to this subject was (1) we agreed that this case was of such a nature and magnitude that the 30-interrogatory limit established by 35 Ill. Adm. Code 101.620(a) and Illinois Supreme Court Rule 213(c) was not realistic and workable, and (2) we agreed that the parties therefore would waive any objection to interrogatories based upon the "30-interrogatory limit" rule and would instead address interrogatories directed to them on their merits.

Further affiant sayeth not.

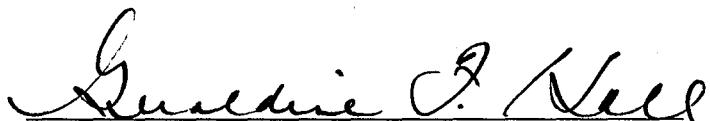


W. C. Blanton

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 14th day of July, 2003.

GERALDINE F. HALL
Notary Public - Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: November 12, 2004



Notary Public

My Commission Expires:

11-12-04

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

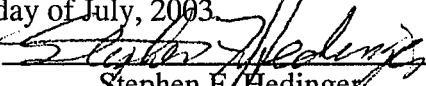
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NOTICE OF FILING AND PROOF OF SERVICE

To: Jane E. McBride Environmental Bureau Attorney General's Office 500 S. Second St. Springfield, IL 62706	Bradley Halloran Hearing Officer Illinois Pollution Control Board 100 W. Randolph St. James R. Thompson Center Suite 11-500 Chicago, IL 60601-3218
W.C. Blanton Blackwell Sanders Peper Martin LLP Two Pershing Square 2300 Main St., Suite 1000 Kansas City, MO 64108	David Joest Peabody Coal Company 1951 Barrett Court P.O. Box 1990 Henderson, KY 42419-1990

PLEASE TAKE NOTICE that on the 16th day of July, 2003, we sent to the Clerk of the Pollution Control Board the original and 4 copies of Substitution of Affidavit of W.C. Blanton for filing in the above entitled cause.

The undersigned certifies that a true and correct copy of the above-described document was served upon the above-identified individuals via U.S. mail by enclosing the same in envelopes properly addressed, with postage fully prepaid, and by depositing said envelopes in a U.S. Post Office mail box, on the 16th day of July, 2003.



Stephen F. Hedinger

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THIS FILING IS SUBMITTED ON RECYCLED PAPER