



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 – (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 – (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

ORIGINAL

(217) 782-9817  
TDD: (217) 782-9143

July 25, 2008

John Therriault, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601

AC09-1

RECEIVED  
CLERK'S OFFICE  
JUL 28 2008  
STATE OF ILLINOIS  
Pollution Control Board

Re: Illinois Environmental Protection Agency v. Mid-America Machinery Company  
IEPA File No. 138-08-AC: 1174100001—Macoupin County

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan  
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

JUL 28 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

ORIGINAL

Complainant,

AC

09-7

v.

(IEPA No. 138-08-AC)

MID-AMERICA MACHINERY CO.,

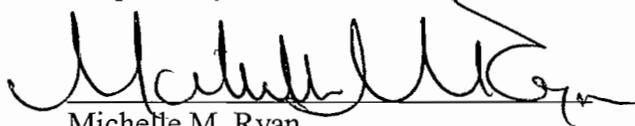
Respondent.

NOTICE OF FILING

To: Mid-America Machinery Company  
ATTN: Larry Jabusch  
2500 Wrightsman Road  
Virden, IL 62690

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: July 25, 2008

**RECEIVED**  
CLERK'S OFFICE

JUL 28 2008

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

MID-AMERICA MACHINERY COMPANY,

Respondent.

ORIGINAL

AC

09-7

(IEPA No. 138-08-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Mid-America Machinery Company ("Respondent") is the present owner and operator of a facility located at 33256 Old Route 4, Virden, Macoupin County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Virden/Mid-America Machinery Co.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1174100001.

3. That Respondent has owned and operated said facility at all times pertinent hereto.

4. That on June 18, 2008, Jan Mier of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

## VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her June 18, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2006).
  
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris: or Clean Construction or Demolition Debris a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2006).

## CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2006), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than September 1, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing,

Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 7/25/08

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

**RECEIVED**  
CLERK'S OFFICE

JUL 28 2008

STATE OF ILLINOIS  
Pollution Control Board

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 MID-AMERICA MACHINERY COMPANY, )  
 )  
 )  
 Respondent. )

AC 09-7  
 (IEPA No. 138-08-AC)

ORIGINAL

FACILITY: Virden/Mid- America Machinery Co.      SITE CODE NO.: 1174100001  
 COUNTY: Macoupin      CIVIL PENALTY: \$3,000.00  
 DATE OF INSPECTION: June 18, 2008

DATE REMITTED:  
 SS/FEIN NUMBER:  
 SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
CLERK'S OFFICE

JUL 28 2008

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

ORIGINAL

IN THE MATTER OF:

Illinois Environmental  
Protection Agency

vs.

Mid America Machinery Co.,  
Respondent

IEPA DOCKET NO.

ACO9-7

Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

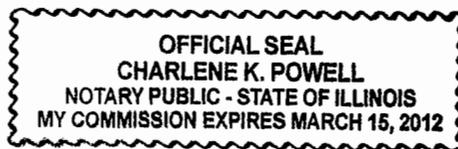
1. Affiant is a field inspector employed by the Division of Land Pollution Control/Field Operations Section of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On June 18, 2008, between 1:20 p.m. and 1:35 p.m., Affiant conducted an inspection of an open dump, located in Macoupin County, Illinois and known as *Virden/Mid America Machinery Co.* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1174100001 by the Agency.
3. Affiant inspected said site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said open dump.

*Jan Mier*

Jan Mier

Subscribed and Sworn to Before Me  
this 8<sup>th</sup> day of July, 2008

*Charlene K. Powell*  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: MACOUPIN                      LPC#: 1174100001                      Region: 5 - Springfield  
 Location/Site Name: VIRDEN/MID AMERICA MACHINERY CO.  
 Date: 6/18/08      Time: From 1:20 pm To 1:35 pm      Previous Inspection Date: 3/31/08  
 Inspector(s): JAN MIER                      Weather: 75<sup>0</sup>, SUNNY, WINDY  
 No. of Photos Taken: # 5      Est. Amt. of Waste: 50 yds<sup>3</sup>      Samples Taken: Yes #      No x  
 Interviewed: LARRY JABUSCH, OWNER                      Complaint #: C-08-055

Responsible Party  
 Mailing Address(es)  
 and Phone  
 Number(s):

MID AMERICA MACHINERY CO.  
 2500 WRIGHTSMAN ROAD  
 VIRDEN, IL 62690  
 ATTN: LARRY JABUSCH  
 217/965-3358 cell 836-3357

**RECEIVED**  
 CLERK'S OFFICE

JUL 28 2008

ORIGINAL STATE OF ILLINOIS  
 Pollution Control Board

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1174100001

Inspection Date: 6/18/08

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input type="checkbox"/>
11.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
12.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- Items marked with an "NE" were not evaluated at the time of this inspection.

**STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY  
INSPECTION NARRATIVE**

**LPC#1174100001 – Macoupin County  
Virден/Mid America Machinery Co.  
FOS File**

**DATE: 6/18/08  
INSPECTOR: Jan Mier  
C-08-055-C**

On June 18, 2008, I conducted a follow-up inspection at the above-referenced site located at 33256 Old Route 4, just south of Virден, IL. The site is the location of Mid America Machinery Co.. The business and property are owned by Mid America Machinery Co. and operated by Larry Jabusch. Because the land was bought in two parcels, two property deeds are attached, with the owner listed as Mid America Machinery Co. Recently, Mr. Jabusch closed his business.

Mr. Jabusch and the contractor hired to clean up the property were sent an Administrative Citation Warning Notices dated November 14, 2007 for open dumping and open burning observed during an 10/30/07 inspection. The used tire violations were resolved with the removal of the used tires by Wade Wiseman, an Illinois EPA registered used tire hauler. Receipts from Flowers Sanitation and Mervis Industries were faxed to this office on January 10, 2008 for disposal and recycling of wastes that were on site. What remains is a pile of dirt, rock, concrete, and steel cable that is approximately 120' by 15' by 6'. A letter dated May 6, 2008, from the Illinois EPA gave Mr. Jabusch until June 15, 2008 to remove and properly dispose of the concrete or to reuse it so that it is not considered a waste. Mr. Jabusch was given until June 22, 2008 to submit receipts or documents. There was no written response from Mr. Jabusch.

I arrived at 1:20 p.m. Heavy equipment was on site. I entered the office and met Jeff Tuggle. Mr. Tuggle said his company, Welded Construction, was renting the building and grounds for a few months. Welded Construction Co. installs pipelines. I told Mr. Tuggle I needed to walk the site. The pile of concrete and dirt was still on site (see photo #001 and #002). These photos show the west side of the pile. The east side is shown in photo #003 and #004. Photo #004 shows the steel cable that does not appear to be attached to the concrete. Photo #005 also shows the east side of the pile with landscape waste mixed in with the concrete. The pile does not appear to have changed since my last inspection on 3/31/08. I departed at 1:35 p.m.

Continuing violations observed at the time of the inspection are noted on the attached checklist.

cc: DLPC/FOS – Springfield Region

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

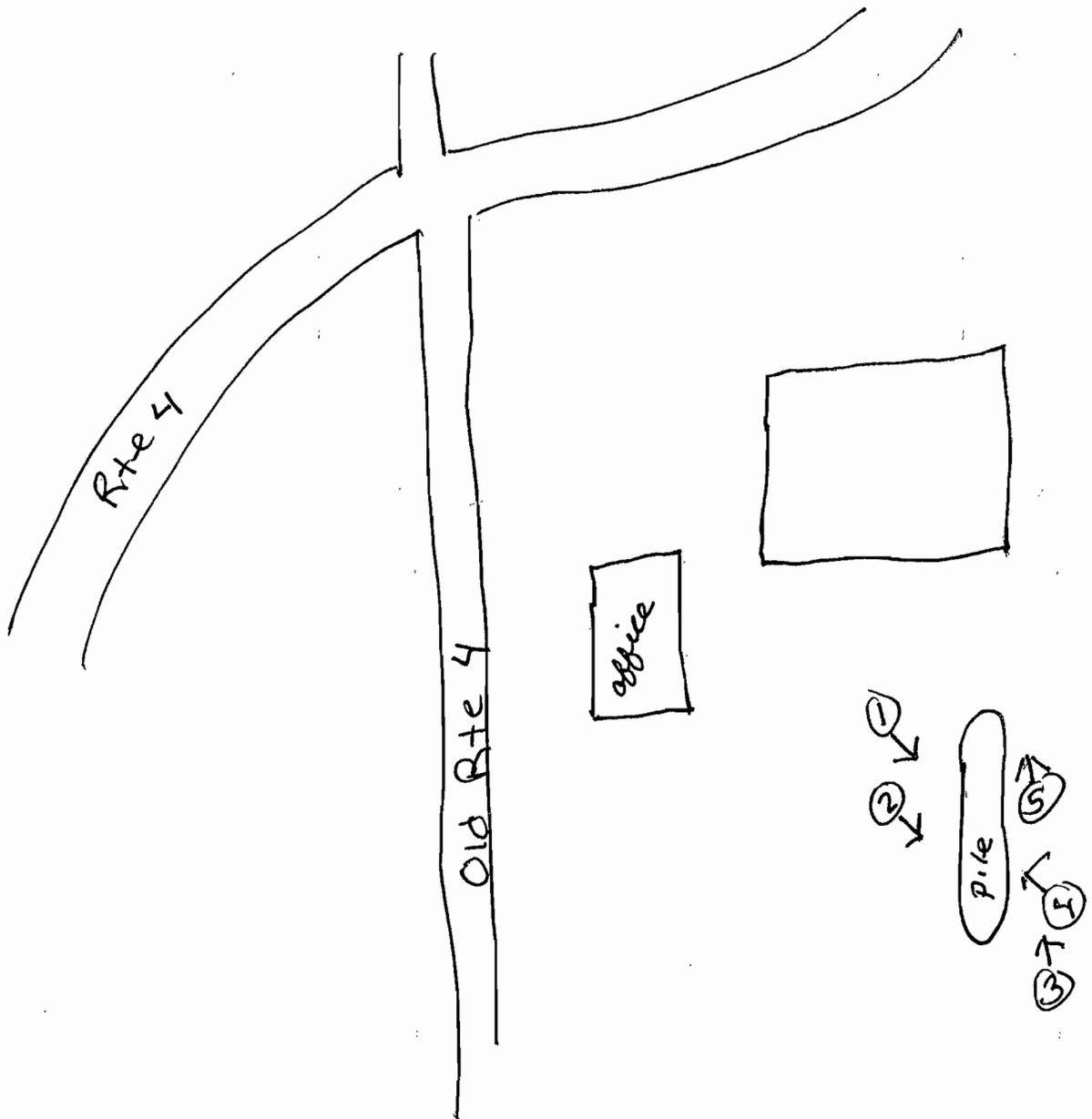
SITE SKETCH

Date of Inspection:	6/18/08	Inspector:	Jan Mier
Site Code:	LPC#1174100001	County:	Macoupin
Site:	Virden/Mid America Machinery	Time:	1:20 p.m. - 1:35 p.m.

NORTH

Measurements Approximate  
Direction of Photo →  
Not to Scale

Virden





## DIGITAL PHOTOGRAPHS



**Date:** 6/18/08  
**Time:** 1:29 p.m.  
**Direction:** SE  
**Photo by:** Jan Mier  
**Exposure #:** 001  
**Comments:**

Clean fill pile of broken concrete approximately 120 feet long by 15 feet wide and 6 feet high



**Date:** 6/18/08  
**Time:** 1:29 p.m.  
**Direction:** SE  
**Photo by:** Jan Mier  
**Exposure #:** 002  
**Comments:**

Clean fill pile with broken concrete slabs and renters equipment in foreground

Photograph File Names: 1174100001~06182008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 6/18/08  
**Time:** 1:31 p.m.  
**Direction:** N  
**Photo by:** Jan Mier  
**Exposure #:** 003  
**Comments:**

Broken concrete and  
concrete culvert with  
steel cable



**Date:** 6/18/08  
**Time:** 1:31 p.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 004  
**Comments:**

Broken concrete slabs  
with steel cable

Photograph File Names: 1174100001~06182008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 6/18/08  
**Time:** 1:31 p.m.  
**Direction:** N  
**Photo by:** Jan Mier  
**Exposure #:** 005  
**Comments:**

Broken concrete slabs  
with landscape waste

Photograph File Names: 1174100001~06182008-[Exp. #].jpg

# Live Search Maps

LPC # 1174100001 Macoupin County  
Virden/Mid America Machinery Co.  
FOS File

**NEW! Try Live Search 411**  
Dial 1-800-CALL-411 for latest info



LPC# 117 410 0001  
 MID AMERICA  
 MACHINERY CO.  
 FOS FILE



SERVICES PROGRAMS PRESS PUBLICATIONS DEPARTMENTS CONTACT

### CORPORATION FILE DETAIL REPORT

Entity Name	MID AMERICA MACHINERY CO.	File Number	49819633
Status	GOODSTANDING		
Entity Type	CORPORATION	Type of Corp	FOREIGN BCA
Qualification Date (Foreign)	04/20/1971	State	DELAWARE
Agent Name	LAWRENCE JABUSCH	Agent Change Date	04/02/1990
Agent Street Address	ROUTE 4 SOUTH	President Name & Address	LAWRENCE R JABUSCH 2500 WRIGHTSMAN RD VIRDEN 62690
Agent City	VIRDEN	Secretary Name & Address	LAWRENCE R JABUSCH 2500 WRIGHTSMAN RD VIRDEN 62690
Agent Zip	62690	Duration Date	PERPETUAL
Annual Report Filing Date	03/25/2008	For Year	2008

[Return to the Search Screen](#)

[Purchase Certificate of Good Standing](#)

(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](http://CYBERDRIVEILLINOIS.COM)

LPC# 1174100001 - Macoupin Co.  
 Virden / Mid America Machinery Co.  
 FOS File

**WARRANTY DEED to CORPORATION**  
 Form 13.A - Protection Legal Forms & Printing Co., Rockford, IL 61103

THIS INDENTURE WITNESSETH, That the Grantor<sup>s</sup>,

KENDALL COLE and CHARLOT COLE, husband and wife, of Virden, Illinois, and AUSTIN W. HULCHER and MARY ELLEN HULCHER, husband and wife,

of the \_\_\_\_\_ in the County of \_\_\_\_\_ and State of \_\_\_\_\_

for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, CONVEY and WARRANT to

MID AMERICA MACHINERY CO., INC.,

0912 001

356693

MACOUPIN CO. IL

M

NOV 11 1984

THE ABOVE SPACE FOR RECORDER USE ONLY

a corporation duly organized and existing under and by virtue of the laws of the State of Delaware and whose address is Route 4 South, Virden, Illinois.

RECORDING STAMP  
 MACOUPIN COUNTY ILLINOIS  
 BY 11/15  
 AMOUNT PAID

the following described real estate, to-wit:

A part of the Southwest Quarter of Section 16, Township 12 North, Range 6 West of the Third Principal Meridian, described as follows:  
 Commencing at the Southwest corner of said Section 16, thence North 00 degree 00 minute East along the West line of said Section 16 for 587.06 feet, being the point of beginning of said parcel of land; From the point of beginning, thence North 00 degree 00 minute East along said West line for 237.20 feet; thence North 90 degrees 00 minute East for 23.02 feet; thence North 60 degrees 36 minutes East for 154.26 feet; thence North 54 degrees 48 minutes East for 152.19 feet; thence North 45 degrees 34 minutes East for 136.38 feet to the Westerly right-of-way line of the Burlington Northern Railroad; thence South 21 degrees 25 minutes East along said right-of-way line for 532.88 feet; thence North 90 degrees 00 minute West for 573.64 feet to the point of beginning, containing 4.10 acres, more or less, subject to a portion of the entire West side dedicated for Highway purposes containing 0.13 acre, more or less,

Excepting, the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and other minerals.

(Continue legal description on reverse side)

situated in Macoupin County, Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Dated this 12<sup>th</sup> day of October 1984.

ILLINOIS K.C.	ILLINOIS K.C.	ILLINOIS K.C.
4087-13	938250	1582678
10-1-84	10-1-84	10-1-84
20	20	20
2	2	2
504	504	504

Kendall Cole  
 Charlotte Cole  
 Austin W. Hulcher  
 Mary Ellen Hulcher

STATE OF ILLINOIS

Macoupin COUNTY

I, the undersigned, a Notary Public, in and for said County of Macoupin, State of Illinois, DO HEREBY CERTIFY THAT KENDALL COLE and CHARLOT COLE, husband and wife, and AUSTIN W. HULCHER and MARY ELLEN HULCHER, husband & wife,

personally known to me to be the same person<sup>s</sup> whose name<sup>s</sup> \_\_\_\_\_ subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

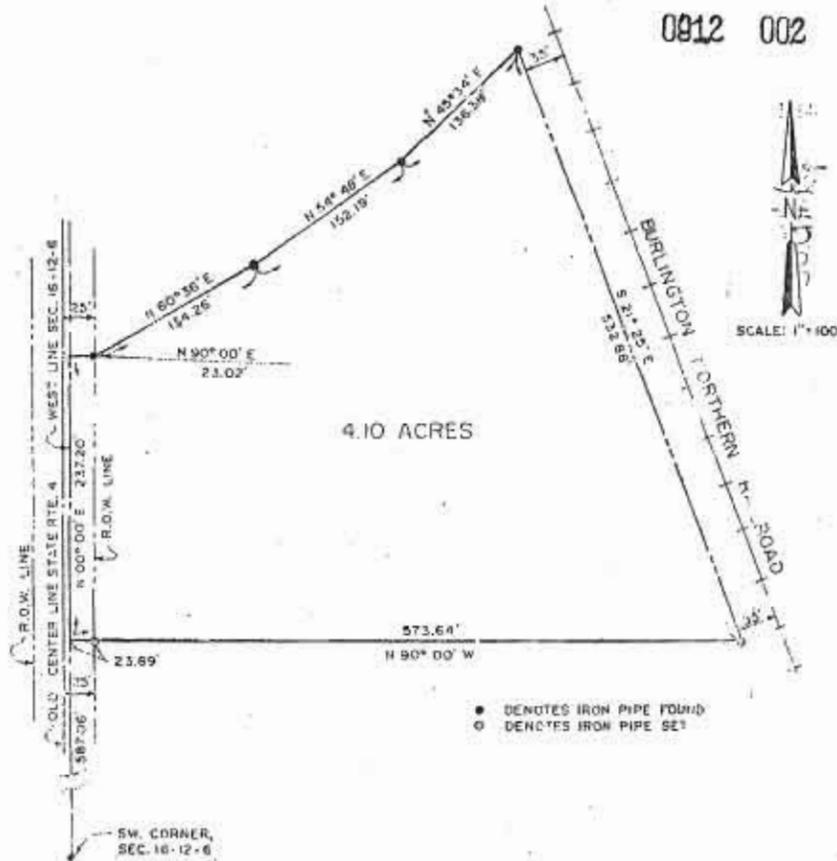
Given under my hand and Notarial Seal this 12<sup>th</sup> day of October 1984.

[Signature]  
 Notary Public

Future Taxes to Grantee's Address ( ) Return this document to:  
 Oil to: \_\_\_\_\_

This instrument was prepared by: ROGER L. RUTHERFORD  
 Whose address is: West Side Square, Virden, Ill 62690

0812 002



4.10 ACRES

- DENOTES IRON PIPE FOUND
- DENOTES IRON PIPE SET

PLAT SHOWING  
 A SURVEY OF PART OF THE SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>,  
 SECTION 16, T-12-N, R-6-W, 3RD. P. M. IN  
 MADOUPIE COUNTY, ILLINOIS.

I, Prentiss D. Wild, Carlinville, Illinois, do hereby certify that said survey was made under my direction and attached plat correctly represents said survey.

*Prentiss D. Wild*  
 Illinois Land Surveyor #2092  
 November 7, 1934



★ End of Document ★

822 3



*Austin W. Hulcher*  
AUSTIN W. HULCHER

*Mary Ellen Hulcher*  
MARY ELLEN HULCHER

*Donald D. Hulcher*

Filed for record 21st day of June A.D. 1978

ORIGINAL

RECEIVED  
CLERK'S OFFICE

JUL 28 2008

STATE OF ILLINOIS  
Pollution Control Board

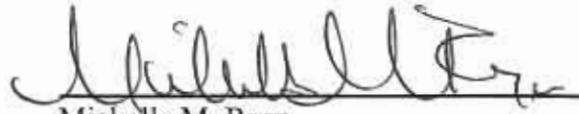
**PROOF OF SERVICE**

I hereby certify that I did on the 25th day of July 2008, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Mid-America Machinery Company  
ATTN: Larry Jabusch  
2500 Wrightsman Road  
Virden, IL 62690

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk  
Pollution Control Board  
James R. Thompson Center  
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