



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-2829  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

RECEIVED  
CLERK'S OFFICE  
DEC 22 2008  
STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

ACOP-29

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

December 18, 2008

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

Re: Illinois Environmental Protection Agency v. Richard and Kelly Harp  
IEPA File No. 324-08-AC: 1250355027—Mason 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

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DEC 22 2008

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

RICHARD and KELLY HARP,

Respondents.

OPEN - L

AC

09-29

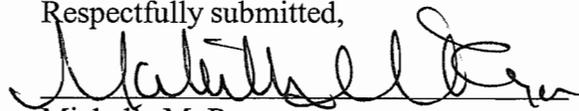
(IEPA No. 324-08-AC)

NOTICE OF FILING

To: Richard and Kelly Harp  
314 West Roosevelt Road  
Mason City, IL 62664

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: December 18, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
DEC 22 2008  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RICHARD and KELLY HARP, )  
 )  
 )  
 )  
 )  
 )  
Respondents. )

AC 09-29  
(IEPA No. 324-08-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 Richard and Kelly Harp are the current owners and Richard Harp is the operator ("Respondents") of a facility located at 314 West Roosevelt Road, Mason City, Mason County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Mason City/Harp, Richard.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1250355027.
3. That Respondents have owned and operated said facility at all times pertinent hereto.
4. That on November 17, 2008, Jan Mier of the Illinois Environmental Protection Agency's ("Illinois EPA") 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.

5. That on 12-18-08, Illinois EPA sent this Administrative Citation via Certified Mail No. 7007 3030 0002 3214 2940.

#### VIOLATIONS

Based upon direct observations made by Jan Mier during the course of her November 17, 2008 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondents have violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents 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 Respondents 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), Respondents are 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 Respondents elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than January 31, 2009, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect 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, Respondents 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.

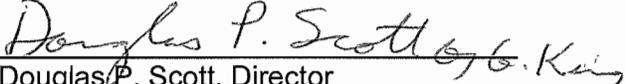
Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall 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, Respondents 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 Respondents 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 Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have 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 Respondents elect to contest this Administrative Citation, then Respondents 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 Respondents.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date: 12/18/08

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



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

RECEIVED  
CLERK'S OFFICE

DEC 22 2008

STATE OF ILLINOIS  
Pollution Control Board

AFFIDAVIT

IN THE MATTER OF: )  
)  
Illinois Environmental )  
Protection Agency )  
)  
vs. )  
)  
Richard and Kelly Harp, )  
Respondents )  
)  
)  
)

AC09-29

IEPA DOCKET NO.

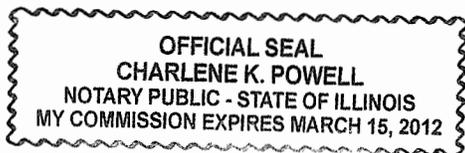
Affiant, *Jan Mier*, being first duly sworn, voluntarily deposes and states as follows:

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 November 17, 2008, between 2:00 p.m. and 2:18 p.m., Affiant conducted an inspection of an open dump, located in Macoupin County, Illinois and known as *Harp, Richard* by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC # 1250355027 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 25 day of Nov, 2008

*Charlene K. Powell*  
Notary Public



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## Open Dump Inspection Checklist

County: MASON LPC#: 1250355027 Region: 5 - Springfield  
 Location/Site Name: MASON CITY/HARP, RICHARD  
 Date: 11/17/08 Time: From 2:00 PM To 2:18 PM Previous Inspection Date: 8/26/08  
 Inspector(s): Jan Mier Weather: 30° PARTLY SUNNY  
 No. of Photos Taken: # 9 Est. Amt. of Waste: 75 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No X  
 Interviewed: NO ONE ON SITE Complaint #: C-08-105-C

**RECEIVED**  
CLERK'S OFFICE

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

RICHARD and KELLY HARP  
314 W. ROOSEVELT  
MASON CITY, IL 62664  
217/737-7199

DEC 22 2008  
STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" 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 checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" 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 checked="" 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 checked="" 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 # 1250355027

Inspection Date: 11/17/08

	(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"/>
<b>9.</b>	<b>55(a)</b>	<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"/>
	(3)	Cause or Allow Water to Accumulate in Used Tires	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
<b>10.</b>	<b>812.101(a)</b>	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
<b>11.</b>	<b>722.111</b>	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>12.</b>	<b>808.121</b>	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
<b>13.</b>	<b>809.302(a)</b>	<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>			
<b>14.</b>		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
<b>15.</b>	<b>739.124(a) (3)</b>	<b>FAILURE TO TRANSPORT USED OIL TO A REGISTERED COLLECTION CENTER</b>	<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. 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.
4. 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.
5. 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).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

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

**LPC#1250355027 – Mason County  
Mason City/Harp, Richard  
FOS File**

**DATE: 11/17/08  
INSPECTOR: Jan Mier  
C-09-033-C**

On November 17, 2008, I conducted a follow up inspection at the above-referenced site located at 314 W. Roosevelt Road in Mason City, IL. The complaint alleged open dumping and open burning of shingles, lumber, and other wastes by Richard Harp, a contractor who is bringing in wastes from off site to his property. Mr. Harp was sent an Administrative Citation Warning Notice dated September 11, 2008. No written response was received, although Mr. Harp telephoned me to ask for additional time since he claimed he didn't have the money for a dumpster yet. He said he was waiting to get paid by one of his past jobs.

I arrived at 2:00 p.m. I drove to the property and observed a dumpster was now on site, but waste was still on the ground (see photo# 001). A small trailer contained carpeting and carpet padding (see photo #002). It appeared to be the same trailer observed in my 8/26/08 inspection that was in a different location and then held a grill, toilet, a plastic crate and a propane gas tank (see photo #001 of the 8/26/08 inspection). South of the dumpster was a pile of white garbage bags holding household refuse and carpet padding, a white wicker table, and a plastic bucket (see photo #003). West of the dumpster was the previously observed pile of carpet and padding, lumber, shingles, plastic, landscape waste and siding (see photo #004). The dumpster had been filled with household refuse, a door, lumber, a metal garbage can and cardboard (see photo #005). A mobile home foundation on wheels, previously observed, had plywood, paneling, lumber and cardboard stacked on it (see photo #006). Used shingles were still on the ground in two rows (see photo #007). A pile of siding, lumber, and burnt insulation and metal was observed (see photo #008). More plywood, a sink, lumber and drywall were observed east of the dumpster (see photo #009). I departed at 2:18 p.m.

Continuing violations are noted on the attached checklist.

Prior to the inspection I failed to reset my digital camera's internal clock to reflect the end of daylight savings time, but the printed photos reflect the actual time.

Per the attached warranty deed received from the Mason County Health Dept., the property is owned by Richard and Kelly Harp, 314 Roosevelt Road, Mason City, IL.

cc: DLPC/FOS Springfield Region  
DLPC Division File

STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY

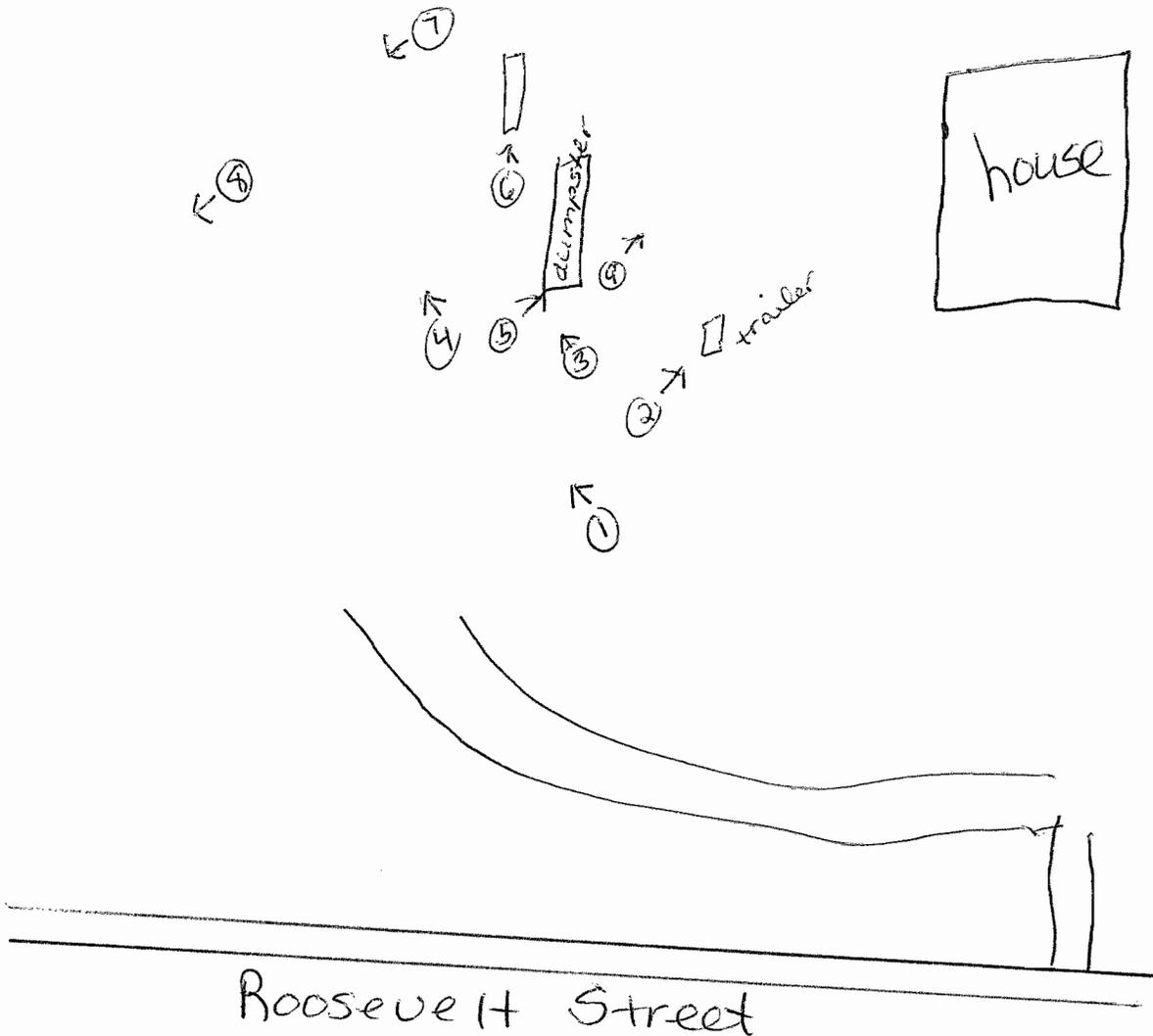
SITE SKETCH

Date of Inspection: 11/17/08  
Site Code: LPC#1250355027  
Site: MASON CITY / Harp, Richard

Inspector: Jan Mier  
County: Mason  
Time: 2:00 p.m. - 2:18 p.m.

Measurements Approximate  
Direction of Photo →  
Not to Scale

NORTH





## DIGITAL PHOTOGRAPHS



**Date:** 11/17/08  
**Time:** 2:12 p.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 001  
**Comments:**

Waste piles and  
dumpster at entrance of  
property



**Date:** 11/17/08  
**Time:** 2:12 p.m.  
**Direction:** NE  
**Photo by:** Jan Mier  
**Exposure #:** 002  
**Comments:**

Trailer with carpeting and  
carpet padding

**Photograph File Names:** 1250355027~ 11172008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 11/17/08  
**Time:** 2:13 p.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 003  
**Comments:**

Household waste in white plastic bags, plastic bucket, carpeting, white wicker table and door.



**Date:** 11/17/08  
**Time:** 2:13 p.m.  
**Direction:** NW  
**Photo by:** Jan Mier  
**Exposure #:** 004  
**Comments:**

Waste pile containing carpet and padding, lumber, shingles, plastic, landscape waste and siding, with garbage can and used tire off the rim in foreground

**Photograph File Names:** 1250355027~ 11172008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 11/17/08  
**Time:** 2:13 p.m.  
**Direction:** NE  
**Photo by:** Jan Mier  
**Exposure #:** 005  
**Comments:**

Inside of dumpster containing household garbage, a door, lumber, metal garbage can and cardboard



**Date:** 11/17/08  
**Time:** 2:14 p.m.  
**Direction:** N  
**Photo by:** Jan Mier  
**Exposure #:** 006  
**Comments:**

Mobile home foundation on wheels with plywood, paneling, lumber and cardboard

**Photograph File Names:** 1250355027~ 11172008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 11/17/08  
**Time:** 2:14 p.m.  
**Direction:** SW  
**Photo by:** Jan Mier  
**Exposure #:** 007  
**Comments:**

Two rows of shingles  
with siding and lumber in  
background



**Date:** 11/17/08  
**Time:** 2:14 p.m.  
**Direction:** SW  
**Photo by:** Jan Mier  
**Exposure #:** 008  
**Comments:**

Siding, lumber, burnt  
insulation and metal

**Photograph File Names:** 1250355027~ 11172008-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 11/17/08  
**Time:** 2:15 p.m.  
**Direction:** NE  
**Photo by:** Jan Mier  
**Exposure #:** 009  
**Comments:**

Plywood, sink, lumber  
and miscellaneous waste

**Photograph File Names:** 1250355027~ 11172008-[Exp. #].jpg



**Mason County Health Department**  
**1002 East Laurel**  
**Havana, IL 62644**  
**Phone: 309/543-2201**  
**Fax: 309/543-2063**

# Fax

CP# 1250355027  
 MASON CITY / HARP  
 FDS FILE

To: Jan Meier From: MCHD  
 Fax: 217-557-8728 Pages: 4  
 Phone: \_\_\_\_\_ Date: 11-19-08  
 Re: \_\_\_\_\_ CC: \_\_\_\_\_

Urgent     For Review     Please Comment     Please Reply     Please Recycle

• Comments:

**RECEIVED** 05  
**SPRINGFIELD REGION** 11:50  
 NOV 19 2008  
 Environmental Protection Agency  
 STATE OF ILLINOIS

Assessment History Parcel Size Other History Total Estate Value Total Estate Taxes

Township: 9 Mason City Parcel: 05000



Owner Name: HARP, RICHARD ETUX  
Address 1: 314 ROOSEVELT RD  
Address 2:

City: MASON CITY IL 62664 Acres: 1.09

PIN: 20-06-400-010-0040 Residential with dwelling Other Use:

VALUES

Tax Code: 92 Land Value: 912 Building Value: 6612 Fair Market Value: 22,574 3,350

EXEMPTIONS

E: Y 65 N Ass: N Fr. Amount: 0 VET: N Disabled: N Mar: N SDV: 0

Homestead Amount: 0 Homestead Expiration Year: 0 1977 Value: 3350

MISCELLANEOUS

New Construction: 0 Demolition: 0 Active: Y Print Notice: N Zoning: A Agricultural District

Green Tag: Book: 1098 Page: 313 Doc #: 257562 File Date: 8/10/2007

Description:

1.09 AC SW PT SE1/4 SE1/4 6 20 5 199

Street Address: 314 W ROOSEVELT RD

**WARRANTY DEED  
FULTON COUNTY  
MASON**



STATE OF ILLINOIS SS. 257562  
Mason County NO.  
This instrument was filed for record in the Recorder's  
Office of Mason County, Illinois, on

**AUG 10 2007**

at 11:10 o'clock a. M. and recorded in  
Book 1098 of R.E. Record  
on Page 313-314  
*Will R. [Signature]* Recorder

Rental Housing Support Program  
\$10 State Fee Paid

*WMB*  
COUNTY TAX  
PAID \$ 20.00  
*8/10/07*

Date: 8/10/07  
Mason County Clerk & Recorder

THE GRANTOR(S), STEVE BAGBY, County of Fulton, State of Illinois, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid, to the grantors in hand paid, CONVEY AND WARRANT to RICHARD HARP AND KELLY HARP, GRANTEE(S), of the County of Fulton, State of Illinois, not as Tenants in Common but as JOINT TENANTS WITH FULL RIGHT OF SURVIVORSHIP, all interest in the following described real estate situated in Fulton County, State of Illinois to wit:

A part of the East Half of the Southeast Quarter of Section 6, Township 20 North, Range 5 West of the Third Principal Meridian, Mason County, Illinois, more particularly described as follows: Beginning at an iron pin marking the Southwest corner of the East Half of the Southeast Quarter of Section 6, Township 20 North, Range 5 West of the Third Principal Meridian, said iron pin being the actual point of beginning; thence East along the South line of the Southeast Quarter of said Section 6, 150.00 feet to an iron pin; thence North 315.41 feet to an iron pin; thence West 150.00 feet to an iron pin; thence South 315.41 feet to the actual point of beginning. The above described tract contains 1.09 acres, and is subject to right of way for road purposes on the South side thereof.

Known as: 314 Roosevelt Rd., Mason City, IL

PIN(s): 009-780000 AND 009-85000

SUBJECT TO: (1) General real estate taxes for the year 2006 and subsequent years. (2) Covenants, conditions, and restrictions of record.

Grantor releases and waives all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

DATED this 31st day of July, 2007.

*Steve E. Bagby*  
STEVE E. BAGBY

*55 pd*

BOOK 1098 PAGE 313

*11:10*

STATE OF ILLINOIS )  
 )§  
COUNTY OF FULTON )

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that STEVE E. BAGBY, Grantor(s), personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that Grantor(s) signed, sealed and delivered said instrument as a 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 31st of July 2007.

*[Signature]*  
\_\_\_\_\_  
Notary Public



Prepared By & Return To:  
SCHUERING & ASSOCIATES, P.C.  
3050 Montvale Dr. Ste B  
Post Office Box 9622  
Springfield, IL 62791-9622  
(217) 698-6060  
10500

Send Subsequent Tax Bills To:  
Richard Harp  
314 Roosevelt Rd.  
Mason City, IL 62664

RECEIVED  
CLERK'S OFFICE

DEC 22 2008

STATE OF ILLINOIS  
Pollution Control Board

**PROOF OF SERVICE**

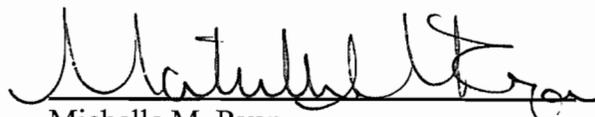
I hereby certify that I did on the 18th day of December 2008, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Richard and Kelly Harp  
314 West Roosevelt Road  
Mason City, IL 62664

ORIGINAL

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  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601



Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
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