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AUG 1 - 2002

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOXLEY, INC,)
)
Respondent.)

AC 03-5

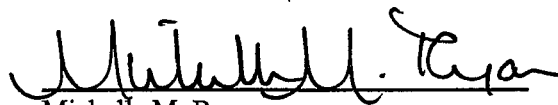
(IEPA No. 312-02-AC)

NOTICE OF FILING

To: Craig Myers
900 East 15th Street
P.O. Box 139
Beardstown, Illinois 62618

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
Special Assistant Attorney General

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

Dated: July 29, 2002

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

LOXLEY, INC,

Respondent.

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AC 03.5

(IEPA No. 312-02-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 (2000).

FACTS

1. That Loxley, Inc. is the present owner and operator of a facility located on the east side of the southern end of Oak Grove Court, Beardstown, Cass County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Beardstown/Loxley, Inc.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0170155050.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on May 29, 2002, Charlie King of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Charlie King during the course of his May 29, 2002 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) (2000).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2000).

- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in the deposition of waste in standing or flowing waters, a violation of Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2000).

- (4) 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) (2000).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2000), 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 Six Thousand Dollars (\$6,000.00). 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 August 31, 2001, 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 (2000), 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) (2000), if Respondent fails 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, 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 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 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 (2000). If Respondent elects to contest this Administrative Citation, then Respondent shall file a 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.

Renee Cipriano
Renee Cipriano, Director *by wcc*
Illinois Environmental Protection Agency

Date: 7-26-02

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
)
LOXLEY, INC,)
)
Respondent.)

AC 03-5
(IEPA No. 312-02-AC)

FACILITY: Beardstown/Loxley, Inc. SITE CODE NO.: 0170155050
COUNTY: Cass CIVIL PENALTY: \$6,000.00
DATE OF INSPECTION: May 29, 2002

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

AFFIDAVIT

IN THE MATTER OF:)
)
 Loxley, Inc.)
)
) IEPA DOCKET NO. 312-02-AC
)
)
 Respondent.)

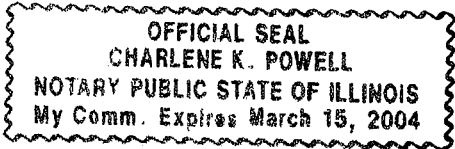
Affiant, Charles W. King, Jr., being first duly sworn, voluntarily deposes and states as follow:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On May 29, 2002, between 11:00 AM and 11:25 AM, Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Cass County, Illinois and known as Beardstown/Loxley, Inc. by the Illinois Environmental Protection Agency. Said site has been assigned site code number LPC# 0170155050 by the Agency.
3. Affiant inspected said Beardstown/Loxley, Inc. open dump 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 Beardstown/Loxley, Inc. open dump.

Charles W. King, Jr.

Subscribed and Sworn To before me
This *13th* day of *June*, *2002*

Charlene K. Powell



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Cass LPC#: 0170155050 Region: 5 - Springfield
 Location/Site Name: Beardstown/Loxley, Inc.
 Date: 05/29/2002 Time: From 1100 To 1125 Previous Inspection Date: _____
 Inspector(s): Charlie King Weather: Overcast, 70 deg. F., Winds W@5mph
 No. of Photos Taken: # 6 Est. Amt. of Waste: 2,387 yds³ Samples Taken: Yes # _____ No
 Interviewed: No one Complaint #: C-02-052-C

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

Loxley, Inc.
 1220 State Stree
 Beardstown, IL 62618
 Attention: Fred Loxley, President

Registered Agent for Loxley, Inc.:
 Craig Myers
 900 East 15th St.
 P. O. Box 139
 Beardstown, IL 62618

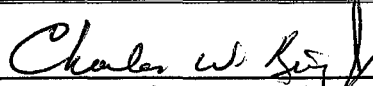
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	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input checked="" 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	<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 checked="" type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 0170155050

Inspection Date: 05/29/2002

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



Signature of Inspector(s)

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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

DATE: June 6, 2002
TO: Land Division File
FROM: *CK* Charlie King, DLPC/FOS – Springfield Region
SUBJECT: LPC # 0170155050 – Cass County
Beardstown/Loxley, Inc.
C-02-052-C
FOS File

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JUN 21 2002
IEPA-DLPC

NARRATIVE INSPECTION REPORT DOCUMENT

The purpose of this memorandum is to serve as the Narrative Inspection Report Document of an inspection conducted at this site on May 29, 2002 from approximately 11:00 a.m. until 11:25 a.m., by this author. The inspection was conducted in response to a complaint received at the DLPC/FOS – Springfield Region. The complainant alleged that the respondent owns a company that tore down several buildings in Beardstown and has been bringing at least some of the demolition waste to the site. The complainant allegedly observed the waste being sorted with wood being burned. The complainant believed that Mr. Loxley had been sending waste to a landfill in Macomb, but then started taking the waste to the site. As will be shown in this report, apparent violations of the Illinois Environmental Protection Act (Act) and the regulations, Title 35, Illinois Administrative Code, Subtitle G (35 IAC) were found to exist. Demolition debris was found dumped at the site, some of it in a pond, some of it burned and some of it apparently buried. Therefore, four Act 21(p) violations are being alleged and an Administrative Citation is being recommended.

The site is located at the southern end of Oak Grove Court, on the east side of the southern extent of the court. Oak Grove Court is located a few blocks to the east of a large City Cemetery on the south side of 4th Street, also known as Chandlerville Road. If Oak Grove Court were taken to its southern extent at that location, one would see a large radio and/or cable television tower that stands approximately 200', straight ahead. Cass Cable Television trucks were observed at that site on the day of the inspection. Just to the east of the tower, is a pond of flooded lowland that stretches approximately 125' long and 50' wide at its northern extent. An apparent open dump/open burn area borders and encroaches into the pond on at the northern extend of said pond.

Legally and specifically, the site is located as part of the following: Tract I: All of Block Five (5), et.al., in the Lee Woolf's Subdivision of part of the West Half of the NE Quarter, Section 14, Township 18N of the Base Line, Range 12W of the Third Principal

Meridian, Cass County, Illinois, as recorded in Plat Book One (1) at Page 54 in the Recorder's Office of Cass County, Illinois; also described as all that part of the foregoing described Lots Five (5), et. al., used for levee protection purposes and commonly known as the levee and described more particularly as Tract 73 of the Plat of such levee, recorded in Book 2 of Plats at Page 18, in the Office of the Recorder of Deeds, Cass County, IL....all as explained as a partial description of the properties noted in the attached Warranty Deed # 0124894, Book 175 (of Deeds), Page 36-38, recorded December 23, 1998. The owner of said deed is listed as Loxley, Inc., of Beardstown. The tax bill is sent to: Loxley, Inc., 1220 State Street, Beardstown, IL 62618. This information was obtained at the Cass County Courthouse, Tax Assessors Office and the Recorder of Deeds Office, in Virginia, IL. The owner of the business is Fred Loxley, also of the 1220 State Street, Beardstown, address. His telephone numbers are: 217/323-3270 (work) and 217/323-4373 (home). This information was obtained via the complainant.

Upon arrival at the site on the day of the inspection, the weather was mostly overcast with an air temperature of approximately 70 deg. F. Winds were westerly at approximately 5 mph. Surface soil conditions were damp.

Upon arrival at the site on the day of the inspection, a large oval shaped area of recently placed or disturbed sand was observed in an area measuring approximately 600' (north to south) x 100'. The sand was riddled with wood pieces, some burned, rock and red brick pieces. At the southern end of this disturbed soil area was an apparent open dumping and open burning area. Wastes there were measured to cover approximately 45' x 33' x an average of approximately 3' deep, where the depth ranged from less than a foot deep at the north and up to 10' deep at the south, bordering the pond. Wastes observed consisted of burned shingles, glass, empty paint cans, metal bed springs, rock drywall, a sink, conduits, plastic, paper, brick, landscape debris, metals, two starting fluid cans and a two automobile oil filters. The pile had been partially burned and it was smoking during the inspection.

During the inspection, eight photographs were taken with a digital camera. They show the site conditions on the day of the inspection. From the inspection and inspection photos, a site sketch was developed. It shows the approximate layout of the site as well as the locations and directions of the inspection photos. The digital camera numbers the photos with three digit numbers, i.e., 001, 002, 003, etc. This is how the photos are referred to on the Digital Photograph Photocopies and in this narrative. On the site sketch, however, the photos are identified with real numbers, i.e., 1, 2, 3, etc. Copies of the Digital Photograph Photocopies and the Site Sketch are included with this report.

From the inspection photos, photo #s 001 and 002 show burned demolition debris, including shingles, glass, wood, metals, metal bed springs, rock drywall, bricks and rock. Photo #s 003 and 004 show wastes, some burned, in a pond or ponded water. Photo # 005 shows a sand and dirt covered lot with bricks, wood, burned wood and rocks sticking out throughout that area. A stop sign that has been altered to include the words, "No Dumping," is shown in the dirt/sand area of the site, in photo # 006. Behind the right

side of the sign in the photo, the approximately 200' tall Cass Cable television tower can be seen.

During the inspection, apparent violations of the Act and the regulations, 35 IAC, were observed. They include, from the Act, Sections 9(a), 9(c), 12(a), 12(d), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), 21(p)(4) and 21(p)(7). An apparent violation of the regulations, 35 IAC, is Section 812.101(a). Additional information regarding apparent violations can be found in the Open Dump Inspection Checklist, enclosed with this report.

OTHER COMMENTS

1. I called out to two men who worked for Cass Cable if they were aware of who owned the pond adjacent to the tower where they were working. They said that they did not know who it was.
2. The total estimated amount of waste at the site is approximately *2,387 cu. yds. This was calculated as follows:

<u>Waste Type</u>	<u>Area of Waste</u>		<u>Totals</u>
Buried waste area with wood	600' x 100' x 1'	=	60,000 cu. ft.
Open dump/open burn pile	45' x 33' x 3'	=	<u>4,455</u>
			64,455

*64,445 cu. ft. / 27 (cu. ft. to cu. yds. conversion) = 2,387.22 or 2,387 cu. yds.

DLPC/FOS – Springfield Region
DLC – Greg Richardson

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

SITE SKETCH

Date of Inspection: May 29, 2008 Inspector: CHARLIE KING

Site Code: 0170155050 County: CASS

Site Name: BEADSTOWN/Wixley, Inc. Time: 11:00 - 11:25 AM

FILM ROLL #

Measurements Approximate

Direction of Photo →

Not to Scale



4th St.
← Cemetery

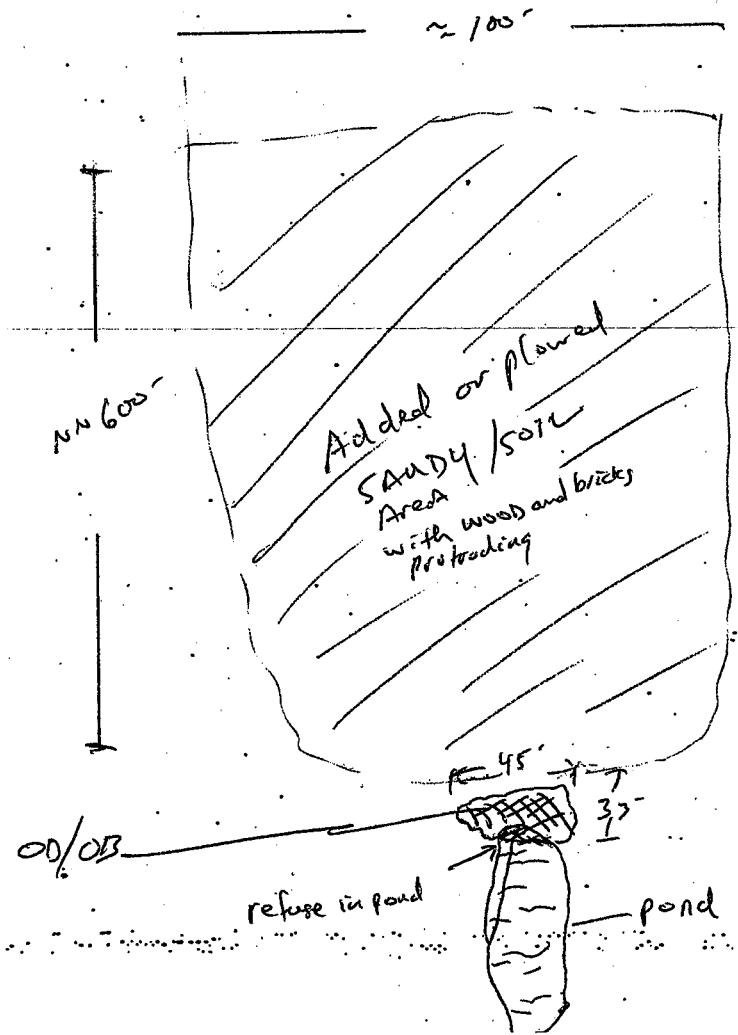
CHANDLERVILLE ROAD

OAK GROVE COURT

Parade
Gravel

LEGEND

- ③ → PHOTO #, LOCATION, DIRECTION
- /// - SANDY SOIL WITH SUSPECTED BURIED WASTE
- ### - OPEN DUMPING AND OPEN BURNING
- ☪ - POND OR PONDED WATER
- ⊕ - CASS CABLE TV TOWER



LPC # 0170155050 – Cass County
Beardstown/Loxley, Inc.
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: May 29, 2002

TIME: 11:02 a.m.

DIRECTION: S

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-001

COMMENTS: Burned shingles, glass, wood, metals, metal bed springs, rock drywall, bricks and rock were observed in this 45' x 33' x 3' pile of wastes.



DATE: May 29, 2002

TIME: 11:06 a.m.

DIRECTION: W

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-002

COMMENTS: The same pile of open dumped and open burned wastes are shown in this photo.



LPC # 0170155050 – Cass County
Beardstown/Loxley, Inc.
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: May 29, 2002

TIME: 11:08 a.m.

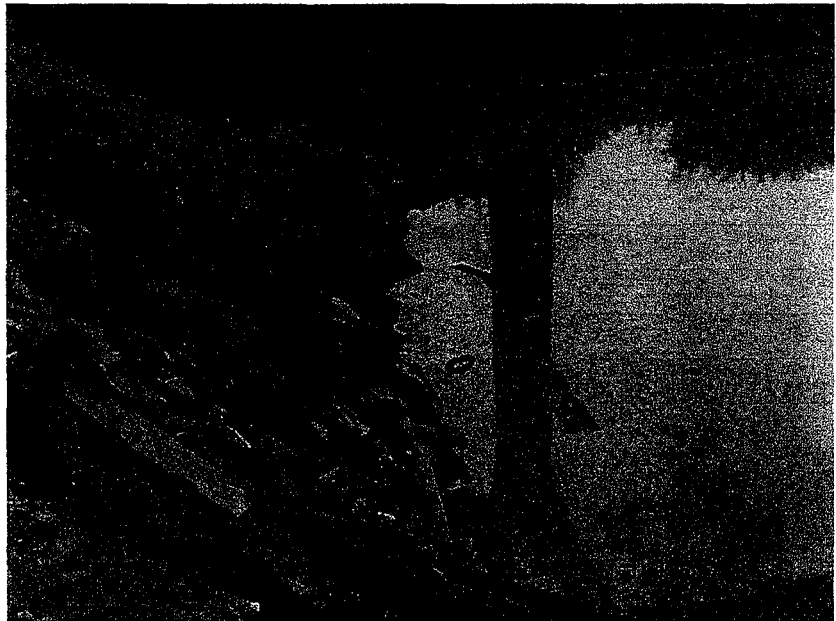
DIRECTION: E

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-003

COMMENTS: Wastes, some burned,
have fallen down the south slope of the
waste pile into a pond.



DATE: May 29, 2002

TIME: 11:10 a.m.

DIRECTION: N/NE

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-004

COMMENTS: A pond or ponded water is
shown here with the waste pile in the
distance, encroaching into the pond.



LPC # 0170155050 – Cass County
Beardstown/Loxley, Inc.
FOS File

DIGITAL PHOTOGRAPH PHOTOCOPIES

DATE: May 29, 2002

TIME: 11:19 p.m.

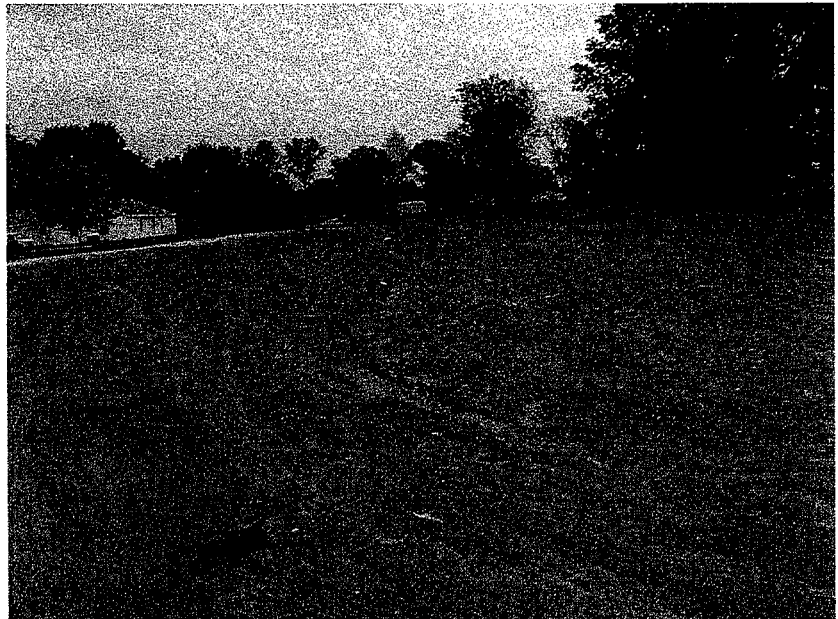
DIRECTION: N

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-005

COMMENTS: Sand covered lot with bricks, wood, burned wood and rocks sticking out throughout.



DATE: May 29, 2002

TIME: 11:22 a.m.

DIRECTION: N

PHOTO by: Charlie King

PHOTO FILE NAME:

0170155050~05292002-006

COMMENTS: A stop sign is shown. Someone added "No Dumping" to the sign. The above ground open dump on-site is shown in the background, left of the red vehicle in the photo. The 200' cable television tower is shown on the right top side of the stop sign.



0170155050 - Cass County
Beardstown/Loxley, Inc
FOS FILE

36

STATE OF ILLINOIS ss. No. 124894
CASS COUNTY 123RD
Filed for record the 23RD
day of November A.D. 1998
at 10:15 o'clock A. M. and recorded
in book 175 of deeds page 36
Michael C. Kirchner 38
COUNTY CLERK & RECORDER

WARRANTY DEED

0124894

THE GRANTORS, GARY L. MOORE and DONNA J. MOORE, individually and as husband and wife, of Carlock, McLean County, Illinois, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, do hereby CONVEY AND WARRANT to LOXLEY, INC., of Beardstown, Cass County, Illinois, the following-described real estate, to-wit:

Tract I: All of Block Five (5), also the North Two Hundred Thirty-five and three-tenths (235.3) feet of Block Six (6), also Block Fourteen (14) and Block Fifteen (15), all in Lee Woolf's Subdivision of part of the West One-half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fourteen (14) in Township Eighteen (18) North of the Base Line, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois, as recorded in Plat Book One (1) at Page Fifty-four (54) in the Recorder's Office of Cass County, Illinois; also described as all that part of the foregoing described Lots Five (5), Six (6), Fourteen (14) and Fifteen (15) used for levee protection purposes and commonly known as the levee and described more particularly as Tract Seventy-three (73) of the Plat of such levee, recorded in Book 2 of Plats at Page 18, in the office of the Recorder of Deeds, Cass County, Illinois, EXCEPT THE FOLLOWING-DESCRIBED REAL ESTATE, TO-WIT:

A part of Block Six (6) in Lee Woolf's Subdivision of part of the West One-half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fourteen (14) in Township Eighteen (18) North of the Base Line, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois, as recorded in Plat Book 1 at Page 54 in the Recorder's Office of Cass County, Illinois, more particularly described as follows: Commencing at the Northwest corner of said Lot Six (6) in Lee Woolf's Subdivision as aforesaid; thence East along the North boundary of said Lot Six (6) a distance of 108 feet to a point; thence South and perpendicular to the North line of said Lot Six (6) a distance of 235.3 feet to a point; thence West and parallel with the North line of said Lot Six (6) a distance of 108 feet to the West line of said lot; thence North along the West line of said lot a distance of 235.3 feet to the point of beginning, containing .5 acres, more or less.

TRACT II: Commencing at a point on the South right-of-way line, County Highway No. 7 (Beardstown-Chandlerville Road) said point being 1,048.0 feet East and 89.9 feet South of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve

(12), West of the Third Principal Meridian, Cass County, Illinois; thence East along the South right-of-way line of said highway 126.8 feet to a fence; thence in a Southerly direction along said fence 589.0 feet to a point described as the point of beginning; from said point of beginning Southerly to the North boundary line of Block Five (5) in Lee Woolf's Subdivision of part of the West Half (W½) of the Northeast Quarter (NE¼) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois; thence Westerly along the North right-of-way line of said Block Five (5) and Block Six (6) in said Lee Woolf's Subdivision to the Northwest corner of said Block Six (6); thence North to the South boundary line of Oak Grove Court Subdivision, being a part of the West Half (W½) of the Northeast Quarter (NE¼) of Section Fourteen (14), Township Eighteen (18) North, Range Twelve (12) West of the Third Principal Meridian, Cass County, Illinois, and recorded in Plat Book 2 at Page 51 in the office of the Recorder of Deeds, Cass County, Illinois; thence East along the South line of said Oak Grove Court Subdivision to the point of beginning.

This conveyance is subject to easements, recorded or unrecorded, for utilities, highways, roadways, and drainage.

Purchaser assumes and agrees to pay the 1998 real estate taxes due and payable in 1999 and all subsequent taxes.

This document prepared by George S. McClure of McClure, Brannan & Hardwick, 113 State Street, Beardstown, Illinois 62618.

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

Dated this 21st day of December, 1998.

Gary L. Moore
Gary L. Moore

Donna J. Moore
Donna J. Moore

STATE OF ILLINOIS)
) ss.
COUNTY OF CASS)

I, Mary Beth Sullitt Pratt, a Notary Public, in and for said County, in the State aforesaid, do hereby certify, that GARY L. MOORE and DONNA J. MOORE, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, 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.

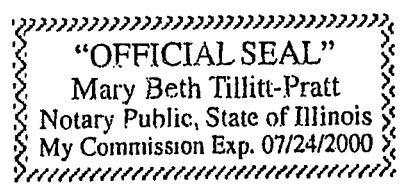
Given under my hand and notarial seal this 21st day of December, 1998.

Mary Beth Tillitt-Pratt

Notary Public

MAIL TAX BILL TO:

Loxley, Inc.
1220 State Street
Beardstown, IL 62618



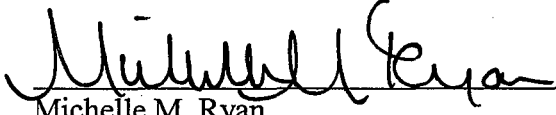
PROOF OF SERVICE

I hereby certify that I did on the 29th day of July, 2002, send a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST to be hand delivered

To: Craig Myers
900 East 15th Street
P.O. Box 139
Beardstown, Illinois 62618

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

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Special Assistant Attorney General

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