

RECEIVED
CLERK'S OFFICE

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

AC 04-45

INFORMATIONAL NOTICE !!!

IT IS IMPORTANT THAT YOU READ THE ENCLOSED DOCUMENTS.

NOTE: This Administrative Citation refers to TWO separate State of Illinois Agencies. One is the **ILLINOIS POLLUTION CONTROL BOARD** located at State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. The other state agency is the **ILLINOIS ENVIRONMENTAL PROTECTION AGENCY** located at: 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 61794-9276.

If you elect to contest the enclosed Administrative citation, you must file a **PETITION FOR REVIEW** with **thirty-five (35) days** of the date the Administrative Citation was served upon you. Any such Petition for Review must be filed with the clerk of the Illinois Pollution Control Board by either hand delivering or mailing to the Board at the address given above. A copy of the Petition for Review should be either hand-delivered or mailed to the Illinois Environmental Protection Agency at the address given above and should be marked to the **ATTENTION: DIVISION OF LEGAL COUNSEL.**

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HERBERT LUST d/b/a BEMENT
PLUMBING SUPPLY COMPANY and
FRANCIS ANN LUST

Respondent.

AC

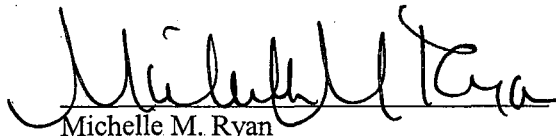
(IEPA No. 34-04-AC)

NOTICE OF FILING

To: Herbert Lust
Bement Plumbing Supply Company
P.O. Box 197
Bement, Illinois 61813

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: January 28, 2004

ADMINISTRATIVE CITATION

JAN 30 2004

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HERBERT LUST d/b/a BEMENT
PLUMBING SUPPLY COMPANY and
FRANCIS ANN LUST,

Respondents.

AC

(IEPA No. 34-04-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 (2002).

FACTS

1. That Herbert Lust and Francis Ann Lust ("Respondents") are the present owners of a facility located at 200 W. Franklin Street, Bement, Piatt County, Illinois. Herbert Lust is also the present operator of the facility. The property is commonly known to the Illinois Environmental Protection Agency as Bement/Bement Plumbing Supply Company.

2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1470055017.

3. That Respondents have owned and operated said facility at all times pertinent hereto.

4. That on January 15, 2004, Curt White of the Illinois Environmental Protection Agency's Champaign 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 Curt White during the course of his January 15, 2004 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 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) (2002).
- (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) (2002).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), 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 elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 30, 2004, 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 (2002), 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) (2002), if Respondents fail 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 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

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 (2002). 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.

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

Date: 1/28/04

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

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

HERBERT LUST d/b/a BEMENT
PLUMBING SUPPLY COMPANY and
FRANCIS ANN LUST.

Respondents.

AC

(IEPA No. 34-04-AC)

FACILITY: Bement/Bement Plumbing Supply Company

SITE CODE NO.: 1470055017

COUNTY: Piatt

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: January 15, 2004

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:

IEPA DOCKET NO.

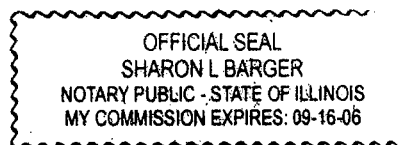
Respondent

Affiant, Curt White, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On January 15, 2004, between 9:55 A.M. and 10:15 A.M., Affiant conducted an inspection of the site in Clark County, Illinois, known as the Bement/Bement Plumbing Supply Company site, Illinois Environmental Protection Agency Site No. 1470055017.
3. Affiant inspected said Bement Plumbing Supply Company site by an on-site inspection, which included walking 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 the Bement Plumbing Supply Company site.

Subscribed and Sworn to before me
this 20th day of January,
2004.

Sharon L. Barger
Notary Public



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

Open Dump Inspection Checklist

County: Piatt LPC#: 1470055017 Region: 4 - Champaign

Location/Site Name: Bement / Bement Plumbing Supply Company

Date: 1/15/04 Time: From 9:55 am To 10:15 am Previous Inspection Date: 9/18/2003

Inspector(s): Curt White Weather: Sunny & 30° F

No. of Photos Taken: # 5 Est. Amt. of Waste: 10 yds³ Samples Taken: Yes # No X

Interviewed: N/A Complaint #: CO4-028-CH

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

Herbert Lust
Bement Plumbing Supply Company
PO Box 197
Bement, IL 61813

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	X
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	X
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	X
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	X
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	X
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY	X
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS	
	(1)	Litter	X
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	X
	(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 # 1470055017-Piatt County

Inspection Date: 1/15/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or	<input 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	X
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"/>



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
Bureau of Land ♦ Field Operations Section ♦ Champaign

LPC #1470055017–Piatt County

Bement / Bement Plumbing Supply Company

FOS

Inspector: Curt White

Insp. Date: 1/15/04

Complaint #C04-028-CH

GIS Data: Latitude-N39° 55' 31.4", Longitude-W088° 34' 30.3" (GarminGPSmap 76S)

INSPECTION REPORT NARRATIVE

Curt White of DLPC/FOS Champaign Regional Office reinspected this site on January 15, 2004. The weather conditions during this inspection were sunny and 30° F. No interviews were conducted at the time of the inspection. The initial inspection was conducted as a result of a citizen complaint.

The site is located at 200 W. Franklin Street, Bement, IL. Herbert Lust owns the site. The mailing address for Herbert Lust is PO Box 197, Bement, IL 61813. A copy of the deed from the Piatt County Clerks Office in Monticello, IL determined the ownership.

Bement Plumbing Supply are builders of complete municipal water supplies, they do extension repairs, pressure tap connections, line chlorination, hydrostatic testing, iron filter, softener media, specialize in roadboring & casing, water treatment plant work and electronic leak detecting.

This inspection was conducted in accordance with Sections 4(c) and (d) of the Illinois Environmental Protection Act ("Act"). The purpose of this inspection was to determine if the site is in compliance with the Act and Regulations.

JANUARY 15, 2004 INSPECTION FINDINGS

I arrived on the property at 9:55 am. I knocked on the door at the office/shop at the site. Nobody answered the door. I walked to the north part of the property and the area of scattered litter inspected at the previous inspection had been removed from the site (see photo 1). I walked west to the landscape/waste pile. I informed Mr. Lust by phone and in person that he could burn the landscape waste but must remove all litter from the landscape/waste pile. Mr. Lust informed he would remove all litter before burning the landscape waste. The landscape/waste pile had been burned at the site. I inspected the 20' x 15' x 2 open burn pile and observed ceramic tile, concrete, bricks, cans, metal piping, lumber, asbestos piping, shingles, ash and other litter (see photos 2 thru 5). The evidence showed that the litter was not removed before the landscape waste was burned at the site. I left the site at 10:15 am.

Summary of Violations

Environmental Protection Act. 415 ILCS 5/1 et. seq. (formerly Ill. Rev. Stat. Ch. 111 ½, 1001 et. seq.) {hereinafter called the "Act"}

1. Pursuant to Section 9(a) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(a)), no person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

A violation of Section 9(a) is alleged for the following reason: **Evidence of open burning, which would cause or tend to cause air pollution in Illinois was observed during the inspection.**

2. Pursuant to Section 9(c) of the [Illinois] Environmental Protection Act (415 ILCS 5/9(c)), no person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act.

A violation of Section 9(c) is alleged for the following reason: **Evidence of open burning of refuse was observed during the inspection.**

3. Pursuant to Section 21(a) of the Act. No one shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Evidence of open dumping of waste was observed at the site during the inspection.**

4. Pursuant to Section 21(d)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(1)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency or in violation of any condition imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Waste was disposed without a permit granted by the Illinois EPA.**

5. Pursuant to Section 21(d)(2) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)(2)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation in violation of any regulations or standards adopted by the Board under this Act.

A violation of Section 21(d)(2) is alleged for the following reason: **A waste disposal operation was conducted in violation of regulations adopted by the Illinois Pollution Control Board.**

6. Pursuant to Section 21(e) of the Act. No person shall dispose, treat, store, or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment except at a site or facility which meets the requirements of the Act and of Regulations and Standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Evidence of wastes disposal was observed during the inspection of the site, which does not meet the requirements of the Act and regulations thereunder.**

7. Pursuant to Section 21(p)(1) of the Act. No one shall cause or allow the open dumping of any waste in a manner, which results in litter at the dumpsite.

A violation of Section 21(p)(1) is alleged for the following reason: **Evidence of open dumping of waste was observed at this site, which resulted in litter.**

8. Pursuant to Section 21(p)(3) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(3)), no person shall, in violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in open burning.

A violation of Section 21(p)(3) is alleged for the following reason: **The open dumping of waste was caused or allowed in a manner, which resulted in open burning.**

35 Illinois Administrative Code. (Title 35: Environmental Protection, Subtitle G: Waste Disposal, Chapter I: Pollution Control Board) [Regulations]

9. Pursuant to 35 Ill. Adm Code 812.101(a), All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(d)) [415 ILCS 5/21(d)], shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm. Code 817.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **This waste management site has not submitted an application to the Agency for a permit to develop and operate a landfill.**

Illinois Environmental Protection Agency

LPC # 1470055017--Piatt County

Bement / Bement Plumbing Supply Co

Insp. Date 1 / 15 / 04

Site Map

Site Photos

1. Photo 1 @ 10:00 a m
2. Photo 2 @ 10:01 am
3. Photo 3 @ 10:01 am
4. Photo 4 @ 10:01 am
5. Photo 5 @ 10:02 am

Photo 1

Former area of
scattered litter.

Photo 5

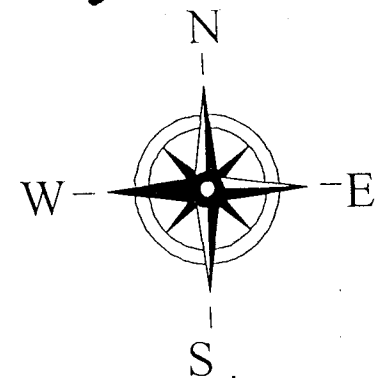
Burn pile.

Photo 2

Photo 3

Office &
Shop

Photo 4



Morgan Street

Map not to Scale
Arrows indicated direction
and location of Photos



Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1470055017 — Piatt County
Bement / Bement Plumbing Supply Company
FOS File

DATE: 1-15-2004
TIME: 10:00 AM
DIRECTION: East
PHOTO by: Curt White
PHOTO FILE NAME:
1470055017~01152004-001.jpg
COMMENTS:



DATE: 1-15-2004
TIME: 10:01 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
1470055017~01152004-002.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1470055017 — Piatt County
Bement / Bement Plumbing Supply Company
FOS File

DATE: 1-15-2004
TIME: 10:01 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
1470055017~01152004-003.jpg
COMMENTS:



DATE: 1-15-2004
TIME: 10:01 AM
DIRECTION: North
PHOTO by: Curt White
PHOTO FILE NAME:
1470055017~01152004-004.jpg
COMMENTS:





Illinois Environmental Protection Agency
Bureau of Land

DIGITAL PHOTOGRAPHS

LPC # 1470055017 — Piatt County
Bement / Bement Plumbing Supply Company
FOS File

DATE: 1-15-2004
TIME: 10:02 AM
DIRECTION: West
PHOTO by: Curt White
PHOTO FILE NAME:
1470055017~01152004-005.jpg
COMMENTS:



8004

277

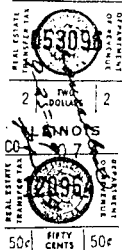
574

1470055017 - Piatt
Bement/Bement Plumbing
Supply Co

QUIT CLAIM DEED

FOS File

THIS INDENTURE WITNESSETH, That the Grantor, ILLINOIS TERMINAL RAILROAD COMPANY, a corporation, organized and existing under and by virtue of the laws of the State of Delaware, for and in consideration of the sum of \$2500.00 and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby conveys and quit claims unto Herbert F. Lust and Francis Ann Lust of Bement, County of Piatt, State of Illinois, as joint tenants and not as tenants in common, certain real estate described as follows, to-wit:

ILLINOIS
CO- 074

A strip of land 150 feet in width off of the South side of Lot Six (6) of a sub-division of the East 1/2 of the Southeast 1/4 of Section 13, T.17 N., R.5 E., 3 P.M., excepting therefrom, the following described parcel.

Beginning at a point 20 feet Northerly from (measured at right angles to) the North line of Franklin Street as platted in the Original Town of Bement, Piatt County, Illinois, said point of beginning being also 61 feet Southwesterly from the intersection of the North line of said Franklin Street with the West line of Morgan Street as platted in said Original Town of Bement, thence Southwesterly parallel to and 20 feet from said North line of said Franklin Street 98 feet; thence Northwesterly at right angles to the last described line 52 feet; thence Northeasterly at right angles, 98 feet; thence Southeasterly at right angles 52 feet to point of beginning.

All the above located in Piatt County, Illinois and containing 1.63 acres more or less.

Excepting from the above, however, all coal, oil and other minerals.

This deed is made subject to the right of the Illinois Power Company, its successors or assigns, to operate and maintain power transmission lines over and upon the above described property.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining, unto the said Grantees, and unto their heirs, successors and assigns forever, subject to coal, oil, and other mineral rights herein excepted, the general taxes for the year 1969 and to all special taxes and benefit assessments falling due after the date hereof, all of which the Grantees herein assumes and agrees to pay.

This conveyance is made and executed pursuant to authority of the Grantor's Board of Directors by resolution passed at a meeting held on the 9th day of December, A.D., 1968.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed by its President, and its corporate seal to be hereunto affixed, attested by its Assistant Secretary, thereunto duly authorized, this 11th day of December, A.D., 1968.

Attest:

Vera Mavis
Assistant Secretary

ILLINOIS TERMINAL RAILROAD COMPANY

By E.B. Wilson
President

STATE OF MISSOURI)
CITY OF ST. LOUIS) SS

I, Catherine J. Gentry, a Notary Public in and for said City and State do hereby certify that E.B. Wilson, President, and Vera Mavis, Assistant Secretary, of said Illinois Terminal Railroad Company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument and to me personally known to be respectively the President and Assistant Secretary of said corporation, appeared before me this day in person and severally acknowledged that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that they signed, sealed and delivered said instrument as their free and voluntary act and as the free and voluntary act of said corporation, by authority of its Board of Directors, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11th day of December, A.D.

A.D.

NOTARY PUBLIC

My commission expires: December 28, 1970

Catherine J. Gentry
Notary Public

STATE OF ILLINOIS }
PIATT, COUNTY } SS

RECORDED IN

BOOK 277 AT PAGE 574

186001

SEP 25 1969

BOOK 277 PAGE 575

AT 2:35 P.M.

Mary A. Shaw RECORDED

SEP 25 1969

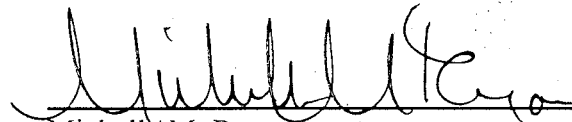
PROOF OF SERVICE

I hereby certify that I did on the 28th day of January 2004, 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: Herbert Lust
Bement Plumbing Supply Company
P.O. Box 197
Bement, Illinois 61813

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: 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