



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR

(217) 782-9817

TDD: (217) 782-9143

September 19, 2012

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. Tony Porter  
IEPA File No. 204-12-AC; 0738220001—Henry 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

RECEIVED  
CLERK'S OFFICE  
SEP 24 2012  
STATE OF ILLINOIS  
Pollution Control Board  
AC 12-12  
ORIGINAL  
RETURN TO CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

SEP 24 2012

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. )  
 )  
TONY PORTER, )  
 )  
Respondent. )

AC 13-13

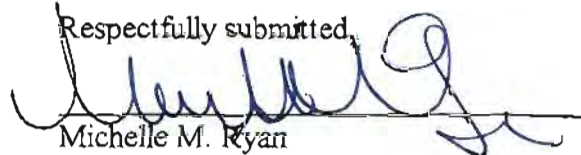
(IEPA No. 204-12-AC)

NOTICE OF FILING

To: Tony Porter  
841 2450<sup>th</sup> Street  
Galva, IL 61434

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: September 19, 2012

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
SEP 24 2012  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
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v. )  
 )  
TONY PORTER, )  
 )  
 )  
 )  
 )  
Respondent. )

AC 13-13  
(IEPA No. 204-12-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 (2010).

FACTS

1. That Tony Porter is the current owner and operator ("Respondent") of a facility located at 841 2450<sup>th</sup> Street, Galva, Henry County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Porter, Tony.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 0738220001.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on July 24, 2012, Jeff Port of the Illinois Environmental Protection Agency's ("Illinois EPA") Peoria 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.

5. That on 9-19-12, Illinois EPA sent this Administrative Citation via Certified Mail No. 7010 2780 0002 1167 4792.

#### VIOLATIONS

Based upon direct observations made by Jeff Port during the course of his July 24, 2012 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) (2010).
- (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) (2010).
- (3) That Respondent caused or allowed water to accumulate in used or waste tires, a violation of Section 55(k)(1) of the Act, 415 ILCS 55(k)(1) (2010).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2010), 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 Four Thousand Five Hundred Dollars (\$4,500.00). 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 October 1, 2012, 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 (2010), 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) (2010), 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 (2010). 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.

John J. Kim s4 SOP

John J. Kim, Interim Director  
Illinois Environmental Protection Agency

Date:

9/19/12

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. )  
TONY PORTER, )  
Respondent. )

AC 13-13  
(IEPA No. 204-12-AC)

**RECEIVED**  
**CLERK'S OFFICE**  
**SEP 24 2012**  
**STATE OF ILLINOIS**  
**Pollution Control Board**

FACILITY: Porter, Tony  
SITE CODE NO.: 0738220001  
COUNTY: Henry  
CIVIL PENALTY: \$4,500.00  
DATE OF INSPECTION: July 24, 2012

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.

STATE OF ILLINOIS )  
 ) SS )  
COUNTY OF PEORIA )

RECEIVED  
CLERK'S OFFICE  
SEP 24 2012  
STATE OF ILLINOIS  
Pollution Control Board

A013-13

AFFIDAVIT

I, Jeff Port, being first duly sworn upon oath, depose and state 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 July 24, 2012, between 11:15AM and 11:30AM, Affiant conducted an inspection of the open dump in Henry County, Illinois, known as Porter, Tony, Illinois Environmental Protection Agency Site No. 0738220001.

3. Affiant inspected said Porter, Tony 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 Porter, Tony open dump.

FURTHER AFFIANT SAYETH NOT.

Jeffrey A Port

Subscribed and Sworn to before  
me this 28<sup>th</sup> day of August, 2012

Jo Ann C. Randolph  
Notary Public





**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**  
**Open Dump Inspection Checklist**

County: Henry LPC#: 0738220001 Region: 3 - Peoria  
 Location/Site Name: Porter, Tony  
 Date: 07/24/2012 Time: From 11:15AM To 11:30AM Previous Inspection Date: 07/21/2011  
 Inspector(s): Jeff Port, Joy Marx GEC Weather: Sunny and Hot 90 Degrees F  
 No. of Photos Taken: # 10 Est. Amt. of Waste: 1 yds<sup>3</sup> Samples Taken: Yes #      No   
 Interviewed: Andrew Marich, Tony Porter Via Cellphone Complaint #: C-2012-044-P  
 Latitude: 41.161419 Longitude: -89.966011 Collection Point Description: GPS -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Site Entrance -

Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):  
 Tony Porter  
 821 2450<sup>th</sup> Street  
 Galva, IL 61434  
 309-932-2531



	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 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 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"/>
	(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 type="checkbox"/>

LPC # 0738220001 -- Henry County

Inspection Date: 07/24/2012

9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input checked="" type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>

**ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS**

11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>

**35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS  
SUBTITLE G**

15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	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"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>

**OTHER REQUIREMENTS**

20.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
22.	739.122(b)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration)	<input checked="" type="checkbox"/>
23.	739.122(b)(2)	Containers and aboveground tanks used to store used oil at generator facilities must be prevented from leaking	<input checked="" type="checkbox"/>
24.	739.122(c)(1)	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."	<input checked="" type="checkbox"/>
25.	739.122(d)(1)	Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps: Stop the release	<input checked="" type="checkbox"/>
26.	739.122(d)(2)	Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps: Contain the released used oil	<input checked="" type="checkbox"/>

LPC # 0738220001 -- Henry County

Inspection Date: 07/24/2012

27.	739.122(d)(3)	Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps: Properly clean up and manage the released used oil and other materials	X
28.	739.122(d)(4)	Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps: If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.	X

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
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, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that 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); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

### Narrative

On July 24, 2012, I (Jeff Port) performed a complaint investigation (C-2012-044-P) at the Tony Porter property located at 841 2450<sup>th</sup> Street near Galva. The complaint stated that Mr. Porter was continuing to burn garbage and tires and was directing his employees to dump waste oil on the ground. Mr. Porter is the Owner and Operator of the site.

I arrived at the site at 11:15 AM. The weather was sunny and hot, approximately 90 °F. I was accompanied by Joy Marx of the Governor's Environmental Corps. As we entered the property I observed a man inside the building working. I approached the man and asked if Mr. Porter was available. The man said that Mr. Porter was at a jobsite. I introduce myself and explained the purpose of my visit. The man stated that his name was Andrew Marich and that he had recently began working for Mr. Porter. He stated that the waste oil is picked up by Heritage Crystal Clean. I told Mr. Marich that we would examine the site and determine if the facility was in compliance.

I observed several drums and buckets to the southwest of the building. Upon examination of the buckets and drums, I found that they contained what appeared to be waste oil. None of the drums or buckets was labeled. Photographs P1 through P4 show the drums and buckets. They additionally show staining of the soils beneath them. I also observed a container used for burning. This container had been observed during previous inspections on November 8, 2010 and July 21, 2011. Photograph P5 shows the container and photograph P6 shows its contents. It appeared that domestic waste had been burned. Some of this burned waste appeared to have fallen onto the ground as seen in photograph P7. Used tires were observed on site. The tires are seen in photograph P8. Photograph P9 shows water in one of the tires. Photograph P10 shows an above ground fuel tank and the stained soils surrounding the tank. After photographing the tank we went back to the building to discuss our findings with Mr. Marich.

Mr. Marich stated that Mr. Porter was on his way to meet with us. A short time later, Mr. Porter contacted Mr. Marich by Cell Phone and asked to speak with me. I explained my findings to Mr. Porter. I told him that the burning had continued and that there were alleged violations concerning the storage of the waste oil and the used tires. After speaking with Mr. Porter, we left the site at approximately 11:30 AM.

Photograph locations are depicted on the accompanying site map. Based upon this inspection, the following apparent violations were observed and are indicated on the accompanying checklist.

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: **Tony Porter as Owner and Operator caused or allowed open burning at the site which resulted in air pollution in Illinois.**

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: **Tony Porter as Owner and Operator caused or allowed open burning at the site.**

3. Pursuant to Section 12(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(a)), no person shall cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with the matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

A violation of Section 12(a) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the discharge of contaminants so as to cause or tend to cause water pollution in Illinois.**

4. Pursuant to Section 12(d) of the {Illinois} Environmental Protection Act (415 ILCS 5/12(d)), no person shall deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

A violation of Section 12(d) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the deposition of contaminants upon the land in such place and manner so as to create a water pollution hazard.**

5. Pursuant to Section 21(a) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(a)), no person shall cause or allow the open dumping of any waste.

A violation of Section 21(a) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the open dumping of waste at the site.**

6. 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 conditions imposed by such permit.

A violation of Section 21(d)(1) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the open dumping of waste at the site without a permit granted by the Illinois EPA.**

7. 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: **Tony Porter as Owner and Operator caused or allowed a waste disposal operation at the site in violation of regulations adopted by the Illinois Pollution Control Board.**

8. Pursuant to Section 21(e) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(e)), 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 this Act and of regulations and standards thereunder.

A violation of Section 21(e) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed waste to be disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

9. Pursuant to Section 21(p)(1) of the {Illinois} Environmental Protection Act (415 ILCS 5/21(p)(1)), 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 litter.

*The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.*

A violation of Section 21(p)(1) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the open dumping of waste at the site which resulted in litter.**

10. 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: **Tony Porter as Owner and Operator caused or allowed the open dumping of waste at the site which resulted in open burning.**

11. Pursuant to Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)), no person shall cause or allow the open dumping of any used or waste tire.

A violation of Section 55(a)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(a)(1)) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed the open dumping of used or waste tires.**

12. Pursuant to Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)), no person shall cause or allow water to accumulate in used or waste tires.

A violation of Section 55(k)(1) of the [Illinois] Environmental Protection Act (415 ILCS 5/55(k)(1)) is alleged for the following reason: **Tony Porter as Owner and Operator caused or allowed water to accumulate in waste tires.**

13. Pursuant to 35 Ill. Adm. Code 739.122(b)(1), containers and aboveground tanks used to store used oil at generator facilities must be:

- 1) The containers must be in good condition (no severe rusting, apparent structural defects or deterioration)

A violation of 35 Ill. Adm. Code 739.122(b)(1) is alleged for the following reason: **Tony Porter as owner and Operator failed to ensure that containers used to store used oil were in good condition,**

14. Pursuant to 35 Ill. Adm. Code 739.122(b)(2), containers and aboveground tanks used to store used oil at generator facilities must be:

- 2) The containers may not be leaking (no visible leaks).

A violation of 35 Ill. Adm. Code 739.122(b) is alleged for the following reason: **Tony Porter as Owner and Operator failed to prevent containers used to store used oil from leaking.**

15. Pursuant to 35 Ill. Adm. Code 739.122(c), labels:

- 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

A violation of 35 Ill. Adm. Code 739.122(c)(1) is alleged for the following reason: **Tony Porter as Owner and Operator failed to label containers used to store used oil with the words "Used Oil."**

16. Pursuant to 35 Ill. Adm. Code 739.122(d)(1) response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of

Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:

- 1) Stop the release

A violation of 35 Ill. Adm. Code 739.122(d)(1) is alleged for the following reason: **Tony Porter as Owner and Operator, in response to a release of used oil, failed to stop the release.**

17. Pursuant to 35 Ill. Adm. Code 739.122(d)(2) response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:

- 2) Contain the released used oil

A violation of 35 Ill. Adm. Code 739.122(d)(2) is alleged for the following reason: **Tony Porter as Owner and Operator, in response to a release of used oil, failed to contain the release.**

18. Pursuant to 35 Ill. Adm. Code 739.122(d)(3) response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:

- 3) Properly clean up and manage the released used oil and other materials

A violation of 35 Ill. Adm. Code 739.122(d)(3) is alleged for the following reason: **Tony Porter as Owner and Operator, in response to a release of used oil, failed to properly clean up and manage the released used oil and other material.**

19. Pursuant to 35 Ill. Adm. Code 739.122(d)(4) response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of Subpart F of 40 CFR 280 and which has occurred after October 4, 1996, a generator must perform the following cleanup steps:

- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

A violation of 35 Ill. Adm. Code 739.122(d)(4) is alleged for the following reason: **Tony Porter as Owner and Operator, in response to a release of used oil, failed to repair or replace any leaking used oil storage containers or tanks prior to returning them to service.**



0738220001 -- Henry County

Porter, Tony

FOS

Inspection Date: July 24, 2012

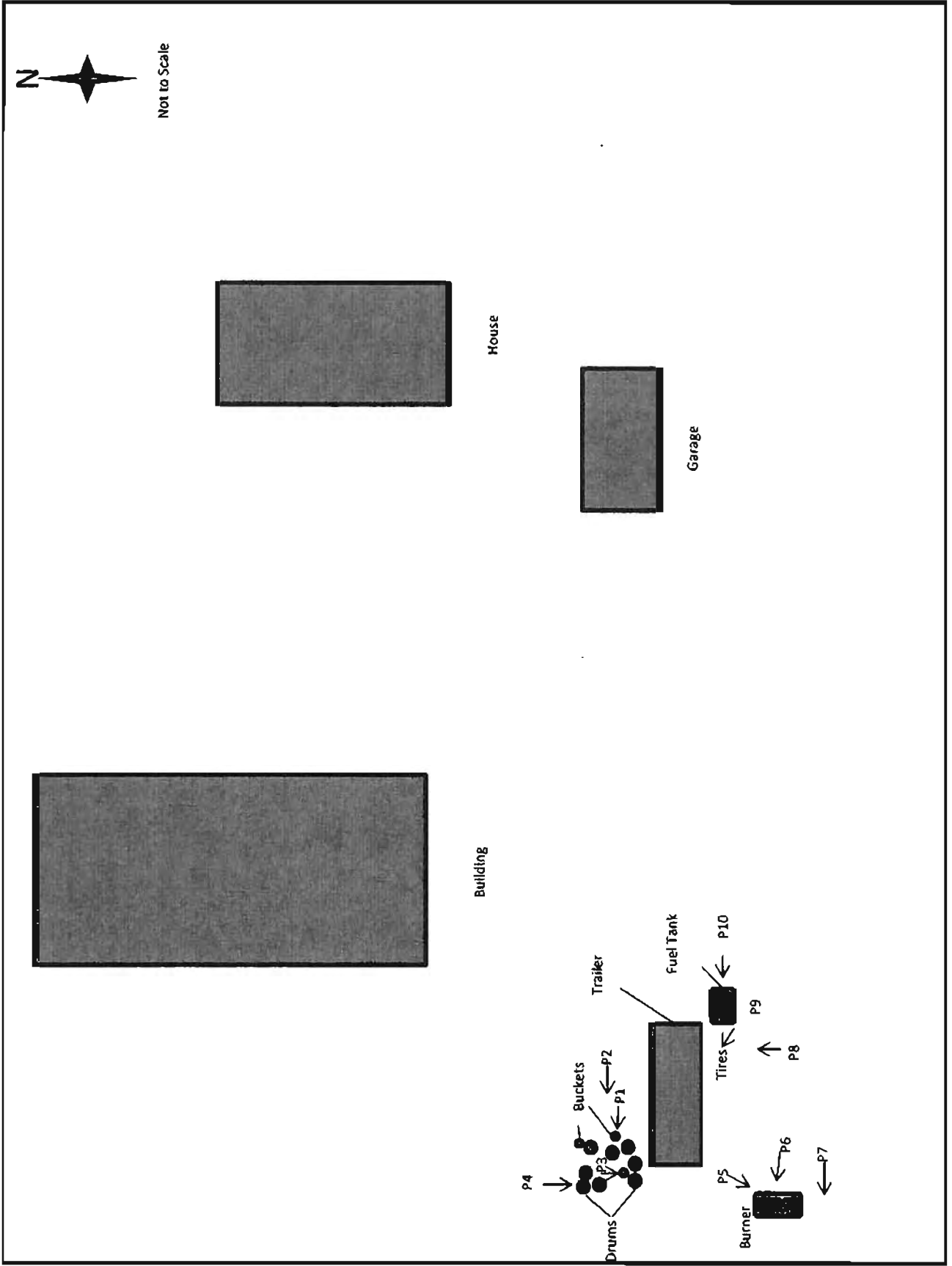
Prepared By: Jeff Port

Page 6

20. Pursuant to 35 Ill. Adm. Code 812.101(a), all persons, except those specifically exempted by Section 21(d) of the {Illinois} Environmental Protection Act, shall submit to the Agency an application for a permit to develop and operate a landfill.

A violation of 35 Ill. Adm. Code 812.101(a) is alleged for the following reason: **Tony Porter as Owner and Operator failed to submit to the Illinois EPA an application for a permit to develop and operate a landfill.**

0738220001 – Henry County  
Porter, Tony  
07/24/2012





**DATE:** July 24, 2012

**TIME:** 11:20 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 1

**PHOTOGRAPH FILE NAME:**  
0738220001-07242012-001.jpg

**COMMENTS:** Open top container  
of used oil not labeled.



**DATE:** July 24, 2012

**TIME:** 11:20 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 2

**PHOTOGRAPH FILE NAME:**  
0738220001-07242012-002.jpg

**COMMENTS:** Open top  
containers of used oil unlabeled.  
Oil stains on the ground.



**DOCUMENT FILE NAME:**  
0738220001-07242012.doc



**DATE:** July 24, 2012

**TIME:** 11:21 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 3

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-003.jpg

**COMMENTS:** Open top  
containers of used oil unlabeled.



**DATE:** July 24, 2012

**TIME:** 11:21 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the south.

**PHOTOGRAPH NUMBER:** 4

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-004.jpg

**COMMENTS:** Containers of used  
oil unlabeled.





**DATE:** July 24, 2012

**TIME:** 11:21 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the southwest.

**PHOTOGRAPH NUMBER:** 5

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-005.jpg

**COMMENTS:** Open dumped  
waste and burning unit.



**DATE:** July 24, 2012

**TIME:** 11:21 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 6

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-006.jpg

**COMMENTS:** Burned domestic  
waste inside burn unit.





**DATE:** July 24, 2012

**TIME:** 11:22 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 7

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-007.jpg

**COMMENTS:** Burned waste on  
the ground from burn unit.



**DATE:** July 24, 2012

**TIME:** 11:22 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the north.

**PHOTOGRAPH NUMBER:** 8

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-008.jpg

**COMMENTS:** Waste Tires.





**DATE:** July 24, 2012

**TIME:** 11:23 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the northwest.

**PHOTOGRAPH NUMBER:** 9

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-009.jpg

**COMMENTS:** Water in waste  
tire.



**DATE:** July 24, 2012

**TIME:** 11:24 AM

**PHOTOGRAPHED BY:**  
Jeff Port

**DIRECTION:** Photograph taken  
toward the west.

**PHOTOGRAPH NUMBER:** 10

**PHOTOGRAPH FILE NAME:**  
0738220001~07242012-010.jpg

**COMMENTS:** Above ground  
storage tank with stained soils.  
Waste tires in the background.



255-100

WARRANTY DEED--JOINT TENANCY

THE GRANTOR(S), MARVIN L. LEMAN and DARLENE JANE LEMAN, husband and wife, each in his or her own right and as spouse of the other, respectively of Galva, County of Henry, State of Illinois, for Two Dollars (\$2.00) and other valuable consideration, CONVEY(S) AND WARRANT(S) to GRANTEE(S), TONY PORTER and MELISSA PORTER, as joint tenants and not as tenants in common; releasing and waiving all rights, if any, under and by virtue of the Homestead Exemption Laws; the following real estate:

Property Index Number: 25-31-200-001

A tract of land located in a part of the Northeast Quarter (NE-1/4) of Section Thirty-one (31), Township Fourteen (14) North, Range Five (5) East of the 4th P.M., Henry County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only:

Commencing at a "P.K." Nail at the Northeast corner of the Northeast Quarter (NE-1/4) of said Section Thirty-one (31); thence S 00 degrees 08 minutes 00 seconds E, along the East line of the Northeast Quarter (NE-1/4) of said Section Thirty-one (31), a distance of 689.56 feet to a point 25.6 feet East of an iron rod and the Place of Beginning for the tract to be described; thence continuing S 00 degrees 08 minutes 00 seconds E, along said East line, 370.44 feet; thence S 89 degrees 52 minutes 00 seconds W, 393.30 feet to an iron rod; thence N 02 degrees 52 minutes 15 seconds E, 185.16 feet to an iron rod; thence N 09 degrees 45 minutes 35 seconds E, 124.50 feet to an iron rod; thence N 42 degrees 52 minutes 24 seconds E, 58.30 feet to an iron rod; thence N 78 degrees 22 minutes 43 seconds E, 95.84 feet to an iron rod; thence S 88 degrees 32 minutes 40 seconds E, 221.79 feet to the Place of Beginning and containing 3.19 acres, more or less. Subject to the right-of-way of a Public Road along the East side of the above described tract and also subject to all easements of record.

Dated: August 28, 2007.

Exempt under Paragraph # \_\_\_\_\_, Section 4, Real Estate Transfer Tax Act.  
Exempt under Paragraph 1(b) # \_\_\_\_\_, of the Plat Act.

Date \_\_\_\_\_ Buyer, Seller or Representative

*Tony Porter*

20-0707348

HENRY COUNTY, IL  
BARBARA M. LINK  
COUNTY CLERK-RECORDER

RECORDED ON 08/29/2007

DOCUMENT TIME 01:27:01PM

REC. FEE: 286.00  
RHSPS FEE: 10.00  
PAGES: 1



HENRY COUNTY  
REAL ESTATE  
TRANSFER TAX 85.00

*Marvin L. Leman*  
MARVIN L. LEMAN

*Darlene Jane Leman*  
DARLENE JANE LEMAN

STATE OF ILLINOIS ) Prepared by and return to:  
Barash & Everett, LLC  
COUNTY OF HENRY ) ss. P.O. Box 165  
Galva, IL 61434

The Grantor(s), in the capacity and of the marital status set forth above, acknowledge this deed before me, the date above written.

*[Signature]*  
Notary Public

Tax Bill to:  
Tony Porter  
841 E. 2450 St.  
Galva, IL 61434



Leman, Marvin. Deed to Tony Porter



QUIT CLAIM DEED

20-1003700

THE GRANTOR(S), MELISSA L. PORTER, formerly married and not since remarried, now MELISSA L. DOBBELS, of Kewanee, County of Henry, State of Illinois, for Two Dollars (\$2.00) and other valuable consideration, CONVEY(S) AND QUIT CLAIMS(S) to GRANTEE(S), TONY L. PORTER, releasing and waiving all rights, if any, under and by virtue of the Homestead Exemption Laws; the following real estate:

HENRY COUNTY, IL  
BARBARA M. LINK  
COUNTY CLERK-RECORDER  
RECORDED ON 06/07/2010  
DOCUMENT TIME 12:09:20PM  
REC. FEE: 31.00  
RHSPS FEE: 10.00  
PAGES: 1

Property Index Number: 25-31-200-001

A tract of land located in a part of the Northeast Quarter (NE-1/4) of Section Thirty-one (31), Township Fourteen (14) North, Range Five (5) East of the 4th P.M., Henry County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only:

Commencing at a "P.K." Nail at the Northeast corner of the Northeast Quarter (NE-1/4) of said Section Thirty-one (31); thence S 00 degrees 08 minutes 00 seconds E, along the East line of the Northeast Quarter (NE-1/4) of said Section Thirty-one (31), a distance of 689.56 feet to a point 25.6 Feet East of an iron rod and the Place of Beginning for the tract to be described; thence continuing S 00 degrees 08 minutes 00 seconds E, along the East line, 370.44 feet; thence S 89 degrees 52 minutes 00 seconds W, 393.30 feet to an iron rod; thence N 02 degrees 52 minutes 15 seconds E, 185.16 feet to an iron rod; thence N 09 degrees 45 minutes 35 seconds E, 124.50 feet to an iron rod; thence N 42 degrees 52 minutes 24 seconds E, 68.30 feet to an iron rod; thence N 78 degrees 22 minutes 43 seconds E, 95.84 feet to an iron rod, thence S 88 degrees 32 minutes 40 seconds E, 221.79 feet to the Place of Beginning and containing 3.19 acres, more or less. Subject to the right-of-way of a Public Road along the East side of the above described tract and also subject to all easements of record.

Dated: June 5th 2010.

X Exempt under Paragraph # e, Section 4, Real Estate Transfer Tax Act  
Exempt under Paragraph 1(b) # of the Plat Act.

Melissa Dobbels  
MELISSA L. DOBBELS, formerly  
MELISSA L. PORTER

06/05/10  
Date Buyer, Seller or Representative

STATE OF ILLINOIS ) Prepared by and return to:  
Barash & Everett, LLC  
ss. P.O. Box 165  
COUNTY OF HENRY ) Galva, IL 61434

The Grantor(s), in the capacity and of the marital status set forth above, acknowledge this deed before me, the date above written.

OFFICIAL SEAL  
CONNIE S. FAVRE  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES 8-11-2012

Connie S. Favre  
Notary Public.

Tax Bill to:  
Tony L. Porter  
841 East 2450 Street  
Galva, IL 61434  
Porter.Melissa.QuitClaimsDeedToTony

## PROOF OF SERVICE

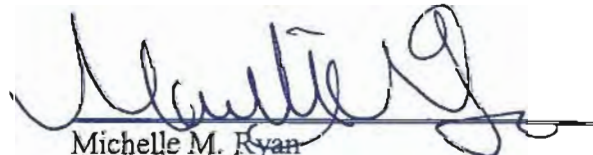
I hereby certify that I did on the 19th day of September 2012, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Tony Porter  
841 2450<sup>th</sup> Street  
Galva, IL 61434

RECEIVED  
CLERK'S OFFICE  
SEP 24 2012  
STATE OF ILLINOIS  
Pollution Control Board

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