

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. Box 19276, SPRINGFIELD, ILLINOIS 62794-9276

THOMAS V. SKINNER, DIRECTOR

217/782-5544
217/782-9143 (TDD)

May 22, 2001

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

7000 0520 0012 5645 6274

Prior Oil Company
Attn: Mr. John Prior
140 Gompers Street
Wamac, Illinois 62801

Re: **Notice of Intent to Pursue Legal Action**
Violation Notice, L-2000-1302
1894925001 -- Washington County
Prior Oil Company
Compliance File

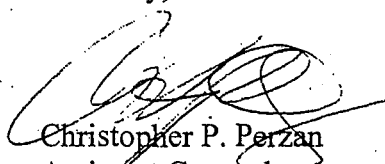
Dear Mr. Prior:

This Notice of Intent to Pursue Legal Action is provided pursuant to Section 31(b) of the Illinois Environmental Protection Act, 415 ILCS 5/31(b) (2000). The Illinois Environmental Protection Agency ("Illinois EPA") is providing this notice because have failed to respond adequately to a Violation Notice dated November 2, 2000 and issued by the Illinois EPA within the time frame required by Section 31 of the Act.

The Illinois EPA is providing this notice because it may pursue legal action for the violations of environmental statutes, rules, or permits specified in Attachment A. This Notice of Intent to Pursue Legal Action provides the opportunity to schedule a meeting with representatives of the Illinois EPA to attempt to resolve the violations of the Act, regulations and permits specified in Attachment A. If a meeting is requested, it must be held within thirty (30) days of receipt of this notice unless the Illinois EPA agrees to an extension of time.

If you wish to schedule a meeting with representatives of the Illinois EPA, please contact Chris Cahnovsky at 618/346-5120 within 20 days of your receipt of this notice.

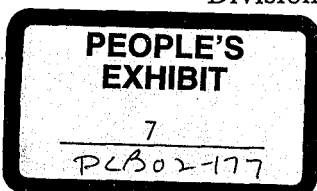
Sincerely,


Christopher P. Perzan
Assistant Counsel
Division of Legal Counsel

RELEASABLE

JUN 04 2001

REVIEWER MD



ATTACHMENT A

1. 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) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(a)) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspections.**

2. Pursuant to Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)), no person shall conduct any waste-storage, waste-treatment, or waste-disposal operation:

1. Without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder...
2. In violation of any regulations or standards adopted by the Board under this Act.

This subsection (d) shall not apply to hazardous waste.

A violation of Section 21(d) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(d)) is alleged for the following reason: **Waste was disposed without a permit granted by the Illinois EPA.**

3. 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) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(e)) is alleged for the following reason: **Waste was disposed at this site which does not meet the requirements of the Act and regulations thereunder.**

4. Pursuant to Section 21(p)(1) & (6) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)), no person shall, in violation of subdivision (a) of this Section[21], cause or allow the open dumping of any waste in a manner which results in litter and standing or flowing liquid discharge from the dump site.

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) & (6) of the [Illinois] Environmental Protection Act (415 ILCS 5/21(p)(1) & (6) is alleged for the following reason: **Evidence of open dumping of waste was observed during the inspections. Liquid crude oil was observed in a pit on Prior Oil Company's property.**

5. Pursuant to 35 Ill. Adm. Code 722.111, a person who generates a solid waste, as defined in Section 721.102, must determine if that waste is a hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D.

Board Note: Even if a waste is listed, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.

- c) For purposes of compliance with 35 Ill. Adm. Code 728, or if the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721.Subpart D the generator shall then determine whether the waste is identified in 35 Ill. Adm. Code 721.Subpart C by either:

- 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721.Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.121; or
 - 2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
- d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725 and 728 for possible exclusions or restrictions pertaining to the management of the specific waste.

A violation of 35 Ill. Adm. Code 722.111 is alleged for the following reason:
Prior Oil Company failed to make a hazardous waste determination of the two drums of used oil on the side of the southwest side of the shop.

6. Pursuant to 35 Ill. Adm. Code 739.122(c), containers and aboveground tanks used to store used oil at generator facilities must be labeled with the words "Used Oil".

A violation of 35 Ill. Adm. Code 739.122(c) is alleged for the following reason:
Prior Oil Company failed to label the two drums of used oil on the southwest side of the shop with the words "Used Oil".

7. Pursuant to 35 Ill. Adm. Code 739.122(d), upon detection of a release of used oil to the environment, a generator shall perform the following cleanup steps:

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Clean up and properly manage the released used oil and other material;
and
- 4) If necessary, prevent further releases, repair or replace any leaking used oil storage containers or tanks prior returning them to service.

A violation of 35 Ill. Adm. Code 739.122(d) is alleged for the following reason:
Oil was observed on the ground around the two drums of used oil on the southwest side of the Shop.

8. Pursuant to 35 Ill. Adm. Code 808.121(a), Each person who generates waste shall determine whether the waste is a special waste.

A violation of 35 Ill. Adm. Code 808.121(a) is alleged for the following reason:
Prior Oil Company failed to make a special waste determination of the two drums of used oil on the side of the southwest side of the shop.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

John Prior
140 Gompers Street
Wamac, IL 62801

4a. Article Number

7000 0520 0012 5645 6274

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

LANA KLOMPAS

6. Signature (Addressee or Agent)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

CP:ma-BOL-DLC #21

Postage \$

Certified Fee

1.25

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

1.40

Total Postage & Fees

\$

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

John Prior

Street, Apt. No., or PO Box No.

140 Gompers Street

City, State, ZIP+4

Wamac, IL 62801

PS Form 3800, February 2000

See Reverse for Instructions

7000 0520 0012 5645 6274