

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
Leo Porter, Tire Hauler and
Judith Porter, Landowner,
Garden County, Nebraska
FID # 72350

Case No. 3316

AMENDED COMPLIANCE ORDER.

Respondents

NOW this matter seeking amendment of the Order herein of January 12, 2016, came before the Director on the requests of the Respondents, Leo and Judith Porter, through their counsel, asking that the Order be amended to allow for more frequent submittals of requests for reimbursement.

The Director now finds that the Respondents have begun activities relevant to the removal of waste tires from the facility.

IT IS THEREFORE ORDERED that Paragraph 9 of the COMPLIANCE ORDER be amended as follows:

D. By April 1, 2017, remove and properly dispose, recycle or reuse all waste scrap tires and all waste tire material on the property identified in paragraph No. 2 of the Consent Order. Respondents must send proof of proper disposal (affidavit with attached receipts/scale tickets) to the Department at any time, but starting not later than August 1, 2016 and no later than every 60 days thereafter. Upon receipt of proof of disposal, Respondents may be eligible for payments, in a timely and reasonable manner as directed and approved by the Director of the Department of Environmental Quality, from financial assurance funds for the removal and proper disposal of scrap tires and all waste tire materials on the property identified in paragraph No. 2 of the Consent Order.

E. Respondents shall, every 60 days, beginning August 1, 2016, file a written report with DEQ outlining progress in fulfilling compliance with this Consent Order.



By: Gregory J. Beal

Title: Porter's Attorney

Date: 7/15/16

Attorney: G. Beal

Leo Porter: Leo E. Porter

Judith Porter: Judith Porter

Dated: July 14, 2016

By: [Signature]
Jim Macy
Director
Nebraska Department of
Environmental Quality

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Amendment to Order of Variance was sent by certified mail, return receipt requested on this 12th day of July, 2016, to the following:

Gregory J. Beal
Attorney at Law
PO Box 90
Ogallala, NE 69153



Stacy Burkhalter-Sweeney