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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD APR 07 2004

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
EGON KAMARASY, )  
)  
Respondent. )

AC 04 - 63  
Site # 0778095036

NOTICE OF FILING

TO: Egon Kamarasy, 474 Egret Lake Road, Carbondale, Illinois 62901

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Illinois Pollution Control Board the Complaint for Administrative Citation, a copy of which is herewith served upon you.



Daniel Brenner  
Assistant State's Attorney

March 30, 2004

Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse  
Murphysboro, IL 62966  
618-687-7200

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED  
CLERK'S OFFICE

APR 07 2004

STATE OF ILLINOIS  
Pollution Control Board

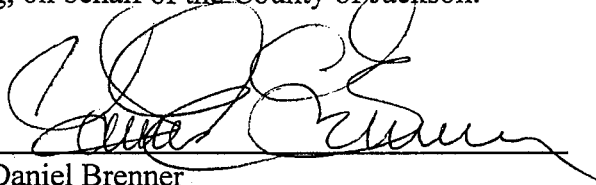
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
EGON KAMARASY, )  
)  
Respondent. )

AC 04 - 63

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of the County of Jackson.



Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, 3<sup>rd</sup> Floor  
Murphysboro, IL 62966  
618-687-7200

CO4-01320

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 07 2004

STATE OF ILLINOIS  
Pollution Control Board

ORIGINAL

COUNTY OF JACKSON,

Complainant,

v.

EGON KAMARASY,

Respondent.

AC 04 - 63  
Site # 0778095036

Serve on: Egon Kamarasy, 474 Egret Lake Road, Carbondale, Illinois 62901

PROOF OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Administrative Citation

and Appearance were hand delivered to:

Name: Egon Kamarasy

Address: at →

Jackson Co. Sheriffs Dept.  
1001 Mulberry Street  
Murphysboro, Il 62966

Sex: Male  Female

Age: 03-19-1919

Date of service: April 2, 2004

Time: 9:55 A.m.

Robert D. Burns

/S/ Robert Burns, Jackson Co. Sheriff

By his Deputy [Signature]

PLEASE RETURN TO:

DANIEL BRENNER  
JACKSON COUNTY STATE'S ATTORNEY'S OFFICE

RECEIVED  
CLERK'S OFFICE

APR 07 2004

STATE OF ILLINOIS  
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF JACKSON, )  
)  
Complainant, )  
)  
v. )  
)  
EGON KAMARASY, )  
)  
Respondent. )

AC 04 - 63  
Site Code: 0778095036

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 *et. seq.* (1996), specifically 415 ILCS 5/31.1.

**FACTS**

1. The Respondent is the present owner and occupant and in control and possession of a facility located in the County of Jackson, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code #0778095036. The facility is known to the Agency as the Makanda/Kamarasy site.
3. The Respondent has owned, occupied, controlled and/or operated the facility at all relevant times hereto.
4. On March 25, 2004, Don Terry, Field Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of the inspection report, along with Mr. Terry's affidavit, are attached and incorporated herein by reference as Exhibit A.

**VIOLATIONS**

On the basis of Field Inspector, Don Terry's, direct observation, he has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that

resulted in the following violations:

That on March 25, 2004, an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed litter at the facility in violation of 415 ILCS 5/21(p)(1).
2. The Respondent has caused or allowed the deposition of general construction or demolition; or clean construction or demolition debris in violation of 415 ILCS 5/21(p)(7)

### **CIVIL PENALTY**

In accordance with 415 ILCS 5/42 (b)(4-5), the Respondent is subject to a civil penalty of \$1,500.00 for each of violations specified above. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$3,000.00 fine.

If you acknowledge the violations cited herein above, the civil penalty shall be due and payable no later than June 1, 2004. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Jackson County's Treasurer Office and mailed to the attention of Shirley Dillinger Booker, Jackson County Treasurer, Murphysboro, Illinois, 62966. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due,

the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Jackson County State's Attorney may seek to recover their costs of litigation.

### PROCEDURE FOR CONTESTING ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with Daniel Brenner, Assistant State's Attorney, Jackson County Courthouse, Third Floor, Murphysboro, Il 62966. **Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.**


Your original Petition must be filed with the Clerk of the Board at:

Clerk  
Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

A copy must also be sent to:

Office of the State's Attorney  
Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse, 3<sup>rd</sup> Floor  
Murphysboro, Il 62966

DATED: 3/30, 2004

  
Daniel Brenner  
Assistant State's Attorney

**REMITTANCE FORM**

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	NO. AC 04 -
	)	
EGON KAMARASY,	)	
	)	
Respondent.	)	

FACILITY:                   MAKANDA/KAMARASY SITE

COUNTY:                    JACKSON

DATE OF INSPECTION:    March 25, 2004

SITE CODE:                0778095036

CIVIL PENALTY:         \$3,000.00

Date Remitted \_\_\_\_\_

SS/FEIN #           \_\_\_\_\_

Signature            \_\_\_\_\_

**NOTE**

Please include the information on the blank lines. Mail this form with your check to:

Shirley Dillinger Booker  
Jackson County Treasurer  
Jackson County Courthouse  
Murphysboro, Illinois, 62966

# JACKSON COUNTY HEALTH DEPARTMENT

## AFFIDAVIT

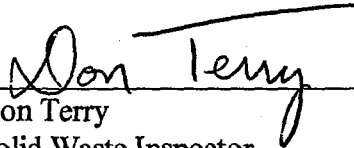
IN THE MATTER OF:

0778095036 / Jackson County  
Makanda / Egon Kamarasy  
COMPLIANCE FILE

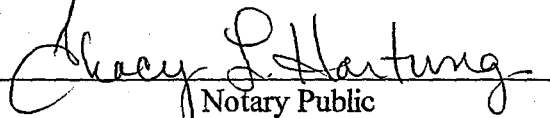
Respondent.

Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by Jackson County Health Department and has been so employed at all times pertinent hereto.
2. On March 25, 2004, between the hours of 2:32 pm and 2:35 pm, Affiant conducted an inspection of the open dump site known as Makanda/Egon Kamarasy, Jackson County, Illinois.
3. Affiant inspected said open dump site by an inspection from a location adjacent to the site.
4. As a result of the activities referred to in Paragraphs 2 and 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 Egon Kamarasy, Makanda, Illinois, open dump site.

  
Don Terry  
Solid Waste Inspector

Subscribed and Sworn To before me  
this 29 day of March, 2004.

  
Notary Public



- Exhibit A -



**NARRATIVE INSPECTION REPORT DOCUMENT**  
**OPEN DUMP SITE**

**Date of Inspection:** March 25, 2004

**Inspector:** Don Terry

**Site Code:** 077 809 5036

**County:** Jackson

**Site Name:** Makanda / Egon Kamarasy

**Time:** 2:32 pm – 2:35 pm

**Location:** Eastern end of Starvation Acres Rd

**Owner of Property:** Egon Kamarasy

**Approximate Volume of Waste at site:** 110 cu/yds

**GPS:** N 37° 40.580 W 089° 15.105

**GENERAL REMARKS**

During the above date and time, I conducted an inspection of this site as a follow-up of one done on December 5, 2003.

According to the Jackson County Assessor's Office, the site is owned by Egon Kamarasy of 474 Egret Lake Rd, Carbondale, IL 62901. The weather conditions at the time of the inspection were: partly cloudy, windy and a temperature of about 72°F.

I did not enter the property and conducted this follow-up inspection from the gate.

From the gate I observed a debris pile in approximately the same location as I had observed on December 5, 2003 (**Photo #1, see sketch**). It appeared larger than when I observed it on my last inspection, indicating more material has been open dumped at this location since December 5, 2003. The approximate volume of this debris pile is 110 cu/yds (**Photo #1, see sketch**). It appeared to consist of construction / demolition debris consolidated from off site and included: dimensional lumber, dark paneling, metal siding and other materials not readily identifiable from my location.

My inspection ended at approximately 2:35 pm.

**Continuing Violations Observed:**

**Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1 and 7): 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; (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection open dumping on the site was observed causing litter and the deposition of general or clean construction or demolition debris.**

**Item #6(21)(d)(1): Conduct any waste-storage, waste-treatment, or waste-disposal operation: Without a permit; Item #6(21)(d)(2): Conduct any waste-storage, waste-treatment, or waste-disposal operation: In violation of any regulations or standards adopted by the Board: Due to the volume and type of waste observed, the manner in which it was placed and the location, it can be assumed that the waste was not generated on site and was transported onto the site for the purpose of disposal. During the inspection violations of regulations and standards were observed. There is no record that Mr. Kamarasy was issued a permit by the Agency to conduct a waste-storage, waste-treatment, or waste-disposal operation.**

**Item #7(21)(e): Dispose, treat, store, or abandon any waste, or transport any waste into the State at/to sites not meeting requirements of the Act: Violations of this section of the Act were observed during the inspection.**

**Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill; Item #15(807.201): Failure to obtain a Developmental Permit to operate a solid waste management site; Item #15(807.202): Failure to obtain an Operational Permit to operate a solid waste management site: There is no record that Mr. Kamarasy has submitted or received a permit to develop or operate a landfill or to develop or operate a solid waste management site.**

# OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: March 25, 20204

Inspector: Don Terry

Site Code: 077 809 5036

County: Jackson

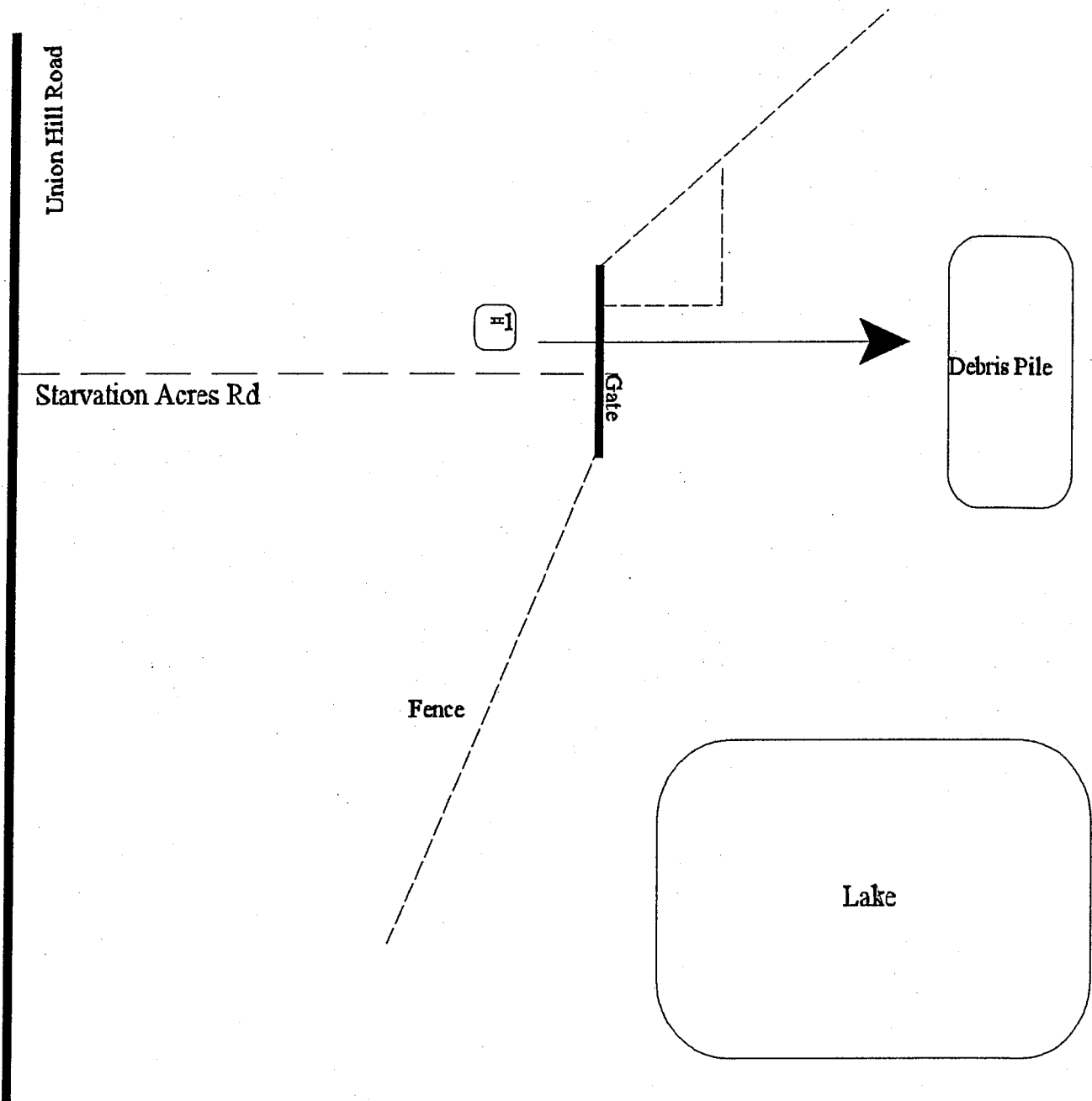
Site Name: Makanda / Egon Kamarasy

Time: 2:32 pm 2:35 pm

Not Drawn to Scale


All locations are approximate

O → indicates approx. location & direction of photos





## DIGITAL INSPECTION PHOTOS

Date: March 25, 2004	Site #: 077 809 5036	County: JACKSON
Time: 2:32 pm	Site Name: Makanda / Egon Kamarasy	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward:  East		
<b>PHOTO FILE NAME:</b>		
0778095036-03252004-01		

Date:
Time:
Photograph taken by:
COMMENTS: Pictures taken toward:
<b>PHOTO FILE NAME:</b>

No Photo