

RECEIVED
CLERK'S OFFICE

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 - 64
Site # 0778125013

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

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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 - 64

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, 3rd Floor
Murphysboro, IL 62966
618-687-7200

004-01321

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

ORIGINAL

AC 04 - 61 #
Site # 0778125013

RECEIVED
CLERK'S OFFICE

APR 07 2004

STATE OF ILLINOIS
Pollution Control Board

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 [redacted]

Sex: Male Female

Age: 03-19-1919

Date of service: April 2, 2004

Time: 9:55 A.m.

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

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
CLERK'S OFFICE

APR 07 2004

STATE OF ILLINOIS
Pollution Control Board

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

AC 04 - 64
Site Code: 0778125013

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 #0778125013. The facility is known to the Agency as the Carbondale/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 open burning at the facility in violation of 415 ILCS 5/21(p)(3).

3. 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 \$4,500.00 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.**

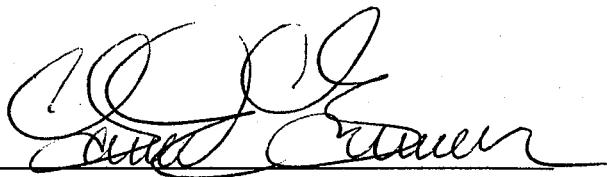
Your original Petition must be filed with the Clerk of the Board at:

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, 3rd 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: 0778125013
CIVIL PENALTY: \$4,500.00

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

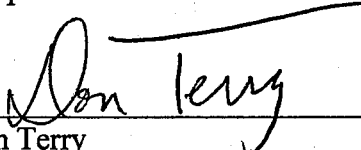
IN THE MATTER OF:

077 812 5013/ Jackson County
Carbondale / Egon Kamarasy
COMPLIANCE FILE

Respondent.

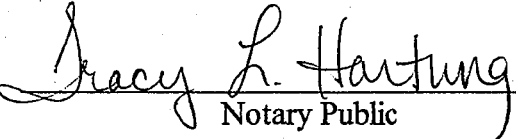
Affiant, Don Terry, being first duly sworn, voluntarily deposes and states as follows:

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 2:25 pm and 2:30 pm, Affiant conducted an inspection of the open dump site known as Carbondale / Egon Kamarasy, Jackson County, Illinois.
3. Affiant inspected said open dump site by an on-site inspection.
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, Carbondale, 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: 077 812 5013

County: Jackson

Site Name: Carbondale / Egon Kamarasy

Time: 2:25 pm – 2:30 pm

Location: 786 Green Ridge Rd

Owner of Property: Egon Kamarasy

Volume of Waste at site: 10 cu / yds

GPS: N 37°40.869 W 089°16.646

GENERAL REMARKS

During the stated date and time, I conducted an inspection of the site listed above. This inspection was made as a follow up to an inspection made of this site on March 11, 2004. Weather conditions at the time of the inspection were: cloudy, windy with the temperature about 72°F.

According to the Jackson County Assessor's Office, the site is owned by Egon Kamarasy of 474 Egret Lake Rd, Carbondale, IL.

Upon arrival at the site I observed a pile of debris in the same general location as on my inspection visit of March 11, 2004 (**Photos #1 – #5, See sketch**). The debris pile appeared to have been reduced in volume by open burning.

Within this pile I observed landscape waste, dimensional lumber, and what appeared to be metal frames from furniture. I also observed metal fence posts, the remains of what appeared to be a window air conditioner, sections of laminate counter tops, metal cans and other materials not easily identifiable (**Photos #1 – #5, See sketch**). Most of this material was charred from burning.

My inspection ended at approximately 2:30 pm.

Page 2

077 812 5013

Carbondale / Egon Kamarasy

March 25, 2004

Continuing Violations Observed:

Item #1(9)(a): Cause, threaten or allow air pollution in Illinois; Item #2(9)(c): Cause or allow open burning; Item #8(21)(p)(3): Cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site: (3) Open Burning: During the inspection, evidence of the open burning of waste was observed.

Item #5(21)(a): Cause or allow open dumping; Item #8(21)(p)(1&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 and (7) Deposition of general construction or demolition debris; or clean construction or demolition debris: During the inspection, the open dumping of waste resulting in litter and the deposition of general construction or demolition debris was observed.

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: There is no record of the property owner having received a permit from the Agency to conduct a waste-storage, waste-treatment or waste-disposal operation. Also, during the inspection, violations of standards and regulations were observed.

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: Due the location of the site and the type and amount of debris observed, it would be reasonable to assume that the waste was transported to the site from another location for the purpose of disposal.

Item #9(55)(a)(1): No person shall: Cause or allow open dumping of any used or waste tire; Item #10(812.101)(a): Failure to submit an application for a permit to develop and operate a landfill: During the inspection, the open dumping of waste tires on the site was observed.

OPEN DUMP INSPECTION SITE SKETCH

Date Of Inspection: March 25, 2004

Inspector: Don Terry

Site Code: 077 812 5013

County: Jackson

Site Name: Carbondale / Egon Kamarasy

Time: 2:25 pm - 2:30 pm

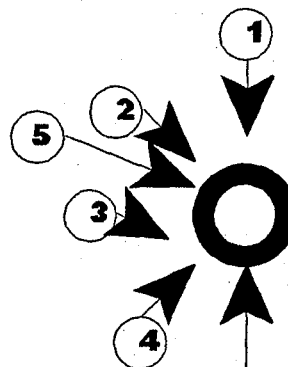
Not Drawn to Scale

All Locations Are Approximate

O → Indicates Approximate Location & Direction of Photos



Bear Rd



Debris / Burn
Pile

Fence


Dirt drive

Fence

Green Ridge Rd



DIGITAL INSPECTION PHOTOS


Date: March 25, 2004	Site #: 077 812 5013	County: JACKSON
Time: 2:26 pm	Site Name: Carbondale / Egon Kamarasy	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: South		
PHOTO FILE NAME:		
0778125013-03252004-01		

Date: March 25, 2004
Time: 2:26 pm
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Southeast
PHOTO FILE NAME:
0778125013-03252004-02





DIGITAL INSPECTION PHOTOS


Date: March 25, 2004	Site #: 077 812 5013	County: JACKSON
Time: 2:27 pm	Site Name: Carbondale / Egon Kamarasy	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southeast		
PHOTO FILE NAME: 0778125013-03252004-03		

Date: March 25, 2004
Time: 2:27 pm
Photograph taken by: Don Terry
COMMENTS: Pictures taken toward: Northeast
PHOTO FILE NAME: 0778125013-03252004-04





DIGITAL INSPECTION PHOTOS

Date: March 25, 2004	Site #: 077 812 5013	County: JACKSON
Time: 2:27 pm	Site Name: Carbondale / Egon Kamarasy	
Photograph taken by: Don Terry		
COMMENTS: Pictures taken toward: Southeast		
PHOTO FILE NAME:		
0778125013-03252004-05		

Date:
Time:
Photograph taken by:
COMMENTS: Pictures taken toward:
PHOTO FILE NAME:

No Photo