

**BEFORE THE ILLINOIS POLLUTION CONTROL  
BOARD**

**RECEIVED**  
CLERK'S OFFICE

JUN 22 2004

COUNTY OF JACKSON,

Complainant,

vs.

EGON KAMARASY,

Respondent.

STATE OF ILLINOIS  
Pollution Control Board

AC No. 2004-064

**NOTICE OF FILING OF AMENDED PETITION TO CONTEST  
ADMINISTRATIVE CITATION**

TO : Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph Street  
Suite 11-500  
Chicago IL 60601-3218

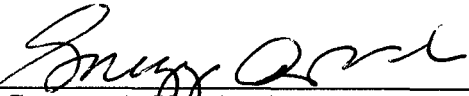
Jackson County State's Attorney  
Jackson County Courthouse, 3d Floor  
Murphysboro IL 62966

ATTN. Daniel Brenner, Assistant  
State's Attorney

PLEASE TAKE NOTICE that on the 18th day of June 2004, the undersigned, on behalf of Egon Kamarasy, the respondent, filed with the Office of the Clerk of the Pollution Control Board the original and nine (9) copies of the attached Amended Petition to Contest Administrative Citation, a copy of which is herewith served upon you.

Dated this 18<sup>th</sup> day of June, 2004.

EGON KAMARASY, Respondent

By   
Gregory A. Veach, IARDC # 2893061  
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH  
3200 Fishback Road  
P. O. Box 1206  
Carbondale IL 62903-1206  
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e-mail : gveach@gregveachlaw.com

Attorney for respondent

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COUNTY OF JACKSON,  
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vs.

EGON KAMARASY,  
Respondent.

AC No. 2004-064

**AMENDED PETITION TO CONTEST ADMINISTRATIVE CITATION**

NOW COMES the respondent, Egon Kamarasy, by Gregory A. Veach, his attorney, and hereby contests the Administrative Citation issued in the above-entitled cause to the Pollution Control Board, pursuant to § 108.204 of the Rules of the Pollution Control Board, and in support thereof states as follows:

1. Answering paragraph one (1) of the Facts section of the Administrative Citation, the respondent admits that he is the owner and in possession of the real estate located within Jackson County, Illinois, but denies generally and specifically each and all of the remaining allegations contained therein and further denies that the real estate he owns constitutes a "facility", under the Illinois Environmental Protection Act.

2. Answering paragraph two (2) of the Facts section of the Administrative Citation, the respondent denies generally and specifically each and all of the allegations contained therein and further denies that "open dumping", under the Illinois Environmental Protection Act, occurred upon the respondent's property, referred to by the complainant as "Carbondale/Kamarasy" site.

3. Answering paragraph three (3) of the Facts section of the Administrative Citation, the respondent admits that he has owned real estate located within Jackson County, Illinois, that is referred to by the complainant as "Carbondale/Kamarasy" site, at all times relevant to this

proceeding, but denies generally and specifically each and all of the remaining allegations contained therein.

4. Answering paragraph four (4) of the Facts section of the Administrative Citation, the respondent lacks sufficient knowledge to admit or deny the allegations contained therein and, therefore, demands strict proof thereof.

5. Answering the Violations section of the Administrative Citation, the respondent denies that he has caused or allowed open dumping on the "Carbondale/Kamarasy" site that (1) resulted in causing or allowing litter at the site in violation of 415 ILCS § 5/21(p)(1); (2) resulted in causing or allowing open burning at the site in violation of 415 ILCS § 5/21(9)(3); and/or (3) resulted in causing or allowing the deposition of general construction or demolition debris or clean construction or demolition debris upon the site in violation of 415 ICLS § 5/21(p)(7).

6. Answering the Civil Penalty section of the Administrative Citation, the respondent denies that he is or should be subject to a civil penalty in the amount alleged, or any other amount.

7. The respondent resides upon and operates a farm on land comprising the "Carbondale/Kamarasy" site.

8. The material observed by the inspector upon the "Carbondale/Kamarasy" site constituted domicile, landscape and agricultural waste generated by the respondent upon the site that is the location of the home and farmstead of the respondent.

9. The burning of the domicile waste was conducted on the premises on which the waste was generated, in an unrestricted area, during periods when atmospheric conditions readily dissipate the contaminants, and the burning did not create a visibility hazard on any roadways or railroad tracks in the area.

10. The burning of the landscape waste materials was conducted on the premises on which such landscape waste was generated, during times when atmospheric conditions readily

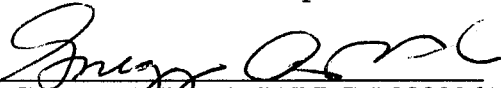
dissipate the contaminants, in a non-prohibited area and the burning did not create a visibility hazard on any roadways or railroad tracks in the area.

11. The burning of the agricultural waste materials was conducted on the premises on which such agricultural waste was generated, in an unrestricted area, more than 1000 feet from residential or other populated areas, during times when atmospheric conditions readily dissipate the contaminants, creating no visibility hazard on any roadways or railroad tracks in the area, and no economically reasonable alternative method of disposal is available.

**WHEREFORE**, the respondent requests that the Board enter its order dismissing the Administrative Citation and denying the civil penalties and other relief sought therein.

Dated this 17<sup>th</sup> day of June, 2004.

EGON KAMARASY, Respondent

By   
Gregory A. Veach, IARDC # 2893061  
Attorney for respondent

LAW OFFICES OF GREGORY A. VEACH  
3200 Fishback Road  
P. O. Box 1206  
Carbondale IL 62903-1206  
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Attorney for respondent

# DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

I am over eighteen (18) years of age, employed in the County of Jackson, State of Illinois, in which county the within mailing occurred, and not a party to the subject cause. My business address is: 3200 Fishback Road, P. O. Box 1206, Carbondale, Illinois 62903-1206.

I served the following document, Notice of Filing of Amended Petition to Contest Administrative Citation and Amended Petition to Contest Administrative Citation of which true and correct copies thereof in the cause are affixed, by placing the original and four (4) copies thereof in an envelope addressed as follows:

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph Street  
Suite 11-500  
Chicago IL 60601-3218

and one (1) copy in an envelope addressed as follows:

Jackson County State's Attorney  
Jackson County Courthouse, 3d Floor  
Murphysboro IL 62966

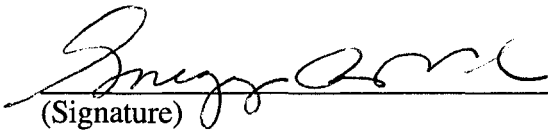
ATTN. Daniel Brenner, Assistant State's Attorney

Each envelope was then sealed and with the postage thereon fully prepaid deposited in the United States mail by me at Carbondale, Illinois, on June <sup>10<sup>th</sup></sup> ~~17~~, 2004.

I declare under penalty of perjury that the foregoing is true and correct.

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Executed on June 17, 2004 at Carbondale, Illinois.

  
(Signature)

LAW OFFICES OF GREGORY A. VEACH  
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