

ILLINOIS POLLUTION CONTROL BOARD
July 8, 2004

COUNTY OF JACKSON,)
)
Complainant,)
)
v.) AC 04-64
) (Site Code #0778125013)
EGON KAMARASY,) (Administrative Citation)
)
Respondent.)

ORDER OF THE BOARD (by A.S. Moore):

The County of Jackson (County) filed two administrative citations against Egon Kamarasy, which the Board docketed as AC 04-63 and AC 04-64. The administrative citation in AC 04-63 concerns a site in Makanda, Jackson County, while the administrative citation in AC 04-64 concerns a site in Carbondale, Jackson County. Today the Board accepts for hearing Mr. Kamarasy's amended petition to contest the administrative citation in AC 04-64.

In a May 20, 2004 order, the Board accepted for hearing Mr. Kamarasy's petition to contest the administrative citation in AC 04-63. The Board also accepted Mr. Kamarasy's petition in AC 04-64 as timely filed, but ordered him to file an amended setting forth grounds of appeal regarding the Carbondale site. Mr. Kamarasy's original petition in AC 04-64, though stating that Mr. Kamarasy did not cause or allow open dumping, refers to AC 04-63 and the Makanda site and, in fact, appears to set forth verbatim the contents of the petition filed in AC 04-63.

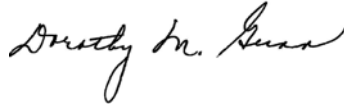
In AC 04-64, the County alleges that Mr. Kamarasy violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), (7) (2002)) by causing or allowing the open dumping of waste resulting in litter, open burning, and the deposition of general or clean construction or demolition debris at the Carbondale site. The County asks the Board to impose a \$4,500 civil penalty on Mr. Kamarasy for these three alleged violations.

On June 22, 2004, Mr. Kamarasy timely filed an amended petition in AC 04-64. In his amended petition, Mr. Kamarasy alleges that he did not cause or allow open dumping at the Carbondale site that resulted in any of the alleged conditions. Mr. Kamarasy states that he resides upon and operates a farm at the site and that the material observed by the County inspector was "domicile, landscape and agricultural waste" generated on-site by Mr. Kamarasy. Amended Petition at 2. Mr. Kamarasy asserts that burning these materials on-site was proper for several reasons, including the allegation that the material was generated on-site, burned in an "unrestricted area," burned when "atmospheric conditions readily dissipate the contaminants," and burned without creating a "visibility hazard on any roadways or railroad tracks." *Id.* at 2-3.

The Board accepts for hearing Mr. Kamarasy's amended petition in AC 04-64. The Board directs the hearing officer and the parties to proceed expeditiously to hearing in accordance with the Board's order of May 20, 2004.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 8, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board