

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY - 7 2004
STATE OF ILLINOIS
Pollution Control Board

COUNTY OF JACKSON,

Complainant,

vs.

AC No. 2004-064

EGON KAMARASY,

Respondent.

NOTICE OF FILING OF 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

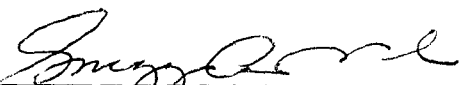
Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

ATTN. Daniel Brenner, Assistant
State's Attorney

PLEASE TAKE NOTICE that on the 4th day of May 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 Petition to Contest Administrative Citation, a copy of which is herewith served upon you.

Dated this 4th day of May, 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
Telephone: (618) 549-3132
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Attorney for respondent

COPY

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AC No. 2004-063

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 real estate located in Makanda Township, 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.

3. Answering paragraph three (3) of the Facts section of the Administrative Citation, the respondent admits that he has owned real estate located in Makanda Township, within Jackson County, Illinois 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 real estate he owns; denies that he caused or allowed litter at or upon real estate he owns; and, denies that he caused or allowed the deposition of general construction or demolition debris or clean construction or demolition debris upon real estate he owns.

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 debris that was upon the site alleged in the Administrative Citation was the result of the respondent's removal and destruction of mobile homes that tenants of the Raccoon Valley Mobile Home Park owned by the respondent abandoned upon the respondent's premises. The respondent was ordered to remove and dispose of the abandoned mobile homes by the Illinois Department of Public Health. The respondent assembled the mobile home debris into the one area depicted on the site alleged in the Administrative Citation and was in the process of separating the materials for recycling and for disposal of the materials that could not be recycled.

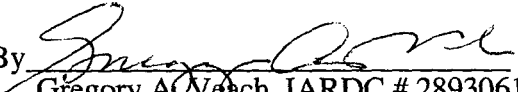
8. The violations alleged by the petitioner resulted from circumstances beyond the reasonable control of the respondent since the respondent could not prevent his tenants from abandoning their mobile homes.

9. Following receipt of a Violation Notice from the Jackson County Department of Health, the non-recyclable debris was taken to a local landfill and no debris of any kind remains upon the premises.

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 4th day of May, 2004.

EGON KAMARASY, Respondent

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

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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 Petition to Contest Administrative Citation and Petition to Contest Administrative Citation of which true and correct copies thereof in the cause are affixed, by placing the original and nine (9) 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:

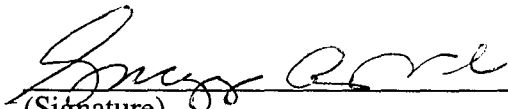
Jackson County State's Attorney
Jackson County Courthouse, 3d Floor
Murphysboro IL 62966

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 May 4, 2004.

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

Executed on May 4, 2004 at Carbondale, Illinois.


(Signature)

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