



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 782-9817
TDD: (217) 782-9143

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SEP 19 2014

September 17, 2014

ACIS-11

STATE OF ILLINOIS
Pollution Control Board

John Therriault, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601

ORIGINAL

Re: Illinois Environmental Protection Agency v Randy Koberczyk
IEPA File No. 313-14-AC; 0050205015

Dear Mr. Therriault:

Enclosed for filing with the Illinois Pollution Control Board, please find the original and nine true and correct copies of the Administrative Citation Package, consisting of the Administrative Citation, the inspector's Affidavit, and the inspector's Illinois Environmental Protection Agency Open Dump Inspection Checklist, issued to the above-referenced respondent(s).

On this date, a copy of the Administrative Citation Package was sent to the Respondent(s) via Certified Mail. As soon as I receive the return receipt, I will promptly file a copy with you, so that the Illinois Pollution Control Board may calculate the thirty-five (35) day appeal period for purposes of entering a default judgment in the event the Respondent(s) fails or elects not to file a petition for review contesting the Administrative Citation.

If you have any questions or concerns, please do not hesitate to contact me at the number above. Thank you for your cooperation.

Sincerely,

Michelle M. Ryan
Assistant Counsel

Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

RANDY KOBERCZKY,

Respondent.

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AC 15-11

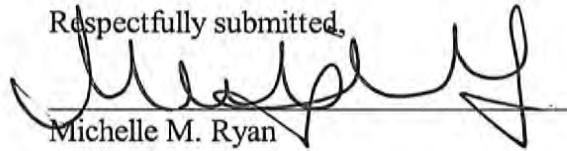
(IEPA No. 313-14-AC)

NOTICE OF FILING

To: Randy Koberczky
518 White Oaks Lane
Pocahontas, IL 62275

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: September 17, 2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

RECEIVED
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SEP 19 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
RANDY KOBERCZKY,)
Respondent.)

AC 15-11
(IEPA No. 313-14-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2014).

FACTS

1. That Randy Koberczky is the current owner and operator ("Respondent") of a facility located at 518 White Oak Lane, Pocahontas, Bond County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Pocahontas/Koberczky Property.
2. That said facility is designated with Site Code No. 0050205015.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on August 26, 2014, Joe Zappa of the Illinois Environmental Protection Agency's ("Illinois EPA") Collinsville Regional Office inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.
5. That on 9-17-14, Illinois EPA sent this Administrative Citation via Certified Mail No. 7012 0470 0001 3000 9637.

VIOLATIONS

Based upon direct observations made by Joe Zappa during the course of his August 26, 2014 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014).

- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 10, 2014, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2014), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in

addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2014). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Lisa Bonnett ^{EBW}

Date:

9-15-14

Lisa Bonnett, Director
Illinois Environmental Protection Agency

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

REMITTANCE FORM

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SEP 19 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Complainant,)
v.)
RANDY KEBERCZKY,)
Respondent.)

AC 15-11
(IEPA No. 313-14-AC)

FACILITY: Pocahontas/Koberczky
SITE CODE NO.: 0050205015
COUNTY: Bond
CIVIL PENALTY: \$3,000.00
DATE OF INSPECTION: August 26, 2014

DATE REMITTED:
SS/FEIN NUMBER:
SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.

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CLERK'S OFFICE

SEP 19 2014

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:)	
)	
ILLINOIS ENVIRONMENTAL)	LPC# 0050205015 – Bond County
PROTECTION AGENCY,)	Pocahontas/Koberczky Property
Complainant)	Compliance File
)	
vs.)	
Randy Koberczky)	
)	
Respondent)	
)	
)	
)	

AC15-11

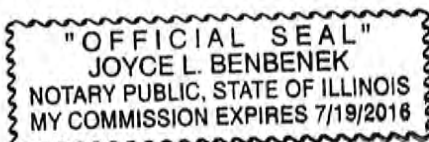
Affiant, Joe Zappa, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a Environmental Protection Specialist III employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On August 26, 2014 at approximately 2:00 p.m. and 2:30 p.m. conducted an inspection of the dump in Bond County, Illinois known as Pocahontas/Koberczky Property, Illinois Environmental Protection Agency Site No. LPC#0050205015.
3. Affiant inspected Pocahontas/Koberczky Property open dump site by an on-site inspection, which included walking and photographing the site.
4. As a result of the activities referred to in Paragraph 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 Odin/Burns Property open dump.

Joseph W Zappa

Subscribed and Sworn to before me

Joyce L. Benbenek
Notary Public



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
Open Dump Inspection Checklist**

County: Bond LPC#: 0050205015 Region: 6 - Collinsville
 Location/Site Name: Pocahontas/Koberczky Property
 Date: 08/26/2014 Time: From 2:00PM To 2:30PM Previous Inspection Date: 09/25/2013
 Inspector(s): Joe Zappa Weather: 97 degrees and the skies were clear
 No. of Photos Taken: # 6 Est. Amt. of Waste: 80 yds³ Samples Taken: Yes # No
 Interviewed: Randy Koberczky Complaint #:
 Latitude: 35.503879 Longitude: -89.312203 Collection Point Description: Other - Google Earth
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Map Interpolation

Responsible Party
Mailing Address(es)
and Phone Number(s):

Randy Koberczky
518 White Oak Ln.
Pocahontas, Illinois 62275

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STATE OF ILLINOIS
Pollution Control Board

	SECTION	DESCRIPTION	VIOL
ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	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	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>
	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>

LPC # 0050205015

Inspection Date: 08.26.2014

9.	55(a)	NO PERSON SHALL:	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input checked="" type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	NO PERSON SHALL:	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
ELECTRONIC PRODUCTS RECYCLING AND REUSE ACT REQUIREMENTS			
11.	95(a)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A COVERED ELECTRONIC DEVICE (CED) OR OTHER LISTED DEVICE WITH MUNICIPAL WASTE THAT IS INTENDED FOR DISPOSAL AT A LANDFILL	<input type="checkbox"/>
12.	95(b)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE DISPOSAL OF A CED OR OTHER LISTED DEVICE IN A SANITARY LANDFILL	<input type="checkbox"/>
13.	95(c)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE MIXING OF A CED OR OTHER LISTED DEVICE WITH WASTE THAT IS INTENDED FOR DISPOSAL BY BURNING OR INCINERATION	<input type="checkbox"/>
14.	95(d)	NO PERSON MAY KNOWINGLY CAUSE OR ALLOW THE BURNING OR INCINERATION OF A CED OR OTHER LISTED DEVICE	<input type="checkbox"/>
35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G			
15.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
16.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
17.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
18.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
19.	815.201	FAILURE TO FILE AN INITIAL FACILITY REPORT WITH THE AGENCY TO PROVIDE INFORMATION CONCERNING LOCATION AND DISPOSAL PRACTICES OF THE FACILITY	<input type="checkbox"/>
OTHER REQUIREMENTS			
20.		APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
21.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/1 et seq.; and The Electronic Products Recycling and Reuse Act: 415 ILCS 150/5 et seq.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- The provisions of subsection (p) of Section 21, subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of that Act or by complaint under Section 31 of that Act. Violation of the Electronic Products Recycling and Reuse Act shall be enforceable by administrative citation under Section 20(k) of that Act, or referral to the Attorney General, pursuant to Section 20(a) of that Act.
- This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d); and Section 20(a) of the Electronic Products Recycling and Reuse Act: 415 ILCS 150/20(a).
- Items marked with an "NE" were not evaluated at the time of this inspection.

0050205015-Bond County
Pocahontas/Koberczky Property
Prepared by: Joe Zappa
Date of Inspection: August 26, 2014

On January 10, 2013 site was inspected by the Illinois EPA. An ACWN was issued for open dumping of demolition debris, household garbage, and 40 used tires on January 16, 2013. Mr. Koberczky did not respond to the ACWN. Mr. Koberczky did not have garbage service and he was placing his household garbage in a pile behind his house.

On September 25, 2013, I conducted a follow up inspection. It appeared Mr. Koberczky was home but he would not come to his front door. I observed additional open dumping of household waste and tires in the front yard.

On August 26, 2014, I conducted a follow up inspection at 518 White Oak Lane Pocahontas, Illinois 62275. I arrived at the site at 2:00 p.m. According to Bond County records Mr. Randy Koberczky is the owner of this property. On August 26, 2014 the skies were clear, and it was 97 degrees outside.

I called the Sheriff's Department because in the past Mr. Koberczky had been a very angry and non-compliant man. He now has four dogs placed in his front yard so that I cannot gain entry to his back yard. Deputy Hill arrived at approximately 2:10 p. m.

I had parked in his driveway and went and knocked on his door but there was no one present. On the day of our inspection Deputy Hill advised me not to try and deal with the dogs because of the possibility of getting bitten. Deputy Hill explained to me to wait until I find him at home and then call the Sheriff's Department and they would come out and help with the dogs.

I conducted an inspection of the front yard. Six photographs were taken to depict the site. When I got out of the car I observed additional solid waste piled up in front of his house there is household garbage, plastic, demolition debris, beer cans, four dogs and additional 40 used waste tires. There was an additional 20 cubic yards in his front yard. Mr. Koberczky now has a burn pile in his front yard.

Mr. Koberczky has made it impossible to enter the back yard. Vegetation has grown over the large pile of household waste in the back yard. The four dogs were placed at the entries of the back yard.

Based on this August 26, 2014 inspection it appears that Mr. Koberczky is in continuing violations of : Illinois Environmental Protection Act (Act), Sections, 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1)(7), 55(a)(1), and 812.101(a).

Since my last inspection on September 25, 2013 open burning has occurred at the site. This is an apparent violation of 9(a), 9(c), and 21(p)(3) of the Act.

State of Illinois
Environmental Protection Agency
Facility Diagram

Date of Inspection: 08.26.2014 Inspector: Joe Zappa

Site Code: 0050205015 County: Bond

Site Name: Pocahontas/Koberczky Property Time: 2:00-2:30 pm

North
Pictures#





DIGITAL PHOTOGRAPHS File Names: 0050205015~08262014-001-002. jpg



Date:08/26/14
Time: 10:00 AM
Direction: S
Photo by: Zappa
Exposure #: 001
Comments: treated
lumber, plastic, solid
waste. A wide view or
angle of how the
whole front yard is.
The back yard was
worse on January 10,
2013.



Date: 08/26/14
Time: 2:06 PM
Direction: Down
Photo by: Zappa
Exposure #: 002
Comments: truck
liners thrown in the
weeds in the front
yard.



DIGITAL PHOTOGRAPHS File Names: 0050205015~08262014-003-004. jpg



Date:08/26/14
Time: 2:08PM
Direction: SW
Photo by: Zappa
Exposure #: 003
Comments:
Additional waste in the front yard. There are some used waste tires. General debris in front yard all over.



Date: 08/26/14
Time: 2:10 PM
Direction: S
Photo by: Zappa
Exposure #: 004
Comments:
Household garbage in front yard. Dog house in rear has the entrance blocked off. It's a jungle in the back yard.



DIGITAL PHOTOGRAPHS File Names: 0050205015~008262014-005-006. jpg



Date:08/26/14
Time: 2:12PM
Direction: On ground
Photo by: Zappa
Exposure #: 005
Comments: Stripped metal from trailer and left garbage on the ground.



Date: 08/26/14
Time: 2:15 PM
Direction: S
Photo by: Zappa
Exposure #: 0064
Comments: Open Burning in the front yard. Dog in the background blocking and entrance to the back yard.

PROOF OF SERVICE

I hereby certify that I did on the 17th day of September 2014, send by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST

To: Randy Koberczky
518 White Oaks Lane
Pocahontas, IL 62275

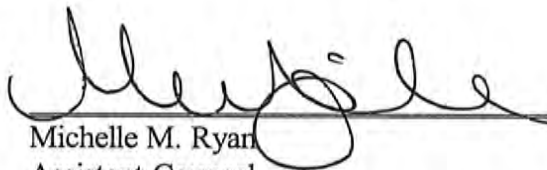
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SEP 19 2014

STATE OF ILLINOIS
Pollution Control Board

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid

To: John Therriault, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601


Michelle M. Ryan
Assistant Counsel

Illinois Environmental Protection Agency
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