

ILLINOIS POLLUTION CONTROL BOARD  
February 15, 1979

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 77-37  
 )  
JOHN DAUBS and DONALD GARRISON, )  
 )  
Respondents. )

MR. STEPHEN GROSSMARK, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. THEODORE VAN WINKEL, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT, MR. JOHN DAUBS.

MR. ROBERT D. ALBRIGHT, ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT, MR. DONALD GARRISON.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint originally filed on February 2, 1977 by the Environmental Protection Agency (Agency) against John Daubs. On March 30, 1978 an amended complaint adding Donald Garrison as a Respondent was filed. The amended complaint alleges that John Daubs has run a refuse disposal facility near Salem in Marion County, Illinois since on or about October 1, 1975 without a permit in violation of Section 21(e) of the Environmental Protection Act (Act), Rule 202 of the Board's Chapter 7: Solid Waste Regulations (Chapter 7), Rule 310(b) of Chapter 7 and Rule 305(c) of Chapter 7; and that Donald Garrison has operated the same refuse site before on or about October 1, 1975 in violation of Rule 305(c) of Chapter 7. Public hearings were held on June 27, 1977, June 6, 1978 and June 27, 1978. At the third day of hearings the parties all agreed to a stipulated settlement. There was no public comment.

The stipulated settlement reached by the parties provides the following facts. Mr. Donald Garrison owns thirty-five acres of land located in the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 13, Township 2 North, Range 2 East of the Third Principal Meridian in Macon [sic] County, Illinois. For two years prior to

October 1, 1975, Mr. Garrison operated a refuse disposal facility on the property in question. On October 1, 1975 Mr. Garrison and Mr. John Daubs entered into a lease agreement whereby Mr. Daubs leased the property from Mr. Garrison. From October 1, 1975 to January 17, 1978 Mr. Daubs operated a refuse disposal facility on the property. When Mr. Daubs took over the operation of the subject refuse disposal facility, portions of the land had not been covered with a compacted layer of not less than two feet of suitable material even though sixty days had elapsed since placement of final refuse had been made on those areas. Mr. Garrison admits that he is responsible for this final cover.

During the time Mr. Daubs operated a refuse disposal facility on the land he did not possess a properly issued operating permit even though he recognized the need to have one. During the period June 30, 1976 to November 4, 1976 Mr. Daubs accepted hazardous liquid wastes at the refuse disposal site without Agency authorization. When Mr. Daubs ceased operation of the site on January 17, 1978 portions of the land had not received proper final cover. Mr. Daubs admits these areas need final cover and they have not received final cover as of the filing of this statement (January 9, 1979).

Both Respondents agree that failure to comply with the Chapter 7 Regulations has caused environmental damage including the production and seepage of leachate. This creates the potential for injury to and interference with the health, general welfare and physical property of the people of the State of Illinois. The Agency recognizes the social and economic value of a properly operated refuse disposal facility; however, the parties agree that a facility which does not comply with regulations is of questionable social and economic value. Such a site is suitably located only if in compliance with the Act and Chapter 7. The parties further agree it is both technically practicable and economically reasonable to comply with the Act and Chapter 7. To prevent deriving economic benefit from noncompliance with the Act and Chapter 7 and to aid enforcement of the Act Mr. Daubs has agreed to a \$1000 penalty and Mr. Garrison has agreed to a \$100 penalty. Respondents are jointly and severally liable for placing final cover in accordance with the stipulated agreement. The closure requirements of Chapter 7 will be followed.

The Board finds the stipulated settlement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds John Daubs in violation of Rules 202, 305(c), and 310(b) and Section 21(e) of the Act and assesses a penalty of \$1000 for these violations. Donald Garrison is found in violation of Rule 305(c) of Chapter 7 and is assessed a penalty of \$100. Respondents will be required to comply with the terms of the stipulated settlement.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

#### ORDER

It is the Order of the Pollution Control Board that:

1. Respondent John Daubs is found in violation of Rules 202, 305(c) and 310(b) of the Chapter 7: Solid Waste Regulations and Section 21(e) of the Environmental Protection Act.
2. Respondent, Donald Garrison is found in violation of Rule 305(c) of Chapter 7.
3. Respondents shall cease and desist all future violations of the Act and Regulations.
4. Respondents shall comply with all terms of the stipulated settlement hereby incorporated by reference as if completely set forth herein.
5. John Daubs shall pay a penalty of \$1000 within forty-five days of this Order. Donald Garrison shall pay a penalty of \$100 within forty-five days of this Order. Payment shall be by certified check or money order payable to:

FISCAL SERVICES DIVISION  
Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15<sup>th</sup> day of February, 1979 by a vote of 3-0.

Christan L. Moffett/ss  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board