

1 BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

2

3 COUNTY OF JACKSON, ILLINOIS,)

4 Complainant,)

5 vs.)

) AC 96-57
) Administrative Citation

6 SOUTHERN ILLINOIS REGIONAL)

7 LANDFILL (DeSoto/SIRL Site))

8 Respondent.)

9

10 HEARING CONDUCTED AT THE JACKSON COUNTY COURTHOUSE

11 MURPHYSBORO, ILLINOIS

12 NOVEMBER 6, 1996, 10:00 A.M.

13

14

15 APPEARANCES

16 Chief Hearing Officer..... Mr. Michael L. Wallace

17 For the Complainant.....Mr. Daniel W. Brenner
 Assistant State's Attorney

18 For the Respondent.....Mr. Robert F. Dabbs, Jr.

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24 REPORTER: Leanne R. Mausey, RPR, CSR # 084-003338.

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1 MR. WALLACE: Pursuant to the direction of
2 the Illinois Pollution Control Board I now call
3 docket AC 96-57. This is the matter of the County of
4 Jackson, Illinois versus the Southern Illinois
5 Regional Landfill, the Desoto SIRL site. May we have
6 the appearances for the record, please. For the
7 county.

8 MR. BRENNER: My name is Daniel Brenner,
9 assistant state's attorney, County of Jackson.

10 THE COURT: And for the Southern Illinois
11 Regional Landfill.

12 MR. DABBS: Robert Dabbs, and I'm the
13 manager.

14 MR. WALLACE: Thank you. Are you going to
15 have witnesses today, Mr. Brenner?

16 MR. BRENNER: Yes. I have one witness, Mr.
17 Browning.

18 MR. WALLACE: Are you going to have any
19 witnesses? Are you going to be testifying for the
20 landfill?

21 MR. DABBS: I will be testifying for the
22 landfill.

23 MR. WALLACE: Would you gentlemen both
24 stand and raise your right hands.

1 GEORGE BROWNING and ROBERT DABBS
2 being first duly sworn to tell the truth, the whole
3 truth and nothing but the truth, testify, as follows:

4 MR. WALLACE: Do you wish to make an
5 opening statement?

6 MR. BRENNER: No. I'll proceed.

7 MR. WALLACE: You may proceed.

8 MR. BRENNER: I'd like to call George
9 Browning as my witness. Would you like him to sit
10 where.

11 MR. WALLACE: He can stay right there as
12 long as he speaks so we can all hear.

13 TESTIMONY OF MR. GEORGE BROWNING

14 DIRECT EXAMINATION

15 BY MR. BRENNER:

16 Q. Your name and occupation, sir?

17 A. George Browning. I'm an environmentalist
18 with the Jackson County Health Department.

19 Q. How long have you been so employed?

20 A. 16 years.

21 Q. In that capacity that you just testified?

22 A. Yes, sir.

23 Q. What do you do with your job?

24 A. Currently I inspect solid waste facilities

1 such as permitted sites like the Southern Illinois
2 Regional Landfill, also inspect illegal dump sites.
3 This is through a delegation agreement between
4 Jackson County and the Illinois EPA.

5 Q. Have you received any special training for
6 what you do?

7 A. Yes. I received training for nonhazardous
8 waste site inspections through the Illinois EPA and
9 have been conducting those inspection -- those type
10 of inspections since 1989.

11 Q. Any certifications or licenses pursuant to
12 that?

13 A. Right. I have a certification from the
14 Illinois EPA for those types of inspections.

15 Q. Are you familiar with the Jackson County
16 Landfill located in Desoto -- in and around the
17 Desoto area?

18 A. Yes. I am.

19 Q. Is it part of your regular duties to
20 conduct inspections of that landfill?

21 A. Yes.

22 Q. Are you familiar with the laws pertaining
23 to sanitary landfills?

24 A. Yes.

1 Q. Do you remember an inspection you made in
2 May of this year of the landfill?

3 A. Yes, sir. I do.

4 Q. Do you remember what the result of that
5 inspection was?

6 A. Yes. I do. There were some violations
7 present at that time that required additional action.

8 Q. Had you conducted previous inspections of
9 the landfill?

10 A. Yes.

11 Q. And what were the result of those?

12 A. The previous inspections prior to the May
13 1st inspection had some outstanding violations
14 present. Our procedure in the past has been to allow
15 the landfill some time to get those violations
16 corrected, and as long as they do then no further
17 action is necessary, but some of the violations noted
18 during the May 1st inspection indicated that those
19 previous violations had not been corrected in a
20 timely fashion and, therefore, we recommended
21 administrative citation.

22 Q. I'm going to offer for introduction
23 purposes Petitioner's Exhibit 1 for introduction.
24 Can you identify that document, please?

1 A. Yes, sir. It's a request to -- it's an
2 order from the Illinois Pollution Control Board
3 regarding an administrative citation.

4 Q. And I'm going to, if you don't mind, show
5 Mr. Dabbs the same order so he sees what we're
6 doing. Can you tell me what the order of the
7 pollution control board was?

8 A. That the landfill was being cited for two
9 violations with a penalty imposed of \$1,000.

10 Q. What were those violations?

11 A. Those violations -- I'd have to check on
12 it. It doesn't really spell it out on here. I'd
13 have to check on my notes. One was for uncovered
14 refuse from a previous operating day and leachate
15 entering the waters of the state.

16 Q. If I may I believe it does state in that
17 order right there I believe.

18 A. Oh, okay. You're right. Thank you.

19 Q. What were those?

20 A. Caused and allowed uncovered refuse to
21 remain from previous operating day, caused or allowed
22 litter to be uncollected and not contained after a --
23 in the previous operating day.

24 Q. Did you conduct those inspections which led

1 to those violations?

2 A. Yes. I did.

3 MR. BRENNER: If I may take that from you
4 so we can offer that. I'd like to offer that into
5 the record if I may.

6 MR. WALLACE: Any objection, Mr. Dabbs?

7 MR. DABBS: No.

8 MR. WALLACE: Petitioner's Exhibit 1 is
9 admitted.

10 Q. (MR. BRENNER CONTINUING) I'd like to offer
11 for introduction Petitioner's Exhibit No. 2. Can you
12 identify that document, please?

13 A. Yes. This is another order.

14 Q. What's the date of that order?

15 A. The date of this is May 20th.

16 Q. Was that pursuant to another inspection or
17 the same inspection as the last one?

18 A. This was for the inspection on May 17th.

19 Q. So it was subsequent to the last one we
20 just spoke about?

21 A. Um-hum.

22 Q. What were those violations?

23 A. That at this time --

24 Q. It's missing a page. I have the original

1 one back for you. What were those violations?

2 A. Caused or allowed refuse to remain from the
3 previous operating day and caused or allowed litter
4 to be uncollected and not contained from the previous
5 operating day.

6 Q. Did you conduct the inspections that led to
7 those violations?

8 A. Yes. This inspection was done on April
9 25th. I think the other one was done April 11th.

10 Q. We show Mr. Dabbs that because I will offer
11 this instead. That's the original, if you look that
12 over and make sure. Do you know if the fine has been
13 paid on either one of those?

14 A. I believe on the April 11th and the April
15 25th inspection, yes. Those fines were paid by the
16 landfill.

17 MR. BRENNER: I'd like to offer this into
18 evidence if I may, please.

19 Q. (MR. BRENNER CONTINUING) Going back to the
20 May 1st inspection. I'd like to also offer into
21 exhibit introduced -- I have enough copies here --
22 Petitioner's Exhibit No. 3. Mr. Dabbs, I have a set
23 for you. Mr. Browning, can you identify these
24 various documents?

1 A. Yes, sir. These are the photographs of the
2 landfill.

3 Q. What date were those photographs taken?

4 A. They were taken during the May 1st, 1996
5 inspection.

6 Q. Who took those photographs?

7 A. I did.

8 Q. Do those pictures fairly represent the
9 conditions of the day you took the photographs?

10 A. Yes, sir. I would say they do.

11 Q. Let's go through those, if you will. You
12 have them marked in order 1, 2, 3, 4?

13 A. That's correct.

14 Q. Can you explain for us what photographs 1
15 and 2 are showing?

16 A. Photographs 1 and 2 show the day's active
17 area where waste was being actively disposed of on
18 this date. That is the area that they were currently
19 utilizing.

20 Q. And that is within -- taken within the
21 landfill?

22 A. Yes, sir. That's correct.

23 Q. No. 2 is basically the same?

24 A. That's correct. Yes.

1 Q. 3 and 4, what are we seeing in 3 and 4?

2 A. Again, just another shot of the active
3 disposal area with some portions of that having areas
4 of exposed refuse from either the previous operating
5 day or another previous operating day.

6 Q. Do you know what time of the day those
7 photographs were taken?

8 A. Yes, sir. They were taken first thing in
9 the morning. The landfill's permit currently allows
10 them to be open from 6 A.M. to 6 P.M., but they
11 pretty much operate starting at 6:30 in the morning.

12 Q. Do you know approximately when those
13 pictures were taken?

14 A. Yes, sir.

15 Q. What time was that?

16 A. Well, this one was taken at 6:42 A.M.

17 Q. On May 1st?

18 A. On May 1st, yes, sir.

19 Q. Let's go now if we can to 5 and 6. Can you
20 explain for us what 5 and 6 are showing us?

21 A. Again, they're showing a photo in the
22 general direction of the active area to the south of
23 the active area for the May 1st date indicating again
24 a portion of uncovered refuse from a previous

1 operating day. And photo No. 6 shows some wind blown
2 litter material trapped in a tree which is at the
3 south edge of the landfill.

4 Q. Is there -- is it water in those photos?

5 A. There is -- there was -- at that time there
6 was a pond -- a small pond adjacent to this active
7 area.

8 Q. Is that a pond inside the landfill?

9 A. Yes, sir. It is.

10 Q. Within the permitted area?

11 A. Yes. That's correct.

12 Q. If we will move onto what are we on now 7
13 and 8. Could you explain to us what those are?

14 A. Again, both of those photos are just
15 depicting some litter material, some wind blown
16 litter material caught in the trees and along the
17 southern edge of the landfill property.

18 Q. Did you make a close inspection of what
19 that litter was? What was contained in that? What
20 did that consist of?

21 A. Primarily it was paper, plastic bags,
22 lighter material that has a tendency to escape
23 sometimes from the active area during disposal
24 activities, during daily operations.

1 Q. Do you remember if it was windy that day?

2 A. I don't recall that it was necessarily
3 windy on this particular day. Because of this being
4 the first thing in the morning, this would pretty
5 much indicate that this had been there from the
6 previous day of my observations.

7 Q. Let's move on if we can to 9 and 10.

8 A. Um-hum.

9 Q. What are we seeing there in 9 and 10?

10 A. This is an area moving more towards the
11 front of the landfill near the entrance. This is an
12 area that has had in the past some problem with
13 leachate seeping to the ground surface, and this is
14 next to the main haul road going back to the active
15 area which we saw in the previous photos, you know.
16 Vehicles have to drive past this in and out during
17 the day and this leachate material was coming to the
18 surface and, therefore, constitutes a violation.

19 Q. That particular area, is that covered --
20 some kind of permanent cover?

21 A. Well, this is actually located in the older
22 portion of the landfill and is no longer receiving
23 waste and had been in the process of having some
24 final cover material put in place. This particular

1 area, however, had not had any work done on it yet.

2 Q. So that is some kind of final cover is what
3 we're looking at?

4 A. Well, I would say it's more intermediate
5 than final. They had not got a final cover material
6 on there yet, but there is no trash there right now.
7 It's just coming up through the soil.

8 Q. If you will move onto 11 and 12. Can you
9 explain for us what those are?

10 A. Again, this is just another shot. There
11 were multiple leachate seeps coming up out of this
12 area at that time, and this is another spot or
13 location where leachate was coming to the ground
14 surface, both of those photos indicating additional
15 leachate seeps.

16 Q. And is this in the same general area --

17 A. Yes, sir.

18 Q. -- of photographs 9 and 10?

19 A. That's correct. It is in the same vicinity
20 of this location.

21 Q. Let's look at 13 and 14.

22 A. 13 and 14, again, this area is located on a
23 -- next to the road, and a few yards from this area
24 the ground tends to slope downward down a hillside to

1 a lake that's located on the landfill property, and
2 along the edge of that hillside was another seep
3 probably being fed -- at least apparently in my
4 opinion being fed by these smaller seeps up on the
5 road to create this ponding and pooling and also
6 runoff of leachate that you can see in pictures 13
7 and 14.

8 Q. So that's a depiction of this runoff?

9 A. Yes, and again, it is going downhill down
10 to the --

11 Q. What are some of the items you are seeing
12 in 13 and 14?

13 A. Well, primarily you're seeing just pooling
14 of this leachate material. It had a very strong
15 odor, you know, dark in color, rather thick and
16 almost gelatinous in some spots, you know. If you
17 move it around with a stick it is a very thick
18 material.

19 Q. Is there any refuse or waste present there?

20 A. Not really in this area, in this portion
21 here. It's mostly just surface material or some
22 rocks and things in there but there wasn't really not
23 any waste or garbage or trash in this location.

24 Q. What about 15 and 16?

1 A. This again is further down the hillside as
2 we travel closer to this body of water which again is
3 located on the landfill property, an old strip mine
4 lake, if you will, and this material then did
5 complete its journey all the way down into this water
6 of the state and we traced it all the way down to
7 that water.

8 Q. So 15 and 16 are showing the --

9 A. Right. Again, you can see -- actually
10 picture 17 shows it a little bit better of where the
11 drainage material from 13 and 14 has traveled and has
12 gotten right to or into the waters of the state, and
13 picture 18 I collected a sample from that location.

14 MR. BRENNER: If I may, let me show these
15 originals to Mr. Dabbs for his inspection. Mr.
16 Wallace, I'd like to enter these into the record, if
17 I may, please.

18 Q. (MR. BRENNER CONTINUING) On this
19 inspection of May 1st does the landfill operate out
20 of several cells at once or one cell at a time?

21 A. Pretty much at this time they're operating
22 -- they have two cells developed down there to meet
23 the new federal subtitle lease standards, and that is
24 the area they were working in. That's the only spot

1 they can actually dispose of.

2 Q. On those prior violations that we talked
3 about 96-48 and 96-49, on your May 1st inspection, is
4 that the same site, same cell, the same area as the
5 previous violations?

6 A. It was in the same cell. Of course, the
7 daily active area changes throughout days and weeks,
8 of course, and each day they're going to have filled
9 a portion and they may move to another spot, but it's
10 still going to be in the same general southwest
11 corner of the landfill.

12 Q. Do you recall what the weather was like the
13 day of your inspection on May 1st?

14 A. That particular day it was dry.

15 Q. Do you recall if there had been any rain
16 the day before or the week before, do you recall at
17 all?

18 A. There probably had been some rain
19 activity. I'm not sure of the exact. . .

20 Q. Do you remember what the temperature was
21 like?

22 A. It was a fairly warm day.

23 Q. And had it been warm for -- if you could
24 recall that, do you recall what the temperature was?

1 A. I can't recall the long-term temperature.

2 I don't think we had a whole lot of rain.

3 Q. Do you recall if there had been a hard
4 freeze or anything --

5 A. No.

6 Q. -- in the evening prior to that?

7 A. No, sir, definitely not.

8 Q. You mentioned this landfill has a permit to
9 operate that particular cell?

10 A. Yes. They do.

11 Q. Do you know if their permit allows them to
12 leave -- to have a portion of their priorities
13 operation uncovered?

14 A. No. The only thing that we had given them
15 some latitude on during cell development was to leave
16 a portion of the outer edge uncovered until they had
17 actually built what they call a lift -- several lifts
18 of waste, but at the time these were taken that had
19 pretty much been completed so the material that was
20 left uncovered should not have been.

21 Q. In your opinion are any of these alleged
22 violations due to uncontrollable circumstances?

23 A. No, none that I can think of in my opinion.

24 Q. On your inspection on May 1st did you talk

1 to the site manager?

2 A. Yes.

3 Q. And who was that?

4 A. Bob Dabbs, manager.

5 Q. Do you know what was spoke?

6 A. We just discussed these violations and the
7 problems that I had observed, and he was made aware
8 of those and indicated that he would take appropriate
9 action.

10 Q. Being -- was that specified?

11 A. Well, I think he talked about just applying
12 better cover material and doing something with the
13 leachate problem going into the waters of the state
14 and adequate cover material being placed on the
15 active areas.

16 Q. Have you conducted subsequent inspections
17 since May 1st of that particular area of the
18 landfill?

19 A. Yes, sir. I have.

20 Q. Has the problem been corrected in your
21 opinion?

22 A. Yes, sir. It has.

23 Q. All the problems have been corrected?

24 A. Yes.

1 MR. BRENNER: That's all the questions I
2 have for Mr. Browning.

3 MR. WALLACE: Mr. Dabbs, do you have any
4 questions that you wish to ask Mr. Browning.

5 MR. DABBS: Yes. Three days before the May
6 1st inspection we did receive 4.85 inches of rain.
7 The month of April we received 12.82.

8 MR. WALLACE: Excuse me. You can make
9 statements later, but right now if you have any
10 questions you want to ask Mr. Browning?

11 MR. DABBS: No.

12 CROSS EXAMINATION

13 BY MR. WALLACE:

14 Q. Mr. Browning, on photograph 18.

15 A. Yes, sir.

16 Q. Is that you taking that sample?

17 A. Yes, sir. It is.

18 Q. Who took the photo then?

19 A. That particular photo I guess was taken by
20 another EPA inspector who was with me.

21 Q. That was still on May the 1st though?

22 A. Yes, sir. Correct. Rex Burmeister with
23 the Springfield office was accompanying me on that
24 inspection and he did take that one photo,

1 B-u-r-m-e-i-s-t-e-r I believe.

2 Q. And picture 17 and 18, do you show the
3 leachate reaching that pond or does it? In your
4 visual inspection did the leachate --

5 A. Yes. It had reached it, and there was
6 evidence on the ground surface and the soil that was
7 there that it had reached it and was actually
8 continuing to reach it during this inspection.

9 Q. The pond is still there?

10 A. Yes, sir. It is.

11 Q. Does it serve a purpose or is it part of
12 the pond?

13 A. The pond itself?

14 Q. Yeah. Was it just there when the landfill
15 started?

16 A. Right. This property had been in years
17 past a coal mine site and that was a strip pit, you
18 know, pond that usually is left, and there are
19 actually two large -- well, one large one and one
20 medium size lake on that property.

21 Q. So the depth may be fairly great?

22 A. Yeah. I'm not exactly sure. Bob could
23 probably say what the actual depth is, but it's
24 variable.

1 Q. Do you know if the landfill has any
2 leachate control?

3 A. They do have a leachate collection system
4 in place for the new subtitle D development areas,
5 but because this is located in an older portion
6 permitted under 807 regulations, it did not have a
7 leachate collection system in place, does not have,
8 and that's one of the problems. Again, occasionally
9 older sites like that you will get some seepage.

10 MR. WALLACE: Thank you. Mr. Brenner.

11 MR. BRENNER: If I may, I have just a few
12 questions for Mr. Dabbs.

13 TESTIMONY OF MR. ROBERT DABBS

14 DIRECT EXAMINATION

15 BY MR. BRENNER:

16 Q. Your name and occupation, sir?

17 A. Robert Dabbs. I'm district manager for
18 Continental Waste Industries, and I manage the
19 Jackson County Landfill.

20 Q. And how long have you been so employed in
21 that capacity?

22 A. I've been with Continental Waste for a
23 little over ten years, and I've been managing this
24 landfill for almost four years now.

1 Q. And so you've had prior experience with
2 landfills prior to this one?

3 A. Yes.

4 Q. Have you had any special training for this
5 kind of work?

6 A. Yes.

7 Q. What kind of training is that?

8 A. I've been to several seminars at different
9 universities, and I'm also licensed with the state of
10 Illinois as a class A special waste operator.

11 Q. And what are generally your job duties each
12 day?

13 A. Daily operations of the landfill, and I
14 oversee construction of building new cells.

15 Q. Are you aware of the circumstances of these
16 violations we're talking about today?

17 A. Yes.

18 Q. Were you there that day that Mr. Browning
19 was out there on May 1st?

20 A. Yes.

21 Q. You spoke -- did you speak to him?

22 A. Yeah.

23 Q. Did you acknowledge to him that there was
24 violations at that time?

1 A. Yes.

2 Q. Do you know what those violations that he
3 told you they were?

4 A. Yes.

5 Q. Can you tell us what they were?

6 A. The wind blown litter refuse and standing
7 water leachate going to the -- seeping from the old
8 landfill into the strip cut and daily -- oh,
9 uncovered garbage from the previous operating day.

10 Q. So you acknowledge those as situations that
11 existed at that time?

12 A. Yes.

13 Q. And did you say anything else to him?

14 A. I said I would correct the problem
15 immediately.

16 Q. And apparently you did?

17 A. Yes.

18 Q. The landfill has addressed this. What is
19 your usual practice with regard to daily cover?

20 A. Six inches of soil.

21 Q. Do you have any other temporary means?

22 A. Yeah. We can cover it with a silt woven
23 tarp or we can use shredded tires to cover it, too.

24 Q. Were any of those temporary measures

1 instituted on this particular day or the day before?

2 A. I don't recall if we used the alternative
3 material. I don't recall.

4 Q. Do you have those alternative materials on
5 site all the time?

6 A. Yeah -- no, not the tire chips, but the
7 silt woven fabric, I have that.

8 Q. Do you remember what the weather conditions
9 were on May 1st and the day before?

10 A. It was dry that day. The day before there
11 was no rain, but three days before the inspection,
12 like I said earlier, there was 4.85 inches of rain
13 that day.

14 Q. What do you normally do when it rains
15 heavy?

16 A. We do the best we can. There is really not
17 a whole lot we can do other than use chains and drag
18 trucks in and out of the place so we can operate.

19 Q. Do you have to hire any extra help to
20 addressing those problems when there is a lot of
21 rain?

22 A. No. We have our own construction crew out
23 there. When it rains that heavy it usually shuts us
24 down as far as the equipment.

1 Q. Do you still accept refuse?

2 A. Yeah.

3 Q. What happens with that if your equipment is
4 shut down and you can't move the refuse around?

5 A. Well, we use dozers and chains and we drag
6 vehicles up to the active area.

7 Q. What do you do about cover?

8 A. We still do cover. We use -- what we'll
9 do, before it rains we'll stock pile cover in the
10 area so we don't -- so we don't have to haul it that
11 day so it's there so a dozer can cover it up.

12 Q. Mr. Browning, you testified into the record
13 here today there are two prior violations within the
14 last two months prior to this May 1st inspection. Do
15 you know if those fines have been paid?

16 A. Yeah. I personally paid them.

17 Q. They have been paid?

18 A. Yeah.

19 MR. BRENNER: I don't have any more
20 questions for Mr. Dabbs and I'll rest.

21 MR. WALLACE: Did you have any objections
22 to Exhibits 2 and 3, the second order and the
23 photographs?

24 MR. DABBS: On 2 and 3, the photographs?

1 MR. WALLACE: No, Exhibit 2 is another
2 order of pollution control.

3 MR. DABBS: No.

4 MR. WALLACE: Petitioner's Exhibit 2 is
5 admitted into evidence, and then on the photographs
6 which have been marked as Petitioner's Exhibit 3, do
7 you have any objection to these photographs?

8 MR. DABBS: No.

9 MR. WALLACE: Petitioner's Exhibit 3 is
10 also admitted into evidence. Mr. Dabbs, if you wish
11 to testify on behalf of the landfill, you may do so.
12 You've already given your name and title, so if you
13 have a statement that you wish to give, please, do
14 so.

15 MR. DABBS: With the leachate outbreak
16 flowing into the state of the waters, we do have a
17 permit to drain that lake through the Army Corps of
18 Engineers. That lake is surrounded by our landfill
19 -- three sides of it is surrounded, so I'm sure to
20 this day if there is some leachate that is escaping
21 into the water. The lake is 40 feet deep, and since
22 then the seep in that north area has been corrected.
23 We are placing final cover on the landfill, and it is
24 being engineered tested as it is being placed and

1 it's also being lined with a plastic liner.

2 MR. WALLACE: What's being lined?

3 MR. DABBS: The old landfill.

4 MR. WALLACE: Please, continue.

5 MR. DABBS: As far as the other violations
6 we did receive a lot of rain in the month of April.
7 Construction was down and we had a fairly tough time
8 operating the landfill through the month of April
9 with all the rain, and there was just certain things
10 we could not control such as ponding of water in
11 certain areas, and I do recall there was some days
12 where we did have very high winds. I think one of
13 those days we actually had winds up to 40 miles an
14 hour. I know that paper was blown from the landfill
15 at least a quarter mile off of our property. There
16 was times I shut down our trucking company and had at
17 least 15 to 20 guys picking up paper throughout
18 people's yards across fields. It was just a matter
19 of time. We could not contain all of the litter by
20 the end of the operating day. It was nearly
21 impossible but we did our best.

22 MR. WALLACE: Please, continue.

23 MR. DABBS: As far as the uncovered refuse,
24 with all the rain that we had that month it was

1 actually like smearing mud over the garbage, and
2 again, we did the best we could do. I understand
3 what George is saying. Yes. You could see the
4 litter poking up through the dirt material, and we
5 just did the best we could that month, and that's
6 about all I have to say about this inspection.

7 MR. WALLACE: Does that conclude your
8 statement then? Is there anything else you wish to
9 put into the record on behalf of the landfill?

10 MR. DABBS: No.

11 MR. WALLACE: Mr. Brenner, do you have any
12 cross?

13 MR. BRENNER: No. I don't have any
14 questions for him.

15 CROSS EXAMINATION

16 BY MR. WALLACE:

17 Q. Mr. Dabbs, you said the corps of engineers
18 allowed you to do what to this lake?

19 A. We have a permit to drain it and that is
20 part of the landfill expansion. That's considered
21 phase three. We're going to drain it and we're going
22 to fill it full of clay, and we're going to line it.
23 We're going to landfill it and we do have a permit to
24 drain it.

1 Q. How large is that lake?

2 A. I want to say it's eight acres.

3 Q. And so it's going to be drained and become
4 part of the landfill?

5 A. Yes. It is.

6 Q. A continuing cell process that Mr. Browning
7 mentioned?

8 A. Yes.

9 Q. In terms of putting in the liner in the
10 landfill, does that control the seepage down to this
11 lake at this time?

12 A. That area is not lined right now. The clay
13 is on it. I'm still waiting for a liner crew to come
14 in. Most of the old landfill is lined right now but
15 I'm still waiting on the liner crew. Yes. That will
16 take care of the problem. It will stop water from
17 filtering through the old landfill, and as soon as
18 water comes in contact it will run off site.

19 Q. In terms of the blowing debris and the
20 cover during the time of rain, do you make any
21 provisions to have any cover available if the
22 conditions do become muddy and you're unable to get
23 to your equipment moving?

24 A. Yeah. We look out for the weather, see

1 when the rain is coming, and like I said earlier,
2 we'll stock pile dirt in a general area adjacent to
3 the active area, so we do have a way for a dozer to
4 track back and shove it over the active phase to
5 cover it.

6 Q. But you continue to operate in the rain?

7 A. Yes.

8 Q. Do you have to completely shut down?

9 A. We only shut down the construction part of
10 it because the rubber tire machines will not go
11 through the mud and the water. Only track machines
12 will go through the landfill, dozers.

13 Q. Well, if you continue to accept refuse
14 during rainy conditions then doesn't that present
15 problems in getting that into the active area and
16 covered?

17 A. Yeah, but as far as southern Illinois there
18 is very few landfills, and it would not be good for
19 the area for us to completely shut down the landfill
20 and not accept waste there. The only time we do not
21 accept it is on Sunday and major holidays.

22 Q. How big of an active area do you work
23 everyday?

24 A. Probably a 70 to a hundred foot wide by

1 maybe 200 or 150 feet long area.

2 Q. So you start your morning by scraping cover
3 off?

4 A. Yes.

5 MR. WALLACE: Thank you, Mr. Dabbs.
6 Anything further, Mr. Brenner?

7 MR. BRENNER: No, no, in terms of
8 testimony, no.

9 MR. WALLACE: Mr. Dabbs, anything further
10 from the landfill?

11 MR. DABBS: No, sir.

12 MR. WALLACE: Do you wish to make a closing
13 statement at all?

14 MR. BRENNER: All I would say to be very
15 brief, if I may, Mr. Dabbs and I think Mr. Browning
16 here has testified to this, has acknowledged these
17 violations. I think the issue in this case becomes
18 whether there is some sort of uncontrollable
19 circumstance, and I believe there has been evidence
20 suggesting that that is not the case and, therefore,
21 we ask that the charges be sustained for all four of
22 them that we have alleged and that's all I have.

23 MR. WALLACE: Mr. Dabbs, closing statement
24 on behalf of the landfill?

1 MR. DABBS: Like I said, it was a tough
2 month, and we have corrected all of these problems.
3 We have repaired our fencing that contains the litter
4 while it's blowing, but during this month with the
5 high winds I don't care what kind of fencing you
6 have, nothing is going to stop this garbage from
7 blowing off the property and all over the place.
8 There is just no way you can control it, so I would
9 ask that at least that finding be dropped from the
10 landfill.

11 MR. WALLACE: That will -- your statement
12 is part of the record. If there is nothing further,
13 this hearing is closed. Thank you.

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF WILLIAMSON)

3

4 I, LEANNE R. MAUSEY, a Notary Public in and for
5 the County of Williamson, State of Illinois, DO
6 HEREBY CERTIFY that I was personally present at the
7 Illinois Pollution Control Board hearing at the time
8 and place set forth in the caption sheet hereof, that
9 the witnesses were first duly sworn to testify the
10 truth, the whole truth, and nothing but the truth of
11 their knowledge touching and concerning the matters
12 in this cause, and that I took down in stenotype the
13 questions propounded to the witnesses and the answers
14 given, and that the foregoing is a full and correct
15 transcript of such stenotype notes so made at such
16 time and place.

17 IN WITNESS WHEREOF, I have hereunto subscribed
18 my name and affixed my Notarial Seal on the day
19 of , 1996.

20

LEANNE R. MAUSEY, CSR, RPR
NOTARY PUBLIC

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