

SUMMARY STATEMENT

DEQ v. Gibson

Docket No. 46217

The Idaho Supreme Court affirmed an Ada County district court's judgment entered against David Gibson and VHS Properties, LLC. In March 2015, the Department of Environmental Quality ("DEQ") brought a civil enforcement action under the Environmental Protection and Health Act against David Gibson and VHS Properties for operating a composting facility without complying with state regulations. After a three-day bench trial in 2017, the district court determined that Gibson was operating a Tier II Solid Waste Processing Facility without DEQ's prior approval in violation of the Solid Waste Management Rules. The district court assessed a civil penalty and issued an injunction. Gibson appealed, raising numerous issues regarding DEQ's authority to regulate compost and its inspection of the property. In addition to responding to Gibson's arguments, DEQ argued that Gibson's appeal was partially time-barred. The Idaho Supreme Court determined that Gibson's appeal was not partially time-barred. The Court also determined that DEQ did not illegally inspect the property and its enforcement action was not barred by a statute of repose. Lastly, the Court held that the district court's findings of fact and conclusions of law were supported by substantial and competent evidence and sound legal reasoning. Accordingly, the Court affirmed the judgment of the district court, The Court awarded costs and partial attorney's fees to DEQ upon concluding that a number of Gibson's arguments were without a reasonable basis in law or fact.