

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE ORDER**

IN THE MATTER OF: TROY SEDORE Van Buren County	ADMINISTRATIVE ORDER NO. 2025-SW- 03 NO. 2025-AQ- 06 NO. 2025-WW- 06
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To: Troy Sedore
Sedore Sanitation and Recycling
28942 Hwy. 16
Stockport, Iowa 52651

I. SUMMARY

This Administrative Order (“Order”) requires Troy Sedore d.b.a. Sedore Sanitation and Recycling (Mr. Sedore) to comply with the provisions of Section V of this Order.

Questions regarding this Order should be directed to:

Relating to technical requirements:

Kurt Levetzow, Supervisor
DNR Field Office 6
Iowa Department of Natural Resources
1023 W. Madison
Washington, IA 52353
(319) 653-2135

Relating to legal requirements:

Noah Poppelreiter
Attorney, DNR Legal Services
Iowa Dept. of Natural Resources
6200 Park Ave., Ste. 2
Des Moines, IA 50321
(515) 669-8752

Send payment of penalty to:

Director of the Iowa DNR
Iowa Dept. of Natural Resources
6200 Park Ave., Ste. 2
Des Moines, IA 50321

II. JURISDICTION

This Order is issued pursuant to Iowa Code section 455B.138, which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II, Part 1 and the rules adopted or permits issued pursuant thereto; Iowa Code section 455B.175(1), which authorizes the Director of the DNR to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1 and the rules adopted or permits issued pursuant thereto; Iowa Code section 455B.307(2), which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division IV, Part 1 and the rules adopted or permits issued pursuant thereto; Iowa Code section 455D.23 which authorizes the Director to issue

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any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455D and the rules adopted or permits issued pursuant thereto; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (“IAC”) chapter 10, which authorize the Director to assess administrative penalties.

III. STATEMENT OF FACTS

Location and Ownership

1. Mr. Sedore owns and operates a solid waste hauling, recycling, and transfer business, providing solid waste collection and transport services in Van Buren County and surrounding areas.

2. Mr. Sedore owns and operates a property containing a large metal industrial structure located at or about 28942 Highway 16, Stockport, Iowa (Facility).

3. Since at least 2013, Mr. Sedore has used the Facility in some capacity as a solid waste transfer station.

4. Between May 22, 2013 and August 26, 2024, the corporate entity that owned Mr. Sedore’s solid waste business was lawfully incorporated in the State of Iowa under the legal name “Sedore Inc.” Mr. Sedore was the president, registered agent, and primary stakeholder of Sedore Inc.

5. On August 27, 2024, Sedore Inc. (d.b.a. Sedore Sanitation and Recycling and d.b.a. Sedore Trash Removal) was administratively dissolved by the Iowa Secretary of State pursuant to Iowa Code section 490.1622. Prior to this dissolution, Mr. Sedore was responsible for the day-to-day activities of Sedore Inc. and there was a nexus between the actions of Sedore Inc. and Mr. Sedore’s personal actions in administering the company, both in violation of laws of Iowa as detailed in this Order; and Mr. Sedore’s action and inaction as the administrator of the corporation facilitated the violations detailed in this Order. Therefore, this Order is issued to Mr. Sedore in both his capacity as the responsible corporate officer of Sedore Inc. and in his individual capacity as the owner and operator of the Facility.

Procedural History and incorporation of facts

6. On August 29, 2014, the DNR issued Sedore Inc. a solid waste transfer permit. Mr. Sedore was listed as the Responsible Official on that permit.

7. On September 29, 2015, the DNR issued to Sedore Inc. Administrative Order 2015-SW-05 et. al., revoking Mr. Sedore’s transfer station permit, requiring the Facility to close, requiring Sedore Inc. to obtain a National Pollution Elimination Discharge System (NPDES) permit to operate an industrial recycling facility, cease dumping and burning of solid waste at the Facility and elsewhere, ordering the payment of an administrative penalty, and imposed other requirements as detailed in that Order.

8. On November 24, 2015, Sedore Inc. filed a timely appeal of the 2015 Order.

9. On February 9, 2016, Sedore Inc., with Mr. Sedore as the order’s signor, and the DNR settled the appeal by entering into Administrative Consent Order 2016-SW-02 et. al. The 2016 Order rescinded the 2015 order, but revoked the transfer station permit, required the removal of solid waste at the Facility, required Sedore Inc. to stop the deposition and burning of solid waste

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at the Facility and elsewhere, pay an administrative penalty, and imposed other requirements as detailed in that order.

10. Sedore Inc. failed to comply with the terms of the 2016 Order. In response, the DNR filed a civil action in the Iowa District Court for Van Buren County. See case no. EQEQ026163.

11. On January 13, 2017, the District Court issued a partial summary judgement in that case, ordering Sedore Inc. to immediately cease operation of the Facility as a solid waste transfer station, lawfully dispose of all solid waste located at the Facility, and other requirements as detailed in the summary judgment order.

12. Sedore Inc. failed to comply with the summary judgment order, specifically, by failing to close the Facility's transfer station and by failing to lawfully dispose of solid waste at the Facility. On September 22, 2017, the Court held Mr. Sedore in contempt of court for this failure, sentencing Mr. Sedore to 30 days in the Van Buren County Jail and ordering a fine.

2023-2024 developments

13. In 2023 and 2024, the DNR received complaints regarding the Facility from both the public at large and from regulated industry stakeholders in the area serviced by the Facility. These complaints stated that Mr. Sedore was once again operating the Facility as a transfer station and depositing solid waste at the Facility.

14. Throughout 2023 and 2024, the DNR conducted an ongoing investigation of the Facility.

15. Specifically, the DNR gathered evidence showing packer-truck style vehicles entering the Facility and roll-off type vehicles leaving the Facility. Based on this evidence, the DNR applied for a search warrant to investigate the premises. The DNR presented the search warrant on October 2, 2023; Mr. Sedore consented to the investigation of the Facility. The DNR documented a notable absence of solid waste in the main structure at the facility.

16. Throughout 2024, the DNR engaged in informal communications with Mr. Sedore in an attempt to bring the Facility into compliance with solid waste regulations.

2025 developments

17. On January 20, 2025, the DNR received a complaint from the neighbor of the Facility that the building at the Facility had caught fire and burned to the ground.

18. Through its investigation of the Facility on January 22, 2025, and through interactions with local law enforcement, the DNR gathered evidence of the following:

19. First, evidence shows Mr. Sedore was depositing, dumping, storing, and sorting solid waste at the Facility. Notably, significant amounts of solid waste had been accumulated since the DNR presented the search warrant in 2023. Mr. Sedore was depositing the waste to sort through it; separating out the metal and other valuable materials to sell, and then disposing of the rest of the waste both on and off site. In this manner, Mr. Sedore was using the Facility as a transfer station, as a metal recycling center, and otherwise as an illegal solid waste disposal facility.

20. Second, evidence shows that Mr. Sedore allowed, caused, and/or permitted opening burning of solid waste at the Facility. This includes both evidence of a burn pit at the Facility and evidence of the open burning of solid waste as a result of the January 20 fire.

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21. Third, Mr. Sedore failed to renew the Facility's coverage under Iowa DNR National Pollutant Discharge Elimination System General Permit #1 (NPDES GP #1), which authorizes the discharge of stormwater associated with industrial activities, including but not limited to metal recycling activities. Evidence shows that stormwater and firefighting runoff from the Facility reached the farm pond on the property to the east of the Facility. Field and lab results of samples of effluent taken from the Facility after firefighting activities showed pH levels of approximately 3.5, as well as the presence of motor oil in the water. The pond is a water of the state.

22. Finally, Mr. Sedore had stockpiled over 500 passenger tire equivalents at the Facility.

23. On January 30, 2025, the DNR issued Mr. Sedore a Notice of Violation for failure to comply with Iowa's solid waste, air quality, and water quality laws.

IV. CONCLUSIONS OF LAW

The following Conclusions of Law are applicable to this matter:

1. Iowa Code section 455B.133 authorizes the Commission to adopt rules to abate and prevent air pollution. The Commission has adopted 567 IAC Chapters 20 through 33 related to air quality. 567 IAC 23.2(1) prohibits any person from burning combustible materials, subject to certain exceptions. The facts of this case do not meet any of the listed exceptions. See 567 IAC 23.2(3). The facts of this case show Mr. Sedore was in violation of this law.

2. Iowa Code section 455B.186 and 567 IAC 62.1(1) prohibit the discharge of pollutants into water of the state, except for adequately treated pollutants discharged pursuant to a permit from the DNR. Pollutants generated at the Facility discharged to the pond on adjacent property. The discharge was not allowed under the NPDES GP #1 or any other permit. These facts indicate a violation of these laws.

3. Iowa Code section 455B.304 provides that the Commission shall establish rules governing the handling and disposal of solid waste. The Commission has adopted 567 IAC chapters 100 through 123.

4. Iowa Code section 455B.307(1) and 567 IAC 100.4 prohibit the dumping or depositing of any solid waste in an area other than at a solid waste disposal project. The facts of this case show a violation of these laws.

5. Pursuant to Iowa Code section 455B.301 and 567 IAC 106.2, a transfer station is a solid waste disposal project. 567 IAC 102.1 prohibits the operation of a sanitary disposal project without a permit issued by the DNR, and 567 IAC 106.3(1) expressly prohibits the construction and operation of a transfer station without a permit. The facts of this case show that Mr. Sedore has built and operated the Facility as a transfer station in violation of these laws.

6. Iowa Code section 455D.11 prohibits the land disposal of tires in whole or other forms, and directs the Commission to promulgate rules governing waste tires. 567 IAC 117.3 prohibits the land disposal of tires in whole or other forms. Additionally, 567 IAC 117.4(1) prohibits any person from storing over 500 tires without a permit. The facts of this case show a violation of these laws.

7. Iowa Code section 455B.109 and 567 IAC chapter 10 authorize the DNR to assess administrative penalties for violations of the laws and rules under the DNR's jurisdiction.

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V. ORDER

THEREFORE, the DNR orders Mr. Sedore, and to include any business now or in the future owned and/or operated by Mr. Sedore, to do the following:

1. Mr. Mr. Sedore shall immediately cease all operations that constitute the use of the Facility or any other location as a solid waste transfer station, except for lawful cleanup activities taken to comply with paragraph 2 of this section. Subsequent operation of the Facility as a solid waste transfer station, absent a permit lawfully issued by the DNR, shall be a violation of this Order. Through this provision, Mr. Sedore is prohibited from using the Facility in any manner that involves solid waste transport vehicles, except for the maintenance or parking of those vehicles. This includes, but is not limited to, transferring solid waste from one vehicle to another vehicle.

2. Within 60 days of the date of this Order, Mr. Sedore shall remove and lawfully dispose of all remaining solid waste at the Facility, including but not limited to any ash and other waste residue from open burning activities, and any tires remaining on the property. Mr. Sedore shall provide evidence to DNR Field Office 6 to sufficiently show compliance with this paragraph, including but not limited to landfill receipts and pictures of the Facility.

3. Mr. Sedore shall not dump, deposit, dispose of, store, sort, or transfer any solid waste at the Facility, either temporarily or permanently, without a solid waste disposal permit or as otherwise allowed by law.

4. Mr. Sedore shall not burn combustible materials at the Facility, except as lawfully allowed.

5. Mr. Sedore shall not discharge pollutants to a water of the state. Additionally, Mr. Sedore shall not operate the Facility as a recycling center or any other type of business in any manner that discharges wastewater without first obtaining a wastewater operation permit.

6. Mr. Sedore shall remediate all contaminated soil on the property to prevent contamination of groundwater and further discharges of pollutants to a water of the state. Mr. Sedore shall provide evidence of excavated soil and other necessary site work to DNR Field Office 6 to sufficiently show compliance with this paragraph.

7. Within 60 days of the date this Order is signed, Mr. Sedore shall pay a \$10,000 administrative penalty.

VI. PENALTY

1. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000.00 that may be assessed administratively. The Commission has adopted this schedule with procedures authorizing the Director to assess administrative penalties at 567 IAC 10. Pursuant to this chapter, the DNR has determined that the most effective and efficient means of addressing the above-cited violations is the issuance of an administrative order with an administrative penalty of \$10,000.

2. 567 IAC 10 establishes the criteria that the DNR must consider in determining whether an administrative penalty is warranted, and if so how much the penalty should be. The general categories for consideration are the economic benefit of the alleged non-compliance by the violator, the gravity of the alleged violation, and the culpability of the violator. The administrative penalty assessed by this Order is determined as follows:

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a. Economic Benefit: 567 IAC chapter 10 requires that the DNR consider the costs saved or likely to be saved by noncompliance. 567 IAC 10.30(1) states that “where the violator received an economic benefit through the violation or by not taking timely compliance or corrective measures, the department shall take enforcement action which includes penalties which at least offset the economic benefit.” 567 IAC 10.30(1) further states, “reasonable estimates of economic benefit should be made where clear data are not available.” Using reasonable estimates for the period of investigation detailed in this Order, Mr. Sedore avoided or delayed costs associated with failing to complete annual professional engineer inspections, permit renewal application submissions, financial assurance requirements as required by law, and other administrative costs and overhead. Mr. Sedore also avoided economic costs associated with the proper disposal of solid waste. Accordingly, \$4,000.00 is assessed for this factor.

b. Gravity: Mr. Sedore’s long-standing failure to comply with Iowa law related to solid waste transfer stations degrades the solid waste program of the State, causing loss of confidence in the program by the public and weakening the program’s validity with other regulated entities. Additionally, Mr. Sedore’s noncompliance with the laws that regulate transfer stations and other industrial activity has caused environmental harm, nuisance to neighbors of the Facility, property damage, and a drain of public resources. \$3,000.00 is assessed for this factor.

c. Culpability: Mr. Sedore is aware of the laws related to solid waste transfer stations, as evidenced by the long-running enforcement actions taken against Mr. Sedore and the DNR’s attempts to bring the Facility into compliance with Iowa law. Despite this, Mr. Sedore continued to operate the Facility in a manner that is noncompliant with Iowa law. A penalty of \$3,000.00 is assessed for this factor.

VII. APPEAL RIGHTS

Pursuant to Iowa Code sections 455B.138(1), 455B.175(1)(a), 455B.308, 455D.23, and 567 IAC chapter 7, a written Notice of Appeal may be filed with the Director, at the address provided above, within 30 days of your receipt of this Order. The Notice of Appeal must identify the specific portion or portions of this Order being appealed and include a short and plain statement of the reasons for appeal. A contested case hearing will then be commenced pursuant to Iowa Code chapter 17A and 561 IAC chapter 7.

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VIII. NONCOMPLIANCE

Compliance with Section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code sections 455B.146, 455B.186, 455B.307, and/or 455D.25.

Kayla Lyon, Director
Iowa Department of Natural Resources