



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

March 9, 2016

Troy Sedore
26318 205th Street
Keosauqua, IA 52565

NOTICE OF VIOLATION: Solid Waste Disposal 567 100.4
Open Burning 567 IAC 23.2

Re: Solid Waste Disposal Complaint Follow Up
Complaint No. 22340

Dear Mr. Sedore:

On March 2, 2016, I conducted a follow up visit to your property at the above listed address, to determine compliance with the November 25, 2015 Notice of Violation that required the following actions be taken by December 17, 2015:

- Remove and properly dispose of the burned and un-burned solid waste dumped just south of the pond, and
- Remove and properly dispose of the construction/demolition waste that had previously been ground up into mulch. This ground construction/demolition waste was prohibited from being placed on your farm for your proposed race track due to the co-mingled solid waste contained therein and this was documented in four Notices of Violation in 2015. Even after being informed of this prohibition, the ground construction/demolition waste ended up on your property in a long windrow southwest of the pond.

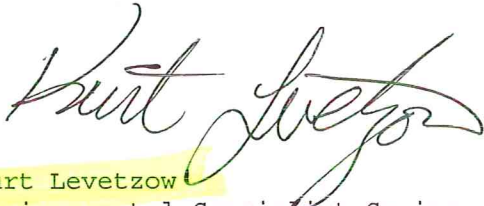
Based upon my observations and documented site conditions on March 2, 2016, it has been determined that compliance with the above listed requirements has not been met. Evidence of illegal dumping and open burning south of your pond remains, despite prior DNR guidance and Notices of Violation being issued to you regarding these matters. As such, your property at the above listed address remains in violation of the following administrative law requirements:

- 567 Iowa Administrative Code (IAC) 100.4 prohibit private or public agencies from dumping or depositing or permitting the dumping or depositing of any solid waste at any place other than a permitted sanitary disposal project.
- 567 IAC 23.2 states, "No person shall allow, cause or permit open burning of combustible materials except as provided in subrules." It is a violation to burn tires, asphalt shingles, trade waste, or ANY material not specifically exempted in the rules.
- 567 IAC 20.2 defines "Trade waste" as any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

Your failure to respond or show good faith effort in complying with the requirements of the November 25, 2015 Notice of Violation has prompted this office to forward this matter to DNR's Legal Services Bureau for escalated enforcement action.

If you have any questions or would like further explanation of any part of this Notice of Violation, you may contact me at 319-653-2135 or Kurt.Levetzow@dnr.iowa.gov.

Sincerely,
Field Services and Compliance Bureau



Kurt Levetzow
Environmental Specialist Senior

J:klevetz\SW\SDP\2016\Sedore OD-OB NOV 3-16.doc
Picture File Name: Sedore 3-2-16.jpg

Encl: memo dated March 7, 2016

cc: ✓ DNR Solid Waste Section - Chad Stobbe
✓ DNR Legal Services Bureau - David Scott
✓ Sedore Sanitation SDP File

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MEMO

DATE: March 7, 2016
TO: Sedore SDP File/DNR Legal/DNR SW Section
FROM: Kurt Levetzow, FO6 KRL
RE: Complaint follow up visit
FACILITY: Sedore Home Place

On November 19, 2015, Jim Kacer (FO6 staff) and I investigated a complaint against Troy Sedore's private property. Below (left) is a photo obtained from that November 19, 2015 investigation, and much of that pile of waste contained wooden-pallets. On November 25, 2015, a Notice of Violation letter was issued to Troy Sedore, requiring proper disposal of the solid waste and ground up C&D piles and windrow by December 17, 2015 and submittal of disposal receipts. No receipts have been received from Mr. Sedore.

On March 2, 2016, I conducted a complaint follow up to see if the solid waste was removed. The circle on the photo taken in March 2016, shows the pile of solid waste is gone, however, it appears as though the pile of solid waste was pushed downgradient into ravine.

A photo with expanded view of this area is on the next page.



Photo taken 11/19/15



Photo taken 3/2/16

It should be noted that the area shown in these two photos was not an area used for active open dumping or open burning as was documented on 4/28/15 when the large area of past illegal open burning was first discovered in the "clearing". So even after the past NOV's have been issued to Mr. Sedore, violations continue to occur.



Much of the solid waste in the bottom of the ravine is asphalt shingles.



Burn pile, showing scraps of dimensional lumber, just up-gradient from the bulldozer (see next page #4). No dumping or burning was observed in this location during the 4/28/15 visit when all the other waste was observed just a few hundred feet to the east.



The above three pictures all show the ground up C&D piled on Sedore's private property. In previous discussions, Mr. Sedore was instructed to not dump the material on his private property because it contained so much foreign material. On November 20, 2015, DNR Attorney David Scott and I met Troy Sedore and his attorney in Fairfield to discuss the pending AO. During that meeting, Mr. Sedore was asked where he took the ground up mulch that had been sitting at his transfer station. He responded "I recycled it". Mr. Sedore was then asked if he had receipts to prove the proper recycling, he responded "yes".



Dozer sitting adjacent to the ravine.



Notice the shingles imbedded in the mud on the track and on the yellow brace.

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Picture Filenames: Sedore 3-2-16.jpg

