



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

November 28, 2016

Troy Sedore - President
Sedore Inc.
dba Sedore Sanitation and Recycling
28942 Highway 16
Stockport, IA 52651

NOTICE OF VIOLATION: Transfer Station Operations 567 IAC 106
Open Burning 567 IAC 23.2

Re: Complaint Investigation - Complaint No. 23755

Dear Mr. Sedore:

On November 17, 2016, Field Office #6 received a complaint regarding open burning on the evening of November 16, 2016 at 6:50pm, at Sedore Sanitation, 28942 Highway 16, Stockport, IA. The complainant indicated that a thick plume of smoke was observed crossing the road (HWY 16) and that an excavator was being used to add material to the fire.

On November 17, 2016, Jim Kacer (DNR staff) and I investigated the complaint to determine the legality of the burning. During the complaint investigation, we met with you and observed a smoldering pile of ash that contained charred dimensional lumber, what appeared to be remnants of fiberglass, metal sheeting and a metal gutter. Located immediately around the smoldering ash was random solid waste scattered on the ground near a roll-off dumpster. You indicated that the fire was a recreational fire from the previous evening. Next to the smoldering ash, were two additional stacks of dimensional lumber, stacked into piles, prepped for burning. You were asked if the dimensional lumber that had been burned was construction/demolition (C&D) waste, which you hauled as part of your hauling/recycling business, and you answered "yes, it was C&D." Solid waste, such as C&D waste, generated through the operation of a business, is defined as trade waste, which is illegal to burn for the purpose of disposal. 567 IAC 23.2(1) provides for a general prohibition of the open burning of combustible materials, unless specifically exempted within 567 IAC 23.2(3). The solid waste being burned at your former transfer station is trade waste. 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." Because trade waste is not a listed exemption in 567 IAC 23.2(3), the open burning prohibition applies to such wastes. Therefore, immediately stop the practice of illegally open burning trade waste under the guise of recreational fires.

TRANSFER STATION:

During the November 17, 2016, complaint investigation, it was documented that your facility continues to be used as a transfer station, as recyclables and solid waste was documented on the floor inside the main metal building, and was actively been sorted. Transfer Station Permit Number 89-SDP-04-14P-XFR was revoked upon the issuance date of Administrative Order Number 2016-SW-02, which was signed by DNR Director Chuck Gipp and you on February 9, 2016. Therefore, you are required to immediately cease the operation of a transfer station.

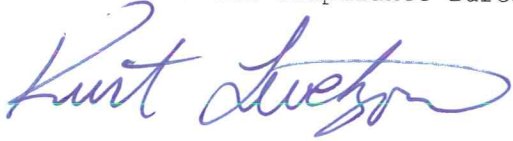
OUTDOOR SCRAP METAL RECYCLING:

Also noted during this investigation, the scrap metal pile has not only continued in the southeast corner of the property, but has now expanded to the southwest corner of the property. Our records indicate that an NPDES General Number 1 Stormwater Permit has not been issued to Sedore Inc. / Sedore Sanitation & Recycling. Due to the Standard Industrial Classification of scrap metal recycling, a stormwater permit is required for facilities that store and process scrap metal outside. Therefore, your scrap-metal salvaging operation is an ongoing violation without coverage of a DNR issued Stormwater Permit.

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

Sincerely,

Field Services and Compliance Bureau



Kurt Levetzow
Environmental Specialist Senior

Encl: photographs

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Picture File Name: Sedore 11-2016.jpg

cc: DNR Solid Waste Section - (via email to Becky Jolly)
David Steward - AG's Office (via email)



