

January 30, 2025

TROY SEDORE
SEDORE INC.
28942 HIGHWAY 16
STOCKPORT IA 52651

CERTIFIED MAIL

NOTICE OF VIOLATION:

Reporting of Hazardous Incident, 567 IAC 131.2(455B)
Failure to Renew NPDES Gen Permit No. 1 / Permit to Operate, 567 IAC 64.8(2)/64.3(1)
Illegal open burning, 567 IAC 23.2(1)
Illegal deposition of solid waste, 567 IAC 100.4(455B.307(1))
Waste tire stockpile, 567 IAC 117.4(1)"a" (455B, 455D)
Discarded appliances, 567 IAC 118 (455B, 455D)

Subject: Field Office Compliance Database (FOCD) Complaint Investigation No. 34530

Dear Mr. Sedore:

This letter is in reference to the fire on your property located at 28942 Highway 16, Stockport, IA, that started late in the night on January 19, 2025. The fire consumed your entire building and all of its contents. The fire subsequently led to the release of a yellow and black colored discharge that flowed across and froze on the driveway and in the ditch on the north side of the property. On January 20, 2025, DNR Field Office 6 received a phone call expressing concerns of runoff that may impact their farm land and farm pond, where cattle drink water. On January 22, 2025, Ryan Stouder, DNR Field Office 6 staff and I investigated FOCD complaint number 34530. There were multiple violations documented and they've been detailed below.



Hazardous Incident Reporting:

Per Section 455B.386 of the Iowa Code and rule 567 Iowa Administrative Code (IAC) 131.2(455B), any person manufacturing, storing, handling, transporting or disposing of a hazardous substance shall notify the DNR and the local police department or the sheriff's office of the affected county of the occurrence of a hazardous condition. This must be done as soon as possible, but not later

than six (6) hours after the discovery of the hazardous condition. The 24-hour telephone number for the DNR is (515)-725-8694.

"Hazardous condition" means any situation involving the **actual**, imminent or probable spillage, leakage, or release of a **hazardous substance** onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. "**Hazardous substance**" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents.

567 IAC 131.2(1) Verbal report. The verbal report of such a hazardous condition should provide information on the items listed provided below for your reference.

567 IAC 131.2(2) Written report. The written report of such a hazardous condition shall be submitted to the department within 30 days (from the onset of the fire) and contain the following information:

- a. The exact location of the hazardous condition.
- b. The time and date of onset or discovery of the hazardous condition.
- c. The name of the material, the manufacturer's name and the volume of each material involved in the hazardous condition in addition to contaminants within the material if they by themselves could cause a hazardous condition.
- d. The medium (land, water or air) in which the hazardous condition occurred or exists.
- e. The name, address and telephone number of the party responsible for the hazardous condition.
- f. The time and date of the verbal report to the department of the hazardous condition.
- g. The weather conditions at the time of the hazardous condition onset or discovery.
- h. The name, mailing address and telephone number of the person reporting the hazardous condition.
- i. The name and telephone number of the person closest to the scene of the hazardous condition who can be contacted for further information and action.
- j. Any other information, such as the circumstances leading to the hazardous condition, visible effects and containment measures taken that may assist in proper evaluation by the department.

As a result of the fire that started late on January 19, 2025, a yellow and black substance ran off into the ditch on the north side of your property. The yellow material had a pH of 3 tested with both pH paper and a calibrated electronic pH meter in DNR Field Office 6. The pH coupled with the material on both your drive and in the public right of way constitutes a hazardous condition. The black substance appears to be an oil-like substance. Samples of both were collected and submitted to the State Hygienic Laboratory for analysis. On January 24, 2025, the Iowa Department of Transportation deployed measures to prevent subsequent runoff from impacting the neighbor's pond north of Sedore Inc.'s property.



Expired National Pollution Discharge Elimination System (NPDES) General Permit No. 1 (i.e. stormwater permit):

NPDES General Permit No. 1 (#36506-36390) issued to Sedore Inc., for storm water discharges associated with industrial activity, expired on September 1, 2023 and has not been renewed. Coverage under this permit is required to discharge storm water from this type of industrial operation. Renewal of this permit is required and must be completed by **February 17, 2025** at: <https://programs.iowadnr.gov/stormwater/pages/eAppIntro>

Illegal Open Burning:

Subrule 567 IAC 23.2(1) states, "No person shall allow, cause or permit open burning of combustible materials, except as provided in 23.2(2) and 23.2(3)." Exemptions listed in subrule 567 IAC 23.2(3) include landscape waste, various residential wastes not including garbage, recreational cooking and heating fires etc. It is a violation to burn garbage, locally recyclable products, tires, trade waste, or ANY material not specifically exempted in the regulations.

Rule 567 IAC 23.2(455B) 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.

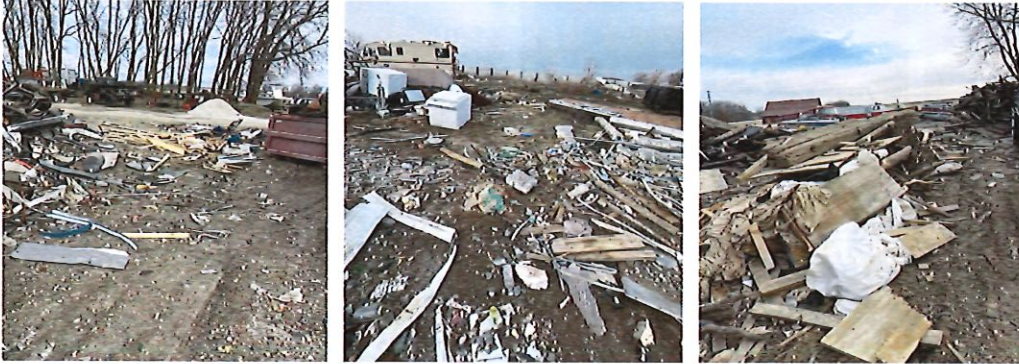
An illegal open burn pile was observed near the east entrance to the above listed property. Numerous notices of violation have been issued to Sedore Inc. over the years, as well as enforcement actions regarding illegal open burning. Please discontinue all illegal open burning on this property.



Solid Waste Disposal:

Section 455B.307, Code of Iowa and Rule 567 IAC 100.4(455B) 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.

Solid waste that is scattered across much of this property must be properly recycled or disposed of.

**Waste Tire Stockpile:**

567 IAC 117.3(1) Land disposal prohibited - Land disposal of waste tires, in whole, cut, or shredded form, is prohibited. Waste tires shall be accepted at a permitted sanitary landfill for final disposal if the tires have first been cut into pieces that are not more than 18 inches on any one side.

567 IAC 117.4(1) "a" Storage quantity limitations - No business or individual shall store more than 500 passenger tire equivalents (PTEs) without obtaining a permit for a waste tire stockpile pursuant to 117.4(2).

The waste tire stockpile located near the scrap metal pile is in excess of 500 PTEs.

**Discarded Appliances:**

567 IAC 118.2(1) All discarded appliances must be demanufactured before being disposed of or recycled. This chapter does not apply to the service, repair, reuse or rebuilding of appliances or components for their original purpose.

567 IAC 118.4(1) Any person collecting and storing discarded appliances must store the appliances so as to prevent electrical capacitors, refrigerant lines and compressors, and mercury-containing components from being damaged and allowing a release into the environment.

567 IAC 118.4(2) No method of handling discarded appliances may be used which in any way damages, cuts or breaks refrigerant lines or crushes compressors, capacitors, or mercury-containing components, or may cause a release of refrigerant, PCBs or mercury into the environment.

The discarded appliances observed in and around the scrap metal pile are being handled and stored in violation of Chapter 118 requirements.



Summary of Requirements:

1. Renew your expired NPDES General Number 1 Stormwater Permit.
2. Cease illegal open burning
3. Clean up and properly remove discarded solid waste from the entire property, especially located in and around the scrap metal pile.
4. Reduce the number of PTEs to less than 500.
5. Handle and store discarded appliances in a manner that prevents release of various waste components such as PCB capacitors, mercury switches, refrigerants, and sodium chromate.

Due to the history of violations with departmental regulations, this matter is being referred to DNR Legal Services Bureau for further enforcement.

If you have any questions or would like further explanation of any part of this notice of violation, please contact me at 319-653-8081 or kurt.levetzow@dnr.iowa.gov.

Sincerely,
Field Services & Compliance Bureau

A handwritten signature in black ink that reads "Kurt Levetzow". The signature is written in a cursive, flowing style.

Kurt Levetzow
DNR Field Office 6 Supervisor

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Enclosures: open burning and solid waste regulations

Cc: Max Harlon - Van Buren County Emergency Management Coord (via email)
Iowa DNR Legal Services Bureau - Tamara McIntosh (via email)