



August 30, 2019

Sedore Sanitation and Recycling

Attn: Troy Sedore
28942 Hwy 16
Stockport, IA 52651

Mr. Sedore,

I am writing to follow up on mine and Environmental Specialist Ryan Stouder's visit to your business, Sedore Sanitation and Recycling, in response to complaint #27208. The complaint alleges that Sedore Sanitation has been operating a scrap yard for several years and has not obtained the proper permitting for such an operation in particular for storm water runoff. It also alleges that Sedore Sanitation has been putting CRT's and broken CRT glass into loads of scrap metal and that appliances aren't handled separately from regular scrap. Upon our arrival to investigate this complaint we were met by your office attendant and eventually yourself with the notion that we are to give advance notice prior to our visiting your site according to past agreements. You also made a statement to the effect that you did not accept or damage CRT's at Sedore Sanitation and that at the time there was little to no scrap metal on site. After much discussion and several requests you accompanied us on a short walk around a portion of your business site and we were able to inspect only what we could already see from the entrance.

There are multiple regulations in Iowa Code and Iowa Administrative Code which regulate CRT's, appliances and the need for a storm water permit. As described above because we were not granted access to your entire business we were therefore unable to determine your status of compliance with these regulations against the allegations of the complaint.

In regards to your refusal of access to your entire business property Iowa Code 455B.103 states among other duties that:

455B.103 Director's duties.

The director shall:

4. Conduct investigations of complaints received directly or referred by the commission created in section 455A.6 or other investigations deemed necessary. While conducting an investigation, the director may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this chapter, chapter 459, chapter 459A, chapter 459B, or the rules or standards adopted under this chapter, chapter 459, chapter 459A, or chapter 459B. However, the owner or person in charge shall be notified.

455B.103 cont.: **a. If the owner or occupant of any property refuses admittance thereto, or if prior to such refusal the director demonstrates the necessity for a warrant, the director may make application under oath or affirmation to the district court of the county in which the property is located for the issuance of a search warrant.**

In regards to contacting you prior to our visits there was a requirement in a previous consent decree #EQEQ026163 which stated in part 7. "Prior to any inspection conducted pursuant to paragraph 6 of this Consent Decree, the DNR shall attempt to give Troy Sedore no less than a 48-hour notice of the inspection. Notice shall be given by telephone at the last known telephone number for Sedore. The provisions of paragraph 6, however, remain in effect notwithstanding whether Sedore receives actual notice of the inspection." This provision applies only to this decree and does not apply to complaint investigations etc. beyond.

In summary it is the DNR's duty and responsibility to investigate complaints including complaint #27208, the subject of this letter, and may enter any public or private property to do so. Ryan and I were not granted total access to your business property and were unable to completely conduct the complaint investigation. We are therefore planning to conduct a complete investigation of the complaint in the future. We would appreciate your full cooperation in the remainder of the complaint investigation.

If you have any questions or comments on the content of this letter please contact our office at 319-653-2135.

Sincerely,



Bert Noll, Environmental Specialist

bert.noll@dnr.iowa.gov

Field Services and Compliance Bureau

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