



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

August 1, 2012

Tim Kahl
2109 Hoover Highway
Lowden, IA 52255

Subject: 455B.307, Iowa Code, and 567 IAC 100.4(455B) Improper Solid Waste Disposal

RE: Complaint Investigation

Complaint #07/12-18 (Logbook) & Complaint ID #15243 (FOCD)

State ID: #310667962

Facility ID: #N/A

Dear Mr. Kahl:

This letter is a follow up to the complaint investigation on July 20, 2012, and our conversation on July 31, 2012 regarding the improper disposal of construction material into Yankee Run Creek. The dump site was located on the south bank of Yankee Run Creek in the NE Corner of Sec 3, T-81-N, R-1-W, Springfield Township. The following observations were noted:

- A pile of plasterboard.
- A pile of shingles

Per our conversation, you indicated that you visited the site after receiving my voice message. You observed an area that appeared to be matted down from being driven on and that's when you observed the pile of plasterboard. In addition, you found a plastic bag full of paint cans. These materials were loaded on a trailer and hauled to a dump box in Clarence, IA for disposal at the transfer station. During the conversation we also discussed the installation of gates or barriers to prevent people from accessing your property and dumping; and you mentioned that you operated a confinement facility and were a part time roofing contractor.

According to the rules, the improper disposal and burning of trade waste, oil, and garbage is a violation of DNR rules. Copies of the rules regarding open dumping and burning are attached.

- Used oil is covered under the definition of solid waste. However, used oil cannot be accepted for final disposal at the landfill. It must be taken to a used oil recycling drop-off.
- Trade waste is defined as any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), utility, and any governmental or institutional activity, whether or not for profit.

In summary, everything generated from the animal feeding operation and/or roofing business is considered trade waste and per the rules needs to be recycled, or disposed of at a permitted facility.

Therefore, to ensure compliance with the rules:

- To prevent dumping by unauthorized personnel, restrict access to the property by installing barriers or gates.
- Ensure that all solid waste is properly disposed of in accordance with the solid waste rules. Do not burn or bury waste unless allowed by a specific exemption or variance; and in accordance with the rules.
- Submit a copy of the disposal receipts for the clean up with a letter detailing what was done to resolve the matter.

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- Ensure that waste from any property you own is not hauled to another property such as a farm for burning, burying or disposal.
- Prior to the demolition/**renovation of any agricultural or commercial structure** contact Tom Wuehr at 515-494-8212 to determine if the rules regarding asbestos and demolition apply, and/or the proper procedures for demolition notification and asbestos inspection and/or removal.
 1. *Per the rules, the buildings for your farming and animal feeding operation would be subject to these requirements.*
 2. *As a roofing contractor, you need to ensure that the owner has done the proper inspections and notifications prior to performing any work for a commercial structure.*
 3. *Ensure that prior to the burning of any agricultural structure , including farm residences, you obtain permission from the local fire chief. This permission should be documented, and available for review.*

Note: Forms are available at the following website:

<http://www.iowadnr.gov/InsideDNR/RegulatoryAir/Asbestos.aspx>

For additional information regarding air quality and solid waste the following resources are available:

1. Solid Waste -

www.iowadnr.gov/InsideDNR/RegulatoryLand/SolidWaste.aspx

www.iowadnr.gov/Environment/LandStewardship/WasteManagement/Residential/IllegalDumping.aspx

2. Air Quality -

www.iowadnr.gov/InsideDNR/RegulatoryAir.aspx

www.iowadnr.gov/idnr/Environment/AirQuality/OpenBurning.aspx

Please note that complying with the above requirement(s) does not in itself preclude the IDNR or US Environmental Protection Agency (USEPA) from initiating enforcement action. If you have any questions or would like further explanation of any part of this letter, please contact me at 319-653-2135.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU



Mark Heiderscheid
Environmental Specialist

Encl. Open Burn Rule - 567 IAC 23.2(4)
 Open Dump Rule - 567 IAC 100.4
 Asbestos Brochure
 Standards for demolition and renovation

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Picture Filenames: Tim Kahl - 07-20-2012 - 1 through 9

xct Cedar County Open Burn File
IDNR SW Bureau, Attn: Becky Jolly