



October 18, 2023

TROY SEDORE  
SEDORE INC  
DBA SEDORE SANITATION AND RECYCLING  
28942 HIGHWAY 16  
STOCKPORT IA 52651

**Letter of Non-Compliance (LNC): Operating an Unpermitted Transfer Station - 567 IAC 106**

Re: Transfer Station Complaint Investigation  
Field Office Compliance Database Complaint No. 32304

Dear Mr. Sedore:

On July 6, 2023, Iowa DNR Field Office 6 received an anonymous complaint regarding Sedore Sanitation and Recycling operating as an unpermitted solid waste transfer station at the above-referenced location.

On October 2, 2023, Ryan Stouder, Field Office 6 Environmental Specialist Senior, and I investigated the complaint by meeting with you at the above-listed property. During our visit, we discussed the nature of the complaint and toured the property. While you stated that you are not operating a solid waste transfer station at this location, you did not deny dumping and sorting through contents of your solid waste packer trucks or roll-off dumpsters onsite for the purpose of removing recyclables.

During this inspection, we observed the inside of the building where solid waste and recyclables had been dumped on the concrete floor for sorting. You reiterated that your reason for dumping mixed loads is to separate and remove recyclables, thereby diverting useful materials from the solid waste stream. On the west side of the building, construction and demolition (C&D) debris was also observed scattered on the ground. You stated that a large dumpster of C&D debris had been dumped outside of the building so that the waste could be reloaded into 2-3 smaller dumpsters before being hauled to the landfill for final disposal.

Any facility that receives waste from solid waste collection vehicles and deposits said waste on the ground or on a tipping floor for management and/or subsequent loading into solid waste transport vehicles for disposal, is subject to the permitting requirements of [567 IAC 106 \(455B, 455D\)](#) for transfer stations.

Rule 567—106.2(455B,455D) defines a Transfer Station as *“a permanent, fixed-location, enclosed transportation terminal that has the primary purpose of receiving solid waste from solid waste collection vehicles and loading that solid waste into solid waste transport vehicles.”*

Rule 567 – 106.3(1) states in part that “[a] ... transfer station is a sanitary disposal project and shall not be constructed or operated without a permit from the department.

Subrule 106.11(3) states, in part, *“All unloading, handling, processing, screening, open storage, loading, and similar activities or processes involving solid waste shall be performed inside the transfer station building. Truck-to-truck transfer of solid waste that is not incidental solid waste transfer is not allowed outside a transfer station building.”*

While the diversion of recyclable commodities from the solid waste stream is encouraged by the DNR, there are regulatory limitations upon where and by whom these activities can occur. The removal of recyclable materials from the municipal solid waste stream beyond that conducted by the individual waste generators, or that conducted at a permitted sanitary disposal project (SDP) or facility whose primary purpose is recycling, is considered scavenging and is prohibited by Iowa law. As a result, the practice of stockpiling, scavenging, and consolidating solid waste to maximize economies of scale for transport to a final disposal facility, outside of an SDP permit, is prohibited by Iowa law.

In Iowa, recycling is defined as *“any process by which waste or materials which otherwise would become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.”* Discarded municipal solid waste and C&D debris would normally be considered solid waste subject to Iowa Code provisions that require its management and disposal at permitted facilities. However, an exception has been codified by the Iowa Legislature ([Iowa Code §455D.4A](#)) that allows a facility to stockpile and reuse such material so long as certain specific criteria are met. If Sedore Sanitation and Recycling intends to claim this recycling exemption for the above location, the criteria have been summarized below.

A facility seeking to recycle materials that are normally subject to solid waste disposal regulations must establish that the proposed recycling process is “legitimate,” must maintain monthly records regarding stockpiled and processed materials to establish that the material is not being “speculatively accumulated,” and must store the material as a valuable commodity in a manner that complies with Iowa Code. For the DNR to determine whether the process undertaken at this location satisfies the statutory requirement of “legitimate recycling,” and will not result in the “speculative accumulation” of solid waste, please provide the following information to the DNR:

- 1) Evidence that the material is potentially recyclable and has a feasible means of being recycled into a valuable product, pursuant to Iowa Code §455D.4A(5).

*“To establish that a material is potentially recyclable and has a feasible means of being recycled into a valuable product, a recycling facility owner or operator shall maintain with an end user at least one purchase contract, a letter of understanding, or other formal agreement. Such documentation must be provided to the department upon request. In addition, if the material is going to be recycled in an unusual manner, the owner or operator may use technical specifications from the end user or other documentation to prove recycling the material in such manner will result in a valuable product.”*

- 2) Details on how the material will be managed as a valuable commodity while under the facility’s control, and summarize how you will track incoming and out-going material. Pursuant to Iowa Code §455D.4A(6) and (7), this includes explaining how the facility will ensure that stockpiled material is not “speculatively accumulated,” explaining how the facility intends to maintain current inventory records and labeling, and explaining how the commodity management is equally protective to other similar recycling operations.

Regarding the “speculative accumulation” of material, the Iowa Legislature has determined that:

*“To establish that a material is not being accumulated speculatively, the recycling facility owner or operator must document that, during a given calendar year, the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practicable, the accumulation period must be documented through an inventory log or other appropriate method.”*

To resolve this letter of noncompliance, please submit the requested documentation or a detailed response regarding the issues expressed above within 30 calendar days of receipt of this letter. If you believe this letter has been sent in error or if you dispute any of the observations cited herein, please provide a detailed written explanation of such within the same 30 calendar day timeframe. Failure to adequately respond to this letter of noncompliance may result in escalated enforcement by the DNR.

At your request, the DNR is available to discuss all aspects of this letter of noncompliance with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities.

We anticipate and appreciate your cooperation in resolving this matter. 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](mailto:Kurt.Levetzow@dnr.iowa.gov).

Sincerely,  
FIELD SERVICES & COMPLIANCE BUREAU

Kurt Levetzow  
DNR Field Office 6 Supervisor

Klevetz/SW/gen sw 2023/Sedore XFR complaint LONC 10-2023.doc  
Picture Filenames: Sedore Inc 10-2-23

Encl: 567 IAC 106  
§455D.4A

cc: FOCD – Sedore Inc. Complaint No. 32304  
Solid Waste Section, (via email to Chad Stobbe)