



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

*We Protect Hoosiers and Our Environment.*

Southwest Regional Office • 1120 N. Vincennes Ave., P.O. Box 128 • Petersburg, IN 47567-0128

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**Eric J. Holcomb**  
*Governor*

**Brian C. Rockensuess**  
*Commissioner*

June 27, 2024

**VIA E-MAIL**

Larry D. Marshall  
Marshall Disposal  
4701 Romaine Road  
New Harmony, IN 47631  
[zach@marshalldisposal.com](mailto:zach@marshalldisposal.com)

To whom it may concern:

Re: **Violation Letter**  
Marshall Disposal  
New Harmony, Posey County

On June 11, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of Marshall Disposal, located at 4701 Romaine Road, New Harmony, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Follow-Up **111817**

Results of Inspection: Violations were observed (see attached inspection report).

Please direct any response to this letter and any questions to Hayden Dayson, 812-582-8463 or [hdayson@idem.in.gov](mailto:hdayson@idem.in.gov). Thank you for your attention to this matter.

Sincerely,

Nicholas Carr, Director  
Southwest Regional Office

Enclosure

cc: Posey County Health Department [PoseyCountyEPC@poseycountyin.gov](mailto:PoseyCountyEPC@poseycountyin.gov)  
Posey County Solid Waste Management District [poseyswd65@yahoo.com](mailto:poseyswd65@yahoo.com)

**REPORT OF OPEN DUMP INSPECTION**

State Form 42033 (r2/2-00)

Indiana Department of Environmental Management  
 Solid Waste Compliance Section  
 Office of Land Quality  
 100 North Senate Avenue, Room N-1101  
 Indianapolis, Indiana 46204-2251

Inspector Name: Hayden Dayson

Inspector Phone: 812-582-8463

Inspection Date: 6/11/2024

Time In: 11:00 am

Time Out: 11:30 am

**GENERAL INFORMATION**

Name of registration or Tempo (RM): 111817	Location: 4701 Romaine Road, New Harmony, IN 47631	County: Posey
INX #: 000068652	Parcel ID #: 65-07-11-100-011.002-005	Parcel Acreage: 1.65

**PROPERTY OWNER(S)**

Name(s) of property owner(s) and/or Company: Larry and Marilyn Marshall	
Address (number, city, state, and zip code): 3041 Comfort Court, Evansville, IN 47720	
Email Address: N/A	Telephone #: 812-431-3400

**RESPONSIBLE PARTY(IES)**

Name(s) of property owner(s) and/or Company: <a href="#">Click here to enter text.</a>	
Address (number, city, state, and zip code): <a href="#">Click here to enter text.</a>	
Email Address: <a href="#">Click here to enter text.</a>	Telephone #: <a href="#">Click here to enter text.</a>

**ACREAGE**

<input type="checkbox"/>	020	Less Than ¼ Acre	<input type="checkbox"/>	021	Between ¼ Acre & 1 Acre	<input checked="" type="checkbox"/>	022	Greater than 1 Acre
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**SOLID WASTE OBSERVED**

<input type="checkbox"/>	001	Tires	<input type="checkbox"/>	002	PCB's	<input type="checkbox"/>	003	Household Waste
<input type="checkbox"/>	004	Asbestos	<input checked="" type="checkbox"/>	006	Construction/Demolition Waste	<input type="checkbox"/>	007	Bulky Waste
<input type="checkbox"/>	008	Other Waste						

**ACTIVE CONDITIONS**

<input type="checkbox"/>	015	Strong Odor	<input type="checkbox"/>	016	Waste Paper Dated Post Last Inspection	<input type="checkbox"/>	017	Vectors
<input type="checkbox"/>	018	Putrescible Waste	<input type="checkbox"/>	019	Other Evidence of Recent Dumping			

**PARAMETERS OBSERVED**

<input type="checkbox"/>	009	Evidence of Burning	<input type="checkbox"/>	010	Waste in Water/Wetland	<input type="checkbox"/>	011	Waste in Suspected Floodway
<input type="checkbox"/>	012	Residence within 600 feet of Waste	<input type="checkbox"/>	013	Access Unrestricted	<input type="checkbox"/>	014	Permission Given to Dump

**GENERAL INFORMATION**

<input checked="" type="checkbox"/>	023	Pictures Taken	<input type="checkbox"/>	038	Initial Inspection	<input checked="" type="checkbox"/>	039	Follow-Up Inspection
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**REFERRALS**

<input type="checkbox"/>	027	Air Management	<input type="checkbox"/>	028	Emergency Response	<input type="checkbox"/>	029	Water management
<input type="checkbox"/>	030	Enforcement	<input type="checkbox"/>	031	Hazardous Waste	<input type="checkbox"/>	032	Dept. of Natural Resources
<input type="checkbox"/>	034	Co. Health Dept./Solid Waste Mgmt District						

**COMPLIANCE ACTION NEEDED**

<input checked="" type="checkbox"/>	024	Remove waste to approved solid waste management facility	<input type="checkbox"/>	025	As specified below	<input type="checkbox"/>	026	No Action Needed (In Compliance)
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## Comments:

On June 11, 2024, Solid Waste inspector, Hayden Dayson, conducted an inspection at Marshall Disposal located at 4701 Romaine Road, New Harmony, IN. The inspection was carried out as a follow up to the initial inspection from April 11, 2024. Upon arrival the inspector met with the facility's general manager, Mr. Zach Goebel, who proceeded to show the inspector around the facility.

While walking around the site, Mr. Goebel pointed out to the inspector their updated practices with their dumpsters, and totes. Totes were placed upside to keep out water, and to signify that they're empty of trash. They have also began stacking some dumpsters for better organization (Photos 1-2). The dumpster area in front of the shop had been cleaned up of trash as well (Photo 12).

The inspector then observed a pile of concrete and cinderblock debris that the facility brought in to possibly be used as fill. However, the concrete and cinderblocks were painted which makes them a regulated waste that cannot be used as fill. The pile had also been pushed into a clean washout concrete pile (Photos 3-4). According to Mr. Goebel, they received the pile from an excavating company that told them a 90% clean to 10% unclean ration was acceptable for fill. The inspector informed him that was not the case, and that the painted concrete and cinderblocks are solid waste and must be removed from the site.

Next to the concrete pile is the area behind the shop where more dumpsters are kept. The area had been cleaned up of shop trash, and the dumpsters organized. Any runoff that was seen on the previous inspection that went to the creek below was not present (Photo 5).

At this time the inspector and Mr. Goebel walked along the edge of the gravel area of the site. Items such old wooden steps, rail ties, and old office cabinets had been removed from along the edge. However, more concrete debris, scrap metals, plastics, pieces of painted concrete, broken cinderblocks and insulation pieces were seen mixed in the concrete debris (Photos 6-11, 13).

According to Mr. Goebel they are still waiting for their stormwater permit to be finalized, but until then they cannot remove the debris around the gravel area to avoid a land disturbance violation. Mr. Goebel asked for more time to get the site cleaned up for when they get the permit, and then can bring in bulldozers to remove the debris around the site.

For reference, the disposal of uncontaminated, unpainted, unstained rocks, bricks, concrete, road demolition waste materials, or dirt are excluded from solid waste regulation by 329 IAC 10-3-1. Similarly, the disposal of uncontaminated and untreated natural growth solid waste, including tree limbs, stumps, leaves, and grass clippings are also excluded from regulation. Only these materials listed are considered clean fill.

Please note, solid waste, including materials such as construction or demolition debris, scrap metals, plastics, pieces of painted concrete, broken cinderblocks and insulation are not clean fill and must be disposed of properly at a state approved solid waste management facility.

## DESCRIPTION OF VIOLATIONS

**IC 13-30-2-1 (1), (3), (4), (5):** A person may not allow the deposit of contaminants or solid waste upon the land or into the environment.

**329 IAC 10-4-2:** No person shall cause or allow the storage, contaminant, processing, or disposal of solid waste in a manner which creates a threat to human health or the environment, including the creating of a fire hazard, vector, attraction, air or water pollution, or other contamination.

**329 IAC 10-4-3, 329 IAC 10-4-4:** Open dumps are prohibited and must be remediated.

*Violation Details: At the time of inspection, this inspector observed painted construction/demolition debris, scrap metals, and miscellaneous plastic waste dumped on the ground throughout the property.*

**Required Action:** It is the responsibility of the property owner to ensure that all dumping is stopped immediately and that the solid waste is removed and disposed of properly at a state approved solid waste management facility. **Failure to do so will result in continued noncompliance with the Indiana rules regarding open dumping and will result in a referral to IDEM's Office of Land Enforcement.** Documentation of proper disposal must be provided to the IDEM Solid Waste Compliance Inspector.

Please note that Indiana's Air Pollution Control Rule 326 IAC 4-1 prohibits the open burning of this waste. Section 5 of this rule states, "Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution shall not be excused from the responsibility thereof on the basis that the fire was set by vandals, accidental or an act of God." Any burning of this waste may subject you to legal action.

A follow-up inspection will be conducted in **45 days** from receipt of this report.

### Confidential Information

In accordance with 329 IAC 6.1 (<http://www.in.gov/legislative/iac/T03290/A00061.PDF>) a person submitting information to the department for which confidential treatment is requested shall make a written claim of confidentiality at the time of submittal of the information. A person may request confidential treatment of information at the time the information is acquired through the actions of the department, such as inspections. The written claim for confidential treatment may be broad, but must be sufficiently clear to allow for accurate identification of the information claimed to be confidential. In accordance with 329 IAC 6.1-4-1(d), supporting information must be submitted to the commissioner within five (5) working days from the time the information claimed as confidential is acquired by the department. A person submitting a claim of confidentiality shall designate and segregate the information and the supporting information to which the claim applies in a manner that is sufficiently clear to allow the department to identify all confidential claim materials. Confidential information may include (but is not limited to) written or printed material, maps, charts, photographs, or samples (see definition of information at 329 IAC 6.1-2-8). The undersigned Owner/Representative has alleged information acquired during this inspection  **does**  **does not** (check one) contain confidential information. A check in the "does" box is not a written claim for confidential treatment of information acquired during this inspection.

### Notice of Oral Report

In accordance with IC 13-14-5 an oral report of the inspection was provided to the undersigned Owner/Agent at the conclusion of the inspection. The oral report includes any specific matters discovered during the inspection that the IDEM representative believes may be a violation of a law or of a permit issued by the department. The report does not include matters not evident to the IDEM representative or any fact that indicates an intentional, a knowing, or a reckless violation.

Received by: Zach Goebel, Marshall Disposal GM Brian Moench, Moench Engineering Posey County HD Posey County SWMD Nicholas Carr, SWRO IDEM Director	E-mail Address: <a href="mailto:zach@marshalldisposal.com">zach@marshalldisposal.com</a> <a href="mailto:bmoench@moencheng.com">bmoench@moencheng.com</a> <a href="mailto:PoseyCountyEPC@poseycountyin.gov">PoseyCountyEPC@poseycountyin.gov</a> <a href="mailto:poseyswd65@yahoo.com">poseyswd65@yahoo.com</a> <a href="mailto:ncarr@idem.in.gov">ncarr@idem.in.gov</a>
Date Emailed by Inspector: Click here to enter a date.	<input checked="" type="checkbox"/> Needs Mailed



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:07 am

**Others Present**

Mr. Goebel

**Description**

Photo 1. Organized trash totes. Placed upside down to show that they're empty of trash.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:08 am

**Others Present**

Mr. Goebel

**Description**

Photo 2. Organized dumpsters on the property.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:11 am

**Others Present**

Mr. Goebel

**Description**

Photo 3. New pile of painted concrete, and cinderblocks that was placed on the property.





**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:12 am

**Others Present**

Mr. Goebel

**Description**

Photo 4. Back behind the new painted concrete debris pile. New debris has been mixed with pile of clean washout concrete.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:16 am

**Others Present**

Mr. Goebel

**Description**

Photo 5. Edge of the property that runs down towards a creek. No runoff present. The area has been cleaned up of shop trash, and has been organized.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:18 am

**Others Present**

Mr. Goebel

**Description**

Photo 6. Pile of cinderblock debris behind the shop. Scrap metals, and plastics are mixed in as well.





**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:19 am

**Others Present**

Mr. Goebel

**Description**

Photo 7. Scrap metals and plastics can be seen mixed with concrete debris on the corner of the gravel area.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:19 am

**Others Present**

Mr. Goebel

**Description**

Photo 8. Styrofoam insulation pieces, scrap metals, and plastic pieces mixed with broken concrete, and brick pile. Seen along the edge of the gravel area.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:21 am

**Others Present**

Mr. Goebel

**Description**

Photo 9. Scrap metals seen in the concrete debris along the gravel area edge.





**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:21 am

**Others Present**

Mr. Goebel

**Description**

Photo 10. Photo of the edge of the gravel area. Solid waste debris has been cleaned up, and concrete debris remains.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:21 am

**Others Present**

Mr. Goebel

**Description**

Photo 11. Paint spilled on concrete chunks.



**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:22 am

**Others Present**

Mr. Goebel

**Description**

Photo 12. Area where the plastic totes, and old dumpster were filled with trash has been cleaned up.





**Facility Name**

Marshall Disposal OD, Posey County

**Photographer**

Hayden Dayson

**Date/Time**

6/11/24, 11:22 am

**Others Present**

Mr. Goebel

**Description**

Photo 13. Plastics mixed with concrete debris.