



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

Southeast Regional Office • 820 Sweet Street • Brownstown, IN 47220-9557

(877) 271-0074 • (812) 358-2027 • Fax (812) 358-2058 • [www.idem.IN.gov](http://www.idem.IN.gov)

**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

June 28, 2024

## VIA USPS MAIL

Mr. Dennis Andres  
Registered Property Owner  
8087 Atkins Road  
Floyds Knobs, Indiana 47119

Dear Mr. Andres:

Re: **Violation Letter**  
Incident 101084 Andres OD  
1615 Corydon Pike  
Property Parcel 22-05-00-300-904.000-008  
New Albany, Floyd County

On June 25, 2024, representatives of the Indiana Department of Environmental Management, Office of Land Quality, conducted an open dump complaint follow-up inspection on Floyd County Property Parcel 22-05-00-300-904.000-008 located at 1615 Corydon Pike, New Albany, Indiana 47150. The property owner of record is Mr. Dennis Andres, Floyds Knobs, Indiana 47119. This follow-up 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 follow-up inspection is provided below:

Type of Inspection:	Follow-up inspection
Results of Inspection:	Violations were observed (see attached inspection report).

Please direct any response to this letter and any questions to Chad Pittman, 812-216-2107 or [cpittman@idem.in.gov](mailto:cpittman@idem.in.gov). Thank you for your attention to this matter.

Sincerely,

Mark A. Amick, Director  
Southeast Regional Office

Enclosure: Inspection Report  
Inspection Photographs  
Incident 101084 RM Record

cc:

Floyd County Health Department ([environmental@floydcounty.in.gov](mailto:environmental@floydcounty.in.gov))  
Floyd County Solid Waste Management District ([sstewart@floydcounty.in.gov](mailto:sstewart@floydcounty.in.gov))  
Scott Wood, New Albany, Planning and Zoning ([swood@cityofnewalbany.com](mailto:swood@cityofnewalbany.com))  
Herb Engman, IDEM Office of Program Support ([HEngman@idem.IN.gov](mailto:HEngman@idem.IN.gov))  
Tim Hotz, IDEM Office of Land Quality ([thotz@idem.in.gov](mailto:thotz@idem.in.gov))  
Karla Frownfelter, IDEM Office of Chief of Staff ([KFrownfe@idem.IN.gov](mailto:KFrownfe@idem.IN.gov))

**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: Chad Pittman / Tim Hotz  
 Inspector Phone: 812-216-2107 / 317-407-0082

Inspection Date: June 25, 2024

Time In: 1:30 PM  
 Time Out: 2:00 PM

**GENERAL INFORMATION**

Name of registration or Tempo (RM): 101084 Andres OD	Location: 1615 Corydon Pike, New Albany, Indiana 47150	County: Floyd
INX #: INX000068688 Master AI ID: 134050	Parcel ID #: 59-11-11-100-007.000-011	Parcel Acreage: 3.292

**PROPERTY OWNER(S)**

Name(s) of property owner(s) and/or Company: Mr. Dennis Andres	
Address (number, city, state, and zip): 8087 Atkins Road, Floyds Knobs, Indiana 47119	
Email Address:	Telephone #: 502-777-5083

**RESPONSIBLE PARTY(IES)**

Name(s) of property owner(s) and/or Company: Mr. Dennis Andres	
Address (number, city, state, and zip code): 8087 Atkins Road, Floyds Knobs, Indiana 47119	
Email Address:	Telephone #: 502-777-5083

**ACREAGE**

<input checked="" type="checkbox"/>	020	Less Than ¼ Acre	<input type="checkbox"/>	021	Between ¼ Acre & 1 Acre	<input 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 checked="" 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 checked="" 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 checked="" 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 Tuesday, June 25, 2024, IDEM Solid Waste Compliance Inspectors Tim Hotz and Chad Pittman conducted an open dump complaint follow-up inspection on Floyd County Property Parcel 22-05-00-300-904.000-008 located at 1615 Corydon Pike, New Albany, Indiana 47150 (IDEM Incident 101084 Andres OD).

The open dump complaint follow-up inspection was conducted pursuant to IC 13-14-2-2. In accordance with IC 13-14-5, a summary of the open dump complaint follow-up inspection is provided below.

The solid waste compliance inspectors arrived at 1615 Corydon Pike, New Albany, Indiana at 1:30 PM on Tuesday, June 25, 2024. The site was gated, and there was no one on the property at the time of the follow-up inspection. The inspectors contacted Mr. Andres by telephone and informed him that a follow-up inspection was being conducted at that time.

Substantial progress toward compliance has been made since the April 22, 2022, complaint inspection. A copy of the IDEM Emergency Response TEMPO entries is included as an attachment to this report detailing the actions pertaining to the 5-gallon metal containers of paint that were identified and referred to the IDEM Emergency Response Team on April 22, 2022.

During the phone conversation on June 25, 2024, Mr. Andres was verbally informed of the remaining open dumping violations on the property and his obligation to remove and properly dispose of all remaining regulated solid waste at 1615 Corydon Pike, New Albany, Indiana.

The remaining regulated solid waste observed throughout the property at the time of the inspection was photographed and is also included as an attachment to this inspection report.

**IC 13-11-2-205** defines solid waste, in part, as any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities.

**IC 13-11-2-146** "Open dump" for purposes of environmental management laws, means the consolidation of solid waste from one (1) or more sources or the disposal of solid waste at a single disposal site that (1) does not fulfill the requirements of a sanitary landfill or other land disposal method as prescribed by law or regulations; and (2) is established and maintained (A) without cover; and (B) without regard to the possibilities of contamination of surface or subsurface water resources.

**IC 13-11-2-147** "Open dumping", for purposes of environmental management laws, means the act of disposing of solid waste at an open dump.

**329 IAC 10-2-174** has the meaning as set forth in IC 13-11-2-205(a).

(b) The following are examples of other discarded material:

- (1) Ash residue
- (2) Contaminated sediments
- (3) Commercial solid waste
- (4) Construction/demolition waste
- (5) Hazardous waste
- (6) Household waste
- (7) Infectious waste
- (8) Liquid waste
- (9) Pollution control waste
- (10) Municipal solid waste
- (11) Regulated hazardous waste
- (12) Residential waste
- (13) Industrial process waste.

**329 IAC 10-2-181** defines "Storage" as the retention, containment, or accumulation of solid waste on a temporary basis in such a manner that it does not threaten or potentially threaten human health or impact or potentially impact the environment, for a period of more than twenty-four (24) hours, in such a manner as not to constitute disposal of the waste. It must be a rebuttable presumption that storage of waste for more than six (6) months constitutes disposal.

**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 the inspection, the solid waste compliance inspectors observed regulated solid waste including three piles of spent sand blasting media (See Inspection Photographs 1-4), painted concrete blocks (See Inspection Photographs 8 and 9), and other regulated solid waste (See Inspection Photographs 5-7) on Floyd County Property Parcel 22-05-00-300-904.000-008 located at 1615 Corydon Pike, New Albany, Indiana.

**Required Action:** It is the responsibility of the property owner to ensure that all dumping is stopped immediately and the regulated solid waste on Floyd County Property Parcel 22-05-00-300-904.000-008 located at 1615 Corydon Pike, New Albany, Indiana 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 may result in a referral to IDEM's Office of Land Quality Enforcement Section. Documentation of proper disposal must be provided to the IDEM Solid Waste Compliance Inspector to verify all regulated solid waste on site has been properly disposed.

Within **30 days** of receipt of this letter, a follow-up inspection will be conducted to verify compliance with the requirements listed above. If additional time is requested to conduct the clean-up activity, a detailed compliance schedule must be presented to the solid waste compliance inspector for review and approval.

Please direct any solid waste compliance questions or questions pertaining to this report to Chad Pittman at 812-216-2107 or [cpittman@idem.in.gov](mailto:cpittman@idem.in.gov).

### 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:  
Floyd County Health Department  
Floyd County Solid Waste Management District  
Scott Wood, New Albany, Planning and Zoning  
Herb Engman, IDEM Office of Program Support  
Tim Hotz, IDEM Office of Land Quality  
Karla Frownfelter, IDEM Office of Chief of Staff

E-mail Address:  
[environmental@floydcounty.in.gov](mailto:environmental@floydcounty.in.gov)  
[sstewart@floydcounty.in.gov](mailto:sstewart@floydcounty.in.gov)  
[swood@cityofnewalbany.com](mailto:swood@cityofnewalbany.com)  
[HEngman@idem.IN.gov](mailto:HEngman@idem.IN.gov)  
[thotz@idem.in.gov](mailto:thotz@idem.in.gov)  
[KFrownfe@idem.IN.gov](mailto:KFrownfe@idem.IN.gov)

Date Emailed by Inspector:

Needs Mailed

1



**Facility Name**

101084 Andres OD – New Albany,  
Floyd County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste used sand blast media on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

2



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste used sand blast media on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

3



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste used sand blast media on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

4



**Facility Name**

101084 Andres OD – New Albany,  
Floyd County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

5



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste used sand blast media and other regulated waste on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

6



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste on Andres property parcel 22-05-00-300-904.000-008 in Floyd County.

7



**Facility Name**

101084 Andres OD – New Albany,  
Floyd County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste on Andres  
property parcel 22-05-00-300-904.000-  
008 in Floyd County.

8



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste painted concrete  
blocks on Andres property parcel 22-  
05-00-300-904.000-008 in Floyd  
County.

9



**Facility Name**

101084 Andres OD – New Albany, Floyd  
County

**Photographer**

Chad Pittman

**Date/Time**

June 25, 2024, 1:45 PM

**Others Present**

Tim Hotz

**Description**

Regulated solid waste painted concrete  
blocks on Andres property parcel 22-05-  
00-300-904.000-008 in Floyd County.



# Indiana Department of Environmental Management

## RM Record

### Description

Incident # 101084

**Received By:** Frosch, Scott

**Received Date:** 04/22/2022 5:36 pm

**Receipt Method:** Emergency Response Hotline

**Incident Description:** Open dumping of paint

**Incident Type:** Emergency Response-Reportable Spill

**Occurred Date/Time:** 04/20/2022 5:00 pm

**Regulatory Program:** Emergency Response

**Follow-Up Status:** Closed

**Incident Priority:** 2-Medium

**Incident Status:** Closed

**Lead Investigator:** Sawin, Jared

**Resolution Desc:** Jared Sawin (OSC)

**Other Substance:** Paint, 200-300 gallons, various colors and types

**Media Impacted:** Surface Soil

### Location

**Location Description:** 1615 Corydon Pike  
New Albany  
Floyd County

**County:** Floyd

**Latitude DD:** 38.274768

**Longitude DD:** -85.843809

**Method:** GPS-Unspecified

**System:** Lat.\Long - Decimal Degrees

**Datum:** NAD83

**Collected By:** IDEM Staff

### Source Entity

**Source Type:** Non-Agency Interest

**Source Entity Name:** Dennis Anders (or his son, Junior Anders)





# Indiana Department of Environmental Management

## RM Record

### Reporter

**Reporter Type:** IDEM Employee

**Name:** Tim Hotz

**Title:** OLQ Solid Waste Compliance

**Organization:** IDEM

**State:** IN

**Comments:** T Hotz called the hotline to report a dumptruck load of paint dumped on ground at this address. Many of the 5-gallon metal containers were damaged and leaking. There was a puddle of paint on the ground. The dump truck had its bed tipped up/open and paint was dripping out of the bed. The site manager said he was not aware of the paint. Hotz made a referral to IDEM ER for the spill.

### Actions

Task	Staff Assigned	Start Date	Due Date	Completed Date	Hours Spent
Lead ER Staff	Sawin, Jared			04/22/2022	
Perform Initial Field Response	Sawin, Jared	06/14/2022	06/14/2022	06/14/2022	
<p>Comments: OSC Sawin accompanied IDEM Tim Hotz on his follow up visit to the site. It was noted that a pile of painted bricks were dumped on the site. IDEM Staff were granted access to a locked trailer which housed the paint cans from the previous spill. The spill of paint had been adequately cleaned up, however, the cans had not been disposed of. IDEM Staff spoke with Mr. Andres on the phone, stating the painted bricks need disposed of along with the paint cans. Disposal information was requested for solid waste requested to be disposed of by IDEM Staff.</p>					
Complete Emergency Response	Sawin, Jared	10/17/2022	10/17/2022	10/17/2022	
<p>Comments: Per IDEM Solid Waste Tim Hotz, cleanup is complete with continued Solid Waste involvement for solid waste issues on the site.</p>					