



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Northwest Regional Office • 330 W. US Highway 30, Suite F • Valparaiso, IN 46385

(888) 209-8892 • (219) 464-0233 • Fax (219) 464-0553 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 27, 2024

VIA ELECTRONIC MAIL:

Jeff Smith
Cass County Highway Department
1251 North State Road 17
Logansport, Indiana 46947
Jeff.smith@co.cass.in.us

Re: Inspection Summary/Enforcement Action
Letter
Cass County Highway Department
Source ID N/A
Logansport, Cass County

Dear Jeff Smith:

On June 17, 2024, a representative of the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ), conducted an inspection of Cass County Highway Department, located at 1251 North State Road 17 in Logansport, 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:

Inspection Type: Complaint
Inspection Results: Violations were observed

At the time of the inspection, the following violations were noted:

- 1) Open burning, in violation of 326 IAC 4-1, was determined

At the time of the inspection, it was determined that the Cass County Highway Department open burned waste derived from roadside clean-up, including but not limited to mattresses, couches, spray cans, garbage, and an ironing board, for disposal purposes.

These violations are among those that IDEM has determined qualify for expedited enforcement. This means you will separately receive an expedited Notice of Violation (NOV) and a non-negotiable Agreed Order (AO) from an enforcement case manager. These documents will represent IDEM's best settlement offer in this matter to resolve the violation. The civil penalty included in the AO will be the penalty amount that IDEM will accept only for the settlement of the identified violations under its expedited enforcement program.

Please direct any questions to Sarah Ling, Compliance Inspector, at 219-730-6982 or by email at sling@idem.IN.gov.

Sincerely,

Handwritten signature of Randy K. Hoffman in cursive script.

for

Nicholas Carr, for
Northwest Regional Office
Office of Air Quality

ACES ID: 298776, 298775, 298777

ENCLOSURE

cc: Sarah Ling, Compliance and Enforcement Branch, Office of Air Quality
Cass County Health Department, Dan Musselman, dan.musselman@co.cass.in.us
Mr. David McIver, Compliance and Enforcement Branch, Office of Air Quality

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
FIELD INSPECTION REPORT**



SOURCE INFORMATION	
SOURCE NAME	Cass County Highway Department
SOURCE LOCATION	1251 North State Road 17, Logansport, Indiana Cass County
MAILING ADDRESS	1251 North State Road 17, Logansport, Indiana 46947
PLANT ID	N/A
<u>PERMIT INFORMATION</u>	Permit Type: N/A Permit Number: N/A Permit Expiration Date: N/A VFC Document No.(hyperlink): N/A
ATTAINMENT STATUS	<input checked="" type="checkbox"/> Attainment for all criteria pollutants <input type="checkbox"/> Nonattainment for <input type="checkbox"/> SO ₂ <input type="checkbox"/> CO <input type="checkbox"/> O ₃ <input type="checkbox"/> NO ₂ <input type="checkbox"/> Pb <input type="checkbox"/> PM ₁₀ <input type="checkbox"/> PM _{2.5}
SOURCE STATUS	<input type="checkbox"/> PSD Major (326 IAC 2-2) <input type="checkbox"/> Major Source of HAPs <input type="checkbox"/> Emission Offset (326 IAC 2-3) <input checked="" type="checkbox"/> Area Source of HAPs <input type="checkbox"/> Acid Rain (326 IAC 21)
<u>SOURCE DESCRIPTION</u>	The facility maintains county highways

INSPECTION INFORMATION			
INSPECTED BY	Sarah Ling		
INSPECTION DATE AND TIME	June 17, 2024	TIME IN: 12:15 PM	TIME OUT: 1:30 PM
REPORTED BY	Sarah Ling	REPORT DATE: 6/26/2024	
<u>COMPLIANCE PERIOD REVIEWED</u>	N/A		
<u>INSPECTION NOTIFICATION</u>	<input checked="" type="checkbox"/> Unannounced <input type="checkbox"/> Announced:		
INSPECTION OBJECTIVE(S)	<input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Surveillance <input type="checkbox"/> Other:		
ACES TRACKING NUMBER(S)	Inspection: 298776	Complaint: 298775	Violation/Warning: 298777
RM TRACKING NUMBER(S)	Complaint: 112881		
<u>INSPECTION BACKGROUND</u>	An open burning complaint was submitted to the Environmental Protection Agency (EPA), which was forwarded to the Indiana Department of Environmental Management (IDEM). The complaint alleged open burning of trash, left over oil from asphalt products, and possible medication/prescriptions.		

SOURCE PERSONNEL INTERVIEWED			
Name	Title	Phone Number	Email Address
Tony Butcher	Road Foreman	574-753-3749	Tony.butcher@co.cass.in.us
Bob Draper	Shop Foreman	574-753-3749	Bob.draper@co.cass.in.us

INSPECTION AND COMPLAINT HISTORY (PREVIOUS 5 YEARS)			
Date	Inspection/Complaint Type	Result	Comments
N/A	N/A	N/A	N/A

COMPLIANCE HISTORY (PREVIOUS 5 YEARS)			
Informal Enforcement Actions			
<i>Date Issued</i>	<i>Action Taken</i>	<i>Describe Violation(s)</i>	
N/A	N/A	N/A	
Formal Enforcement Actions			
<i>Case Number</i>	<i>Enforcement Type</i>	<i>Civil Penalty</i>	<i>Describe Violation(s)</i>
N/A	N/A	\$ N/A	N/A
Other Relevant Actions			
<i>Action Taken</i>	<i>Comments</i>		
N/A	N/A		

INSPECTION OBSERVATIONS AND COMMENTS
<p>I arrived at the Cass County Highway Department at approximately 12:15 PM and during vehicular observations no visible emissions were observed. When I entered the facility, I was greeted by Mr. Tony Butcher, and I explained the purpose of my visit. A few minutes after conversing with Mr. Butcher, Mr. Bob Draper joined the inspection and I explained to Mr. Draper the purpose of my visit. I asked Mr. Butcher and Mr. Draper if any open burning has been occurring on the property, and Mr. Butcher stated they do have a burn pile in the back of the property where they burn items they remove from the side of the road or from performing road maintenance. Mr. Butcher and Mr. Draper both discussed that they have burned items, including cardboard, office supplies, couches, yard waste, wood skids, and mattresses, they have picked up on the side of the road. Mr. Butcher and Mr. Draper also mentioned that they remove vegetation that impedes onto bridges and roads, which they bring back to the facility. Mr. Butcher and Mr. Draper stated that the vegetation from road maintenance, or from picking up from residential properties, is brought back to the department to either be chipped into mulch or is burned for disposal purposes. Mr. Butcher stated they recycle the tires, electronics, and asphalt they collect. Mr. Butcher also stated that the nearby landfill allows them to bring one (1) dumpster of garbage per week. I asked if burning the collected items and vegetation was their standard practice for disposal purposes, and Mr. Butcher and Mr. Draper both stated that they have always burned items, such as the ones previously mentioned. I asked how long they've been with the Department and Mr. Butcher and Mr. Draper stated they have been with the Department for eleven (11) and eighteen (18) years, respectively.</p> <p>I then explained that I would now need to conduct an inspection of the open burning area. During the site tour, I observed numerous nonallowable materials showing evidence of historic open burning such as, mattress wiring and remnants, ironing board, bicycle, metal cans, garbage, treated wood, spray cans, wood flooring, metal piping, couch remnants, and a tire rim. The burn pile was approximately twenty (20) feet in length, ten (10) feet in height, and ten (10) feet in width, totaling approximately two thousand (2,000) cubic feet in size. I asked Mr. Butcher and Mr. Draper how far away fire suppression equipment, such as a fire extinguisher or watering hose, is while the open burning is active. Mr. Draper stated that there is no fire extinguisher equipment nearby during the active burning. Mr. Draper added that the nearest equipment would be their vehicle wash bay, which is approximately three hundred (300) feet away from the burn pile.</p> <p>Once we returned to the office, I asked Mr. Butcher and Mr. Draper if they were familiar with 326 IAC 4-1, and both Mr. Butcher and Mr. Draper stated that they both were not familiar. I explained that the burning of nonallowable materials is a violation of 326 IAC 4-1. I recommend they immediately cease the open burning of nonallowable materials. I provided a business open burning informational card. I also recommended that they remove all evidence of open burning and dispose of the material through proper channels, such as bringing the materials to the landfill. I explained that pruning or clearing a roadside by a county highway department, and vegetation from a drainage ditch, and burning the vegetation at the location it was derived from may be considered an exemption from 326 IAC 4-1. I also explained that this exempt burning must comply with the conditions noted in 326 IAC 4-1-3(2). I also informed Mr. Draper that bringing any materials, including residential yard waste, back to the department to burn for disposal purposes is not acceptable and should stop immediately.</p> <p>A referral to Office of Land Quality will be sent for review.</p>

INSPECTION FINDINGS	
<input type="checkbox"/> No violations were observed or determined at the time of the inspection. <input checked="" type="checkbox"/> The following violations were determined at the time of the inspection: 1) Open burning, in violation of 326 IAC 4-1, was determined At the time of the inspection, it was determined that the Cass County Highway Department open burned waste derived from roadside clean-up, including but not limited to mattresses, couches, spray cans, garbage, and an ironing board, for disposal purposes.	
RECOMMENDED ACTION	Issue inspection summary/enforcement action letter and refer source for enforcement.
EXIT INTERVIEW	I explained my findings, recommendations, and conclusions with Tony Butcher and Bob Draper prior to exiting the facility.

ATTACHMENTS	
<ul style="list-style-type: none">• Photolog	

SUPPORTING DOCUMENTATION

Photo No. 1



Source Name:	Cass County Highway Department
Photographer:	Sarah Ling, IDEM, Office of Air Quality
Date and Time:	June 17, 2024, 12:54
Others Present:	Tony Butcher, Cass County Highway Dept.; Bob Draper, Cass County Highway Dept.
Description:	Pile of previously burned materials, which contained nonallowable materials, including mattress wiring and remnants, bicycle, couch remnants, metal cans, and garbage.

Photo No. 2



Source Name:	Cass County Highway Department
Photographer:	Sarah Ling, IDEM, Office of Air Quality
Date and Time:	June 17, 2024, 12:55
Others Present:	Tony Butcher, Cass County Highway Dept.; Bob Draper, Cass County Highway Dept.
Description:	Pile of previously burned materials, which contained nonallowable materials, including mattress wiring and remnants, bicycle, couch remnants, metal cans, and garbage.

Photo No. 3



Source Name:	Cass County Highway Department
Photographer:	Sarah Ling, IDEM, Office of Air Quality
Date and Time:	June 17, 2024, 12:55
Others Present:	Tony Butcher, Cass County Highway Dept.; Bob Draper, Cass County Highway Dept.
Description:	Pile of previously burned materials, which contained nonallowable materials, including mattress wiring and remnants, bicycle, couch remnants, metal cans, and garbage.

Photo No. 4



Source Name:	Cass County Highway Department
Photographer:	Sarah Ling, IDEM, Office of Air Quality
Date and Time:	June 17, 2024, 12:55
Others Present:	Tony Butcher, Cass County Highway Dept.; Bob Draper, Cass County Highway Dept.
Description:	Pile of wood waste, including cut logs of wood, branches, and tree stumps

Photo No. 5



Source Name:	Cass County Highway Department
Photographer:	Sarah Ling, IDEM, Office of Air Quality
Date and Time:	June 17, 2024, 12:56
Others Present:	Tony Butcher, Cass County Highway Dept.; Bob Draper, Cass County Highway Dept.
Description:	Pile of wood waste, including cut logs of wood, branches, and tree stumps and a pile of mulch sized wood grindings

From: [Jeff Smith](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Cass County Highway Department - Cass County - Inspection Summary/Enforcement Action Letter
Date: Thursday, June 27, 2024 2:01:43 PM
Importance: High

Your message

To: Jeff Smith
Subject: Cass County Highway Department - Cass County - Inspection Summary/Enforcement Action Letter
Sent: Thursday, June 27, 2024 1:56:38 PM (UTC-05:00) Eastern Time (US & Canada)
was read on Thursday, June 27, 2024 2:01:27 PM (UTC-05:00) Eastern Time (US & Canada).