



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 1, 2024

Clarence Lane (deceased)
Alan Lane (deceased)
7090 Beech Grove Road
Martinsville, Indiana 46151

William Michael Moore
7084 Beech Grove Road
Martinsville, Indiana 46151

Roger Moore
7080 Beech Grove Road
Martinsville, Indiana 46151

Dear Mr. Moore and Mr. Moore:

Re: **Summary Letter/Referral to Enforcement**
Gravel Drive West of Beech Grove Road
Martinsville, Morgan County

On June 28, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the above-referenced property, located alongside the gravel drive, west of Beech Grove Road, Martinsville, 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:	Complaint	TEMPO #96253, 105649, 112116
Results of Inspection:	Violations were observed and will be referred to the Land Enforcement Section (see attached inspection report).	

This matter has been referred to IDEM's Land Enforcement Section and an enforcement action is currently pending in Morgan County Court. Per the August 30, 2023, Court Order, you are required to remove all solid waste including, but not limited to, drywall, appliances, household trash, televisions and computer monitors, and provide written documentation to IDEM that the solid waste removed has been taken to a permitted solid waste management land disposal facility, recycling facility, or electronic waste facility.

Please direct any questions regarding this letter to Mr. Tim Hotz, 317/407-0082 or thotz@idem.in.gov. Thank you for your attention to this matter.

Sincerely,



Kelly B. Hall, Section Chief
Solid Waste Compliance
Office of Land Quality

Enclosure

cc: Morgan County Health Department ehs@morgancounty.in.gov
Morgan County Solid Waste Management District ekivett@morgancounty.in.gov
Gabriel Britton, Attorney at Law gabriel@centralindianaattorney.com
April Lashbrook, Office of Legal Counsel alashbro@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: Tim Hotz
 Inspector Phone: 317/407-0082

Inspection Date: 6/28/2024

Time In: 2:00 pm
 Time Out: 2:45 pm

GENERAL INFORMATION

Name of registration or Tempo (RM): Lane-Moore OD TEMPO 112116	Location: Gravel Drive, west of Beech Grove Rd., Martinsville, IN	County: Morgan
INX #: INX000068477	Parcel ID #: 55-05-29-300-008.000-006	Parcel Acreage: 21.3

PROPERTY OWNER(S)

Name(s) of property owner(s) and/or Company: Clarence Lane (deceased) and Alan J. Lane (deceased)	
Address (number, city, state, and zip code): 7090 Beech Grove Road, Martinsville, IN	
Email Address: Click here to enter text.	Telephone #: Click here to enter text.

RESPONSIBLE PARTY(IES)

Name(s) of property owner(s) and/or Company: William Michael Moore and Roger Moore	
Address (number, city, state, and zip code): 7084 Beech Grove Rd., Martinsville, IN 7080 Beech Grove Rd., Martinsville, IN	
Email Address: Click here to enter text.	Telephone #: Click here to enter text.

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 checked="" type="checkbox"/> 001	Tires	<input type="checkbox"/> 002	PCB's	<input checked="" 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 (E-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 checked="" 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 checked="" 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 28, 2024, Mr. Tim Hotz conducted a follow-up inspection on the Lane-Moore Open Dump to determine if any work had been done to start collecting and properly disposing of the large amount of drywall, household trash, tires, and e-waste dumped on several tracts of land, as required by an August 30, 2023, Court Order. The listed owners of the properties, Alan Lane and/or Clarence Lane have passed away, but the individuals responsible for dumping the solid waste are Roger Moore and William Michael Moore.

The inspector observed that some work has been done to remove drywall, construction/demolition debris, household trash that was dumped along the drive heading west from Beech Grove Road and near the former Lane residence. (See photos 1,3,5,6,7) Another pile of household trash, C&D waste and drywall was also removed from an area at the back of the property. (See photos 8,9) Roger Moore stated that there had been 5 or 6 roll offs that were filled up and removed from the site and that Jack's Trash (US 40, Clayton) supplied the roll offs. There was also evidence observed that a pile of computer monitors and television sets had been removed from an area adjacent to Beech Grove Road; however, these were not disposed of at a registered e-waste facility as required. (See photo 4) Mr. Moore did not provide any documentation on how many roll offs had been removed from the site.

Although there was evidence observed that there has been some removal and proper disposal of drywall, household trash, C&D waste, and waste tires from the site, the cleanup is a long way from being complete. As the cleanup progresses, there could be additional piles of solid waste found that were not noticed previously. A pile of waste tires that had not been noticed previously was observed behind Mr. Lane's former residence. A proper cleanup is going to require a sustained effort over a long period of time to have all solid waste removed and properly disposed.

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, the inspector observed drywall, household waste, C&D waste, and waste tires 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 may 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.

Follow-up inspections will be conducted throughout the cleanup process to determine if the solid waste has been collected and properly disposed.

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: Roger Moore, Michael Moore, Alan and Clarence Lane, Gabriel Britton, April Lashbrook, Morgan Co. HD, Morgan Co. SWMD	E-mail Address: USPS, USPS, gabriel@centralindianaattorney.com , alashbro@idem.in.gov , ehs@morgancounty.in.gov , ekivett@morgancounty.in.gov
Date Emailed by Inspector: Click here to enter a date.	<input checked="" type="checkbox"/> Needs Mailed



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

N/A

Description

Photo 1: 8 yard dumpster next to Lane house, with solid waste on ground waiting to be loaded.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

N/A

Description

Photo 2: 25-30 waste tires in old shed behind Lane residence which need to be properly disposed.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

N/A

Description

Photo 3: Solid waste cleaned up around shed/garage along Beech Grove Road. Several junk cars remain.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

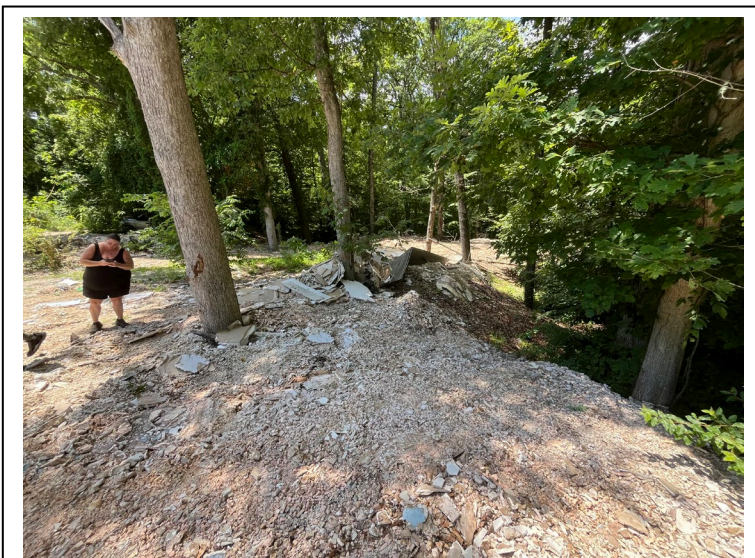
6/28/24 2:00 pm

Others Present

N/A

Description

Photo 4: Pile of computer monitors and television sets removed from along Beech Grove Road.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

Donna Stone, Jeff Stone

Description

Photo 5: Some removal of drywall has been done.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

Donna Stone, Jeff Stone

Description

Photo 6: Some removal of drywall has been done.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

Donna Stone, Jeff Stone

Description

Photo 7: Some removal of drywall has been done.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

Roger Moore

Description

Photo 8: Cleanup of household trash, construction/demolition debris and drywall from area in back of property, close to Michael Moore's house.



Facility Name

Lane-Moore OD, Morgan Co.

Photographer

Tim Hotz

Date/Time

6/28/24 2:00 pm

Others Present

Roger Moore

Description

Photo 9: Cleanup of household trash, construction/demolition debris and drywall from area in back of property, close to Michael Moore's house.
