



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 01, 2024

VIA USPS MAIL

Thomas and Rebecca Wiseman
Registered Property Owners
4728 South Kelly Road
English, Indiana 47118

Dear Mr. and Mrs. Wiseman:

Re: **Violation Letter**
4728 South Kelly Road
Property Parcel 13-09-11-403-001.000-005
Incident 111319 Wiseman OD
English, Crawford County

On June 27, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an open dump complaint follow-up inspection on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, Indiana 47118. The property owners of record are Thomas and Rebecca Wiseman. 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 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. Thank you for your attention to this matter.

Sincerely,

Mark A. Amick, Director
Southeast Regional Office

Enclosure:

Inspection Report
Inspection Photographs

cc:

Crawford County Health Department ([esatterfield@crawfordcountyin.com](mailto:esatterfield@ crawfordcountyin.com))
Crawford County Solid Waste Management District (ccswd@frontier.com)
Karla Frownfelter, IDEM Office of Chief of Staff (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

Inspector Phone: 812-216-2107

Inspection Date: June 27, 2024

Time In: 10:30 AM

Time Out: 11:00 AM

GENERAL INFORMATION

Name of registration or Tempo (RM): 111319 Wiseman OD	Location: 4728 South Kelly Road, English, Indiana 47118	County: Crawford
INX #: INX000068622 Master AI ID: 133851	Parcel ID #: 13-09-11-403-001.000-005	Parcel Acreage: 2.88

PROPERTY OWNER(S)

Name(s) of property owner(s) and/or Company: Thomas and Rebecca Wiseman	
Address (number, city, state, and zip code): 4728 South Kelly Road, English, Indiana 47118	
Email Address:	Telephone #:

RESPONSIBLE PARTY(IES)

Name(s) of property owner(s) and/or Company: Thomas and Rebecca Wiseman	
Address (number, city, state, and zip code): 4728 South Kelly Road, English, Indiana 47118	
Email Address:	Telephone #:

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 checked="" type="checkbox"/> 003	Household Waste
<input type="checkbox"/> 004	Asbestos	<input checked="" type="checkbox"/> 006	Construction/Demolition Waste	<input checked="" 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 checked="" 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 March 2, 2024, the Indiana Department of Environmental Management (IDEM) received a complaint of open dumping activity on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, Indiana 47118.

An open dump complaint inspection was conducted on March 21, 2024, and subsequent inspection report and violation letter was issued to the property owners, Thomas and Rebecca Wiseman via USPS Mail.

On Thursday, June 27, 2024, IDEM Solid Waste Compliance Inspector Chad Pittman conducted an open dump complaint follow-up inspection on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, Indiana 47118 (IDEM Incident 111319 Wiseman 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 inspector arrived at 4728 South Kelly Road, English, Indiana at 10:30 AM on Thursday, June 27, 2024. The solid waste compliance inspector was unable to contact anyone on the property at the time of the inspection.

No notable progress toward compliance was observed at the time of the June 27, 2024, follow-up inspection.

Regulated solid waste including construction and demolition debris, bulky waste, household waste, and appliances were observed remaining throughout the property at the time of the follow-up inspection.

Photographs of the regulated solid waste on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, Indiana are included as an attachment to this inspection report.

The following is included for reference:

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 inspector observed regulated solid waste including construction and demolition debris, bulky waste, household waste, and appliances on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, Indiana (See Inspection Photographs 1-9).

Required Action: It is the responsibility of the property owner to ensure that all dumping is stopped immediately and the regulated solid waste on Crawford County Property Parcel 13-09-11-403-001.000-005 located at 4728 South Kelly Road, English, 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.

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.

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.

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: Crawford County Health Department Crawford County Solid Waste Management District Karla Frownfelter, IDEM Office of Chief of Staff	E-mail Address: esatterfield@crawfordcountyin.com ccswd@frontier.com KFrownfe@idem.IN.gov
Date Emailed by Inspector:	<input checked="" type="checkbox"/> Needs Mailed

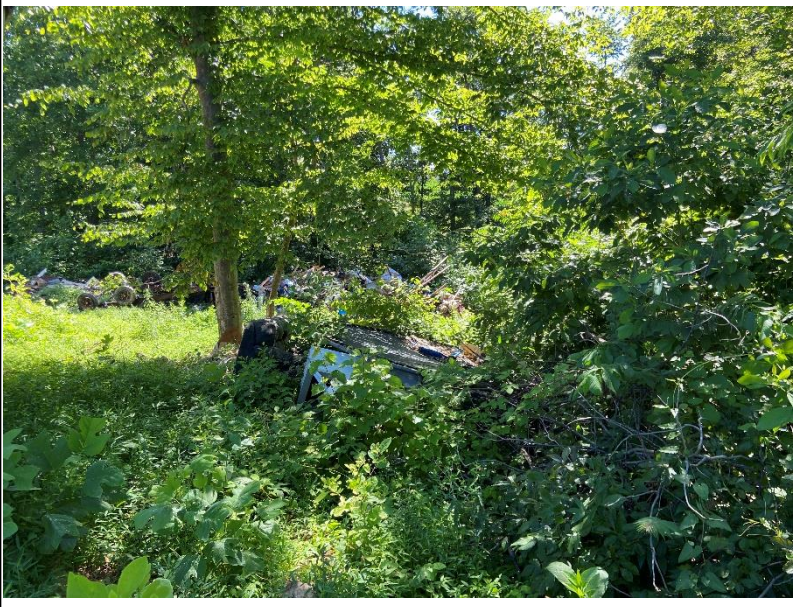
1



Facility Name
111319 Wiseman OD – English,
Crawford County
Photographer
Chad Pittman
Date/Time
June 27, 2024, 10:45 AM
Others Present

Description
Regulated solid waste including
construction and demolition debris on
Wiseman property parcel 13-09-11-
403-001.000-005 in Crawford County.

2



Facility Name
111319 Wiseman OD – English,
Crawford County
Photographer
Chad Pittman
Date/Time
June 27, 2024, 10:45 AM
Others Present

Description
Regulated solid waste including
construction and demolition debris on
Wiseman property parcel 13-09-11-
403-001.000-005 in Crawford County.

3



Facility Name
111319 Wiseman OD – English,
Crawford County
Photographer
Chad Pittman
Date/Time
June 27, 2024, 10:45 AM
Others Present

Description
Regulated solid waste on Wiseman
property parcel 13-09-11-403-001.000-005
in Crawford County.

4



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste including construction and demolition debris on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.

5



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste including appliances on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.

6



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste including construction and demolition debris on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.

7



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste in front of one of the mobile homes on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.

8



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste including a burn barrel on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.

9



Facility Name

111319 Wiseman OD – English, Crawford County

Photographer

Chad Pittman

Date/Time

June 27, 2024, 10:45 AM

Others Present

Description

Regulated solid waste near one of the mobile homes on Wiseman property parcel 13-09-11-403-001.000-005 in Crawford County.