



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

July 3, 2024

VIA USPS MAIL

Kenneth Moeller
Registered Property Owner
23090 Pocket Road
Batesville, Indiana 47006

Dear Mr. Moeller:

Re: Violation Letter
8969 East County Road 1300 North
Property Parcel 69-01-32-400-049.000-001
Incident 111628 Moeller OD
Sunman, Ripley County

On July 2, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an open dump complaint follow-up inspection on Ripley County Property Parcel 69-01-32-400-049.000-001 located at 8969 East County Road 1300 North, Sunman, Indiana 47041. The property owner of record is Kenneth Moeller, 23090 Pocket Road, Batesville, Indiana 47006. 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 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. Thank you for your attention to this matter.

Sincerely,

Mark A. Amick, Director
Southeast Regional Office

Enclosure:

Inspection Report
Inspection Photographs

cc:

Ripley County Health Department (ehs@ripleycounty.com)
Southeastern Indiana Recycling District (christy@seird.org)
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: July 2, 2024

Time In: 9:10 AM

Time Out: 9:30 AM

GENERAL INFORMATION

Name of registration or Tempo (RM): 111628 Moeller OD	Location: 8969 East County Road 1300 North, Sunman, Indiana 47041	County: Ripley
INX #: INX000068636 Master AI ID: 133894	Parcel ID #: 69-01-32-400-049.000-001	Parcel Acreage: 0.5000

PROPERTY OWNER(S)

Name(s) of property owner(s) and/or Company: Kenneth Moeller	
Address (number, city, state, and zip code): 23090 Pocket Road, Batesville, Indiana 47006	
Email Address:	Telephone #:

RESPONSIBLE PARTY(IES)

Name(s) of property owner(s) and/or Company: Kenneth Moeller	
Address (number, city, state, and zip code): 23090 Pocket Road, Batesville, Indiana 47006	
Email Address:	Telephone #:

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 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 checked="" type="checkbox"/>	026	No Action Needed (In Compliance)
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Comments:

On March 22, 2024, the Indiana Department of Environmental Management (IDEM) received a complaint of open dumping activity occurring on Ripley County Property Parcel 69-01-32-400-049.000-001 located at 8969 East County Road 1300 North, Sunman, Indiana 47041.

On Monday, March 25, 2024, IDEM Solid Waste Compliance Inspector Chad Pittman conducted an open dump complaint inspection on Ripley County Property Parcel 69-01-32-400-049.000-001 located at 8969 East County Road 1300 North, Sunman, Indiana 47041 (IDEM Incident 111628 Moeller OD). A subsequent inspection report and violation letter was mailed to the property owner of record advising them it was their responsibility to remove and properly dispose of the regulated solid waste on Ripley County Property Parcel 69-01-32-400-049.000-001.

An open dump complaint follow-up inspection was conducted on Tuesday, July 2, 2024. 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 8969 East County Road 1300 North, Sunman, Indiana at 9:00 AM on Tuesday, July 2, 2024. The solid waste compliance inspector was unable to contact anyone on the property at the time of the follow-up inspection. Although substantial progress has been made in removing the regulated solid waste since the March 25, 2024 compliant inspection, some regulated solid waste was observed remaining on the property at the time of the follow-up inspection.

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.

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 remaining on Ripley County Property Parcel 69-01-32-400-049.000-001 located at 8969 East County Road 1300 North, Sunman, Indiana (See Inspection Photographs 1 and 2).

Required Action: It is the responsibility of the property owner to ensure the remaining regulated solid waste on Ripley County Property Parcel 69-01-32-400-049.000-001 located at 8969 East County Road 1300 North, Sunman, 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.

Indiana's Air Pollution Control Rule 326 IAC 4-1 prohibits the open burning of solid 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." Burning of this waste may subject you to legal action.

Within **30 days** of receipt of this letter, another 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: Ripley County Health Department Southeastern Indiana Recycling District Karla Frownfelter, IDEM Office of Chief of Staff	E-mail Address: ehs@ripleycounty.com christy@seird.org KFrownfe@idem.IN.gov
Date Emailed by Inspector:	<input checked="" type="checkbox"/> Needs Mailed

1



Facility Name

111628 Moeller OD – Sunman, Ripley County

Photographer

Chad Pittman

Date/Time

July 2, 2024, 9:00 AM

Others Present

Description

Remaining regulated solid waste on Kenneth Moeller property parcel 69-01-32-400-049.000-001 in Ripley County.

2



Facility Name

111628 Moeller OD – Sunman, Ripley County

Photographer

Chad Pittman

Date/Time

July 2, 2024, 9:00 AM

Others Present

Description

Remaining regulated solid waste on Kenneth Moeller property parcel 69-01-32-400-049.000-001 in Ripley County.