



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 5, 2024

## USPS MAIL

Gena Carter and Austin Wesolowski  
Property Owner / Responsible Party  
12359 West County Line Road  
Moore Hill, Indiana 47032

Dear Ms. Carter and Mr. Wesolowski:

Re: **Violation Letter**  
12359 West County Line Road  
Property Parcel 15-09-34-400-034.000-021  
Incident 111234 Carter-Wesolowski OD  
Moore Hill, Dearborn County

On July 3, 2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted an open dump complaint follow-up inspection on Dearborn County Property Parcel 15-09-34-400-034.000-021 located at 12359 West County Line Road, Moore Hill, Indiana 47032. The property owners of record are Gena Carter and Austin Wesolowski. 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

cc:

Dearborn County Health Department ([dbaer@dearborncounty.in.gov](mailto:dbaer@dearborncounty.in.gov))  
Dearborn County Solid Waste Management District ([director@dearborncounty.in.gov](mailto:director@dearborncounty.in.gov))  
Nicole Daily, Dearborn County Plan Commission ([ndaily@dearborncounty.in.gov](mailto:ndaily@dearborncounty.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 (r/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 3, 2024

Time In: 9:00 AM

Time Out: 9:30 AM

**GENERAL INFORMATION**

Name of registration or Tempo (RM): 111234 Carter-Wesolowski OD	Location: 12359 West County Line Road, Moores Hill, Indiana 47032	County: Dearborn
INX #: INX000068611 Master AI ID: 133825	Parcel ID #: 15-09-34-400-034.000-021	Parcel Acreage: 0.5

**PROPERTY OWNER(S)**

Name(s) of property owner(s) and/or Company: Gena Carter and Austin Wesolowski	
Address (number, city, state, and zip code): 12359 West County Line Road, Moores Hill, Indiana 47032	
Email Address: <a href="mailto:genacarter0624@icloud.com">genacarter0624@icloud.com</a>	Telephone #:

**RESPONSIBLE PARTY(IES)**

Name(s) of property owner(s) and/or Company: Gena Carter and Austin Wesolowski	
Address (number, city, state, and zip code): 12359 West County Line Road, Moores Hill, Indiana 47032	
Email Address: <a href="mailto:genacarter0624@icloud.com">genacarter0624@icloud.com</a>	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 checked="" type="checkbox"/> 003 Household Waste
<input type="checkbox"/> 004 Asbestos	<input 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 checked="" 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 July 3, 2024, IDEM Solid Waste Compliance Inspector Chad Pittman, conducted an open dump compliant follow-up inspection on Dearborn County property parcel 15-09-34-400-034.000-021 located at 12359 West County Line Road, Moores Hill, Indiana 47032.

The solid waste compliance inspector arrived at 12359 West County Line Road, Moores Hill, Indiana at 9:00 AM on Wednesday, July 3, 2024. The inspector knocked on the door of the residence on the property, which went unanswered.

Regulated household, bulky, and other wastes were observed on Dearborn County property parcel 15-09-34-400-034.000-021 at the time of the follow-up inspection. No progress toward compliance has been made since the initial open dump complaint inspection that was conducted on February 26, 2024. Photographs of the regulated solid waste remaining on the property are included as an attachment to this inspection report.

## 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 follow-up inspection, the solid waste compliance inspector observed regulated household, bulky, and other waste on Dearborn County property parcel 15-09-34-400-034.000-021. The solid waste compliance inspector observed and photographed additional waste on the property since the initial open dump complaint inspection conducted on February 26, 2024 (See Inspection Photographs 1-3).*

Required Action: It is the responsibility of the property owner to ensure that all dumping is stopped immediately and the regulated solid waste on Dearborn County property parcel 15-09-34-400-034.000-021 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](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.

<p>Received by:          Gena Carter and Austin Wesolowski, property owners          Karla Frownfelter, IDEM Office of Chief of Staff          Dearborn County Health Department          Dearborn County Health Department          Dearborn County Solid Waste Management District</p>	<p>E-mail Address:          USPS MAIL / <a href="mailto:genacarter0624@icloud.com">genacarter0624@icloud.com</a>  <a href="mailto:KFrownfe@idem.IN.gov">KFrownfe@idem.IN.gov</a>  <a href="mailto:dbaer@dearborncounty.in.gov">dbaer@dearborncounty.in.gov</a>  <a href="mailto:jgrace@dearborncounty.in.gov">jgrace@dearborncounty.in.gov</a>  <a href="mailto:director@dearborncounty.in.gov">director@dearborncounty.in.gov</a></p>
<p>Date Emailed by Inspector:</p>	<p><input checked="" type="checkbox"/> Needs Mailed</p>

1



**Facility Name**

111234 Carter-Wesolowski OD –  
Moore Hill, Dearborn County

**Photographer**

Chad Pittman

**Date/Time**

July 3, 2024, 9:15 AM

**Others Present**

**Description**

Bulky, household and other regulated solid waste on Carter-Wesolowski property parcel 15-09-34-400-034.000-021 in Dearborn County.

2



**Facility Name**

111234 Carter-Wesolowski OD –  
Moore Hill, Dearborn County

**Photographer**

Chad Pittman

**Date/Time**

July 3, 2024, 9:15 AM

**Others Present**

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**Date/Time**

July 3, 2024, 9:15 AM

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