



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

Southwest Regional Office

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VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7008 2810 0001 0283 4293

September 11, 2009

The Honorable, Dan Terrell, Mayor
City of Mitchell
407 South 6th Street
Mitchell, IN 47446

Re: **Inspection Summary / Violation Letter**
Burn Area at Eastside Water Tower
Mitchell, Lawrence County
ACES Complaint No. 109086

Dear Mayor Terrell:

On September 2, 2009, Ms. Tammy Haug, Air Compliance and Enforcement Manager, and Mr. Andy Stinchfield, Emergency Response, with the Indiana Department of Environmental Management, Southwest Regional Office, conducted a complaint investigation of open burning at the location above in violation of 326 IAC 4-1. 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:

- ☐ Commitment
- ☐ Surveillance
- ☒ Complaint: **Open burning investigation**
- ☐ Routine
- ☐ Other:

Results of Inspection:

- ☐ No violations were observed
- ☐ Violations were observed but corrected during the inspection
- ☒ Violation was observed or determined: **Open Burning**
- ☐ Out of compliance with the following rules:
- ☐ Additional information/review is required to evaluate overall compliance
- ☐ Violations were determined and will be referred to the Office of Enforcement
- ☒ Other: **Referred to the Solid Waste and Asbestos Section**

(over)

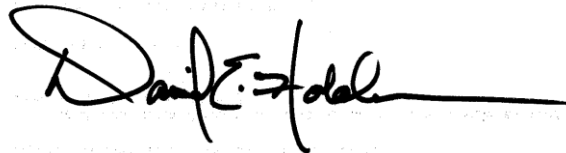
The following violations of Title 326 of the Indiana Administrative Code, Article 4 (Open Burning Rule, enclosed) which restricts open burning, were observed at the time of this inspection:

One unattended, smoldering burn pile, consisting of tree limbs, shingles, tin siding, fiberglass, dimensional lumber, toys, ceiling fan, large chunks of concrete and brick, etc.

The property location is south of the eastside water tower, located east of Contech Construction Products' property and south of the RR tracks. Ms. Haug and Mr. Stinchfield spoke to Mr. Steve Burton, Buildings and Street Commissioner, about this matter. It was explained to him that no burning should be conducted by the city. Burn variances, for specific circumstances, can be submitted for approval in accordance with 326 IAC 4-1; see IDEM's website for details, <http://www.in.gov/idem/4980.htm>. Mr. Stinchfield also requested that the pile of material not be disturbed until an evaluation is done by a Solid Waste compliance inspector.

Open burning of waste materials by a municipality for disposal purposes is prohibited. **Within fifteen (15) days of receipt of this letter, please submit to this office a written detailed explanation of steps taken to comply with 326 IAC 4-1 and your intention to remain in compliance.** Failure to respond adequately to this Violation Letter may result in a referral to Enforcement. Please direct any response to this letter and any questions to Tammy Haug at 812-380-2309 (toll free at 1-888-672-8323), or to thaug@idem.IN.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Holder", with a long horizontal line extending to the right.

David E. Holder, Deputy Director
Southwest Regional Office

DEH/tsh

Enclosures: 326 IAC 4-1

cc: Lawrence County Health Department— e-mail
Mitchell Fire Department
Mitchell Police Department
Troy Woodruff, Director SWRO – e-mail
Richard Schroeder – IDEM