



April 14, 2021

City of Bloomfield
111 W. Franklin Street
Bloomfield, IA 52537

Letter of Non-Compliance: Open Burning of Combustible Materials, 567 IAC 23.2(455B)
Improper Solid Waste Disposal, 567 IAC 100.4

RE: City of Bloomfield Tree Dump Site - Complaint #29293

Dear Honorable Mayor and Council:

This office recently received a complaint regarding the current tree dump located on the southwest side of Lake Fisher. The complaint stated that the tree dump was recently burned and that smoke was affecting their residence on or around March 31, 2021. On April 7, 2021 I investigated the complaint and observed that the tree dump had recently been burned and was still smoldering. I also observed miscellaneous solid waste (insulation, plastic garbage bags, etc.) dumped and/or burned at the site. I spoke with Mr. Richard Wilcox regarding the complaint. Mr. Wilcox was unaware that the burning had occurred and indicated that the site was recently moved to that location and was intended to be used as a tree dump and not a tree burn location.

This location does not meet the requirements of the Iowa Administrative Code (IAC) 567-23.2(455B) exemptions for open burning. I also observed violations of (IAC) 567 – 100.4 open dumping regulations. Full copies of the open burning rules were provided at the time of my investigation. Both are summarized as follows:

Open Burning

Paragraph 567-23.2(3)"b" states that the burning site for tree and tree trimmings must be operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the department and to the local governmental entity prior to the first instance of open burning at the site which occurs after November 13, 1996. The written waiver shall become effective only upon recording in the office of the recorder of deeds of the county in which the inhabited building is located. However, when the open burning of trees and tree trimmings causes air pollution as defined in Iowa Code section 455B.131(3), the department may take appropriate action to secure relocation of the burning operation.

Open Dumping

Section 455B.307, Code of Iowa and Rule 567 IAC 100.4(455B) (copy enclosed) prohibits private or public agencies from dumping or depositing or permitting the dumping or depositing of any solid waste at any place other than a permitted sanitary disposal project.

Requirements

Based on my investigation multiple violations of the above rules were noted. In particular: 1) the tree burn site is unfenced and access is uncontrolled. 2) Burning was occurring unsupervised. 3) The tree burn site is located well within the minimum required separation distance of ¼ mile. 4) Non Exempt materials (solid waste) were being burned.

The city must submit a letter of intention to the department by May 17, 2021 as to how compliance with the above mentioned rules will be achieved and a timeframe for doing so.

The department recognizes that unauthorized dumping and/or burning occurs. However, since this is a city owned and operated site, it the city’s responsibility to comply with all applicable rules and regulations. If you have any questions or would like further explanation of any part of this report, please contact me at 319-653-2135 or by email at Aaron.Pickens@dnr.iowa.gov.

Sincerely,

FIELD SERVICES & COMPLIANCE BUREAU

Aaron Pickens

Aaron Pickens
Environmental Specialist



xc: File – Bloomfield Tree Dump
Iowa DNR Records Section
Complainant (via email)
Suspense: **May 17, 2021**

