



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 29, 2024

Robert Ferrell
41012 250th Street
Mitchell, South Dakota 57301

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
WARNING LETTER

Dear Mr. Ferrell:

On April 19, 2024, our office received a call from Davison County Emergency Management regarding open burning of railroad ties on property you own north of Mt. Vernon, South Dakota. Our office received additional information from Davison County on April 23 that Mark Meier who rents the property from you, had burned the railroad ties on the property.

On April 25, I contacted you regarding this issue. You did confirm that some railroad ties and trees were recently burned on the property. You stated that the railroad ties were brought to the property 12-15 years ago by another individual prior to you owning the property. We discussed that it is a violation of state law and state air quality rules (Administrative Rule of South Dakota 74:36:06:07) to open burn railroad ties since they generate hazardous air pollutants. On April 26, I had a similar phone conversation with Mr. Meier about this issue.

The applicable open burning laws and regulations can be found our department's website at <https://danr.sd.gov/Environment/WasteManagement/SolidWaste/OpenBurning.aspx>.

Our department's Air Quality Guidelines for Open Burning can be found on our department's website at <https://danr.sd.gov/Environment/AirQuality/OpenBurning/default.aspx>.

Open burning of railroad ties is also prohibited because an open flame does not attain a high enough temperature to destroy the chemicals, thus causing a potential for toxic chemicals to be contained in the smoke. **Within 30 days of receipt of this letter, you will need to provide me documentation, including scale tickets, indicating the removal and proper disposal of the burnt railroad ties and ash at a permitted municipal solid waste landfill.**

Should railroad ties be improperly disposed of or open burned in the future, please be aware that our office will then pursue enforcement remedies allowed by state law. This would likely involve a notice of violation with a financial penalty. If you have any questions about this letter, please contact me at (605) 773-3153.

Sincerely,

Steven Kropp, P.E.
Waste Management Program

Cc: Mark Meier
Davison County Emergency Management ✓