

MAJOR INCIDENT

REPORTING INFORMATION FORM

DATE: 11-14-14

TIME: 1645

AGENCY: Davison EM

NAME: Jeff Bathke

PHONE: 605-999-2863

TYPE OF INCIDENT: FIRE FLOOD TORNADO OTHER

DETAILS: At approximately 1630 on 14 NOV 2014 the Mitchell Fire Division noticed heavy smoke on the west side of town. At 1639 the MFD arrived on scene. At 1645 the Mitchell Fire Marshal Marius Laursen (770-4893) notified Emergency Manager Bathke of a fire with black smoke at 2100 W. 5th AVE. in Mitchell, SD. Upon arrival the MFD and three Deputy Sheriffs were on the scene. Due to the minor situation, no Incident Commander was identified.

A pile of office equipment was set on fire. The Mitchell Fire Division (1 Engine, 3 Fire Fighters) contained the fire to the equipment, which was located next to a tree belt.

S.A.R. was not needed, nor activated. There will be no investigation by Fire Marshal Larursen.

The property is owned by Dave Hohn, who has a history of being told by the MFD that he cannot burn. According to Mr. Hohn's daughter who was at the scene, her father was in the house but would not come out to speak with the Deputy. So, the fire was extinguished and all resources left the scene.

DENR (Vonni Kallemeyn, phone # 605-773-3151) was contacted for guidance. She referenced the following violations and penalty:

SDCL 34A-6-1.4. Unauthorized construction or operation of site or facility prohibited-- Unauthorized dumping, disposal in water, burning prohibited--Exception--Penalties for violation. No person may construct, alter, or operate a solid waste disposal site or facility without a permit or in violation of §§ 34A-6-1.1 to 34A-6-1.38, inclusive, the rules or the terms and conditions of the facility permit. Nor may any person dump, abandon, or dispose of any solid waste that will not be regularly collected and deposited or directly disposed of at a permitted solid waste facility or other site approved by the board.

No person may dispose of, or place, solid waste in the waters of this state except to the extent that such disposal or placement is authorized by chapter 34A-2 and the water pollution control laws of the United States. No person may burn solid waste except as provided by § 34A-6-1.6 and except in a manner and under conditions approved by the department or board pursuant to chapter 34A-1.

No provision of §§ 34A-6-1.1 to 34A-6-1.38, inclusive, may be construed so as to prohibit a farmer or rancher from disposing of solid waste from normal farming operations or ordinary domestic activities upon his own land provided such disposal does not create a nuisance or a hazard to public health, does not violate a local ordinance, will not unlawfully pollute ground or surface waters or does not violate chapter 34A-1 or 34A-2 or the water or air pollution control laws of the United States.

A violation of this section is a Class 2 misdemeanor. The violator is also subject to a civil action by the State of South Dakota in circuit court for the recovery of a civil penalty of not more than ten thousand dollars per day per violation, for damages to compensate the state for impairment of the environment of this state, or both. An action for the recovery of a civil penalty or compensatory damages shall, upon demand, be tried by a jury.

Source: SL 1989, ch 306, § 5; SL 1992, ch 158, § 39.

SDCL 34A-6-87. Illegal dumping penalties. It is unlawful to willfully dispose of solid waste in a manner inconsistent with the provisions of this chapter. Illegal disposal of solid waste in a quantity less than ten pounds shall constitute littering as provided in chapter 34A-7. Any person illegally disposing of solid

waste in a quantity of ten pounds or more, but less than two thousand pounds or who unintentionally disposes of solid waste in excess of two thousand pounds in a manner inconsistent with this chapter is guilty of illegal dumping in the second degree. Any person who knowingly and intentionally disposes of solid waste in a manner inconsistent with the provisions of this chapter in a quantity in excess of two thousand pounds is guilty of illegal dumping in the first degree. Illegal dumping in the first degree is a Class 6 felony. Illegal dumping in the second degree is a Class 1 misdemeanor.

Source: SL 1992, ch 254, § 50N; SL 1993, ch 172, § 2; SL 1993, ch 262.

SDCL 34A-1-18. Emission control and open burning requirements--Local control--Nonconformance as violation. The Board of Minerals and Environment, for the purpose of controlling pollution, shall by rules promulgated pursuant to chapter 1-26 establish emission control requirements and reasonable requirements for open burning. The requirements may vary from area to area, as may be appropriate to facilitate accomplishment of the purposes of this chapter, and in order to take necessary or desirable account of varying local conditions. Any general prohibition against all open burning shall be determined by each municipality or by each county for areas outside the boundaries of the municipalities. The board may not adopt any rule generally prohibiting all open burning, but any board rule regulating open burning shall be only as is necessary to address a specific problem. Any person who allows an emission which does not conform to a requirement in force pursuant to this section is subject to § 34A-1-39.

Source: SL 1970, ch 203, § 9; SDCL Supp, § 34-16A-24; SL 1977, ch 280, § 10; SL 1977, ch 281, § 1; SL 1980, ch 238, § 14; SL 1992, ch 158, § 10; SL 1993, ch 256, § 5.

Vonni also mentioned if there is anything left from the burning of the waste it will have to be disposed of at a permitted municipal solid waste facility, probably Mitchell Landfill.

Due to the fact that air pollutants were released, Duty Officer Jack Dokken was notified. The full written report was sent to the Duty Officer the following day.

LOCATION: 2100 W. 5th AVE., Mitchell, SD

INJURIES: None.

SIZE: Small pile of office equipment. Fire was contained to the pile.

MOVEMENT: Fumes from the fire hung low to the ground, moving in a SE direction towards homes.

ENDANGERED AREA: Fire was contained to the pile. However, the fumes would be toxic to breathe.

POPULATION AREA: Property is outside the city limits in a residential area.

IMMEDIATE THREAT: HUMAN WILDLIFE WATER FISH OTHER

CURRENT OR POTENTIAL HEALTH PROBLEMS: Smoke inhalation.

CURRENT OR POTENTIAL ENVIRONMENTAL PROBLEMS: Toxic fumes in the air.

WATER BODIES/STREAMS INVOLVED: None.

WHAT MEDIA WAS AFFECTED BY THE RELEASE: AIR SOIL WATER

CURRENT WEATHER CONDITIONS AT SCENE: Cold, slight wind.

WIND SPEED: 8 MPH **DIRECTION:** NW **TEMPERATURE:** 15° **CLIMATE:** Sunny

INSURANCE COMPANY/POLICY/ADDRESS/PHONE: Unknown

HOME OWNER: Dave Hohn

AGENCIES ON SCENE: Mitchell Fire Department, Mitchell Policed Department, the Davison County Sheriff's Office and Davison County Emergency Management were on the scene.

DUTY OFFICER CALLED (605-773-3231): Due to the fact that air pollutants were released, Duty Officer Jack Dokken was notified. The full written report was sent to the Duty Officer the following day.

PHOTO: #1-Extinguishing fire.



PHOTO: #2-Copy Machines

