

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2017-
	)	
v.	)	(IEPA No. 3-17-AC)
	)	
JACKSON LASHMETT,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

To: Jackson Lashmett  
865 Lashmett Lane  
Winchester, IL 62694

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST, a copy of which is herewith served upon you.

Respectfully submitted,

/s/ Scott B. Sievers  
Scott B. Sievers  
Assistant Counsel

January 31, 2017

Scott B. Sievers  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	AC 2017-
	)	
v.	)	(IEPA No. 3-17-AC)
	)	
JACKSON LASHMETT,	)	
	)	
	)	
	)	
Respondent.	)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2014).

FACTS

1. That Jackson Lashmett (Respondent) is the present operator of a facility located in rural Scott County, Illinois. The property is commonly known to the Illinois Environmental Protection Agency as Road District 4/McEvelly, Sandra J. & King, Sharon H.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1718045003.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on December 13, 2016, Mark J. Weber of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-described facility. A copy of his

inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on 1/31/2017, Illinois EPA sent this Administrative Citation [via Certified Mail No. 7011 1150 0001 0863 2536 /for hand delivery].

VIOLATIONS

Based upon direct observations made by Mark J. Weber during the course of his December 13, 2016 inspection of the above-named facility, the Illinois Environmental Protection Agency has determined that Respondent has violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent caused or allowed the open dumping of waste in a manner resulting in litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2014).
- (2) That Respondent caused or allowed the open dumping of waste in a manner resulting in open burning, a violation of Section 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (2014).
- (3) That Respondent caused or allowed the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2014).

CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2014), Respondent is

subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Four Thousand Five Hundred Dollars (\$4,500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than March 13, 2017, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2014), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2014), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

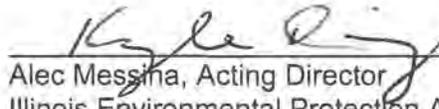
When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is

received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2014). If Respondent elects to contest this Administrative Citation, then Respondent shall file a Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

for   
Alec Messina, Acting Director  
Illinois Environmental Protection Agency

Date: 1.27.17

Prepared by: Dawn A. Hollis, Legal Assistant  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544



**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

**Open Dump Inspection Checklist**

County: Scott LPC#: 1718045003 Region: 5 - Springfield  
 Location/Site Name: Road District 4/McEvilly, Sandra J. & King, Sharon H.  
 Date: 12/13/2016 Time: From 1020 To 1100 Previous Inspection Date: \_\_\_\_\_  
 Inspector(s): Mark Weber Weather: 25 degrees F w/10 - 20 mph NNW wind  
 No. of Photos Taken: # 11 Est. Amt. of Waste: 100 yds<sup>3</sup> Samples Taken: Yes # \_\_\_\_\_ No   
 Interviewed: No one Complaint #: C-017-032-C  
 Latitude: 39.669463 Longitude: -90.466167 Collection Point Description: Center of Site -  
 (Example: Lat.: 41.26493 Long.: -89.38294) Collection Method: Photo Interpolation -

Responsible Party  
 Mailing Address(es)  
 and Phone Number(s):

Sandra McEvilly & Sharon King  
 1608 Valley View Drive  
 Kokomo, IN 46902  
 765/453-6719

Jackson Lashmett  
 865 Lashmett Lane  
 Winchester, IL 62694  
 217/742-3186

	SECTION	DESCRIPTION	VIOL
<b>ILLINOIS ENVIRONMENTAL PROTECTION ACT REQUIREMENTS</b>			
1.	9(a)	CAUSE, THREATEN OR ALLOW AIR POLLUTION IN ILLINOIS	<input checked="" type="checkbox"/>
2.	9(c)	CAUSE OR ALLOW OPEN BURNING	<input checked="" type="checkbox"/>
3.	12(a)	CAUSE, THREATEN OR ALLOW WATER POLLUTION IN ILLINOIS	<input type="checkbox"/>
4.	12(d)	CREATE A WATER POLLUTION HAZARD	<input type="checkbox"/>
5.	21(a)	CAUSE OR ALLOW OPEN DUMPING	<input checked="" type="checkbox"/>
6.	21(d)	CONDUCT ANY WASTE-STORAGE, WASTE-TREATMENT, OR WASTE- DISPOSAL OPERATION:	
	(1)	Without a Permit	<input checked="" type="checkbox"/>
	(2)	In Violation of Any Regulations or Standards Adopted by the Board	<input checked="" type="checkbox"/>
7.	21(e)	DISPOSE, TREAT, STORE, OR ABANDON ANY WASTE, OR TRANSPORT ANY WASTE INTO THE STATE AT/TO SITES NOT MEETING REQUIREMENTS OF ACT AND REGULATIONS	<input checked="" type="checkbox"/>
8.	21(p)	CAUSE OR ALLOW THE OPEN DUMPING OF ANY WASTE IN A MANNER WHICH RESULTS IN ANY OF THE FOLLOWING OCCURRENCES AT THE DUMP SITE:	
	(1)	Litter	<input checked="" type="checkbox"/>
	(2)	Scavenging	<input type="checkbox"/>
	(3)	Open Burning	<input checked="" type="checkbox"/>
	(4)	Deposition of Waste in Standing or Flowing Waters	<input type="checkbox"/>
	(5)	Proliferation of Disease Vectors	<input type="checkbox"/>
	(6)	Standing or Flowing Liquid Discharge from the Dump Site	<input type="checkbox"/>

LPC # 1718045003

Inspection Date: 12/13/2016

	(7)	Deposition of: (i) General Construction or Demolition Debris as defined in Section 3.160(a); or (ii) Clean Construction or Demolition Debris as defined in Section 3.160(b)	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
10.	55(k)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Water to Accumulate in Used or Waste Tires	<input type="checkbox"/>
	(4)	Transport Used or Waste Tires in Violation of the Registration and Placarding Requirements	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
11.	812.101(a)	<b>FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL</b>	<input checked="" type="checkbox"/>
12.	722.111	<b>HAZARDOUS WASTE DETERMINATION</b>	<input type="checkbox"/>
13.	808.121	<b>SPECIAL WASTE DETERMINATION</b>	<input type="checkbox"/>
14.	809.302(a)	<b>ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST</b>	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
15.		<b>APPARENT VIOLATION OF: (<input type="checkbox"/>) PCB; (<input type="checkbox"/>) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:</b>	<input type="checkbox"/>
16.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>

Informational Notes

- [Illinois] Environmental Protection Act: 415 ILCS 5/4.
- Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
- Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
- The provisions of subsection (p) of Section 21 and subsection (k) of Section 55 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
- This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
- Items marked with an "NE" were not evaluated at the time of this inspection.



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

### MEMORANDUM

**DATE:** January 10, 2017  
**TO:** Bureau of Land File  
**FROM:** Mark Weber, DLPC/FOS – Springfield Region  
**SUBJECT:** 1718045003 – Scott County  
Road District 4/McEvelly, Sandra J. & King, Sharon H.

On December 13, 2016 I conducted a complaint inspection of the McEvelly, Sandra J. & King, Sharon H. site located south of the intersection of Vortman Road and Crabtree Lane which is north of Winchester, Illinois in rural Scott County. The Illinois Environmental Protection Agency (IEPA) had received a complaint on December 10, 2016 alleging that commercial structures located along Illinois Route 36 in Winchester had been demolished and that the resulting demolition debris was being transported to the McEvelly & King site for disposal. The complainant also alleged that the open dumped waste was being burned. The complainant indicated that the responsible party was Mr. Jackson Lashmett. A second complainant was received by the IEPA Bureau of Air (BOA) on December 29, 2016 alleging that the same responsible party had continued burn the demolition debris at the McEvelly & King site. Copies of both complaints can be found in the IEPA Bureau of Land (BOL) file.

Apparent violations of the Illinois Environmental Protection Act which were observed at the McEvelly & King site during the December 13, 2016 inspection include Sections: 9(a), 9(c), 21(a), 21(d)(1), 21(d)(2), 21(e), 21(p)(1), 21(p)(3), and 21(p)(7). A potential violation of the Regulations, 35 IAC Section 812.101(a) was observed as well. Please refer to the attached Open Dump Checklist for additional information.

More specifically the parcel at which the open dumping had occurred is located at the southern terminus of Crabtree Lane and is described as being located in the north three quarters of the east half of the southeast quarter of Section 7, Township 14 North, Range 12 West of the third principal meridian, in Scott County, Illinois. This legal description was derived from a Trustee's Deed obtained from the Scott County Recorder's Office. The deed identifies Sandra J. McEvelly and Sharon H. King as the owners and provided a mailing address c/o of Ms. Sharon H. King 1608 Valley View Drive in Kokomo, Indiana. A copy of the deed can be found in the BOL file.

#### **December 13, 2016 Inspection**

I arrived on-site at around 1020 hours on December 13, 2016. The temperature was approximately 25° Fahrenheit. Skies were overcast and cloudy with a 10 – 20 mile per hour

north northwest wind. Site soil conditions were dry and the ground was frozen. There is no residence or place of business at the property, and there was no site representative present during the inspection. The area around the McEvelly & King site is composed almost entirely of agricultural properties with a few residences interspersed. The area around the demolition sites is composed primarily of residential properties. Please refer to the attached aerial photograph for a depiction of the site location.

Upon arriving in Winchester, Illinois I proceeded to the demolition sites located along State Route 36 to see if I could interview the responsible party about demolition activities and disposal of the resulting demolition debris. It was reported that a motel/apartment complex was located on one of the demolition sites while a restaurant was located on the other. The parcels are located immediately adjacent to one another on the east side of Route 36 within the corporate boundaries of Winchester, Illinois. According to information obtained from the Scott County Recorder's Office one of the parcels is owned by Mr. Jackson Lashmett while the other is owned by Mr. Charles and Ms. Vivian Jones. There was a waste pile composed of demolition debris and a track hoe located at the demolition sites. However, no one was present at the demolition sites to interview. Photographs depicting the condition of the demolition sites at the time of the inspection are included. Please refer to the attached aerial photograph for a depiction of the demolition site locations. At that point I proceeded to the disposal site.

Upon nearing the McEvelly & King site I could see a significant amount of smoke emanating from the disposal site. Upon entering the property I observed an actively burning pile of demolition debris that had been pushed into an on-site ravine. It appeared to have been partially buried as well as the soil had been recently disturbed and levelled. Wastes in the burn pile included dimensional lumber, drywall, plastics, and mixed metals. There were other open dumped solid wastes in the immediate vicinity of the burn pile as well, but they appeared to have been on-site for quite some time given the amount of weathering. These wastes included mixed metals, landscape debris, plastics, and furniture. The total volume of waste open dumped on-site was estimated at 100 cubic yards. Please refer to the attached aerial photograph for a depiction of the dump site location.

Following the December 13, 2016 inspection Mr. Jackson Lashmett called Mr. Ron Robeen. Mr. Robeen is the BOA Field Operations Section Manager. Mr. Robeen informed Mr. Lashmett that it is a requirement to submit a Notification of Demolition to the BOA whenever demolition of a commercial property takes place in the State of Illinois. This Notification is necessary as a requirement that the party responsible for the demolition has determined that the structure is free of asbestos containing material (ACM). Mr. Robeen also indicated to Mr. Lashmett that it is illegal to open burn the waste and that the fire at the dump site must be extinguished. Following the phone conversation Mr. Lashmett submitted to Mr. Robeen a copy of landfill receipts indicating that the demolition debris located on the demolition sites at the time of the December 13, 2016 inspection had been disposed of properly. Copies of email correspondence between Mr. Lashmett and Mr. Robeen can be found in the BOL file.

Please refer to the attached photographs for depictions of site conditions as they existed during the December 13, 2016 inspection. Photograph #1 provides a view of the active burn pile of demolition debris pushed into a ravine at the McEvelly & King site and partially buried.

Demolition debris was generated off-site in Winchester and brought to this site for disposal. Photograph #2 is a close-up of the actively burning demolition debris. Mr. Jackson Lashmett admitted to bringing the demolition debris generated in Winchester to this site for disposal. Photograph #3 is of a close-up of suspect asbestos containing material (SACM). Based on an examination of the photo IEPA BOA personnel did not feel that this was asbestos containing material (ACM). Photograph #4 depicts open dumped solid waste located adjacent to the active burn pile at the McEvelly & King site. Furniture, mixed metals, landscape debris, and plastics are all located within this waste pile. Photograph #5 provides another view of the open dumped solid waste documented in photo #4. This waste has been located on-site for some time given its weathered condition. Photograph #6 is of the actively burning demolition debris from down the ravine into which it was open dumped. Photograph #7 shows the former motel/apartment complex at which the demolition debris was generated by Mr. Jackson Lashmett. The waste generated as a result of the demolition was taken to the McEvelly & King site for disposal. Photograph #8 depicts the former location of restaurant which was demolished by Mr. Jackson Lashmett as well. It is believed, based on receipts provided by Mr. Lashmett to the IEPA that this demolition debris was taken to a landfill. Photograph #9 provides another view of the pile of demolition debris that was still located in Winchester at the time of the complaint inspection. Photograph #10 shows dimensional lumber, plastics, mixed metals, insulation, and drywall within the waste pile located at the former location of the restaurant in Winchester that had been demolished by Mr. Jackson Lashmett.

I left the McEvelly & King site at around 1100 hours and returned to IEPA headquarters in Springfield, Illinois.

ec: Ron Robeen, FOS/BOA Manager

LPC# 1718045003 – Scott County  
Road Dist. 4/McEvilly & King  
FOS File



Demolition Site



Electronic Filing: Received, Clerk's Office 1/31/2017 - \* \* \* AC 2017-010 \* \* \*

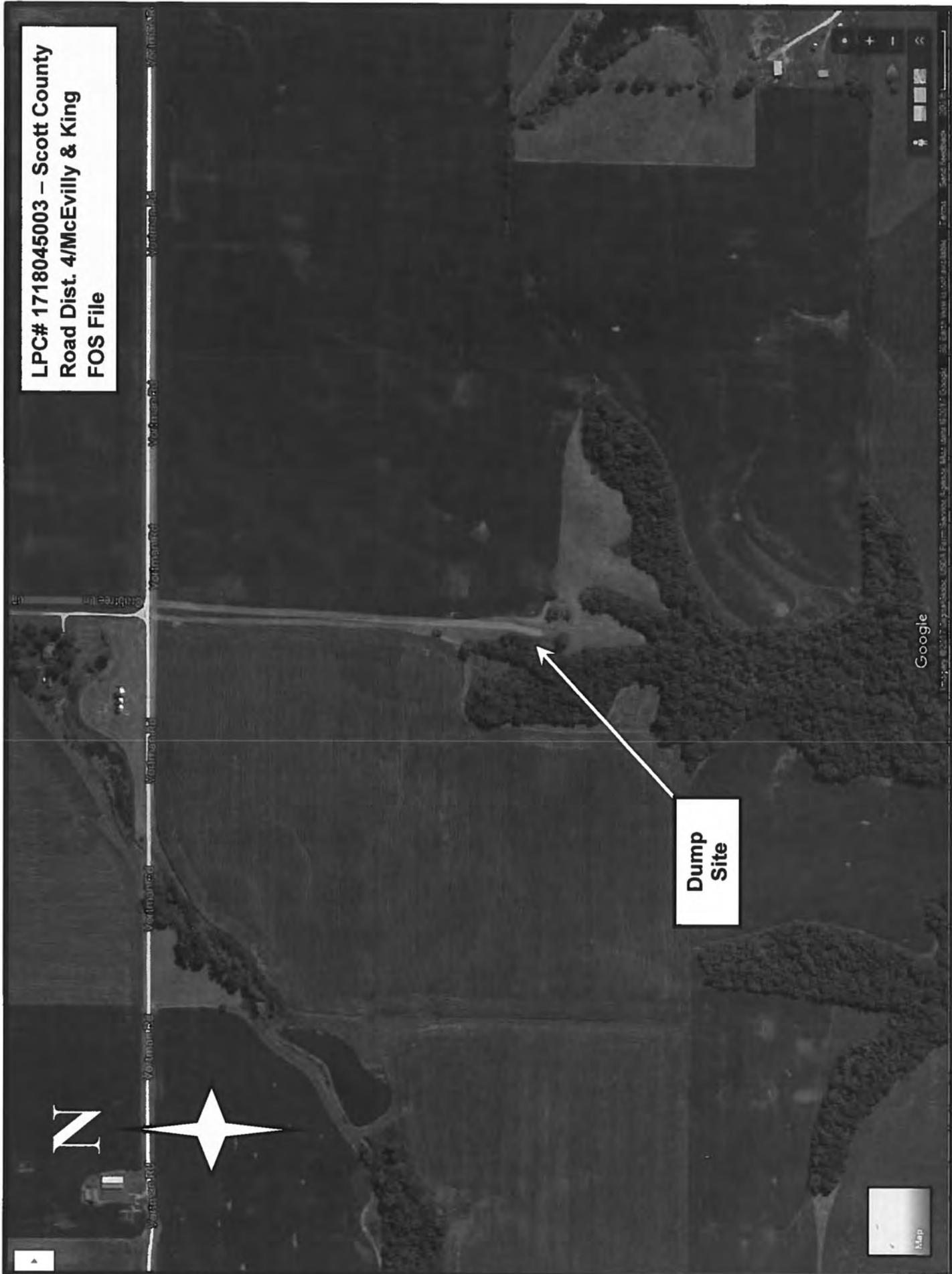
LPC# 1718045003 – Scott County  
Road Dist. 4/McEvilly & King  
FOS File

Dump Site

N

Google

Map





## DIGITAL PHOTOGRAPHS



**Date:** 12/13/2016  
**Time:** 1024  
**Direction:** S  
**Photo by:** Mark Weber  
**Exposure #:** 1  
**Comments:** Active burn pile of demolition debris pushed into a ravine at the McEvelly & King site and partially buried. Demolition debris was generated off-site in Winchester and brought to this site for disposal.



**Date:** 12/13/2016  
**Time:** 1025  
**Direction:** S  
**Photo by:** Mark Weber  
**Exposure #:** 2  
**Comments:** Close-up of the actively burning demolition debris. Mr. Jackson Lashmett admitted to bringing the demolition debris generated in Winchester to this site for disposal.

**File Names:** 1718045003~12132016-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 12/13/2016  
**Time:** 1025  
**Direction:** S  
**Photo by:** Mark Weber  
**Exposure #:** 3  
**Comments:** Close-up of suspect asbestos containing material (SACM). Based on an examination of the photo IEPA BOA personnel did not feel that this was asbestos containing material (ACM).



**Date:** 12/13/2016  
**Time:** 1026  
**Direction:** W  
**Photo by:** Mark Weber  
**Exposure #:** 4  
**Comments:** Open dumped solid waste located adjacent to the active burn pile at the McEvelly & King site. Furniture, mixed metals, landscape debris, and plastics are all located within this waste pile.

**File Names:** 1718045003~12132016-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 12/13/2016  
**Time:** 1027  
**Direction:** W  
**Photo by:** Mark Weber  
**Exposure #:** 5  
**Comments:** Another view of the open dumped solid waste documented in photo #4. This waste has been located on-site for some time given its weathered condition.



**Date:** 12/13/2016  
**Time:** 1028  
**Direction:** NE  
**Photo by:** Mark Weber  
**Exposure #:** 6  
**Comments:** Another view of the actively burning demolition debris from down the ravine.

**File Names:** 1718045003~12132016-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 12/13/2016  
**Time:** 1046  
**Direction:** NE  
**Photo by:** Mark Weber  
**Exposure #:** 7  
**Comments:** Former motel/apartment complex at which the demolition debris was generated by Mr. Jackson Lashmett. The waste generated as a result of the demolition was taken to the McEville & King site for disposal.



**Date:** 12/13/2016  
**Time:** 1046  
**Direction:** S  
**Photo by:** Mark Weber  
**Exposure #:** 8  
**Comments:** Former location of restaurant which was demolished by Mr. Jackson Lashmett as well. It is believed, based on receipts provided by Mr. Lashmett to the IEPA that this demolition debris was taken to a landfill.

**File Names:** 1718045003~12132016-[Exp. #].jpg



## DIGITAL PHOTOGRAPHS



**Date:** 12/13/2016  
**Time:** 1046  
**Direction:** E  
**Photo by:** Mark Weber  
**Exposure #:** 9  
**Comments:** Another view of the pile of demolition debris that was still located in Winchester at the time of the complaint inspection.



**Date:** 12/13/2016  
**Time:** 1046  
**Direction:** N  
**Photo by:** Mark Weber  
**Exposure #:** 10  
**Comments:** Dimensional lumber, plastics, mixed metals, insulation, and drywall are all visible within the waste pile located at the former location of the restaurant in Winchester that had been demolished by Mr. Jackson Lashmett.

File Names: 1718045003~12132016-[Exp. #].jpg



**CERTIFICATE OF SERVICE**

I, the undersigned, certify that I have served on the date of January 31, 2017 the attached ADMINISTRATIVE CITATION, AFFIDAVIT, and OPEN DUMP INSPECTION CHECKLIST upon the following person by depositing the document in a U.S. Postal Service mailbox, by the time of 2:45 P.M., with proper postage or delivery charges prepaid:

Jackson Lashmett  
865 Lashmett Lane  
Winchester, IL 62694

/s/ Scott B. Sievers  
\_\_\_\_\_  
Scott B. Sievers  
Assistant Counsel

January 31, 2017

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544