



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

June 24, 2024

VIA CERTIFIED MAIL #7002 0510 0002 7926 8841

Chris Slayton
2963 Flanagan Lane
Martinsville, IN 46151

Re: Notice of Final Settlement Offer
IDEM v. Chris Slayton
Case No. 2021-27896-A
Martinsville, Morgan County, Indiana

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Slayton:

On March 27, 2023, the Indiana Department of Environmental Management (“IDEM”) issued to you a Notice of Violation (“NOV”) and a proposed Agreed Order for the purpose of resolving the outstanding violations specified within the Notice of Violation. IDEM has not received any response from you indicating your willingness to settle this enforcement action.

Please review the enclosed proposed Agreed Order, arrange signature in the appropriate block on the signature page, and return the entire document, within ten (10) business days of receipt, to:

Lisa Ward, Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251
LHayhurs@idem.in.gov

Otherwise, IDEM will proceed, pursuant to Ind. Code § 13-30-3-4, to formal enforcement, and additional penalties will be assessed accordingly.

Please contact Lisa Ward at (317) 232-8412 or LHayhurs@idem.in.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janusz Johnson', with a long horizontal line extending to the right.

Janusz Johnson, Chief
Compliance and Enforcement
Branch
Office of Air Quality

Enclosure

cc: chrisslayton040@gmail.com

Lisa Ward, Compliance and Enforcement Branch, OAQ

Vaugh Ison, Compliance and Enforcement Branch, OAQ



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March 27, 2023

NOTICE OF VIOLATION

Chris Slayton
2963 Flanagan Lane
Martinsville, IN 46151
chrisslayton040@gmail.com

Case No. 2021-27896-A

Based on an inspection on May 4, 2021, the Indiana Department of Environmental Management (“IDEM”) has reason to believe that Chris Slayton (“Respondent”) has violated an environmental rule. The violation is based on the following:

1. Respondent rents a property located at 2963 Flanagan Lane in Martinsville, Morgan County, Indiana (the “Site”).
2. Pursuant to environmental regulation 326 IAC 4-1, open burning is prohibited unless exempted, allowed by rule, or an approval is attained.

Respondent conducted open burning of non-approved materials at the Site on or around May 4, 2021, in violation of environmental regulation 326 IAC 4-1.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that a violation may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violation and for the payment of a civil penalty for the violation. The Commissioner is not required to extend this offer for more than sixty (60) days. An Agreed Order for your consideration is attached. As noted on the attached Agreed Order, it is a qualified offer of settlement of this matter and, therefore, is inadmissible pursuant to Indiana’s Rules of Evidence.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violation occurred. IDEM encourages settlement by Agreed Order to quickly correct environmental violations and to avoid litigation.

If the Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may proceed with additional enforcement action requiring compliance with 326 IAC 4-1 and seek additional monetary penalties in accordance with IDEM’s Civil Penalty Policy (ID No. Enforcement 99-0002-NPD).

Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Lisa Ward at 317-232-8412 or LHayhurs@idem.in.gov if you have any questions.

For the Commissioner:

Date: March 15, 2023



David P. McIver, Chief
Enforcement Section
Office of Air Quality

cc: Morgan County Health Department
Lisa Ward, Compliance and Enforcement Branch, Office of Air Quality
Vaughn Ison, Compliance and Enforcement Branch, Office of Air Quality



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Eric J. Holcomb
Governor

Brian C. Rockensuess
Commissioner

Respondent Name: Chris Slayton
Case Number: 2021-27896-A

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent's entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent is Chris Slayton ("Respondent"), who rents the property located at 2963 Flanagan Lane in Martinsville, Morgan County, Indiana ("Site").
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via electronic mail to:

Chris Slayton
2963 Flanagan Lane
Martinsville, IN 46151
chrisslayton040@gmail.com
5. At the time of an inspection conducted on May 4, 2021, the following violation was in existence or observed at the Site by a representative of IDEM.
 - a. Pursuant to environmental regulation 326 IAC 4-1, open burning is prohibited unless exempted, allowed by rule, or an approval is attained.

Respondent conducted open burning of non-approved materials at the Site on or around May 4, 2021, in violation of environmental regulation 326 IAC 4-1.

6. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective (“Effective Date”) when it is adopted via signature by Complainant or Complainant’s delegate, and the adopted Agreed Order has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date. This offer to settle the allegations contained in this Agreed Order does not bind or obligate the parties of this enforcement action if the Agreed Order is not adopted.
2. Respondent is assessed a civil penalty of Five Hundred Dollars (\$500.00). Respondent shall pay said penalty amount no later than fifteen (15) days after the Effective Date (“Due Date”). In the event that the civil penalty is not paid by the Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101.
3. In the event the terms and conditions of this Agreed Order are violated, Complainant may seek additional relief.
4. Civil penalties are payable by check to the “Environmental Management Special Fund.” Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
IGCN, Room 1340
100 North Senate Avenue
Indianapolis, IN 46204
5. This Agreed Order shall apply to and be binding upon Respondent and his successors and assigns. Respondent’s signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent. No change in ownership, corporate, or partnership status of Respondent shall in any way alter his status or responsibilities under this Agreed Order.
6. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
7. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM’s review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of his obligation to comply with the

requirements of his applicable permit or any applicable Federal or State law or regulation.

8. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation.
9. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the same violation specified in the NOV.
10. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the United States Environmental Protection Agency ("EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the EPA or any other agency or entity.
11. The parties were free to consult with their respective counsel regarding entry into this Agreed Order to the extent each deemed necessary.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: David P. McIver
David P. McIver, Chief
Enforcement Section
Office of Air Quality

Date: March 15, 2023

RESPONDENT: *
Chris Slayton

By: _____

Printed: _____

Title: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS

_____ DAY OF _____, 20____.

For the Commissioner:

By: _____
Matthew Stuckey, Assistant
Commissioner
Office of Air Quality
Indiana Department of Environmental
Management

* In the event that Respondent does not accept the settlement offer contained in this Agreed Order, IDEM notes that this document is a qualified offer of settlement, and therefore Rule 408 of Indiana Rules of Evidence applies to this document, rendering it inadmissible.

Remove X

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