

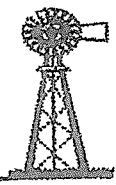
1 PRB

Rural King

America's Farm and Home Store

4818 Dowitt Ave. • Mattoon, IL 61896
Ph: 217-235-7102 • Fax: 217-235-0573

www.ruralking.com



Member Mid-States Distributing, Inc.

June 21st, 2016

Office of Indiana State Chemist and Seed Sommissioner
Attn: Mr. George N. Saxton, Compliance Officer
Purdue University
175 South University Street
West Lafayette, IN 47907-2063

Dear Mr. Saxton,

We received your letter regarding case #2016/0591.

I am including our response which was sent to you on May 20th. It appears this letter never reached you. Therefore, we are resubmitting the response letter.

Sincerely,

Mike Hurley

A handwritten signature in cursive script that reads "Mike Hurley".

DISPOSITION:

- A.** Rural King, Store 14 was cited for one hundred eighty (180) counts¹ of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a), for storing bulk pesticides outside of secondary containment. A civil penalty in the amount of \$\$45,000.00 (180 counts x \$250.00 per count) was assessed.²
- B.** On June 21, 2016, OISC received two facsimiles from Mike Hurley, Rural King Manager of the Evansville Rural King. One of the facsimiles was a letter dated May 20, 2016, requesting a hearing for the violation and assessed civil penalty. The second facsimile was a cover letter indicating a request for a hearing was made by Mr. Hurley on May 20, 2016, that he believed OISC had not received.
- C.** On June 21, 2016, I contacted Mr. Hurley about his request for a formal hearing. He indicated at that time he did not want to dispute the charges but did not feel he should be held accountable because he did not know about the rule requiring bulk pesticides to be in secondary containment. He stated he also thought the amount of civil penalty was excessive. He stated he just wanted to go before the Indiana Pesticide Review Board (IPRB) about the rule.
- D.** I told Mr. Hurley the IPRB considered the violation of the secondary containment rule to be serious in that I was not allowed to mitigate this particular penalty. I also advised him I would contact the Secretary for the IPRB and let him know about his request of an audience before the Board.

George N. Saxton
Compliance Officer

Draft Date: June 21, 2016

¹ By rule, civil penalties may not be imposed for more than one hundred eighty (180) days 357 IAC 1-6-2(b)

² By rule, penalties for this violation may not be mitigated 357 IAC 1-6-2(a)



Office of
INDIANA STATE CHEMIST AND SEED COMMISSIONER

Protecting Indiana's Agriculture and Environment - Feed, Fertilizer, Pesticide and Seed

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Robert D. Waltz, Ph.D.
State Chemist &
Seed Commissioner

May 4, 2016

**CERTIFIED MAIL
CITATION FOR VIOLATION
CIVIL PENALTY**

Rural King
Mr. Mike Hurley
2300 E. Morgan Avenue
Evansville, Indiana 47711

Re: Case #2016/0591; Pesticide storage and containment

Dear Mr. Hurley:

Enclosed is a draft case summary for the investigation conducted by this agency into the above referenced activities. Based on the findings, it is apparent you failed to maintain the required secondary containment for all bulk/mini-bulk pesticide containers. This constitutes a violation of the following relevant rule under Indiana Code 15-16-5:

355 IAC 5-4-1(a): "Liquid pesticide storage containers shall be located within secondary containment constructed with a base, perimeter wall and sloped floor. Exception for a sloped floor may be granted by the state chemist."

Rural King is hereby assessed a \$45,000.00 civil penalty. The civil penalty is to be made payable to the **Indiana State Chemist** and is to be submitted to the above address with a copy of this letter **within fifteen (15) days** of your receipt of this letter. Failure to remit the civil penalty or file an appeal in a timely manner will result in the case being forwarded to the Indiana Attorney General for collection and possible further enforcement action.

You have the right to request a formal hearing to contest any factual allegation set forth in this letter. If you have questions about the findings, the citation, the civil penalty, or the hearing process, you must contact me **in writing within fifteen (15) days** of your receipt of this letter. After that time, the case will be considered final.

Sincerely,

George N. Saxton
Compliance Officer

GNS/jdh

cc: Jean Schnur