

CASE SUMMARY

Case #2015/1341

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
W. Lafayette, IN 47907-2063
765-494-1585

Respondent: Scotts Lawn Service (Licensed Business)
13053 Parkside Drive
Fishers, IN 46038
260-493-0075
Aaron Ellis (Certified Applicator & Operations Manager)

1. On September 29, 2015, I conducted a routine facility inspection at Scotts Lawn Service in Fishers, Indiana. My credentials were presented and a Notice of Inspection was issued to Leona Baker, the office manager. Ms. Baker and I reviewed and updated the list of credentialed applicators currently employed at the Fishers location. I then met with Aaron Ellis, operations manager for the location. Mr. Ellis and I proceeded to the pesticide storage area for the facility.
2. During my inspection of the Scotts pesticide storage area, I observed two (2) full bulk pesticide storage containers (220 gallons each) that were outside of the secondary containment area. The labels on the outside of the bulk storage tanks indicated they both contained Horsepower Selective Herbicide (EPA Reg. #228-313; active ingredients: MCPA, Triclopyr and dicamba). I explained to Mr. Ellis the requirement for bulk pesticide storage containers to be placed into secondary containment area within thirty (30) days upon receiving them. Mr. Ellis stated he believed the two bulk containers had been at the facility since early July 2015. I requested Mr. Ellis provide an invoice of receipt date for the bulk containers of Horsepower. Mr. Ellis provided me a copy of the invoice requested and it indicated Scotts had received the Horsepower bulk containers on June 26, 2015. Photographs 1 thru 3 below show the bulk containers uncontained in the Scotts storage area.



Photograph 1



Photograph 2



Photograph 3

3. I then asked Mr. Ellis to move the two bulk Horsepower containers into the secondary containment area. Mr. Ellis complied immediately and I photographed the two Horsepower containers inside the secondary containment (see Photographs 4 and 5, Photograph 6 is a close-up of the Horsepower label on one of the bulk containers).



Photograph 4



Photograph 5



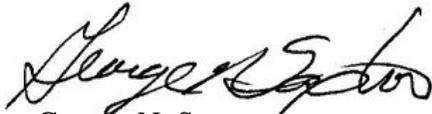
Photograph 6


Joseph D. Becovitz
Investigator

Date: October 2, 2015

Disposition:

A. Scotts Lawn Service of Fishers, Indiana was cited for sixty-six (66) days of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 5-4-1(a), for having bulk storage containers outside secondary containment. A civil penalty in the amount of \$16,500.00 (66 counts x \$250.00 per count) was assessed. By rule, this penalty cannot be mitigated.


George N. Saxton
Compliance Officer

Draft Date: October 9, 2015
Final Date: November 9, 2015