SETTLEMENT AGREEMENT

The Commissioner of Labor (hereinafter referred to as "Commissioner") and Robinson Grain Elevator, Inc, (hereinafter referred to as "Employer") hereby agree as follows:

The Commissioner amends the Safety Order(s) and Notification(s) of Penalty, IOSHA Inspection No. 313195307 issued to the Employer on September 22, 2009 in the following manner.

SAFETY ORDER 01:

Item 4a:	Upheld, Grouped with Item 1: Penalty deleted
Item 4b:	Upheld, Grouped with Item 1:
Item 4c:	Upheld, Grouped with Item 1:

Except for the above specified amendments all other provisions of Safety Order Number 1 are retained intact. All provisions of Safety Order 2 are retained intact.

The TOTAL AGREED PENALTY is $4,200.00

THE EMPLOYER IS SATISFIED WITH THE AMENDMENTS STATED ABOVE AND ACCORDINGLY WAIVES ITS RIGHT TO FILE A NOTICE OF CONTEST OF THE SAFETY ORDER(S) AND NOTIFICATION(S) OF PENALTY AS AMENDED AND AGREES TO WITHDRAW ANY PREVIOUSLY FILED NOTICES OF CONTEST IN THIS MATTER.

Upon full execution of this Settlement Agreement the Employer will post this Agreement for three (3) working days or until abatement is completed, whichever period is longer.

The total AGREED PENALTY is due and payable within fifteen (15) working days from the Employer's execution of this Agreement. The Employer further agrees that if the AGREED PENALTY is not paid within fifteen working days from the Employer's execution of this Agreement, that the full amount of the penalty initially assessed against the Employer in the Safety Order(s) and Notification(s) of Penalty which are the subject of this Agreement is due and payable immediately.

The Safety Order(s) and Notification(s) of Penalty are, and shall be, herein a final and enforceable Order of the Board of Safety Review.

Except for this agreement, and matters arising out of this agreement, and any other subsequent IOSHA proceedings between the parties, none of the foregoing agreements, statements, findings, and actions taken by Employer shall be deemed an admission by Employer of the allegations contained within the Safety Order(s) and Notification(s) of Penalty. The agreements, statements, findings and actions taken herein are made in order

to compromise and settle this matter economically and amicably, and they shall not be used for any other purpose, except as herein stated.

Robinson Grain Elevator, Inc

By: William J. Robinson

Title: President

Date: 10-1-09

COMMISSIONER OF LABOR

By: [signature]

Title: Director IC

Date: 10-2-09

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509

Certified mail #7008 1830 0000 4445 2811 9-22-09 jto

Safety Order and Notification of Penalty

To:

Robinson Grain Elevator, Inc.,
and its successors
480 S. Robinson Road
Vincennes, IN 47591

Inspection Site:

480 S. Robinson Road
Vincennes, IN 47591

Inspection Number: 313195307

Inspection Date(s): 07/29/2009 - 08/06/2009

Issuance Date: 09/22/2009

The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days

on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s) and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the

prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty.

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 09/22/2009. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Safety Order and Notification of Penalty
Company Name: Robinson Grain Elevator, Inc.
Inspection Site: 480 S. Robinson Road, Vincennes, IN 47591

Safety Order 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.212(a)(2): Guard(s) on machine(s) were not affixed to the machine or secured elsewhere when attachment to the machine was not possible:

Grain storage bin #12 - On July 27, 2009, at approximately 10:30am, a 12"x14" gate in the floor was not covered, allowing an employee who was cleaning the inside of the bin to step into that opening and entangle his left leg in the moving sub-floor dragline conveyor.

Date By Which Violation Must be Abated:	**10/19/2009**
Proposed Penalty:	**$1,500.00**

Safety Order 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.272(d): The employer did not develop and implement an emergency action plan meeting the requirements contained in 1910.38:

Facility - No written emergency action plan (EAP) was in place in the grain handling establishment.

ABATEMENT NOTE: Among other methods, feasible means of abatement may include development of an emergency action plan (EAP) as outlined in 29 CFR 1910.38. Elements of an EAP include: fire and other emergency reporting; specific emergency type evacuation procedures and exit routes; critical plant operation procedures prior to evacuation; employee evacuation accountability; employee rescue or medical duties; name and job title of program administrators; employee alarm system for each type of emergency; employee training when designated to assist other employees; and, a review of the emergency action plan with each employee.

Date By Which Violation Must be Abated:	**10/19/2009**
Proposed Penalty:	**$600.00**

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 3a Type of Violation: **Serious**

29 CFR 1910.272(e)(1)(ii): Current employees, and new employees prior to starting work in the grain handling facility were not trained in the specific procedures and safety practices applicable to their job tasks including but not limited to cleaning procedures for grinding equipment, clearing procedures for choked legs, housekeeping procedures, hot work procedures, preventive maintenance procedures, and lockout/tagout procedures:

Grain storage bin #12 - On July 27, 2009, at approximately 10:30 am, no training in safe work practices had been provided to employees who performed tasks such as entering the bins to clean them. Examples of safe work practices included, but were not limited to, turning off and locking out the sub-floor dragline conveyor before entry.

Date By Which Violation Must be Abated: **10/19/2009**
Proposed Penalty: **$1,500.00**

Safety Order 1 Item 3b Type of Violation: **Serious**

29 CFR 1910.272(e)(2): Employees assigned special tasks in the grain handling facility, such as bin entry and handling of flammable or toxic substances, were not provided training to perform these tasks safety:

Facility - Employees who performed tasks including, but not limited to, entering the bins to shovel out residual grain and sweep the floors had not received any safety training.

Date By Which Violation Must be Abated: **10/19/2009**

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for illness or injury resulting from an accident.

Safety Order 1 Item 4a Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(i): The employer did not issue a permit for entering bins, silos or tanks in the grain handling facility before the employees entered the bins, silos, or tanks:

Grain storage bin #12 - On July 27, 2009 at approximately 10:30 am, no permit (a method to certify that safe work practices were followed) was issued when an employee entered the bin to clean it. That employee climbed through a manhole (24" dia) to get inside. There was no attendant outside the space and no means to call for help in the event of an emergency. The entry was made without eliminating mechanical hazards such as an open gate in the floor over a moving sub-floor dragline conveyor that were present.

Date By Which Violation Must be Abated: **10/19/2009**
Proposed Penalty: **$1,500.00**

Safety Order 1 Item 4b Type of Violation: **Serious**

29 CFR 1910.272(g)(1)(ii): Prior to entry, all mechanical, electrical, hydraulic, and pneumatic equipment which presented a danger to employees inside bins, silos, or tanks in the grain handling facility were not disconnected, locked out and tagged, blocked off, or prevented from operating by other means or methods:

Grain storage bin #12 - On July 27, 2009, at approximately 10:30 am, an employee entered the bin while the sub-floor dragline conveyor was running and a 12"x14" gate/door in the floor was open.

Date By Which Violation Must be Abated: **10/19/2009**

Safety Order and Notification of Penalty
Company Name: Robinson Grain Elevator, Inc.
Inspection Site: 480 S. Robinson Road, Vincennes, IN 47591

Safety Order 1 Item 4c Type of Violation: **Serious**

29 CFR 1910.272(g)(3): In the grain handling facility an observer, equipped to provide assistance, was not stationed outside the bin, silo, or tank being entered by an employee:

Grain storage bin #12 - On July 27, 2009 at approximately 10:30 am, no attendant was present outside the bin when an employee went into the bin to clean it.

Date By Which Violation Must be Abated: 10/19/2009

Safety Order and Notification of Penalty

Company Name: Robinson Grain Elevator, Inc.
Inspection Site: 480 S. Robinson Road, Vincennes, IN 47591

Safety Order 2 Item 1 Type of Violation: **Nonserious**

29 CFR 1904.29(a): Work-related fatalities, injuries, and illnesses were not recorded on forms such as the OSHA 300, 300-A, and 301 forms, or their equivalent:

Facility - A workplace fatality which occurred on July 27, 2009 was not recorded on an OSHA 300 form or a similar document.

Date By Which Violation Must be Abated: **10/19/2009**
Proposed Penalty: **$300.00**

Safety Order 2 Item 2 Type of Violation: **Nonserious**

29 CFR 1904.39(a): Within eight (8) hours after the death of any employee from a work-related incident, the employer did not report orally a fatality by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that was nearest to the site of the incident or to the OSHA toll-free central telephone number of 1-800-321-OSHA (6742):

Facility - On July 27, 2009, no report was made to IOSHA of the workplace fatality which occurred at approximately 10:30am that morning.

Date By Which Violation Must be Abated: **10/19/2009**
Proposed Penalty: **$300.00**

Robert A. Kattau
Director, Industrial Compliance

Indiana Department of Labor
Indiana Occupational Safety and Health Administration
402 West Washington Street
Room W195
Indianapolis, IN 46204-2751
Phone: 317/232-1979 Fax: 317/233-8509

INVOICE/DEBT COLLECTION NOTICE

Company Name: Robinson Grain Elevator, Inc.
Inspection Site: 480 S. Robinson Road, Vincennes, IN 47591
Issuance Date: 09/22/2009

Summary of Penalties for Inspection Number 313195307

Safety Order 01, Serious	=	$5,100.00
Safety Order 02, Nonserious	=	$600.00
Total Proposed Penalties		$5,700.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Robert A. Kattau
Director, Industrial Compliance

9-22-09
Date