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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
Valley Agronomics, LLC)
Respondent.)

Docket No. FIFRA-10-2008-0010

CONSENT AGREEMENT

1. This administrative proceeding is simultaneously being commenced and concluded by issuance of this Consent Agreement along with the accompanying Final Order. The authority for this procedure is set forth at 40 C.F.R. § 22.13(b). This Consent Agreement contains terms for the settlement of claims between the United States Environmental Protection Agency (EPA) and Valley Agronomics, LLC (Respondent). The pursuit of these claims by EPA is authorized by Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136/(a).

2. For the purpose of this proceeding, Respondent admits the jurisdictional allegations contained herein, but neither admits nor denies the specific factual allegations put forth by EPA. Nevertheless, Respondent waives the right to contest those allegations as well as the right to appeal the accompanying Final Order. Respondent also consents to payment of the penalty as stated below.

3. Respondent has a business facility located at East Idaho Street in Paul, Idaho. This facility has been registered with EPA as a pesticide-producing establishment since January 24, 1994.

Consent Agreement

Valley Agronomics, LLC
FIFRA-10-2008-0010

1 The registration number for this establishment is 067769-ID-001. Among other responsibilities,
2 Respondent is required by 40 C.F.R. § 167.85(d) to provide EPA, on an annual basis, a written report
3 which documents the type(s) and amount(s) of pesticides produced and distributed during the past
4 calendar year, along with the type(s) and amount(s) of pesticides currently produced at the
5 establishment. Respondent is further required to submit the written annual report, covering the prior
6 calendar year, by no later than March 1st. Respondent submitted the annual written report for
7 calendar year 2005 and 2006 on March 13, 2007. These failures to file timely written reports
8 constitute two violations of 40 C.F.R. § 167.85(d), and Section 12(a)(2)(L) of FIFRA, 7 U.S.C. §
9 136j(a)(2)(L).

10 4. Respondent consents to the assessment of a civil penalty in the amount of eight-hundred
11 dollars and no cents (\$800.00). The payment of this penalty shall be made by Respondent within
12 thirty (30) days of the filing of the Final Order. This payment shall be by cashier's or certified check
13 made payable to the order of "Treasurer, United States of America." The check shall be submitted to
14 the following address:

15 US Bank - USEPA - Region 10
16 Fines and Penalties
17 Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

18 Along with payment, Respondent shall provide a transmittal letter which sets forth the information
19 contained in the caption of this case, including the case title and docket number, together with a
20 description of the obligation being satisfied by Respondent. At the time of payment, Respondent
21 shall also provide a copy of the check and transmittal letter to Mercer St. Peter, Assistant Regional
22 Counsel, and Carol Kennedy, Regional Hearing Clerk. The mailing address for Ms. St. Peter and
23 Ms. Kennedy is:

24 United States Environmental Protection Agency
25 1200 Sixth Avenue, Suite 900, ORC-158
Seattle, WA 98101-3140

26 5. Should Respondent fail to pay the penalty assessed herein in full by its due date, the entire
27 unpaid balance of penalty and accrued interest shall become immediately due and owing. Should

28 Consent Agreement

1 such a failure to pay occur, Respondent may be subject to a civil action under Section 14(a)(5) of
2 FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with interest, handling
3 charges, and nonpayment penalties, as set forth below.

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5 6. Should Respondent fail to pay any portion of the penalty assessed herein in full by its due
6 date, Respondent shall also be responsible for payment of the following amounts:

7 a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate
8 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective
9 date of the accompanying Final Order, provided, however, that no interest shall be payable on any
10 portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

11 b. Handling Charge: Pursuant to 31 U.S.C. § 3717(c)(1), a monthly handling charge of \$15
12 shall be paid if any portion of the assessed penalty is more than 30 days past due.

13 c. Nonpayment Penalty: Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6%
14 per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due,
15 which nonpayment penalty shall be calculated as of the date the underlying penalty first becomes
16 past due.

17 7. This Consent Agreement is binding upon Respondent, including all officers, directors,
18 servants, employees, agents, successors, and assigns of Respondent.

19 8. Respondent shall bear its own costs and attorneys fees in connection with this matter.

20 9. EPA and Respondent agree to the accompanying Final Order as presented to the Regional
21 Judicial Officer.

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23 United States Environmental
Protection Agency

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26 Mercer St. Peter
Associate Regional Counsel

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Consent Agreement

Valley Agronomics, LLC

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26 Dan Friesen
Manager

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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Valley Agronomics, LLC, DOCKET NO.: FIFRA-10-2008-0010** was filed with the Regional Hearing Clerk on October 23, 2007.

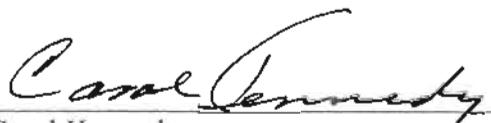
On October 23, 2007 the undersigned certifies that a true and correct copy of the document was delivered to:

Mercer St. Peter, Esquire
U.S. Environmental Protection Agency
Suite 900
1200 Sixth Avenue, ORC-158
Seattle, Washington 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on October 23, 2007 to:

Don Friesen, Manager
Valley Agronomics, LLC
P.O. Box 175
Paul, Idaho 83347

DATED this 23rd day of October 2007.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10

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(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 10/23/07
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fee:	
Sent To	Don Friesen, Manager Valley Agronomics, LLC
Street, Apt. No., or PO Box No.	P.O. Box 175
City, State, ZIP+4	Paul, ID 83347

PS Form 3800, June 2002 See Reverse for Instructions