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BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 10
Seattle, Washington**

IN THE MATTER OF:)	
)	Docket No. FIFRA-10-2009-0012
Swanson's Pest Management Inc.)	
Respondent.)	CONSENT AGREEMENT AND FINAL
)	ORDER FOR PAYMENT OF CIVIL
_____)	PENALTIES

I. PRELIMINARY STATEMENT

1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l(a).

2. The Administrator has delegated the authority to enter into the Final Order contained in Part III of this CAFO to the Regional Administrator of EPA Region 10, who in turn has redelegated this authority to the Regional Judicial Officer.

3. In accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA hereby issues, and Swanson's Pest Management Inc. ("Respondent") hereby agrees to issuance of, the Final Order contained in Part III of this CAFO.

1 in the July 2, 1990, "Enforcement Response Policy for the Federal Insecticide, Fungicide, and
2 Rodenticide Act," EPA has determined and Respondent agrees that an appropriate penalty to
3 settle this action is FOUR THOUSAND FIVE HUNDRED AND FIFTY DOLLARS (\$4,550).

4 11. Respondent consents to the issuance of the Final Order contained in Part III of this
5 CAFO, and payment of the civil penalty cited in the foregoing paragraph no later than 30 days
6 from the date it receives a conformed copy of this CAFO.
7

8 12. Payment under this CAFO shall be made by cashier's check or certified check,
9 payable to the order of "Treasurer, United States of America" and shall be delivered to the
10 following address:

11 U.S. Environmental Protection Agency
12 Fines and Penalties
13 Cincinnati Finance Center
14 PO Box 979077
St. Louis, MO 63197-9000

15 A transmittal letter providing the Respondent's name, complete address, and this case docket
16 number must accompany the payment. Respondent shall serve photo copies of the check and of
17 the accompanying transmittal letter to the Regional Hearing Clerk and the Pesticides and Toxics
18 Unit at the following addresses:

19
20 Regional Hearing Clerk
21 U.S. Environmental Protection Region 10
22 Office of Regional Counsel, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

23 Attn: Chad Schulze
24 U.S. Environmental Protection Region 10
25 Pesticides and Toxics Unit, OCE-084
26 1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

27 Swanson's Pest Management Inc.
28 Docket No. FIFRA-10-2009-0012

1 13. Failure to make timely payment of the assessed penalty may subject Respondent to a
2 civil action pursuant to Section 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid
3 portion of the assessed penalty, together with interest, handling charges, and nonpayment
4 penalties as set forth in Paragraph 14 below.

5 14. Should Respondent fail to pay any portion of the penalty assessed in this CAFO in
6 full by its due date, Respondent shall also be responsible for the payment of the following
7 amounts. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts:
8

9 a. Interest. Any unpaid portion of the assessed penalty shall bear
10 interest at the rate established by the Secretary of the Treasury pursuant to
11 31 U.S.C. § 3717(a)(1) from the date a conformed copy of this CAFO is mailed to
12 Respondent; provided, however, that no interest shall be payable on any portion of
13 the assessed penalty that is paid within 30 days of the date a conformed copy of
14 this CAFO is mailed to Respondent.
15

16 b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly
17 handling charge of \$15 shall be paid if any portion of the assessed penalty is more
18 than 30 days past due.
19

20 c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a
21 nonpayment penalty of 3% per annum shall be paid on any portion of the assessed
22 penalty that is more than 90 days past due, which nonpayment penalty shall be
23 calculated as of the day the underlying penalty first becomes past due.
24

1 15. The civil penalty described in this CAFO, including any additional costs incurred
2 under paragraph 14 above, shall represent civil administrative penalties assessed by EPA and
3 shall not be deductible for purposes of federal taxes.

4 16. The undersigned representative of Respondent certifies that he or she is fully
5 authorized to enter into the terms and conditions of this CAFO and to bind Respondent and its
6 officers, directors, agents, servants, employees, successors, and assigns to this document.

7
8 17. Respondent shall bear its own costs and attorney fees in connection with this matter.

9 18. Respondent expressly waives any right to contest the allegations and its right to
10 appeal the Final Order contained herein.

11 19. Respondent certifies that, to the best of its knowledge, it is now in compliance with
12 FIFRA.

13
14 20. The provisions of this CAFO shall bind Respondent and its officers, directors,
15 agents, servants, employees, successors, and assigns.

16 21. This document is a "Final Order" as that term is defined in the Enforcement
17 Response Policy for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), dated
18 July 2, 1990, for the purposes of demonstrating prior violations.

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1 STIPULATED AND AGREED this 6 day of April, 2009:

2
3 SWANSON'S PEST MANAGEMENT INC.
4 Respondent

5 By Joan E. Jensen Dated: 4/6/09
6 (Print Name) Joan E. Jensen
7 Title Operations Manager

8
9 U.S. ENVIRONMENTAL PROTECTION AGENCY,
10 Complainant

11 By Juliane R.B. Matthews Dated: 4/14/09
12 Juliane R.B. Matthews
13 Assistant Regional Counsel

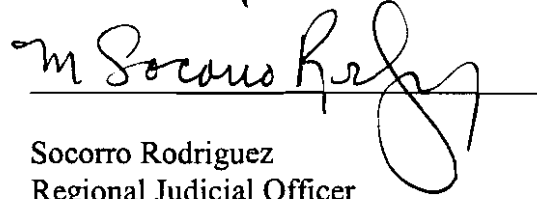
14 III. FINAL ORDER

15
16 22. The terms of the foregoing Consent Agreement are hereby ratified and incorporated
17 into this Final Order. Respondent is hereby ordered to comply with the foregoing terms of the
18 settlement.

19 23. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant
20 to the FIFRA for the particular violations alleged in the Complaint. In accordance with 40 C.F.R.
21 § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to pursue
22 appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
23 This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply
24 with all applicable provisions of the FIFRA and regulations issued thereunder.
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24. This Final Order shall become effective upon filing.

SO ORDERED this 24th day of April, 2009:



Socorro Rodriguez
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

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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: Swanson's Pest Management, Inc., DOCKET NO.: FIFRA-10-2009-0012** was filed with the Regional Hearing Clerk on April 24, 2009.

On April 24, 2009 the undersigned certifies that a true and correct copy of the document was delivered to:


Julie Matthews, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Suite 900
Seattle, WA 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 April 24, 2009, to:

Joan Jensen
Operations Manager
Swanson's Pest Management, Inc.
P.O. Box 40728
Eugene, OR 97404

Honorable Susan L. Biro
Chief Administrative Law Judge
U.S. EPA, Mail Code 1900L
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

DATED this 24th day of April 2009.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10