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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105**

_____)	
In the Matter of:)	
Frontline Group LLC,)	Docket No. FIFRA-09-2023-0096
Respondent.)	CONSENT AGREEMENT AND
_____)	FINAL ORDER

I. CONSENT AGREEMENT

The United States Environmental Protection Agency ("EPA"), Region IX and Frontline Group LLC ("Respondent") agree to settle this matter initiated against Respondent under the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 *et seq.*, and consent to the entry of this Consent Agreement and Final Order ("CAFO").

A. AUTHORITY AND PARTIES

1. EPA Region IX, through the Manager of the Toxics Section in the Enforcement and Compliance Assurance Division, EPA, Region IX ("Complainant"), initiated this administrative

proceeding for the assessment of a civil administrative penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136/(a), by issuing a Complaint and Notice of Opportunity for Hearing (“Complaint”) against Respondent on September 28, 2023 in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22.

2. The Complaint alleges that Respondent violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by distributing or selling a pesticide which is not registered with EPA under Section 3 of FIFRA, 7 U.S.C. § 136a.

3. EPA and Respondent have agreed to resolve this civil administrative proceeding by executing this CAFO in accordance with 40 C.F.R. § 22.18(b).

B. RESPONDENT’S ADMISSIONS

4. In accordance with 40 C.F.R. § 22.18(b)(2) and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in the Complaint; (iii) consents to any and all conditions specified in this CAFO and to the assessment of the civil administrative penalty under Section I.C of this CAFO; (iv) waives any right to contest the allegations contained in the Complaint; and (v) waives the right to appeal the proposed final order contained in this CAFO.

C. CIVIL ADMINISTRATIVE PENALTY

30. Respondent agrees to pay a civil penalty in the amount of ONE THOUSAND DOLLARS (\$1,000) (“Assessed Penalty”) within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk (“Filing Date”).

31. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website:

<https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

32. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name and the docket number of this agreement, FIFRA-09-2023-0096,

b. Concurrent with any payment or within 24 hours of any payment, Respondent shall provide proof of such payment to the following addressees:

Regional Hearing Clerk
Office of Regional Counsel (ORC-1)
U.S. Environmental Protection Agency, Region IX
R9HearingClerk@epa.gov

Savannah Merritt
Enforcement and Compliance Assurance Division (ENF-2-3)
U.S. Environmental Protection Agency, Region IX
merritt.savannah.l@epa.gov

and

U.S. Environmental Protection Agency
Cincinnati Finance Center
Via electronic mail to:
CINWD_AcctsReceivable@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that

payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

If Respondent fails to pay the Assessed Penalty by the deadline specified in Paragraph 30, then Respondent shall pay to EPA the stipulated penalty of ONE HUNDRED FIFTY DOLLARS (\$150.00) for each day the default continues, in addition to the Assessed Penalty upon written demand by EPA.

33. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, interest, penalty charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to timely pay any portion of the Assessed Penalty pursuant to this CAFO. The entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing and EPA is authorized to recover the following amounts:

Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in

the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. §13.11(a)(l).

Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred and will include both direct and indirect costs. 40 C.F.R. §13.11(b).

Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

34. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties pursuant to this CAFO, EPA may take additional actions. which include, but are not limited to, the following:

- a. Referral of the debt to a credit reporting agency or a collection agency. 40 C.F.R. §§ 13.13 and 13.14.
- b. Collection of the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

- c. Suspension or revocation of Respondent's licenses or other privileges, or suspension or disqualification of Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.
- d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 136/(a)(5).

35. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

36. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Agreement shall not be deductible for purposes of federal taxes.

D. CERTIFICATION OF COMPLIANCE

35. In executing this CAFO, Respondent certifies that, to the best of its knowledge, it is currently in compliance with any FIFRA requirements that may apply to its ongoing operations.

E. RETENTION OF RIGHTS

36. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in the Complaint. Nothing in this CAFO is intended to or shall be construed to resolve (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation, rule, ordinance, or permit not specifically alleged in the Complaint; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to,

injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in the Complaint.

37. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duty to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

F. ATTORNEY'S FEES AND COSTS

38. Each party shall bear its own attorneys' fees, costs, and disbursements incurred in this proceeding.

G. EFFECTIVE DATE

39. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), this CAFO shall be effective on the date that the final order contained in this CAFO, having been approved and issued by either the Regional Judicial Officer or Regional Administrator, is filed.

H. BINDING EFFECT

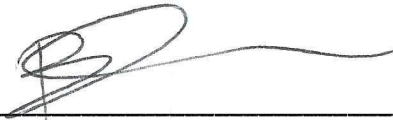
40. The undersigned representative of Complainant and the undersigned representative of Respondent each certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to bind the party he or she represents to this CAFO.

41. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

FOR RESPONDENT, FRONTLINE GROUP LLC

5/18/24

DATE



Brad Gooden
President
Frontline Group LLC

FOR COMPLAINANT, EPA REGION IX:

5/30/2024

DATE

MATTHEW SALAZAR Digitally signed by
MATTHEW SALAZAR
Date: 2024.05.30
09:29:29 -07'00'

Matt Salazar, PE
Manager, Toxics Section
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX

**Consent Agreement and Final Order
In the Matter of: Frontline Group LLC
Docket No. FIFRA-09-2023-0096**

II. FINAL ORDER

Complainant and Respondent, Frontline Group LLC, having entered into the foregoing
Consent Agreement,

IT IS HEREBY ORDERED that this CAFO (Docket No. FIFRA-09-2023-0096) be entered, and
that Respondent shall pay a civil administrative penalty in the amount of ONE THOUSAND
DOLLARS (\$1,000) and comply with the terms and conditions set forth in the Consent
Agreement.

DATE

Beatrice Wong
Regional Judicial Officer
U.S. Environmental Protection Agency, Region IX

CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order, (**Docket No. FIFRA-09-2023-0096**) was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

A copy was mailed via ELECTRONIC MAIL to:

Brad Gooden
Frontline Group LLC
4510 Bridgeway Avenue
Columbus, Ohio 43219
bjgooden@outlook.com

An additional copy was delivered via electronic mail to the following U.S. EPA case attorney:

Catherine Schluter
Assistant Regional Counsel (ORC 2-1)
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105
Schluter.catherine@epa.gov

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Regional Hearing Clerk
U.S. EPA, Region IX