

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KS 66219

7:19AM

Received by
EPA Region 7
Hearing Clerk

In the Matter of)
)
Kunkel Enterprises, Inc.)
1992 NW US Highway 50) Docket No. FIFRA-07-2021-0017
Lone Jack, MO 64070)
)
Respondent.)

FINAL ORDER

On May 25, 2021, Complainant, the Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency (EPA), Region 7, filed a Complaint against Respondent Kunkel Enterprises, Inc., alleging that Respondent violated Section 12 of the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Act, 7 U.S.C. § 136j. The Complaint sought a penalty of \$8,900.00.

This action is governed by the EPA’s Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) set forth at 40 C.F.R. Part 22. See 40 C.F.R. § 22.1(a)(1). Pursuant to 40 C.F.R. § 22.18(a), a respondent may opt for a quick resolution of an enforcement proceeding at any time by paying the penalty proposed in the complaint. See 40 C.F.R. §§ 22.18(a)(1) and (2). The Consolidated Rules further provide that upon payment in full of the penalty, the Regional Judicial Officer must issue a final order. 40 C.F.R. § 22.18(a)(3).

On June 15, 2021, Respondent paid the penalty specified in the Complaint and filed with the Regional Hearing Clerk a copy of confirmation of payment in the amount of \$8,900.00 to Pay.gov, a program of the U.S. Department of the Treasury, Bureau of the Fiscal Service. Respondent has thus met the requirements for resolving this proceeding pursuant to 40 C.F.R. § 22.18(a)(1).

Respondent’s payment of the penalty in full constitutes a waiver of Respondent’s rights to contest the allegations in the Complaint and to appeal this Final Order. See 40 C.F.R. § 22.18(a)(3). As provided in 40 C.F.R. § 22.31(a), this Final Order constitutes the final Agency action in this proceeding. This Final Order does not affect the right of the Agency or United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law and resolves only those causes of action alleged in the Complaint. This Final Order does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable FIFRA provisions and the regulations promulgated thereunder.

This Final Order is effective upon filing with the Regional Hearing Clerk. 40 C.F.R. § 22.31.

SO ORDERED.

Date

KARINA BORROMEO
REGIONAL JUDICIAL OFFICER