

Midwest Fertilizer Inc
26237 302nd St
Kilgore NE 69216
October 29, 2010

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FILED
EPA REGION VIII
HEARING CLERK

United States Environmental Protection Agency
Region 8
1595 Wynkoop Street
Denver, Co 80202-1129

Ref: 8EnF-L

To Whom It May Concern:

We are responding an answer to the administrative complaint, seeking penalties for a violation of the Federal Insecticide Fungicide and Rodenticide Act.

We would like to clarify the size and gross income of our company. We are a small family owned company that is operated by 4 people. Our business is located at our home place, so our business hours are 24-7. Our gross sales fall in the \$1,000,000-\$10,000,000 per year.

In regards to the storage of the PhosFume, we had been told to have them stored in a separate building so we had just moved them from our main storage building. We had not gotten around to hanging our hazard signs. We realize we were in the wrong for not having the signs hung at the new storage location.

In regards to keeping incomplete and sometimes incorrect pesticide sales records: Our records have been reviewed on an annual bases and we have not had to change the way we were recording sales of restricted use pesticides. These are the same records that were shown to Mr. Golden. We see where the Tordon 22 Registration number was recorded incorrectly. This has been corrected. We had recorded the EPA registration number for the Rozol at the top of the form and not after every customers name. We have also corrected this.

We realize this was a mistake and not completely in compliance with the label and recording of restricted use pesticides. This is the first time in almost 30 years of being in business that we have been found out of compliance. We have always strived to conduct business by complying to rules and regulations. We feel a warning with a chance to correct our mistakes would be more appropriate than a fine of \$7500.

We have corrected the complaints and will continue to do business by complying with regulations. We hope that you will be willing to accept our explanation and give us a second chance and waive the fine for these complaints.

Sincerely,



Midwest Fertilizer Inc.
Edith Schneider
Vice-Pres.

cc: Regional Hearing Clerk