



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 04 2013

CERTIFIED MAIL NO.: 7009 1680 000 7668 1513
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Mr. Michael Mathie
Mathie Energy Supply Company, Inc.
100 East Grove Street
Kawkawlin, Michigan 48631

Consent Agreement and Final Order in the Matter of
Mathie Energy Supply Company, Inc.,
Docket No. FIFRA-05-2012-0022

Dear Mr. Mathie,

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on November 4, 2013, with the Regional Hearing Clerk.

The civil penalty in the amount of \$50 is to be paid in the manner described in paragraphs 11 and 12. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by December 4, 2013 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Estrella Calvo".

Estrella Calvo
Pesticides and Toxics Compliance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	Docket No. FIFRA-05-2012-0022
)	
Mathie Energy Supply Company, Inc. Morrice, Michigan)	Proceeding to Assess a Civil Penalty Under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide
Respondent.)	Act, 7 U.S.C. § 136l(a)
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Consent Agreement and Final Order

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5, brought this action seeking a civil penalty under Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a).
2. On September 6, 2012, EPA filed a Complaint in this action against Respondent Mathie Energy Supply Company, Inc. (Mathie). On September 28, 2012, EPA filed a First Amended Complaint. EPA alleges that Respondent violated Sections 12(a)(1)(A), 12(a)(2)(L) and 12(a)(2)(B)(i) of FIFRA. Counts I through V allege Respondent distributed or sold unregistered pesticides. Count VI alleges Respondent produced a pesticide in an unregistered establishment. Count VII alleges Respondent refused to submit records requested by an inspector as required by Section 8(b) of FIFRA.
3. Respondent filed an Answer and requested a hearing under Section 14 of FIFRA, 7 U.S.C. § 136l, and 40 C.F.R. § 22.15.

Stipulations

4. Respondent admits the jurisdictional allegations in the First Amended Complaint and neither admits nor denies the factual allegations in the First Amended Complaint, other than those admitted in its Answer.

5. Respondent waives any right to contest the allegations in the First Amended Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that the information submitted to EPA related to Respondent's financial condition is true and accurate.

7. Respondent certifies that it is complying fully with FIFRA, 7 U.S.C. §§ 136-136y.

8. Respondent consents to the assessment of the civil penalty stated in this CAFO and to the terms of this CAFO.

9. The parties agree that settling this action without further litigation, upon the terms of the CAFO, is in the public interest.

Civil Penalty

10. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a) and based on the factors listed in 7 U.S.C. §136l(a)(4), particularly Respondent's ability to continue in business, Complainant has determined after assessing certain financial documentation provided by the Respondent, that Respondent has the ability to pay \$50 as a civil penalty for the violations alleged in this CAFO.

11. Within 30 days after the effective date of this CAFO, Respondent must pay the \$50 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by regular U.S. Postal Service mail to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
Post Office Box 979077
St. Louis, Missouri 63197-9000

Alternatively, within 30 days after the effective date of this CAFO, Respondent must pay the \$50 civil penalty for the FIFRA violations by sending a cashier's or certified check, payable to "Treasurer, United States of America," by express mail to:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state "Mathie Energy Supply Company, Inc." and the docket number of this CAFO.

12. A transmittal letter stating Respondent's name, complete address and the case docket number must accompany the payment in Paragraph 11. Respondent must send a copy of the check and transmittal letter to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Mail Code 1900R
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-2001

Estrella Calvo (LC-8J)
Land and Chemicals Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Mark J. Koller (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

13. This civil penalty is not deductible for federal tax purposes.

14. If Respondent does not pay the civil penalty timely, EPA may refer this matter to the Attorney General, who will recover such amount, plus interest, by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

15. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

16. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the First Amended Complaint.

17. This CAFO does not affect the rights of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

18. This CAFO does not affect Respondent's responsibility to comply with the FIFRA and other applicable federal, state, and local laws.

19. The terms of this CAFO bind Respondent, its successors and assigns.

20. Each person signing this CAFO certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

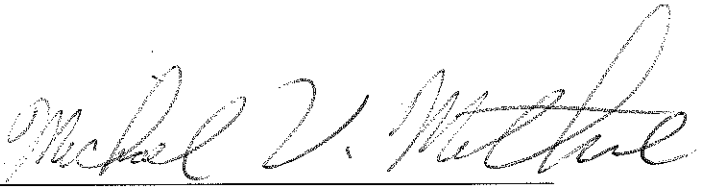
21. Each party agrees to bear its own costs and attorneys fees in this action.

22. This CAFO constitutes the entire agreement between the parties.

In the Matter of: Mathie Energy Supply Company, Inc.
Docket No. FIFRA-05-2012-0022

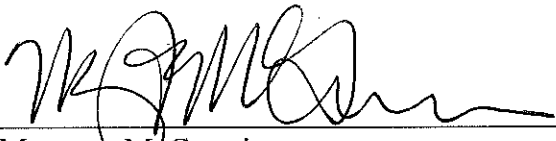
Mathie Energy Supply Company, Inc., Respondent

9/22/13
Date


Michael V. Mathie
President

U.S. Environmental Protection Agency, Complainant

10/24/2013
Date

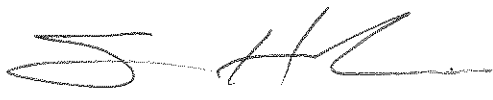

Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of: Mathie Energy Supply Company, Inc.
Docket No. FIFRA-05-2012-0022

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Headquarters Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

10-28-13
Date



Susan Hedman
Regional Administrator
United States Environmental Protection Agency
Region 5




CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Mathie Energy Supply Company, Inc., was filed on November 4, 2013 with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that I mailed by Certified Mail, Receipt No. 7009 1680 000 7668 1513, a copy of the original to the Respondent:

Mr. Michael Mathie
Mathie Energy Supply Company, Inc.
100 East Grove Street
Kawkawlin, Michigan 48631

and forwarded copies (intra-Agency) to:

Sybil Anderson, Headquarters Hearing Clerk
Ann Coyle, Regional Judicial Officer, ORC/C-14J
Mark J. Koller, Counsel for Complainant/C-14J
Eric Volck, Cincinnati Finance/MWD

 11/4/13

Estrella Calvo
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Docket No. FIFRA-05-2012-0022

