

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 3
Philadelphia, Pennsylvania 19103

IN RE: : U.S. EPA Docket No. FIFRA-03-2025-0068
:
HAY WHERE'S THAT, INC : Proceeding under: Section 14 of the
10 BOB WHITE PLACE : Federal Insecticide, Fungicide and
WYOMING, DELAWARE 19934 : Rodenticide Act, as amended, 7 U.S.C. : § 136/
:
:

Respondent

FILED

May 07, 2025

9:59 am

U.S. EPA REGION 3
HEARING CLERK

EXPEDITED SETTLEMENT AGREEMENT

1. Hay Wheres That, Inc. ("Respondent") and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") enter into this Expedited Settlement Agreement ("Agreement") pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), *as amended*, 7 U.S.C. § 136l(a), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. § 22.13(b) and 22.18(b). The Administrator has delegated the authority to enter this Agreement to the Regional Administrator who, in turn, has delegated it to the Complainant.
2. The U.S. Environmental Protection Agency, Region 3 has jurisdiction over this matter pursuant to Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a), and 40 C. F.R. Part 22 of the Consolidated Rules of Practice, including specifically 40 C.F.R. §§ 22.1, 22.13(b) and 22.18(b).
3. At all times relevant to the allegations described in this Agreement, Respondent was a "person" and a "producer" as those terms are defined in Sections 2(s) and (w) of FIFRA, 7 U.S.C. §§ 136(s) and (w) and 40 C.F.R. § 167.3 and an operator of an "establishment", as that term is defined in Section 2(dd) of FIFRA, 7 U.S.C. §§ 136(dd) and 40 C.F.R. § 167.3. This Establishment is registered with EPA under Establishment Number 95248-DE-1. The Establishment, "Hay Wheres That, Inc.", is located at 1585 McKee Road, Suite 3, Dover, Delaware 19904.
4. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticides-producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by

this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year. Respondent failed to comply with these regulations.

5. Complainant has identified the following violation:
 - a. On March 1, 2024, Respondent failed to file the 2023 annual pesticide production report (EPA Form 3540-16) for the above facility by March 1, 2024, as required by Section 7(c) of FIFRA, 2 U.S.C. § 136e(c) and 40 C.F.R. § 167.85(d). In failing to comply with Section 7(c) of FIFRA, 2 U.S.C. § 136e(c) and 40 C.F.R. § 167.85(d), Respondent is subject to the assessment of penalties under Section 14 (a) of FIFRA, 7 U.S.C. § 136l(a).
6. Complainant and Respondent (collectively referred to as the “Parties”) agree to settle this matter for a penalty of **\$300 (THREE HUNDRED DOLLARS)**, to be paid **within 30 days** of the date the Agreement and Final Order is filed with the Regional Hearing Clerk for the FIFRA violations identified herein.
7. The penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors listed in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), as well as EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements*, updated May 2010 (“ERP”) and the June 21, 2019 *FIFRA Section 7(c) Expedited Settlement Agreement Program*.
8. Respondent shall pay the full civil penalty amount using any method, or combination of appropriate methods, as provide on the EPA website at <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. When making a payment, Respondent shall:
 - a. Identify payment with Respondent’s name and the docket number of this Agreement and Final Order, Docket No. FIFRA-03-2025-0068.
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve proof of such payment to the following persons:

Christine Convery
convery.christine@epa.gov


Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov

- c. Proof of payment means, as applicable, a copy of the cashed 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 the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.
10. Late payment of the agreed upon penalty may subject Respondent to interest, administrative costs and late payment penalties in accordance with 40 C.F.R. § 13.11.
11. Full payment of the penalty set forth in this Agreement and Final Order shall only resolve Respondent's liability for Federal civil penalties for the violations and facts alleged herein.
12. No portion of the civil payment or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction of federal, state, or local income tax purposes.
13. By signing this Agreement, Respondent: (a) admits the jurisdictional allegations in this Agreement; (b) neither admits nor denies the factual allegations contained herein, except as provided in subparagraph (a); (c) consents to the assessment of the penalty set forth herein; and (d) waives any right to contest the allegations contained herein and its right to appeal the proposed Final Order attached hereto.
14. By signing and returning this Agreement to the EPA, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.
15. By signing this Agreement, Respondent acknowledges that this Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
16. The Parties shall bear their own costs and fees, if any.
17. The Parties agree that settlement of this matter is in the public interest.
18. The Agreement and the attached Final Order constitute a settlement by EPA of its claims for civil penalties for the violations alleged in this Agreement.

19. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Sections 22.18(c) and 22.31(a) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the FIFRA, the FIFRA regulations promulgated, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Agreement and Final Order, following its filing with the Regional Hearing Clerk.
20. This Agreement is binding on the Parties and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order.
21. By signing this Agreement, the undersigned representative certifies authority to execute this Agreement and to legally bind Hay Where's That, Inc.
22. As permitted under 40 CFR § 22.6, the Regional Hearing Clerk will serve copies of this Agreement and Final Order by e-mail to the parties at the following valid e-mail addresses: convery.christine@epa.gov (for Complainant), and thatbluestuff@gmail.com (for Respondent).
23. By its signature below, the Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) he or she has corrected the alleged violations, and (2) any documentation or information that he or she provided to EPA was true and accurate.

For Respondent: Tina Dennis

Name (print): TINA DENNIS
Title (print): OWNER, CEO

Signature: 

Date: 4/11/25

For Complainant: U.S. Environmental Protection Agency, Region 3

After reviewing the Agreement and other pertinent matters, I, the undersigned Director of the Enforcement and Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

Melvin,
Karen

Digitally signed by Melvin,
Karen
Date: 2025.05.06
15:25:36 -04'00'

[Digital Signature and Date]

Karen Melvin, Director
Enforcement and Compliance Assurance Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 3
Philadelphia, Pennsylvania 19103

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:
Respondent :

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Hay Wheres That, Inc., have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing EXPEDITED SETTLEMENT AGREEMENT are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein took into account the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136(a)(4), as well as EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements*, updated May 2010 ("ERP") and the June 21, 2019 *FIFRA Section 7(c) Expedited Settlement Agreement Program*.

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **\$300 (THREE HUNDRED DOLLARS)**, in accordance with the payment provisions set forth in the Expedited Settlement Agreement, and comply with the terms and conditions of the Expedited Settlement Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to

pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Expedited Settlement Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA, 7 U.S.C. § 136f, and the regulations promulgated thereunder.

The effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk, pursuant to Section 14(a) of the FIFRA, 7 U.S.C. Section 136f(a).

JOSEPH
LISA

Digitally signed by
JOSEPH LISA
Date: 2025.05.07
08:38:37 -04'00'

[Digital Signature and Date]

Joseph J. Lisa

Regional Judicial Officer

U.S. EPA - Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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10 BOB WHITE PLACE	: Proceeding under: Section 14 of the Federal
WYOMING, DELAWARE 19934	: Insecticide, Fungicide and Rodenticide Act,
	: as amended, 7 U.S.C. § 136f
Respondent	:
	:
Hay Wheres That, Inc.	:
1585 McKee Rd, Ste 3	:
Dover, Delaware 19904	:
	:
Facility	:

CERTIFICATE OF SERVICE

I certify that the foregoing *Expedited Settlement Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Expedited Settlement Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Tina Dennis, CEO
Hay Wheres That, Inc.
10 Bob White Place
Wyoming, DE 19934
thatbluestuff@gmail.com

Christine Convery
Environmental Scientist
U.S. EPA, Region 3
convery.christine@epa.gov

BEVIN
ESPOSITO

Digitally signed by BEVIN ESPOSITO
Date: 2025.05.07 10:05:04 -0400

[Digital Signature and Date]

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3