

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Bingham Ag Services, LLC

PO Box 887

Blackfoot, Idaho 83221

Respondent

DOCKET NO. FIFRA-10-2026-0265

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER****EXPEDITED CONSENT AGREEMENT and FINAL ORDER**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Bingham Ag Services, LLC (“Respondent”) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136e(c).

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and 40 C.F.R. Part 167 requires any producer operating a pesticide-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. 40 C.F.R. § 167.85(d) requires the producer to submit an annual report providing this information on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

3. Respondent is a “producer” who operates an “establishment,” as those terms are defined in Sections 2(w) and (dd) of FIFRA, 7 U.S.C. §§ 136(w) and (dd), and 40 C.F.R. § 167.3. Respondent’s establishment is located at 220 Fort Hall Ave, American Falls, Idaho 83221, and is registered under Establishment Number 100901-ID-2.

4. Respondent failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.85(d), in that it did not file a 2026 annual pesticide report for the establishment by March 1, 2026.

5. The parties enter into this Expedited Settlement Agreement (“Agreement”) in order to settle the civil violation(s) alleged above. Pursuant to the Consolidated Rules of Practice, and in consideration of the statutory factors set forth in FIFRA Section 14(a)(4), 7 U.S.C. Section 136l(a)(4); EPA’s *Enforcement Response Policy for FIFRA Section 7(c) Establishment*

Reporting Requirements, updated May 2010; 40 C.F.R. Part 19; and the June 21, 2019 FIFRA Section 7 Expedited Settlement Agreement Program, EPA has determined that an appropriate civil penalty to settle this action is \$1,400.

6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,400 is in the public interest. Respondent agrees to pay the Assessed Penalty within 30 days of the effective date of the Final Order.

7. Payments under this Expedited Settlement Agreement and the Final Order shall be paid by any of the electronic methods specified at: www.epa.gov/financial/makepayment and in accordance with instructions provided at that webpage. Respondent must note on the payment its name and the docket number of this action.

Concurrently with all payments or within 24 hours of any payment, Respondent must serve copies of proof of payment to the following addresses:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
R10_RHC@epa.gov

Martin Lovato
U.S. Environmental Protection Agency, Region 10
Via electronic mail to:
lovato.martin@epa.gov

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 receipt or confirmation of payment method, 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.

8. If Respondent fails to timely pay any portion of the Assessed Penalty, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

9. If Respondent fails to pay any portion of the Assessed Penalty in full by its due date, Respondent shall also be responsible for payment of the following amounts:

- a. Interest. To protect the interests of the United States, any unpaid portion of the Assessed Penalty shall bear interest at the rate set at the Internal Revenue Service (“IRS”) large corporate underpayment rate applicable on the effective date of the Final Order and non-variable throughout the period of nonpayment, provided, however, that no interest shall be payable on any portion of the Assessed Penalty that is paid within 30 days of the effective date of the Final Order contained herein.
- b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), Respondent will be assessed a charge to cover EPA’s costs of processing and handling overdue debts.
- c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges that remain delinquent more than 90. Nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

10. The Assessed Penalty and any additional costs incurred under Paragraph 9 represent an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

11. EPA is authorized to enter into this Agreement, and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and 40 C.F.R. § 22.13(b).

12. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged above; (b) neither admits nor denies the specific factual allegations contained herein; (c) agrees to pay the assessed penalty in accordance with the instructions specified herein within 30 days of the effective date of the Final Order; and (d) expressly waives any affirmative defenses and the right to contest the allegations contained in the Expedited Settlement Agreement and to appeal the Final Order.

13. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Expedited Settlement Agreement and Final Order. Nothing in this Expedited Settlement Agreement and Final Order is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and shall not be construed to limit EPA’s authority to take any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

14. By signing this Consent Agreement, 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.

15. Except as set forth herein, each party shall bear its own costs and attorney’s fees.

16. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he/she is authorized to execute this Expedited Settlement Agreement and to legally bind Bingham Ag Services, LLC. The undersigned also certifies that, as of the date of signature of this Expedited Settlement Agreement, Respondent has corrected the violation alleged herein.

IT IS SO AGREED,

Name (print): Kolby Kay

Title (print): VP Operations

Signature: Kolby Kay Date: 8/27/26

APPROVED BY EPA:

MORGAN

JENCIUS

Digitally signed by
MORGAN JENCIUS
Date: 2026.08.28
13:03:39 -07'00'

Date: _____

for EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Bingham Ag Services, LLC, Docket No.: FIFRA-10-2026-0265, was filed with the Regional Hearing Clerk and that a true and correct copy was served on the date specified below to the following addressees via electronic mail:

Martin Lovato
Enforcement Case Officer
U.S. Environmental Protection Agency Region 10
lovato.martin@epa.gov

Kolby Kay
Vice President of Operations
Bingham Ag Services, LLC
PO Box 887
Blackfoot, Idaho 83221
kolby.kay@binghamagservices.com

Regional Hearing Clerk
EPA Region 10

FINAL ORDER

The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under FIFRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of FIFRA and regulations promulgated or permits issued thereunder.

The Expedited Settlement Agreement is hereby ratified and shall be effective upon the filing of the Expedited Settlement Agreement and this Final Order by the Regional Hearing Clerk for EPA, Region 10. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under FIFRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of FIFRA and regulations promulgated or permits issued thereunder.

IT IS SO ORDERED.

Regional Judicial Officer
EPA Region 10