

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:	: U.S. EPA Docket No. FIFRA-03-2021-0026
	:
MILLENNIUM PACKAGING SERVICES, INC 100 ENTERPRISE DRIVE, SUITE 100 CARBONDALE, PENNSYLVANIA 18407	: Proceeding under: Section 14 of the : Federal Insecticide, Fungicide and : Rodenticide Act, as amended, 7 U.S.C : § 136l
	:
Respondent	:

EXPEDITED SETTLEMENT AGREEMENT

1. Millennium Packaging Services, Inc. (“Respondent”) and the Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“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 III has jurisdiction of 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 87402-PA-1. The Establishment is located at 100 Enterprise Drive, Suite 100, Carbondale, Pennsylvania 18407.
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 violations:
 - a. On March 1, 2019, Respondent failed to file the 2018 annual pesticide production report (EPA Form 3540-16) before the deadline, as required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c) and 40 C.F.R. § 167.85(d). In failing to comply with Section 7(c) of FIFRA, 7 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 agree that settlement of this matter for a penalty of **\$1,000 (ONE THOUSAND DOLLARS)** is in the public interest. In calculating this amount, Complainant considered 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*.
7. Respondent consents to the assessment of a penalty in the amount of **\$1,000**. The penalty amount is based upon EPA’s consideration of a number of 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*. Respondent agrees that, within 30 days of the effective date of this Agreement, Respondent shall make a payment of **\$1,000** by one of four methods: 1) electronic funds transfer (“EFT”), 2) Automated Clearinghouse, 3) Pay.gov, or 4) a cashier’s check or certified check payable to the “United States Treasury” with the case name and EPA Docket No. FIFRA-03-2021-0026.

1) Payment of the penalty amount by EFT to:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
SWIFT address FRNYUS33
33 Liberty Street
New York, NY 10045
Beneficiary: Environmental Protection Agency

2) Payment of the penalty amount by Automated Clearinghouse (ACH) to EPA can be made through the U.S. Treasury using the following information:

U.S. Treasury REX/Cashlink ACH Receiver
ABA:
051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22- Checking

Physical Location of the U.S. Treasury Facility

5700 Rivertech Court
Riverdale, MD 20737

3) Payments made through Pay.gov:

a) Payers can use their credit or debit cards (Visa, MasterCard, American Express & Discover) as well as checking account information to make payments. Follow these steps to make a payment:

- i. You **DO NOT** need a user name and password or account.
- ii. Enter **SFO 1.1** in the form search box on the top left side of the screen.
- iii. Open the form and follow the on-screen instructions.
- iv. Select your method of payment from the “Type of Payment” drop down menu.
- v. Based on your selection, the corresponding line will open and no longer be shaded grey.
- vi. Enter the docket number of this Agreement into the field.

4) Payment of the penalty amount by regular U.S. Postal Service shall be sent via **certified mail** to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Payment of the penalty amount by overnight mail (FedEx or other non-U.S. Postal Service express mail) shall be sent to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

A list of the payment methods is also provided on the website
<https://www.epa.gov/financial/makepayment>.

8. Within 24 hours of payment, Respondent shall also send proof of payment (a copy of the check, confirmation of the credit card or debit card payment, confirmation of wire or automated clearinghouse transfer) to:

Christine Convery, (3ED23)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
convery.christine@epa.gov

and,

Regional Hearing Clerk, (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
R3_Hearing_Clerk@epa.gov

9. In signing this Agreement, the Respondent: admits to the jurisdictional allegations in this Agreement; neither admits nor denies the specific factual allegations in this Agreement, except as provided in the jurisdictional admission above; agrees not to contest EPA's jurisdiction with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of the Agreement; expressly waives its right to a hearing on any issue of law or fact in this Agreement and any right to appeal the accompanying Final Order; consents to the issuance of the Agreement and agrees to comply with its terms; agrees to bear its own costs and attorney's fees; and agrees not to deduct for federal tax purposes the civil penalty assessed in this CAFO.
10. 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.
11. 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.

12. 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.
13. 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.
14. This Agreement is binding on the parties signing below and is effective upon filing, in accordance with 40 C.F.R. § 22.31(b) together with a final order, with the Regional Hearing Clerk, pursuant to Section 14(a) of the FIFRA, 7 U.S.C. § 136l(a).
15. The undersigned representative certifies that she/he is fully authorized to execute this Agreement and to legally bind Millennium Packaging Services, Inc.

In the Matter of Millennium Packaging Services, Inc.

EPA Docket No. FIFRA-03-2021-0026

For Respondent: MILLENNIUM PACKAGING SERVICES, INC

Name (print): DEAN SPOTO

Title (print): C. E. O.

Signature: 

Date: 10-22-20

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

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 III, 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.

10/27/2020

Date:

KAREN
MELVIN

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KAREN MELVIN
Date: 2020.10.27
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Karen Melvin, Director
Enforcement and Compliance Assurance Division

In the Matter of Millennium Packaging Services, Inc.

EPA Docket No. FIFRA-03-2021-0026

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:

DOCKET NO.: FIFRA-03-2021-0026

**MILLENNIUM PACKAGING SERVICES,
INC**

Respondent

**100 ENTERPRISE DRIVE, SUITE 100
CARBONDALE, PENNSYLVANIA 18407**

**EXPEDITED SETTLEMENT
AGREEMENT AND FINAL ORDER**

Site.

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Millennium Packaging Services, 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. § 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*.

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. Section 136l(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 **\$1000.00 (ONE THOUSAND 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 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 136l(a)

Date

**JOSEPH
LISA**

Digitally signed by
JOSEPH LISA
Date: 2020.10.27
09:51:00 -04'00'

Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III

