



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 05 2010

Certified Mail – Return Receipt Requested

David M. Jacobson, Controller
Coast Pump & Supply Co., Inc.
610 Groveland Avenue
Venice, Florida 34285

RE: Docket No. FIFRA-04-2010-3021(b); Coast Pump & Supply Co., Inc.

Dear Mr. Jacobson:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Ms. Mary Summers at (404) 562- 8997.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne M. Gettle".

Jeanne M. Gettle

Chief

Pesticides and Toxic Substances Branch

Enclosures

cc: State Lead Agency

Internet Address (URL) • <http://www.epa.gov>

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:) Docket No. FIFRA-04-2010-3021(b)
)
Coast Pump & Supply Co., Inc.)
)
)
Respondent.)
_____)

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2010 FEB -5 AM 7:31
HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. §§136 *et seq.* (hereinafter "FIFRA"), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Coast Pump & Supply Co., Inc.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. §22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. §136l(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to the Regional Administrators by EPA Delegation 5-14, dated May 11, 1994.
4. Pursuant to 40 C.F.R. §22.5(c)(4) the following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Mary Summers
Case Development Officer
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960.

5. Respondent is Coast Pump & Supply Co., Inc., a Florida corporation, located at 610 Groveland Avenue, Venice, Florida 34292.
6. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. §136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
7. Respondent is a "producer" as defined by Section 2(w) of FIFRA, 7 U.S.C. §136(w), and 40 C.F.R. §167.3.
8. Respondent's establishments located at 1110 Pine Island Road, Unit 17, Cape Coral, Florida 33909, 140 Scarlett Blvd., Oldsmar, Florida 34677, 6320 Topaz Court, Ft. Myers, Florida 33966, and 6135 Shirley Street, Naples, Florida 34109, are registered with the Agency as pesticide-producing establishments.
9. Respondent's EPA Establishment Numbers are 067621-FL-007, 067621-FL-005, 067621-FL-001, and 067621-FL-006.

III. EPA's Statement of Facts and Allegations of Violation

10. Producers operating an establishment registered with EPA are required to submit to the Administrator of EPA an annual report which indicates the types and amounts of pesticides or active ingredients which they are currently producing, which they produced during the past year, and which they sold or distributed during the past year, pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. §136e(c)(1), and the regulations promulgated at 40 C.F.R. §167.85.
11. Submittal of the annual report of pesticide-production for calendar year 2008 was due on or before March 1, 2009.
12. Respondent failed to submit the annual reports on or before March 1, 2009.
13. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. §136j(a)(2)(L).
14. Section 14(a) of FIFRA, 7 U.S.C. §136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes EPA to assess a civil penalty for violation of FIFRA.
15. Section 14(a)(4) of FIFRA, 7 U.S.C. §136l(a), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation.
16. Given Respondent's lack of production in calendar year 2008 and Respondent's voluntary termination of its establishment number, EPA proposes to assess no civil penalty against the Respondent for the above-described violation.

IV. Consent Agreement

17. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above, but neither admits nor denies EPA's allegations of violations, set forth above.
18. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
19. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.
20. Should Respondent choose to engage in production activity in the future, Respondent shall request re-activation of EPA Est. Nos. 067621-FL-007, 067621-FL-005, 067621-FL-001, and 067621-FL-006, prior to resuming production and shall send all future pesticide-production reports required under Section 7 of FIFRA, 7 U.S.C. §136(e) on or before the March 1st due date, by means of certified mail, return receipt requested, to the following address:

U.S. EPA – Region 4
Sam Nunn Atlanta Federal Center
Chemical Products & Asbestos
Section
61 Forsyth Street SW
Atlanta, Georgia 30303-8960.

21. Compliance with this CAFO shall resolve the allegation of the violation contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

V. Final Order

23. Respondent shall pay no civil penalty. As set forth in paragraph 16, EPA has decided that a penalty should not be assessed.
24. Therefore, Complainant and Respondent shall bear their own costs and attorney fees in this matter.
25. This CAFO shall be binding upon the Respondent, its successors and assigns.
26. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to this CAFO.

Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Coast Pump & Supply Co., Inc.

By: Gordon W Phillips
Name: Gordon W Phillips
Title: President

Date: 12/21/09

U.S. Environmental Protection Agency

By: Carol G. Remington
Kenneth R. Lapierre, Acting Director
Air, Pesticides and Toxics
Management Division
61 Forsyth Street
Atlanta, Georgia 30303-8960

Date: 1/12/10

APPROVED AND SO ORDERED this 4th day of Feb., 2010.

Susan B. Schub
Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Coast Pump & Supply Co., Inc. FIFRA Docket Number: 04-2010-3021(b), to the addressees listed below.

Mr. David M. Jacobson, Controller
Coast Pump & Supply Co., Inc.
610 Groveland Avenue
Venice, Florida 34285

(Via Certified Mail, Return Receipt Requested)

Mary Summers
PCPMS
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(Via EPA's internal mail)

Robert Caplan
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(Via EPA's internal mail)

Date:

2-5-10



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562-9511