

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

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HEARING CLERK

In the Matter of:)
)
Biobased USA, LLC,)
)
)
Respondent.)
_____)

Docket No.: FIFRA-04-2011-300(b)

JOINT MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER

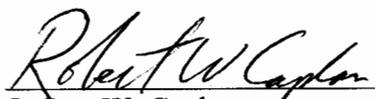
The parties to the above-styled matter hereby file this Joint Motion to Amend the Consent Agreement and Final Order (CAFO) approved and finalized by the Regional Judicial Officer (RJO) on September 19, 2011, and request that the RJO issue an Order amending the CAFO to correct two typographical errors in the CAFO. Specifically, the negotiated penalty agreed to by the parties was \$14,260, to be paid in twelve installments. However, in paragraphs 26 and 31 of the CAFO, EPA incorrectly typed in the penalty amount as \$14,620. This mistake was not discovered by EPA until after the CAFO had been approved and copies were served on the parties. The parties request that the RJO issue an Order amending the CAFO by changing the amount in paragraphs 26 and 31 to \$14,260, and by further revising paragraph 26 to state that Respondent shall pay the first installment of the penalty within 30 days after the effective date of the RJO's Order granting the parties' Motion.

Respondent's president, Donald Wilshe, has advised EPA that he concurs in this Motion and has authorized the undersigned counsel for EPA to file this Joint Motion on his behalf.

Respectfully submitted,

Date:

Sept. 22, 2011


Robert W. Caplan
Counsel for EPA

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed with the Region 4, Regional Hearing Clerk, the original and one copy of the foregoing Joint Motion to Amend Consent Agreement and Final Order in *In the Matter of Biobased USA, LLC*, Docket No.: FIFRA-04-2011-3029(b). I also certify that I have served a true and correct copy of the same on the persons listed below in the manner indicated.

Robert W. Caplan
Senior Attorney
Sam Nunn Federal Center -13th Fl.
U.S. EPA, Region 4
61 Forsyth St., S.W.
Atlanta, GA 30303

(Via EPA's internal mail)

Melba Table
Pesticides Section
Sam Nunn Federal Center – 12th Fl.
U.S. EPA, Region 4
61 Forsyth St., S.W.
Atlanta, GA 30303

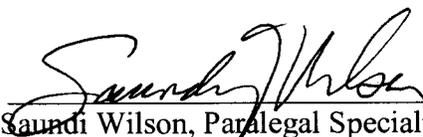
(Via EPA's internal mail)

Donald Wilshe
President
Biobased USA, LLC
4237 Cornelius Road
East Bend, North Carolina 27108

(Via Certified Mail, Return Receipt
Requested)

Date: _____

9/22/11



Saundi Wilson, Paralegal Specialist
Office of Air, Pesticides, and Toxics Legal Support