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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. FIFRA-10-2015-0128
ENVIRONMENTAL COMPLIANCE RESOURCES, LLC,	)	**CONSENT AGREEMENT**
Cheyenne, Wyoming,	)	
Respondent.	)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136*l*(a).

1.2. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136*l*(a), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA issues, and Environmental Compliance Resources, LLC ("Respondent") agrees to issuance of, the Final Order attached to this Consent Agreement ("Final Order").

II. PRELIMINARY STATEMENT

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 ("Complainant") has been delegated the authority pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136*l*(a), to sign consent agreements between EPA and the party against whom an administrative penalty for violations of FIFRA is proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of FIFRA together with the specific provisions of FIFRA and the implementing regulations that Respondent is alleged to have violated.

III. ALLEGATIONS

3.1. Section 12 of FIFRA, 7 U.S.C. § 136j, and its implementing regulations at 40 C.F.R. Part 156.10, require every pesticide product to be labeled with directions for use which, when followed, are adequate to protect the public from fraud and from personal injury and to prevent unreasonable adverse effects on the environment.

3.2. Under Section 2(s) of FIFRA, 7 U.S.C. § 136(s), "person" means "any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not."

3.3. Under Section 2(u) of FIFRA, 7 U.S.C. § 136(u), "pesticide" includes, *inter alia*, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.

3.4. Under Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), "to distribute or sell" means "to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver."

3.5. Under Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D), a pesticide is "misbranded" if "its label does not bear the registration number assigned under [Section 7 of FIFRA, 7 U.S.C. § 136e,] to each establishment in which it was produced."

3.6. Under Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), a pesticide is "misbranded" if "the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under [Section 3(d) of FIFRA, 7 U.S.C. § 136a(d)], are adequate to protect health and the environment."

3.7. Under Section 2(q)(1)(G) of FIFRA, 7 U.S.C. § 136(q)(1)(G), a pesticide is "misbranded" if "the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under [Section 3(d) of FIFRA, 7 U.S.C. § 136a(d)], is adequate to protect health and the environment."

3.8. Under Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person to distribute or sell to any person any pesticide which is misbranded.

3.9. Respondent is a limited liability company and is therefore a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

3.10. "ECR Calcium Hypochlorite Granules," EPA Registration Number 86460-1, is a "pesticide" as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u).

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3.11. Respondent owns and operates a business facility located at 1903 South Greenley Highway #307, Cheyenne, Wyoming 82007.

3.12. Respondent imports the pesticide product "ECR Calcium Hypochlorite Granules," EPA Registration Number 86460-1 to "distribute or sell" within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

3.13. On December 5, 2010, Respondent amended the ECR Calcium Hypochlorite Granules label in order to ensure compliance with 40 C.F.R. Part 156.

3.14. On March 17, 2011, EPA approved the revised ECR Calcium Hypochlorite Granules label.

3.15. On November 28, 2014, Respondent imported ECR Calcium Hypochlorite Granules into Seattle, Washington.

3.16. On at least one occasion in 2014, Respondent imported ECR Calcium Hypochlorite Granules with labels that lacked required Directions for Use and an important warning/caution statement found on the most recent EPA-approved label.

3.17. Respondent violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), by importing a misbranded pesticide as defined by Sections 2(q)(1)(D), (F), and (G) of FIFRA, 7 U.S.C. §§ 136(q)(1)(D), (F), and (G).

3.18. Pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136*l*(a)(1), and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than $7,500 for each violation.

IV. TERMS OF SETTLEMENT

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual allegations contained in this Consent Agreement.

4.3. As required by Section 14(a)(4) of FIFRA, 7 U.S.C. § 136*l*(a)(4), EPA has taken into account the appropriateness of such penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. After considering all of these factors, EPA has determined and Respondent agrees that an appropriate penalty to settle this action is $4,000.

4.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3 within 30 days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: http://www2.epa.gov/financial/makepayment. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk U.S. Environmental Protection Agency Region 10, Mail Stop ORC-113 1200 Sixth Avenue, Suite 900 Seattle, Washington 98101 smith.candace@epa.gov	Gianpaolo Boccato U.S. Environmental Protection Agency Region 10, Mail Stop OCE-110 1200 Sixth Avenue, Suite 900 Seattle, Washington 98101 boccato.gianpaolo@epa.gov

4.7. If Respondent fails to pay any portion of the penalty assessed by this Consent Agreement and the Final Order in full by its due date, the entire unpaid balance of penalty and 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. § 136*l*(a)(5), to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

4.8. If Respondent fails to pay any portion of the penalty assessed by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, 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.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of $15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys fees in bringing or defending this action.

4.13. Respondent expressly waives any right to contest the allegations contained in the Consent Agreement and to appeal the Final Order.

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. Respondent consents to the issuance of any specified compliance or corrective action order, and to any stated permit action.

4.16. The above provisions in Part IV are STIPULATED AND AGREED upon by Respondent and EPA Region 10.

DATED: 8 September 2015

FOR RESPONDENT:

Todd White Managing Member

TODD WHITE, Owner
Environmental Compliance Resources, LLC

DATED: 9/15/2015

FOR COMPLAINANT:

EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. FIFRA-10-2015-0128
ENVIRONMENTAL COMPLIANCE RESOURCES, LLC,	)	**FINAL ORDER**
Cheyenne, Wyoming,	)	
Respondent.	)	

1.1. 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.

1.2. 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.

1.3. 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.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 17th day of September, 2015.

M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, ORC-113
Seattle, Washington 98101
(206) 553-1037

Certificate of Service

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER, In the Matter of: Environmental Compliance Resources, LLC. Docket No.: FIFRA-10-2015-0128,** was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Grace Hwang, Esquire
U.S. Environmental Protection Agency
Region 10, Mail Stop ORC-113
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt to:

Mr. Todd White
Owner
Environmental Compliance Resources, LLC
1903 South Greeley Highway #307
Cheyenne, Wyoming 82007

DATED this 17 day of September, 2015

Teresa Luna
Signature

Teresa Luna
Regional Hearing Clerk
EPA Region 10