

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Hugh W. Martinez 12/13/16
 Name of Case Attorney Date

in the ORC (RAA) at 918-1113
 Office & Mail Code Phone number

Case Docket Number FIFRA-DI-2017-0010

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Brad Rendle, CEO
Hydro-Photon, Inc.
PO Box 675, 262 Ellsworth Road
Blue Hill, ME 04614

Total Dollar Amount of Receivable \$ 42,284 Due Date: 6/13/18

SEP due? Yes _____ No _____ Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1st \$ 10,000 on 1/12/17
 2nd \$ 1,956 on 2/13/17
 3rd \$ 1,956 on 3/13/17
 4th \$ 1,956 on 4/13/17
 5th \$ 1,956 on 5/13/17

on 6/13/17
 6th \$ 1,956
 7th \$ 1,956
 8th \$ 1,956
 9th \$ 1,956
 10th \$ 1,956
 11th \$ 1,956 *on 11/13/17*
 12th 1,956 on 12/13/17
 13th \$ 1,956 1/13/18
 14th \$ 1,956 on 2/13/18
 15th \$ 1,956 on 3/13/18
 16th \$ 1,956 on 4/13/18
 17th \$ 1,956 on 5/13/18
 18th \$ 1,956 on 6/13/18

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
 in the Financial Management Office Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA REGION 1 - NEW ENGLAND
5 Post Office Square, Suite 100
Boston, MA 02109-3912

OFFICE OF
ENVIRONMENTAL STEWARDSHIP

BY HAND

December 13, 2016

Wanda I. Santiago, Regional Hearing Clerk
EPA Region 1 – New England
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

RECEIVED

DEC 13 2016

EPA ORC
Office of Regional Hearing Clerk

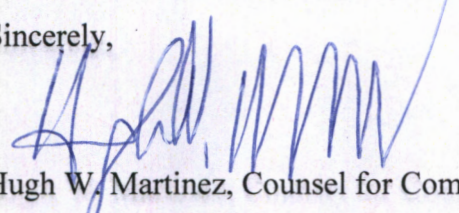
Re: In Re: Hydro-Photon, Inc., Docket No. FIFRA-01-2017-0010; Approved Consent Agreement and Final Order

Dear Ms. Santiago:

Please find enclosed for filing the original and one copy of a Consent Agreement and Final Order (CAFO) to initiate and resolving the above-referenced pre-filing enforcement case. Also enclosed are the original and one copy of a Certificate of Service documenting that, on this date, a copy of the CAFO and this cover letter were sent to Brad Rendle, CEO, Hydro-Photon, Inc.

Thank you for your assistance in this matter.

Sincerely,


Hugh W. Martinez, Counsel for Complainant

Enclosures

cc: Brad Rendle, CEO
Hydro-Photon, Inc.

Kan S. Tham, FIFRA Enforcement Coordinator
EPA Region 1

Henry Jennings, Director
Maine Dept. of Agriculture, Conservation and Forestry

CERTIFICATE OF SERVICE

I hereby certify that this Certificate of Service and the foregoing Consent Agreement and Final Order and cover letter to the Regional Hearing Clerk were delivered in the following manner to the addressees listed below:

Originals and One Copy by Hand Delivery to: Wanda I. Santiago
Regional Hearing Clerk
Environmental Protection Agency
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, MA 02109-3912

One Copy by Certified Mail – Return Receipt Requested to: Brad Rendle, CEO
P.O. Box 675
262 Ellsworth Road
Blue Hill, ME 04614

Date : 12-13-16

Signed: 
Hugh W. Martinez, Senior Enforcement Counsel
U.S. Environmental Protection Agency
Region 1 (Mail Code: OES 04-3)
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Phone (617) 918-1867
Fax (617) 918-0867
martinez.hugh@epa.gov

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 1 (NEW ENGLAND)

RECEIVED

DEC 13 2016

EPA ORC WS
Office of Regional Hearing Clerk

_____))
In the Matter of:))
))
Hydro-Photon, Inc.))
P.O. Box 675))
262 Ellsworth Road) Docket No. FIFRA-01-2017-0010
Blue Hill, ME 04614))
))
Respondent.) **CONSENT AGREEMENT**
) **and**
) **FINAL ORDER**
Proceedings under Section 14(a) of the Federal)
Insecticide, Fungicide, and Rodenticide Act,)
as amended, 7 U.S.C. Section 136l(a).)
_____)

I. INTRODUCTION

1. The United States Environmental Protection Agency-Region 1 (“EPA”), as Complainant, and Hydro-Photon, Inc., as Respondent (hereinafter “HPI” or “Respondent”), enter into this Consent Agreement and Final Order (“CAFO”) by mutual consent. The CAFO informs Respondent of EPA’s intention to assess a penalty against HPI for alleged violations of Section 12 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (“FIFRA”), 7 U.S.C. § 136j, and implementing regulations at 40 C.F.R. Parts 150 – 180 and at 19 C.F.R. §§ 12.110 – 12.117 (collectively, “FIFRA Regulations”). The CAFO also informs Respondent of its right to request a hearing.

2. This CAFO simultaneously commences and concludes the cause of action described herein, pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b), and Section 14(a) of FIFRA, 7 U.S.C. § 136l(a). Complainant and Respondent (collectively, the “Parties”) agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

3. Therefore, before any hearing or the taking of any testimony, without adjudication of any issue of fact or law herein, the Parties agree to comply with the terms of this CAFO.

II. PRELIMINARY STATEMENT

4. HPI is a business incorporated under the laws of Delaware with its principal place of business located at 262 Ellsworth Road in Blue Hill, ME (the “Blue Hill Establishment”).

5. Under Sections 7(a) and (b) of FIFRA, 7 U.S.C. §§ 136e(a) and (b), and 40 C.F.R. § 167.20, on or about November 14, 2000, HPI registered the Blue Hill Establishment as a producing *establishment*¹ to which EPA’s national office in Washington, D.C. (“EPA Headquarters”) has assigned the EPA Establishment Number (EPA Est. No.) 73679-ME-001.

6. HPI manufactures, *distributes or sells* a hand-powered water purification *device*, known as the “SteriPEN®” (the “Product” or “SteriPEN Product”), that is sold for use by general consumers. The Product comes in various models, each of which is a *pesticidal product* that uses ultraviolet light as the mode of operation.

7. Respondent *produces* the SteriPEN Product using two production establishments in China, each of which has been registered as a producing establishment under FIFRA Sections 7(a) and (b), and 40 C.F.R. § 167.20. These Chinese establishments include Seveco Global Limited, located in Hong Kong and assigned EPA

¹ Words that appear in italics upon first use indicate terms that are defined in Section 2 of FIFRA, 7 U.S.C. § 136, and/or the FIFRA Regulations. Such terms are relevant to the EPA findings specified in this CAFO and, unless otherwise indicated, are intended to be used as so defined.

Est. No. 90557-CHN-001 (the “Seveco Establishment”), and ICO Products China, LLC, located in Shenzhen City and assigned EPA Est. No. 90556-CHN-001 (the “ICO Establishment”).

8. The *label* or *labeling* for the SteriPEN Product includes, without limitation, the following pesticidal claims:
- a. “Germicidal UV light destroys waterborne bacteria, protozoa and viruses that could make you sick;”
 - b. “SteriPEN® is effective against: Cryptosporidium, Viruses, Bacteria & Giardia... Diarrhea, Dysentery, Hepatitis & Polio... Influenzas, E. Coli, Salmonella, Staph & Strep... Cholera & other waterborne illnesses;”
 - c. “Destroys more than 99.9% of bacteria, viruses and protozoan cysts;” and,
 - d. “UV works by destroying germ’s ability to reproduce and make you sick.”

9. On August 13, 2013, under Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136f and 136g, EPA conducted an inspection (the “Inspection”) at the Blue Hill Establishment. During the Inspection, a duly-authorized EPA inspector and a FIFRA-credentialed state inspector collected documentary samples of the Product which, at that time, were packaged, labeled, and released for shipment.

10. On or about April 2, 2014, EPA Region 1 issued HPI a Stop Sale, Use, or Removal Order (“SSURO”) under FIFRA Section 13(a), 7 U.S.C. § 136k(a), based on HPI’s sale, distribution, and importation of the SteriPEN Product.

11. The SSURO cited Respondent for violating FIFRA based on HPI’s distribution or sale of a misbranded pesticidal device in violation of Section 12(a)(1)(F) of FIFRA, 7 U.S.C. § 136j(a)(1)(F), and on the failure to file reports with EPA — known as Notices of Arrival or “NOAs” — before importing pesticidal devices into the U. S. in violation of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

12. Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines the term “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any *pest* or any other form of plant or animal life (other than man and other bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.” [italics added]

13. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines the term “pest” to mean, in pertinent part, “any insect, rodent, nematode, fungus, weed” or “any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organisms” declared by EPA to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).

14. HPI is a *person* as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s) and is also a *producer* as defined by Section 2(w) of FIFRA, 7 U.S.C. § 136(w), and 40 C.F.R. § 167.3.

15. EPA regulations at 40 C.F.R. Part 152, Subpart Z enumerate the provisions of FIFRA and FIFRA regulations that are applicable to devices. *See* 40 C.F.R. § 152.500. Such applicable provisions include, among others, the following:

- a. Labeling requirements under Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), and 40 C.F.R. Part 156;
- b. Establishment registration and reporting requirements under FIFRA Section 7, 7 U.S.C. § 136e, and 40 C.F.R. Part 167;
- c. Requirements relating to books and records and establishment inspections under Sections 8 and 9 of FIFRA, 7 U.S.C. §§ 136f and 136g, and 40 C.F.R. Part 169;
- d. Importation requirements under FIFRA Section 17, 7 U.S.C. § 136o; and,
- e. Requirements relating to FIFRA violations, enforcement, and penalties under Sections 12, 13, and 14 of FIFRA, 7 U.S.C. §§ 136j, 136k, and 136l.

See also 41 Fed. Reg. 51065 (November 19, 1976).

16. FIFRA Section 17, 7 U.S.C. § 136o, and the regulation at 19 C.F.R §§ 12.110 -12.117 require that an importer desiring to import pesticides or devices into the United States submit to the EPA Administrator a Notice of Arrival of Pesticides and Devices (NOA) [EPA Form 3540-1], prior to the arrival of the shipment into the United States.

17. Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), provides that it is unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA. Such reports include, but are not limited to, NOAs submitted to EPA for each shipment of pesticides or devices that are imported into the United States under Section 17 of FIFRA and 19 C.F.R. § 12.112(a).

18. The FIFRA requirement to submit NOAs prior to importing a pesticide or device into the United States protects against unreasonable risks to human health or the environment by providing EPA with vital information about pesticides and devices before their arrival into the United States for distribution or sale. NOAs provide information—including active ingredients, quantities, countries of origin, identity of producing establishments, carriers, and ports of entry—that enables EPA to make informed decisions about whether importation will pose unreasonable adverse risks to public health or the environment and, also, provide critical contact information in the event of an emergency related to the movement of potentially harmful pesticides or devices.

19. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), authorizes the assessment of civil penalties of up to \$5,000 against any registrant, commercial applicator, wholesaler,

dealer, retailer, or other distributor for each violation of FIFRA and the FIFRA Regulations. Under the Debt Collection Improvement Act of 1996 (“DCIA”), 31 U.S.C. § 3701 note, and EPA’s Civil Monetary Penalty Inflation Adjustment Rule (“Penalty Inflation Rule”) at 40 C.F.R. Part 19, this amount was increased to \$7,500 for violations occurring after January 12, 2009. *See* 78 Fed. Reg. 66643-48 (Nov. 6, 2013). Under the 2015 amendments to the Federal Civil Penalties Inflation Adjustment Act of 1990 (“2015 Penalty Inflation Act”), the \$7,500 maximum penalty was raised to \$18,750, effective August 1, 2016. *See* 28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701 (Nov. 2, 2015); 81 Fed. Reg. 43091-96 (July 1, 2016).

20. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. For the purposes of this proceeding, Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying EPA’s findings or allegations of violation herein, consents to the terms of this CAFO.

21. Respondent acknowledges that it has been informed of its right to request a hearing and hereby waives its right to request a judicial or administrative hearing on any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the Final Order accompanying the Consent Agreement.

22. By signing this CAFO, Respondent certifies that it is presently operating in compliance with FIFRA and the FIFRA Regulations promulgated thereunder, that it has fully addressed the violations alleged by EPA herein, and that the information it has provided to EPA during the course of the EPA investigation of this matter and up to the present, including financial information, is true and complete, to the best of its knowledge and belief.

III. EPA FINDINGS

23. At all times relevant to the violations alleged in Section IV of this CAFO, below, Respondent produced, imported into the United States, distributed, sold, offered for sale, shipped, and/or delivered for shipment the SteriPEN Product which, under FIFRA, meets the definition of “device.”

IV. ALLEGATIONS OF VIOLATION

Count 1 – Failing to File Reports of Device Imports

24. Upon information and belief, on at least 44 separate occasions between January 27, 2014 and December 4, 2015, Respondent imported into the United States for distribution or sale one or more of the SteriPEN Products without filing a report (i.e., NOA) with EPA, as required by Section 17 of FIFRA and 19 C.F.R. § 12.112(a).

25. Accordingly, on at least 44 separate occasions during 2014 and 2015, Respondent violated Section 12(a)(2)(N) of FIFRA and the regulations at 19 C.F.R. §§ 12.110 – 12.117, each of which is a violation for which penalties may be assessed pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1).

V. TERMS OF SETTLEMENT

26. In light of the above, and taking into account the factors enumerated in Section 14(a) of FIFRA, the December 2009 FIFRA Enforcement Response Policy issued by the Waste and Chemical Enforcement Division of the EPA Headquarters Office of Enforcement and Compliance Assurance in Washington, D.C., the DCIA, the 2015 Penalty Inflation Act, the Penalty Inflation Rule, and other factors as justice may require, including Respondent’s financial ability to pay a penalty, EPA has determined that it is

fair and appropriate that Respondent pay a civil penalty in the amount of forty-two thousand two hundred and eighty-four dollars (\$42,284) in settlement of the violations alleged herein.

27. Respondent shall pay the penalty of \$42,284 in monthly installments over 18 months from the effective date² of this CAFO. The first payment of \$10,000 shall be made within 30 days of the effective date. The second and subsequent payments shall each total \$1,956, an amount that includes \$57 in interest at a rate of four percent per annum. The second payment of \$1,956 shall be made within 2 months of the effective date, the third payment of \$1,956 shall be made within 3 months of the effective date, the fourth payment of \$1,956 shall be made within 4 months of the effective date, the fifth payment of \$1,956 shall be made within 5 months of the effective date, the sixth payment of \$1,956 shall be made within 6 months of the effective date, the seventh payment of \$1,956 shall be made within 7 months of the effective date, the eighth payment of \$1,956 shall be made within 8 months of the effective date, the ninth payment of \$1,956 shall be made within 9 months of the effective date, the tenth payment of \$1,956 shall be made within 10 months of the effective date, the eleventh payment of \$1,956 shall be made within 11 months of the effective date, the twelfth payment of \$1,956 shall be made within 12 months of the effective date, the thirteenth payment of \$1,956 shall be made within 13 months of the effective date, the fourteenth payment of \$1,956 shall be made within 14 months of the effective date, the fifteenth payment of \$1,956 shall be made within 15 months of the effective date, the sixteenth payment of \$1,956 shall be made

² The term "effective date" refers to the date that EPA files the final CAFO, signed by the Parties and the Regional Judicial Officer, with the Regional Hearing Clerk.

within 16 months of the effective date, the seventeenth payment of \$1,956 shall be made within 17 months of the effective date, and the eighteenth payment of \$1,956 shall be made within 18 months of the effective date. If the due date for any payment falls on a weekend or federal holiday, then the due date is the next business day. The date a payment is made is considered to be the date processed by U.S. Bank, as described below. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

28. Respondent shall make each payment due under this CAFO by any one of the electronic payment options listed below. Each payment shall be made in the amount specified herein and payable to “Treasurer, United States of America.” Each payment shall be remitted as follow:

a. **If remitted by wire transfer:** Any wire transfer must be sent directly to the

Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, New York 10045
Field Tag 4200 of the Fedwire message should read “D 68010727
Environmental Protection Agency”

If remitted through the Automated Clearing House (ACH) for receiving US currency:

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

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

Contact: REX (Remittance Express)
800-234-5681

If remitted on-line with a debit card, credit card, or bank account transfer:

No user name, password, or account number is necessary for this option. On-line payment can be accessed via WWW.PAY.GOV, entering 1.1 in the form search box on the left side of the screen to access the EPA's Miscellaneous Payment Form, opening the form, following the directions on the screen and, after selecting "submit data," entering the relevant debit card, credit card, or bank account information.

- b. At the time of each payment, Respondent also shall provide notice and a copy of the confirmation of wire transfer or other electronic payment, by mail, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (Mail Code: ORA18-1)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

and, either by mail or by e-mail, to:

Hugh W. Martinez, Senior Enforcement Counsel
U.S. EPA, Region 1
5 Post Office Square
Suite 100 (OES 04-3)
Boston, MA 02109-3912
Martinez.hugh@epa.gov

- c. Respondent shall reference the case name and docket number (*In the Matter of Hydro-Photon, Inc.*, Docket No. FIFRA-01-2017-0010) with each payment and payment confirmation.

29. If Respondent fails to make any of the payments required under this CAFO by the required due dates, all remaining installments shall become immediately due and payable as of the missed payment date. Interest on such unpaid penalty amounts shall accrue from the missed payment date until the total amount due has been received

by the United States. Respondent shall be liable for such amounts regardless of whether EPA has notified Respondent of its failure to pay or made demand for payment. In the event of nonpayment, Respondent may be subject to an action to compel payment, plus interest, enforcement expenses and a nonpayment penalty. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States, as well as a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on any civil penalty (or any portion thereof) on the date it is due under this CAFO if such penalty (or portion thereof) is not paid in full by such due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). In addition, a penalty charge of six percent (6%) per year and an amount to cover the costs of collection will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due, under 31 C.F.R. § 901.9(d). In any action to compel payment of civil penalties owed under this CAFO, the validity, amount, and appropriateness of the penalty shall not be subject to review.

30. The civil penalty due and any interest, non-payment penalties, or charges that arise pursuant to this CAFO shall represent penalties assessed by EPA and shall not be deductible for the purposes of Federal taxes. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of Internal Revenue Service regulations, including 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under Federal, State or local law.

31. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 14(a) of FIFRA for the violations alleged in Section IV of this CAFO.

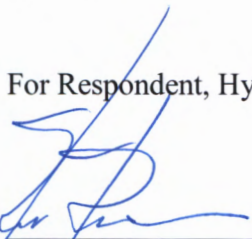
32. This CAFO in no way relieves Respondent of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to take any action to address imminent hazards. Compliance with this CAFO shall not be a defense to any action subsequently commenced pursuant to Federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with said laws and regulations.

33. Each of the Parties shall bear its own costs and attorneys' fees in the action resolved by this CAFO, and Respondent specifically waives any right to seek attorneys' fees under the Equal Access to Justice Act, 5 U.S.C. § 504.

34. The terms and conditions of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

35. The undersigned representative(s) of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

For Respondent, Hydro-Photon, Inc.:



(Signature)

[Print Name, Title]

[Address]

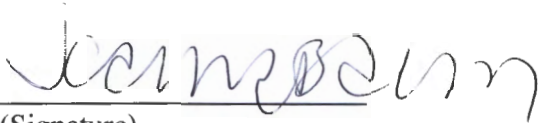
BRAD RENDLE
CEO
262 ELLSWORTH RD #0
PO BOX 675
Blue Hill
MA 04614

Page 12 of 14

11/29/16

(Date)

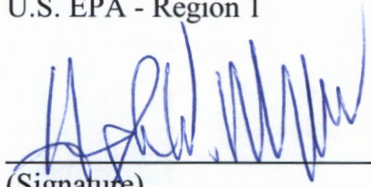
For U.S. EPA - Region 1:



(Signature)

Joanna B. Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA - Region 1

12-8-16
(Date)



(Signature)

Hugh W. Martinez, Senior Enforcement Counsel
Regulatory Legal Office
Office of Environmental Stewardship
U.S. EPA - Region 1

12-7-16
(Date)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

IN THE MATTER OF:

Hydro-Photon, Inc.
P.O. Box 675
262 Ellsworth Road
Blue Hill, ME

Respondent.

EPA Docket No.
FIFRA-01-2017-0010

RECEIVED

DEC 13 2016

EPA ORC
Office of Regional Hearing Clerk

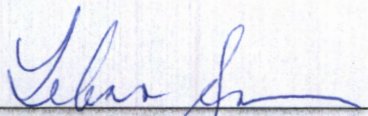
FINAL ORDER

Pursuant to 40 CFR § 22.18(b) of the United States Environmental Protection Agency's Consolidated Rules of Practice, the Parties to this matter have forwarded an executed Consent Agreement to me for final approval. Accordingly, the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. The terms, conditions, and compliance requirements of this Consent Agreement and Final Order may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

As described in Paragraph 27 of the Consent Agreement, the Respondent is ordered to pay the civil penalty amount (\$42,284) in installment payments. In accordance with 40 CFR § 13.18, the Parties have represented that the amount and the installment payment method are based on the Respondent's ability to pay.

The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

SO ORDERED THIS 2nd DAY OF DECEMBER 2016



LeAnn Jensen
Acting Regional Judicial Officer