



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1201 ELM STREET, SUITE 500  
DALLAS, TEXAS 75270

October 5, 2023

**SENT BY ELECTRONIC MAIL**  
**SILVERCOTGIN@MIDPLAINS.COOP**

Lane Garvin  
President  
Silvercot, Inc.  
9595 FM 145  
Silverton, Texas 79257

Re: Section 7 Notice of FIFRA Requirements  
**Opportunity for Expedited Settlement within Thirty (30) Days**

Dear Mr. Garvin:

Section 7(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c), requires the submission of annual pesticide production reports for existing establishments to the U.S. Environmental Protection Agency by March 1 of each year, even if no pesticide products were produced during the reporting year. Under Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any person who is a pesticide producer to violate any of the provisions of Section 7 of FIFRA, 7 U.S.C. § 136e. The submittal of an inaccurate, incomplete, or late annual pesticide report constitutes a violation of FIFRA Section 7(c). Unlawful acts under FIFRA may be subject to the civil and criminal penalty provisions at Sections 14(a) and 14(b) of FIFRA, 7 U.S.C. §§ 136l(a) and 136l(b).

The EPA, Region 6, has conducted a review of information available concerning Silvercot, Inc.'s pesticide producing establishment, EPA Establishment Number 73943-TX-1, located in Silverton, Texas. EPA's review indicates that Silvercot, Inc. failed to submit an annual production report on or before March 1, 2021, for Establishment No. 73943-TX-1, in violation of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c). The EPA previously issued a Notice of Warning to Silvercot, Inc. on November 5, 2020 for failure to timely file an annual production report.

The EPA encourages Silvercot, Inc. to immediately review its compliance with the foregoing requirements and provide a written explanation and any relevant documentation concerning compliance to the contact information below **within thirty (30) calendar days of Silvercot, Inc.'s receipt of this letter.**

The EPA is committed to the fair and quick settlement of this matter. Section 14 of FIFRA authorizes the EPA to pursue civil penalties of up to \$23,494 per violation of FIFRA. The EPA, however, is by this letter offering to quickly resolve the alleged violation through an expedited settlement process.

To take advantage of the expedited settlement process, Silvercot, Inc. must comply with each of the following conditions within 30 days of your receipt of this letter:

- (1) Correct the violation by submitting the 2020 production report for Establishment No. 73943-TX-1.
- (2) Provide a deposit for payment of the assessed penalty. Provide payment, by cashier or certified check, in the amount of five hundred Dollars (\$500.00) or by alternate payment method described at <http://www.epa.gov/financial/makepayment>. The payment shall reference Docket No. FIFRA-06-2024-0301, be made payable to the "United States Treasury" and sent to:  
  
U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979078  
St. Louis, Missouri 63197-9000.
- (3) Review and sign the enclosed Expedited Settlement Agreement and Final Order (Agreement). Please note that in signing the Agreement, Silvercot, Inc. is certifying under penalty of law that it: (a) has corrected the violation; (b) has submitted true and accurate documentation of compliance; (c) has provided a deposit to pay the assessed penalty below; and (d) releases the deposit to EPA upon entry of the Agreement. Failure to meet these conditions means Silvercot, Inc. may be liable for the original violations, as well as liable for making a false representation to the U.S. Government under 18 U.S.C. § 1001. Also, by signing the Agreement, Silvercot, Inc. agrees to waive its opportunity for a hearing or appeal concerning the violation.
- (4) Mail the Agreement and a copy of the payment. Send the original signed Agreement and proof of payment of the penalty deposit to the following:

Blake Sieminski  
Enforcement and Compliance Assurance Division  
Waste Enforcement Branch  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDST)  
Dallas, Texas 75270-2101  
Sieminski.blake@epa.gov

If Silvercot, Inc. can demonstrate in writing that it is technically infeasible or impracticable to correct the violation within 30 days, upon request, the EPA, at its discretion, may grant an extension of up to an additional 30 days. Silvercot, Inc. must request that extension and demonstration of infeasibility or impracticability in writing to the EPA no later than 10 days before the end of the initial 30-day compliance period. The request must clearly indicate whether Silvercot, Inc. intends to take advantage of this expedited settlement offer and contain a schedule for when Silvercot, Inc. will come into compliance (which must not extend beyond the extension period). Any extensions will be granted in writing by the EPA.

If Silvercot, Inc. does not follow the procedures outlined in this letter for expedited settlement (i.e., correct the violation, pay the assessed penalty deposit, and sign and return the Agreement) within 30 days of Silvercot, Inc.'s receipt of this letter, then this settlement offer will be automatically withdrawn, without prejudice to the EPA's ability to file an enforcement action for the cited violation and to seek up to the statutory maximum penalty for each violation.

Thank you for your attention to this matter. If you have any questions, please contact Blake Sieminski, of my staff, at [sieminski.blake@epa.gov](mailto:sieminski.blake@epa.gov) or (214) 665-8062.

Sincerely,

**JEFFREY  
YURK**

Digitally signed by  
JEFFREY YURK  
Date: 2023.10.05  
15:26:50 -05'00'

Jeff Yurk, Manager  
Waste Enforcement Branch

Enclosure/Attachment: Expedited Settlement Agreement and Final Order



**FILED**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 09 NOV 23 PM 01:43  
REGION 6 REGIONAL HEARING CLERK  
1201 Elm Street, Suite 500 EPA REGION 6  
Dallas, Texas 75270

In the Matter of

Silvercot, Inc.,

Respondent.

§  
§  
§  
§  
§  
§  
§

Docket No. FIFRA-06-2024-0301

---

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency, Region 6 (“EPA” or “Complainant” alleges that Silvercot, Inc. (“Respondent”) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating an establishment registered under Section 7 of FIFRA, 7 U.S.C. § 136e(c), to inform the EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which the producer is currently producing, which the producer has produced during the past year, and which the producer has sold or distributed during the past year. The information required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), must be kept current and submitted to the EPA annually as required under any regulation issued pursuant to Section 7 of FIFRA, 7 U.S.C. § 136e.

3. The regulations at 40 C.F.R. Part 167 set out the registration and reporting requirements for pesticide and active ingredient producing establishments. Pursuant to 40 C.F.R. § 167.85(d), a producer operating an establishment must submit an initial report no later than 30 days after the first registration of each establishment the producer operates. Thereafter, the

producer must submit an annual report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.

4. Respondent operates the establishment assigned Establishment No. 73943-TX-1 located in Silverton, Texas.

5. Respondent failed to timely submit an annual pesticide production report on or before March 1, 2021 for Establishment No. 73943-TX-1.

6. Respondent's failure to timely submit an annual pesticide production report on or before March 1, 2021 for Establishment No. 73943-TX-1 is a violation of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c).

7. The EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and 40 C.F.R. § 22.13(b).

8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements set forth above; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

9. By signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation, and has submitted true and accurate documentation of such correction along with this Agreement; (b) has provided a deposit for payment of the civil penalty

as set forth below; (c) has submitted a true and accurate proof of deposit for payment of the civil penalty along with this Agreement; and (d) agrees to release the deposit for payment to EPA upon entry of the Final Order attached hereto.

10. The EPA and Respondent agree that settlement of this matter for a civil penalty in the amount of five hundred dollars (\$500.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
PO Box 979078  
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

Respondent certifies that the original Agreement and a true and accurate copy of the deposit for payment was submitted to:

Blake Sieminski  
Enforcement and Compliance Assurance Division  
Waste Enforcement Branch  
U.S. Environmental Protection Agency, Region 6  
1201 Elm Street, Suite 500 (ECDST)  
Dallas, Texas 75270-2101  
[Sieminski.Blake@epa.gov](mailto:Sieminski.Blake@epa.gov)

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

11. Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of FIFRA or any other applicable law.

12. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

13. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to FIFRA.

14. Each party shall bear its own costs and fees, if any.

15. This Agreement authorized by the EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

17. The EPA and Respondent agree to the use of electronic signatures for this matter pursuant to 40 C.F.R. § 22.6. The EPA and Respondent further agree to electronic service of this Agreement by email to the following:

To EPA: [Sieminski.blake@epa.gov](mailto:Sieminski.blake@epa.gov)

To Respondent: [SILVERCOTGIN@MIDPLAINS.COOP](mailto:SILVERCOTGIN@MIDPLAINS.COOP)

RESPONDENT:  
Silvercot, Inc.

Date: 10-18-23

  
Signature

E. E. Blakley  
Name

Manager  
Title

COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: November 6, 2023



Digitally signed by CHERYL  
SEAGER  
Date: 2023.11.06 13:17:51  
-06'00'

Cheryl T. Seager  
Director  
Enforcement  
and Compliance Assurance Division  
U.S. EPA, Region 6



**FINAL ORDER**

Pursuant to Section 14(a) of FIFRA, 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, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Respondent is ORDERED to comply with all of the terms of the Expedited Settlement Agreement. In accordance with 40 C.F.R. § 22.31(b), 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.

This Final Order shall resolve only those causes of action alleged in the Expedited Settlement Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

THOMAS  
RUCKI

Digitally signed by THOMAS  
RUCKI  
Date: 2023.11.09 14:37:49 -05'00'

\_\_\_\_\_  
Thomas Rucki  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was delivered to the Regional Hearing Clerk, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270-2102, and that a true and correct copy was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

Sieminski.blake@epa.gov

Copy via Email to Respondent:

SILVERCOTGIN@MIDPLAINS.COOP

**BLAKE  
SIEMINSKI**

Digitally signed by  
BLAKE SIEMINSKI  
Date: 2023.11.14  
11:36:05 -06'00'

Signed  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region 6