

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

2013 NOV 19 PM 12: 57

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)	Docket No. FIFRA-07-2013-0015
)	
HPI Products, Inc.)	CONSENT AGREEMENT
222 Sylvania Street)	AND FINAL ORDER
St. Joseph, Missouri 64501)	
)	
Respondent)	

CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on June 24, 2013, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l, when Complainant issued a Complaint and Notice of Opportunity For Hearing (Complaint) to HPI Products, Inc. (Respondent). The Complaint charged Respondent with violations of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E). The Complaint proposed a total civil penalty of Forty Thousand, Eight Hundred Dollars (\$40,800) against Respondent for the violations. The parties subsequently entered negotiations in an attempt to settle the allegations contained in the Complaint. This Consent Agreement and Final Order (CA/FO) is the result of such negotiations, and fully and finally resolves the allegations contained in the Complaint.

CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint.

2. Respondent neither admits nor denies the specific factual allegations set forth in the Complaint.

3. Respondent waives any right to contest the allegations set forth in the Complaint, and its right to appeal the proposed Final Order portion of this CA/FO.

4. Respondent and EPA agree to settle this matter without the necessity of a formal hearing and to each bear their own respective costs and attorneys' fees.

5. Respondent certifies by the signing of this CA/FO that to the best of its knowledge and belief it is presently in compliance with FIFRA, 7 U.S.C. § 136 *et. seq.*, and all regulations promulgated thereunder.

6. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty in the amount of: (1) Nine Thousand Twenty Dollars (\$9,020) to be paid within thirty (30) days after the effective date of the Final Order; and (2) Nine Thousand Dollars (\$9,000), plus interest at the rate of 1% per annum on the outstanding balance beginning thirty (30) days after the effective date, to be paid within two hundred and ten (210) days after the effective date of the Final Order.

7. Respondent understands that failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 6 above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties, late payment handling

charges, and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. A late payment handling charge will be imposed after thirty (30) days and an additional charge for each subsequent thirty (30) day period will be assessed. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of Section 14 of FIFRA, as amended, 7 U.S.C. § 136l, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Respondent shall pay a mitigated civil penalty in the amount of: (1) Nine Thousand Twenty Dollars (\$9,020) to be paid within thirty (30) days after the effective date of the Final Order; and (2) Nine Thousand Dollars (\$9,000), plus interest at the rate of 1% per annum on the outstanding balance beginning thirty (30) days after the effective date, to be paid within two hundred and ten (210) days after the effective date of the Final Order.

2. Payment of the penalty shall be by cashier's or certified checks which shall identify the Respondent by name and Docket Number FIFRA-07-2-13-0015, and made payable to "United States Treasury" and remitted to:

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

3. Copies of the checks shall simultaneously be sent to the following:

Robert W. Richards
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219; and

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.


4. The effective date of this Order shall be the date on which it is signed by the Regional
Judicial Officer.

5. Respondent and Complainant shall each bear their own respective costs and
attorneys' fees.


IN THE MATTER OF HPI PRODUCTS, INC.
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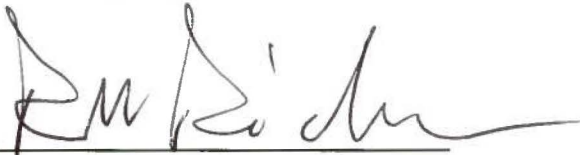
RESPONDENT:
HPI PRODUCTS, INC.
A Missouri Corporation

Date: 11-1-13

By: 
Authorized Officer
William Garvey, President

COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 11-15-13 By: 
Karen Flournoy
Director
Water, Wetlands and Pesticides Division

Date: 11/15/13 By: 
Robert W. Richards
Attorney
Office of Regional Counsel

IT IS SO ORDERED. This Order shall become effective immediately.

Date: 11-19-13

Karina Borromeo
KARINA BORROMEO
Regional Judicial Officer
U.S. Environmental Protection Agency Region 7

IN THE MATTER OF HPI Products, Inc., Respondent
Docket No. FIFRA-07-2013-0015

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy by email to Attorney for Complainant:

richards.robert@epa.gov

Copy by First Class Mail to:

Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
Mail Code 1900R
1200 Pennsylvania Avenue NW
Washington, D. C. 20460

and

William Harvey
HPI Products, Inc.
222 Sylvania Street
St. Joseph, Missouri 64501

Dated: 11/19/13



Kathy Robinson
Hearing Clerk, Region 7