

1 CENTS (\$5,864.63 (\$5,850.00 + 14.63 interest)) is due within sixty (60) days of the effective
2 date of this Final Order.

3 4.3. Payment under this CAFO shall be made by cashier's check or certified check,
4 payable to the order of "Treasurer, United States of America" and delivered to the following
5 address:

6 US Bank - USEPA - Region 10
7 Fines and Penalties
8 Cincinnati Finance Center
9 PO Box 979077
10 St. Louis, MO 63197-9000

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

12 4.4. Respondent shall serve photocopies of the checks described in Paragraph 4.3,
13 above, on the Regional Hearing Clerk and the EPA Region 10 Office of Compliance and
14 Enforcement at the following addresses:

15 Regional Hearing Clerk
16 U.S. Environmental Protection Agency Region 10
17 Office of Regional Counsel, ORC-158
18 1200 Sixth Avenue, Suite 900
19 Seattle, WA 98101

20 Attn: Erin Halbert
21 U.S. Environmental Protection Agency Region 10
22 Pesticides and Toxics Unit, OCE-084
23 1200 Sixth Avenue, Suite 900
24 Seattle, WA 98101

25 4.5. Should Respondent fail to pay the penalty assessed herein in full by its due date,
the entire unpaid balance of penalty and accrued interest shall become immediately due and
owing. Should such a failure to pay occur, Respondent may be subject to a civil action under
Section 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with
interest, handling charges, and nonpayment penalties, as set forth below.

1 4.6. Should Respondent fail to pay any portion of the penalty assessed herein in full by
2 its due date, Respondent shall also be responsible for payment of the following amounts:

3 a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate
4 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1)
5 from the effective date of the accompanying Final Order, provided, however, that
6 no interest shall be payable on any portion of the assessed penalty that is paid
7 within 30 days of the effective date of the Final Order.

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

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

15 4.7. The penalty described in Paragraph 4.2, above, including any additional costs
16 incurred under Paragraph 4.6, above, represents an administrative civil penalty assessed by EPA
17 and shall not be deductible for purposes of federal taxes.

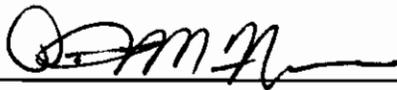
18 4.8. The undersigned representative of Respondent certifies that he is fully authorized
19 to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

20 4.9. Respondent shall bear its own costs and attorneys fees in connection with this
21 matter.

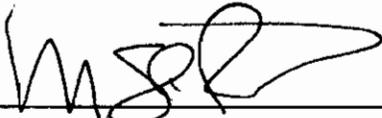
22 4.10. The provisions of this CAFO shall bind Respondent and its agents, servants,
23 employees, successors, and assigns.

1 4.11. The above provisions are STIPULATED AND AGREED upon by Respondent
2 and EPA.

3 DATED:
4 9/19/08

CH2O, INC.:

Tony McNamara
President
For Respondent

7 DATED:
8
9 9/22/08

U.S. ENVIRONMENTAL PROTECTION AGENCY:

MERCER ST. PETER
Assistant Regional Counsel
For Complainant

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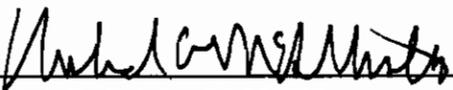
V. FINAL ORDER

5.1. The terms of the foregoing Parts I-IV are hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the foregoing terms of the settlement.

5.2. This CAFO shall constitute a settlement by EPA of all claims for civil penalties pursuant to FIFRA for the violations alleged above. In accordance with 40 C.F.R. § 22.31(a), nothing in this CAFO 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 CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of FIFRA and regulations promulgated thereunder.

5.3. This Final Order shall become effective upon filing.

SO ORDERED this 22nd day of September, 2008.



RICHARD G. McALLISTER
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: CH2O, DOCKET NO.: FIFRA-10-2008-0159** was filed with the Regional Hearing Clerk on September 23, 2008.

On September 23, 2008 the undersigned certifies that a true and correct copy of the document was delivered to:

Mercer St. Peter, Esquire
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
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 on September 23, 2008, to:

Tony McNamara, President
CH2O, Inc.
8820 Old Highway 99 SE
Olympia, WA 98501

DATED this 23rd day of September 2008.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10