

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029**

RECEIVED
 2015 SEP 21 PM 2:46
 ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 ARCH STREET
 PHILADELPHIA, PA 19103-2029

IN RE:)	DOCKET NO. FIFRA-03-2015-0215
)	
LONE MAPLE AGRICULTURAL SERVICES, INC.)	CONSENT AGREEMENT
259 LONE MAPLE DRIVE)	
NEW ALEXANDRIA, PA 15670)	NOTABLY LATE OR NON REPORTING
)	
Respondent)	

EXPEDITED SETTLEMENT AGREEMENT

1. This Expedited Consent Agreement is entered into by the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III (“EPA” or “Complainant”) and Lone Maple Agricultural Services, Inc. (“Respondent”), pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), *as amended*, 7 U.S.C. § 136l(a), and Sections 22.13(b) and .18(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules of Practice”), 40 C.F.R. § 22.13(b) and .18(b). This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “CAFO”) resolve Complainant's civil penalty claims against the Respondent under FIFRA arising from the violation of FIFRA alleged herein.

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticides-producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R. § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year.

3. EPA finds that Respondent is a “person,” a “producer” and operates an “establishment”, as those terms are defined in Sections 2(s), (w), and (dd) of FIFRA, 7 U.S.C. §§ 136(s), (w), and (dd), and 40 C.F.R. § 167.3, at 259 Lone Maple Drive, New Alexandria, Pennsylvania. This Establishment is registered with EPA under Establishment Number 059397-PA-001.

4. Respondent has failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and with the regulations found at 40 C.F.R. § 167.85(d) in that it did not file the 2012, 2013 and 2014

annual pesticides reports for the above facility by March 1 of 2013, 2014, and 2015, respectively, as required.

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order, (hereinafter “this Agreement”).

6. Except as provided in Paragraph 5 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Consent Agreement.

7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.

8. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.

9. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.

10. Each Party to this Agreement shall bear its own costs and attorney’s fees.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that to the best of Respondent’s knowledge, it is presently in compliance with all requirements of FIFRA, 7. U.S. C. *et seq.*, and all regulations promulgated thereunder.

12. Under EPA’s *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements*, updated May 2010, EPA may reduce a civil penalty to zero when a producer who has failed to submit a timely production report under Section 7(c)(1) of FIFRA reports no pesticide production and requests termination of the establishment’s registration number within 20 days after receiving written notification of the violation by EPA.

13. In correspondence provided within 20 days of receiving EPA’s notice of the violation alleged herein, Respondent reported that it produced no pesticides at the establishment located at 259 Lone Maple Drive, New Alexandria, Pennsylvania in calendar years 2012, 2013 and 2014, and requested that the establishment registration number EPA Est. No.: 059397-PA-001 be terminated.

14. In settlement of the above-captioned action, the parties hereto have agreed to the assessment of a civil penalty of zero dollars (\$0).

15. This Agreement settles EPA’s civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for

any other past, present, or future violations of FIFRA or any other federal statute or regulation.

16. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

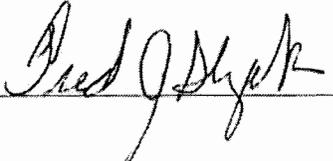
17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind Lone Maple Agricultural Services, Inc. to this Agreement.

APPROVED BY:

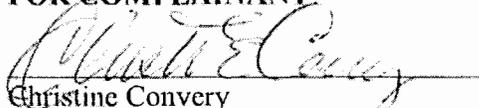
Name (print): Fred J Slezak

Title (Print): President

Signature: 

Date: 9/2/15

FOR COMPLAINANT:

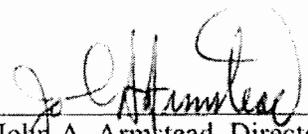


Christine Convery
Pesticides Enforcement Officer
EPA Region III

Date: 9/11/15

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

9.15.15
Date


John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

**Lone Maple Agricultural Services, Inc.
259 Lone Maple Drive
New Alexandria, PA 15670,**

EPA Docket No. FIFRA-03-2015-0215

Respondent.

FINAL ORDER

FINAL ORDER

Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region III, and Respondent, Lone Maple Agricultural Services, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Expedited Settlement Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 14(a)(4) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. § 136l(a)(4), and the Respondent's representation that it did not produce pesticides at its establishment during calendar years 2012, 2013 and 2014, and Respondent's request to have its establishment registration number terminated.

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. § 136l(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil

penalty in the amount of ZERO Dollars (\$0), and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Sept. 21, 2015
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

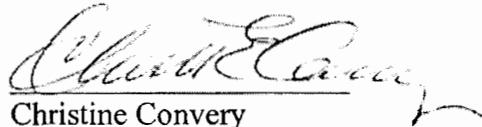
IN RE: :
: :
LONE MAPLE AGRICULTURAL : DOCKET NO. FIFRA-03-2015-0215
SERVICES, INC. : :
259 LONE MAPLE DRIVE : :
NEW ALEXANDRIA, PA 16030 : :
: :
Respondent :

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Expedited Settlement Agreement and Final Order for the above-referenced matter were hand-delivered to the Regional Hearing Clerk, EPA Region III, and that true and correct copies were mailed via certified mail to the following person(s):

Mr. Fred Slezak, President
Lone Maple Agricultural Services
P.O. Box 407
New Alexandria, PA 15670

9/21/15
Date



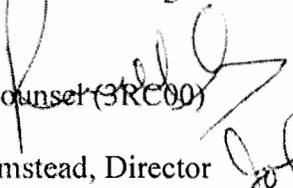
Christine Convery
Enforcement Officer

U.S. Environmental Protection Agency, Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Subject: Federal Insecticide, Fungicide, and Rodenticide Act
Lone Maple Agricultural Services, Inc.
Docket No. FIFRA-03-2015-0215
Expedited Settlement Agreement and Final Order

From:  Mary Coe
Regional Counsel (3RC00)

 9/14/15
John A. Armstead, Director
Land and Chemicals Division (3LC00)

To:  9-21-2015
Joseph J. Lisa
Regional Judicial Officer (3RC00)

The attached Expedited Settlement Agreement has been negotiated pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), 40 C.F.R. Part 22, with specific reference to 40 C.F.R. § 22.18(b)(2), in settlement of an alleged violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136 *et seq.*, by Lone Maple Agricultural Services, Inc.

The terms of the settlement include a civil penalty of zero dollars (\$0), calculated in accordance with the statutory factors of FIFRA Section 14(a), EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements* ("ERP"), updated May 2010, and 40 C.F.R. Part 19.

We concur with the terms of the attached Expedited Settlement Agreement and we recommend that you sign the Final Order, in accordance with the Consolidated Rules at 40 C.F.R. § 22.18(b)(3).

Respondent's contact information is as follows:

Name: Fred Slezak, President Lone Maple Agricultural Services, Inc.
Phone: (724) 668-7358
Email: lonemaple@windstream.net

cc: Fred J. Slezak, President
Lone Maple Agricultural Services, Inc.