

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Maximilian Boal 10/6/15
Name of Case Attorney Date

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

Case Docket Number FIFRA-01-2015-0077

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:

P.R. Russell
91 Pine Road
Brentwood, NH 03833
c/o Marco Carrier and Richard Carrier

Total Dollar Amount of Receivable \$ 400 Due Date: 11/5/15

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

- INSTALLMENTS OF:
- 1st \$ _____ on _____
 - 2nd \$ _____ on _____
 - 3rd \$ _____ on _____
 - 4th \$ _____ on _____
 - 5th \$ _____ on _____

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
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

October 6, 2015

RECEIVED

OCT 06 2015

EPA ORC *WS*
Office of Regional Hearing Clerk

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

BY HAND

Re: *In the Matter of P.R. Russell*
Docket No. FIFRA-01-2015-0077

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of a Consent Agreement and Final Order (CAFO) settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and the certificate of service.

Thank you for your attention to this matter.

Sincerely,

Maximilian Boal
Maximilian Boal
Enforcement Counsel

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

RECEIVED

OCT 06 2015

EPA ORC ^{WS}
Office of Regional Hearing Clerk

Expedited Settlement Agreement and Final Order
Issued under Section 14(a) of FIFRA, 7 U.S.C. § 1361 and 40 C.F.R. § 22.13(b) and 22.18(b)
Docket Number FIFRA-01-2015-0077

1. The U.S. Environmental Protection Agency ("EPA") finds that P.R. Russell ("Respondent"), failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136e(c).
2. Under FIFRA Section 7(c) and 40 C.F.R. Part 167, Respondent was required to file on or before the March 1st deadline an annual pesticide production report concerning Respondent's registered pesticide-producing establishment located at 91 Pine Road, Brentwood, NH 03833 ("the Establishment").
3. EPA finds that Respondent failed to file its annual pesticide production report concerning the Establishment on or before the March 1, 2015 deadline and the March 1, 2013 deadline.
4. 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. § 1361, and 40 C.F.R. § 22.13(b).
5. Pursuant to FIFRA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$400 (four hundred dollars). Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.
6. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraph 2 above; (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct 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.
7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violations.
8. Respondent agrees that, within 30 days of the effective date of this Agreement (the effective date herein means the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check, with case name and docket number noted ("In the Matter of P.R. Russell, Docket No FIFRA-01-2015-0077"), for the amount specified above, payable to "Treasurer, United States of America," to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall also submit a copy of the check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (ORA18-1), Boston, MA 02109-3912 and to Maximilian Boal, Enforcement Counsel, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES04-2), Boston, MA 02109-3912.
9. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein.

10. 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. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

12. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, 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).

13. 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.

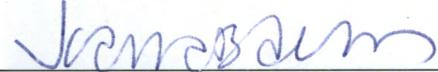
APPROVED BY P.R. Russell:

Name (print): Kristen Carrier

Title (print): Manager

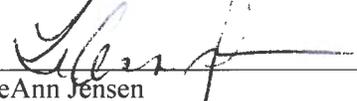
Signature:  Date: 9/24/15

APPROVED BY EPA:

 Date: 10/1/15

Joanna Jerison, Legal Enforcement Manager
Office of Environmental Stewardship
U.S. EPA - Region 1 (New England)

IT IS SO ORDERED:

 Date: 10/5/15

LeAnn Jensen
Acting Regional Judicial Officer
U.S. EPA - Region 1 (New England)

