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HEARINGS CLERK
REGION 10

WESTERN AG IMPROVEMENTS, INC.
PO BOX 819
DAYTON, OR 97114
(503) 866-7510

KEYBANK NATIONAL ASSOCIATION
24-201/1230

7/2/2019

PAY TO THE ORDER OF: US:Environmental Protection Agency

\$ **500.00

Five Hundred and 00/100..... DOLLARS

US Environmental Protection Agency
Government Lockbox 979077
1005 Convectionn Plaza
St Louis, Missouri 63101

MEMO

AUTHORIZED SIGNATURE

⑈021854⑈ ⑆⑆⑆230020⑆⑆⑆ 379681046007⑈

ENDORSE HERE

U S ENVIRONMENTAL PROTECTION
AGENCY
379077

CHECK HERE AFTER DEPOSIT ON REMOTE DEPOSIT

DATE _____

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30190705
Fed Res Bank Cleveland
⑆041056017⑆

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Account
379681046007

Check #
21854

Amount
\$ 500.00

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07/08/2019

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BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
HEARINGS OFFICE
EPA REGION 10

In the Matter of:)	DOCKET NO. FIFRA-10-2019-0095
)	
Western Ag Improvement, Inc.)	EXPEDITED SETTLEMENT
)	AGREEMENT AND
)	FINAL ORDER
Hood River, Oregon)	
)	
Respondent)	
_____)	

EXPEDITED CONSENT AGREEMENT

1. The U.S. Environmental Protection Agency ("EPA") alleges that Western Ag Improvement, 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), and 40 C.F.R. Part 167 requires any producer operating a pesticide-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. 40 C.F.R. § 167.85(d) requires the producer to submit an annual report providing this information on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.
3. Respondent is a "producer" who operates an "establishment," as those terms are defined in Sections 2(w) and (dd) of FIFRA, 7 U.S.C. §§ 136(w) and (dd), and 40 C.F.R. § 167.3. Respondent's establishment is located at 2987 Odell Highway, Hood River, Oregon 97031, and is registered under Establishment Number 85550-OR-002.
4. Respondent failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and 40 C.F.R. § 167.85(d), in that it did not file a 2018 annual pesticide report for the establishment by March 1, 2019.
5. The parties enter into this Expedited Settlement Agreement in order to settle the civil violation(s) alleged above. Pursuant to the Consolidated Rules of Practice, and in consideration of the statutory factors set forth in FIFRA Section 14(a)(4), 7 U.S.C. Section 136l(a)(4); EPA's

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Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements, updated May 2010; 40 C.F.R. Part 19; and the July 22, 2014 *FIFRA Section 7 Expedited Settlement Agreement Pilot Program*, extended until June 23, 2019, EPA has determined that an appropriate civil penalty to settle this action is \$500.

6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$500 is in the public interest.

7. Upon signing this Expedited Settlement Agreement, Respondent shall deposit the civil penalty amount listed in Paragraph 6 by one of the following methods:

7.1. Send a cashier's or certified check or money order with a notation for FIFRA-10-2019-0095 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. FIFRA-10-2019-0095
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

7.2. Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with a notation for FIFRA-10-2019-0095 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

7.3. Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

8. Concurrently with the deposit under Paragraph 7, Respondent shall forward the original signed Expedited Settlement Agreement, a copy of the cashier's or certified check or money order or documentation of a wire transfer to the following address, and a certification signed by Respondent that regarding the violations alleged above, Respondent is in compliance with Section 7(c) of FIFRA.

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Andrew Landry, Enforcement Case Officer
U.S. Environmental Protection Agency Region 10
Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

By written notice to Respondent, EPA may change the address and/or person listed above.

9. EPA is authorized to enter into this Expedited Settlement Agreement ("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).

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

11. By its 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(s); (b) agrees to provide a deposit for payment of the civil penalty as set forth in Paragraph 7; (c) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in Paragraph 8; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

12. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 7, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

13. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

14. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement. Nothing in this Final Order is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Final Order shall be construed to limit EPA's authority to take any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

15. Each party shall bear its own costs and attorney's fees.

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

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17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement and Final Order 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/she is authorized to execute this Expedited Settlement Agreement and to legally bind Western Ag Improvement, Inc..

IT IS SO AGREED,

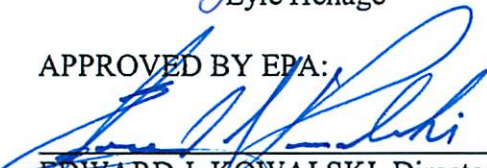
Name (print): Darren Shelburne

Title (print): CFO

Signature: 
Lyle Henage

Date: 6-15-19

APPROVED BY EPA:



EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

Date: 8/8/2019

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FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and according to the terms of the Expedited Settlement Agreement entered into by Complainant or EPA and Respondent or Western Ag Improvement, Inc., IT IS HEREBY ORDERED THAT:

The Expedited Settlement Agreement is hereby ratified and shall be effective upon the filing of the Expedited Settlement Agreement and this Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this 13th day of August, 2019.



RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

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Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: Western Ag Improvement, Inc., Docket No.: FIFRA-10-2019-0095, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:


The undersigned certifies that a true and correct copy of the document was delivered to:

Andrew Landry
U.S. Environmental Protection Agency Region 10
Mail Stop 20-C04
1200 Sixth Avenue, Suite 155
Seattle, Washington 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 to:

Lyle Henage
Western Ag Improvement, Inc.
P.O. Box 201
Odell, Oregon 97044

DATED this 14 day of August, 2019.


TERESA YOUNG
Regional Hearing Clerk
EPA Region 10



ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

Pesticide Report for Pesticide-Producing and Device-Producing Establishments

Office of Enforcement and Compliance Assurance

Section 7, Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. sec. 136e)

<http://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting>

1. Establishment Name **WESTERN AG IMPROVEMENT** 2. EPA Est. No. **085550 OR 002**

3. Establishment Site Address **2987 ODELL HWY**

4. City **HOOD RIVER** 5. State **OR**

6. Province/Region 7. Country **USA** 8. Zip/Postal Code **97031**

9. Establishment Mailing Address **P.O. Box 201**

10. City **ODELL** 11. State **OR**

12. Province/Region 13. Country **USA** 14. Zip/Postal Code **97044**

15. Telephone Number **541-806-4556** 16. Email **LYLE@WESTERNAG.NET**

17. Check if your establishment's name or address changed 18. Did you produce or distribute in 2018? Yes No

19. Company Name

20. Company Site Address

21. City 22. State

23. Province/Region 24. Country 25. Zip/Postal Code

26. Company Mailing Address

27. City 28. State

29. Province/Region 30. Country 31. Zip/Postal Code

32. Telephone Number 33. Email

34. Check if your company name or address changed 35. Check if your Authorized Agent changed

36. Name of Company Official or Authorized Agent **LYLE HENAGE** 37. Title of Company Official or Authorized Agent **OWNER / MANAGER**

38. Signature of Company Official or Authorized Agent (Original signature required) **[Signature]** 39. Date **4/24/19**

40. Telephone Number of Company Official or Authorized Agent **541-806-4556** 41. Email Of Company Official or Authorized Agent **LYLE@WESTERNAG.NET**

EPA Reviewer **AR** EPA Office **R10** Post Mark Date **4/24/19** Date Entered **4/30/19** Comments **Late Report** Reporting Year **2018**