



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET  
DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2007 JUN 25 PM 2:36

EPA REGION VIII  
HEARING CLERK

DOCKET NO.: FIFRA-08-2007-0002

IN THE MATTER OF:

KEVIN LARSEN  
LARSEN FARMS

RESPONDENT

)  
)  
)  
)  
)  
)

FINAL ORDER

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

SO ORDERED THIS 25<sup>th</sup> day of June, 2007.

Elyana R. Sutin  
Regional Judicial Officer

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2007 JUN 25 PM 2:36

Docket No. FIFRA-08-2007-0002

HEARING CLERK

In the Matter of: )  
)  
Kevin Larsen ) **Consent Agreement**  
Larsen Farms )  
391A Rock Springs Road )  
P.O. Box 76 )  
Reserve, Montana 59258, )  
)  
Respondent )

Complainant, United States Environmental Protection Agency, Region 8 (EPA), and Respondent, Kevin Larsen, by their undersigned representatives, hereby consent and agree as follows:

1. On March 29, 2007, Complainant issued a Complaint alleging certain violations of FIFRA sections 12(a)(2)(G) and 12(a)(2)(F), 7 U.S.C. sections 136j(a)(2)(G) and 136(a)(2)(F). The Complaint proposed a civil penalty for the violation alleged therein.

2. Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in the Complaint, or this Consent Agreement.

4. This Consent Agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors or assigns. Any change in ownership or corporate status of Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement. This Consent Agreement contains all terms of the settlement agreed to by the parties.

5. Respondent consents and agrees to pay a civil penalty in the amount of **five thousand dollars (\$5,000)**, in the manner described below in this paragraph:

- a. Respondent agrees to pay the **five thousand dollars (\$5,000)** penalty amount in two (2) installments of **two thousand five hundred dollars (\$2,500)** each. Respondent specifically agrees that should it be delinquent with any installment payment, interest shall be calculated on the remaining unpaid balance of the particular installment payment amount from the date of the issuance of the Final

Order, issued by the Regional Judicial Officer, that adopts this Consent Agreement, and as set forth in paragraph 5.b. below.

- b. The first penalty installment of \$2,500 is due on or before August 1, 2007. The second penalty installment and final penalty installment of \$2,500 is due on or before August 1, 2008. If any of the due dates falls on a weekend or legal Federal holiday, that due date is the next business day. The date the payment is made is considered to be the date of the deposit ticket (standard form 215) issued by the Mellon Bank described below. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day. Respondent shall make these two installment payments by remitting a cashier's or certified check for the specified amount, including the name and docket number of this case (the docket number is listed in the first page of this Consent Agreement), payable to "Treasurer, United States of America," to:

Regular Mail:

Mellon Bank  
Lockbox 360859  
Pittsburgh, PA 15251-6859

Federal Express, Airborne, or other commercial carrier:

U.S. EPA, 360859  
Mellon Client Service Center Rm 154-0670  
500 Ross Street  
Pittsburgh, PA 15251-6859

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

ABA = 021030004  
TREAS NYC/CTR/  
BNF=/AC-68010727

- c. A copy of the check shall be sent simultaneously to:

Tim Osag, Senior Enforcement Coordinator  
Technical Enforcement Program (8ENF-T)  
U.S. EPA Region 8  
1595 Wynkoop  
Denver, CO 80202-1129

And

Tina Artemis  
Regional Hearing Clerk (8RC)  
U.S. EPA Region VIII  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

- d. In the event payment is not received by the specified due date, interest accrues from the date of the final consent order, not the due date, at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, and will continue to accrue until payment in full is received (i.e., on the 1<sup>st</sup> late day, 30 days of interest accrues). Respondent agrees and consents that if Respondent fails to pay the penalty amount on the due dates set forth in paragraph 5.b. above, any unpaid balance thereof, shall become due and owing by the Respondent, or EPA, in its sole discretion, may waive all or part of such acceleration and or such interest payment.
  - e. In addition, in the event an installment payment is not received by the due date specified in paragraph 5.b., a handling charge of fifteen dollars (\$15) shall be assessed on the 31st day from the date of the final order, and each subsequent thirty day period that the debt, or any portion thereof, remains unpaid. In addition, a six percent (6%) per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to handling charges, 6% penalty interest, late interest, and any balance is then applied to the outstanding principal amount.
  - f. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.
6. Nothing in this Consent Agreement shall relieve Respondent of the duty to comply with FIFRA and its implementing regulations.
7. Failure by Respondent to comply with any of the terms of this Consent Agreement shall constitute a breach of the consent agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
8. Nothing in this Consent Agreement shall be construed as a waiver by the EPA or any other federal entity of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this Consent Agreement.

9. The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to the terms and conditions of this Consent Agreement .

10. The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.

11. Each party shall bear its own costs and attorney fees in connection with this matter.

12. This Consent Agreement, upon incorporation into a final order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations alleged in the Complaint.


In the Matter of Kevin Larsen, Larsen Farms,  
Docket No.:

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8,

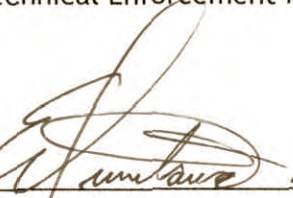
Date: 19 June 2007

By:   
Michael T. Risner, Director  
David J. Janik, Supervisory Enforcement Attorney  
Legal Enforcement Program

Date: 6/18/07

By:   
Elisabeth Evans, Director  
Technical Enforcement Program

Date: 6/14/2007

By:   
Eduardo Quintana  
Senior Enforcement Attorney  
Legal Enforcement Program

In the Matter of Kevin Larsen, Larsen Farms,  
Docket No.:

KEVIN LARSEN, LARSEN FARMS,  
Respondent.

Date: 6-12-07

By: Kevin Larsen

Name: Kevin Larsen

Title: Pres.

## CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **KEVIN LARSEN, LARSEN FARMS DOCKET NO.: FIFRA-08-2007-0002** was filed with the Regional Hearing Clerk on June 25, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Eduardo Quintana, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on June 25, 2007, to:

Laura Christoffersen, Esq.  
Christoffersen & Knierim, P.C.  
20 Broadway, P. O. Box 650  
Culbertson, MT 59218


Pouch mailed to:

Honorable Barbara A. Gunning  
Administrative Law Judge  
Office of Administrative Law Judges  
U. S. EPA, Mail Code 1900L  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

E-mailed to:

Michelle Angel  
U. S. Environmental Protection Agency  
Cincinnati Finance Center

June 25, 2007

  
Tina Artemis  
Regional Hearing Clerk