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HEARINGS CLERK
EPA -- REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. FIFRA-10-2010-004
)	
NORTHWEST AGRICULTURAL PRODUCTS, INC.)	CONSENT AGREEMENT AND FINAL ORDER
)	
Respondent)	

I. STATUTORY AUTHORITY

1.1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l(a).

1.2. The Administrator has delegated the authority to issue the Final Order contained in Part V of this CAFO to the Regional Administrator of EPA Region 10, who in turn has redelegated this authority to the Regional Judicial Officer.

1.3. Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA hereby issues, and Northwest Agricultural Products, Inc. ("Respondent") hereby agrees to issuance of, the Final Order contained in Part V of this CAFO.

1 **IV. CONSENT AGREEMENT**

2 4.1. For the purpose of this proceeding, Respondent admits the jurisdictional
3 allegations contained herein, but neither admits nor denies the specific factual allegations put
4 forth by EPA. Respondent waives any right to contest these allegations as well as the right to
5 appeal the accompanying Final Order. Respondent also consents to payment of the penalty as
6 stated below.

7 4.2. Respondent consents to the assessment of a civil penalty in the amount of
8 ONE-THOUSAND, TWO-HUNDRED EIGHTY DOLLARS and no cents (\$1,280.00).
9 Respondent consents to issuance of the Final Order set forth in Part V, below, and agrees to pay
10 the total civil penalty set forth in this paragraph within thirty (30) days of the effective date of
11 this Final Order.

12 4.3. Payment under this CAFO shall be made by cashier's check or certified check,
13 payable to the order of "Treasurer, United States of America" and delivered to the following
14 address:

15 US Bank - US EPA - Region 10
16 Fines and Penalties
17 Cincinnati Finance Center
18 PO Box 979077
19 St. Louis, MO 63197-9000

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

21 4.4. Respondent shall serve photocopies of the check described in Paragraph 4.3,
22 above, on the Regional Hearing Clerk and the EPA Region 10 Office of Compliance and
23 Enforcement at the following addresses:

24 Regional Hearing Clerk
25 U.S. Environmental Protection Agency
Region 10, Office of Regional Counsel
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, WA 98101

1
2 Attn: Erin Halbert
3 U.S. Environmental Protection Agency
4 Region 10, Pesticides and Toxics Unit
5 1200 Sixth Avenue, Suite 900, OCE-084
6 Seattle, WA 98101

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

12 4.6. Should Respondent fail to pay any portion of the penalty assessed herein in full by
13 its due date, Respondent shall also be responsible for payment of the following amounts:

- 14 a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate
15 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1)
16 from the effective date of the accompanying Final Order, provided, however, that
17 no interest shall be payable on any portion of the assessed penalty that is paid
18 within 30 days of the effective date of the Final Order.
- 19 b. Handling Charge: Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge
20 of \$15 shall be paid if any portion of the assessed penalty is more than 30 days
21 past due.
- 22 c. Nonpayment Penalty: Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty
23 of 6% per annum shall be paid on any portion of the assessed penalty that is more
24 than 90 days past due, which nonpayment penalty shall be calculated as of the
25 date the underlying penalty first becomes past due.

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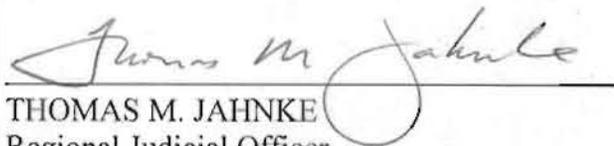
V. **FINAL ORDER**

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 30th day of October, 2009.


THOMAS M. JAHNKE
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 10

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HEARINGS CLERK
EPA--REGION 10

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK, THE FRONT OF THE DOCUMENT

OFFICIAL CHECK

HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY

16-4220/1220

STERLING SAVINGS BANK 

104240 / M 37814-0

100227720

October 19, 2009

\$1,280.00

ONE THOUSAND TWO HUNDRED EIGHTY and 00/100 DOLLARS

PAY TO THE ORDER OF: TREASURER
UNITED STATES OF AMERICA

REMITTER:
NORTHWEST AGRI PRODUCTS

Reference & Administrative Consent Agreement for Violation of Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Docket number FIFRA-10-2010-0004

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC., P.O. BOX 9476, MINNEAPOLIS, MN 55480
DRAWEE: PREFERRED BANK, LOS ANGELES, CA

DRAWER: STERLING SAVINGS BANK



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CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in In the Matter of: **NORTHWEST AGRICULTURAL PRODUCTS, INC., DOCKET NO.: FIFRA-10-2010-0004** was filed with the Regional Hearing Clerk on October 30, 2009.

On October 30, 2009 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 October 30, 2009, to:

Kyle Hartmeier
Vice President of Operations
Northwest Agricultural Products
821 South Chestnut
Pasco, Washington 99301

DATED this 30th day of October 2009.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10



*Better Science.
Better Solutions.*

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OCT 26 2009
U.S. EPA REGION 10
OFFICE OF REGIONAL COUNSEL

October 23, 2009

US EPA Region 10
Attn: Mercer St. Peter, ORC-158
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Ref: Administrative Consent Agreement for Violation of Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

Docket Number FIFRA-10-2010-0004

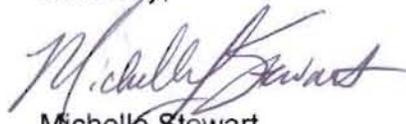
Dear Mercer:

Per our conversation on Thursday I have done as you instructed as outlined on page 3 I did forward the check to St. Louis, MO and enclosed a copy of the check for your convenience. However I am sending you the original agreement in order to complete and file copies as directed in 4.4. Please forward a copy when all signatures are received and document is filed.

I appreciate your time and consideration in this matter and look forward to receiving final documentation showing this agreement has been satisfied and case closed.

Thanks again for the helpful hints in your cover letter to avoid future penalties.

Sincerely,


Michelle Stewart
Regulatory Coordinator
Northwest Agricultural Products

821 SOUTH CHESTNUT
PASCO, WA 99301
509-547-8234
887-357-4461
WWW.NAP-CHEM.COM

Erin Halbert