



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 23 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No 7001 0320 0006 0189 9736

Mr. Fredrick Wehling
Amerilab Technologies, Inc.
2765 Niagra Lane North
Minneapolis, Minnesota 55447

Consent Agreement and Final Order **FIFRA-05-2010-0008**

Dear Mr. Smith:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on February 23, 2010 with the Regional Hearing Clerk.

The civil penalty in the amount of \$23,139 is to be paid in the manner described in paragraphs 10 and 11. Please be certain that the number **BD 2751045P007** and the docket number are written on both the transmittal letter and on the check. Payment is due by March 25, 2010 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Joseph G. Lukascyk".

Joseph Lukascyk
Pesticides and Toxics Compliance Section

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. FIFRA-05-2010-0008
)	
Amerilab Technologies, Inc.)	
Plymouth, Minnesota 55447)	
)	Proceeding to Assess a Civil Penalty
)	Under Section 14(a) of the Federal
)	Insecticide, Fungicide, and Rodenticide
Respondent.)	Act, 7 U.S.C. § 136j(a)
<hr/>)	

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Consent Agreement and Final Order

**REGIONAL HEARING CLERK
USEPA
REGION 5**

Preliminary Statement

1. Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, brought this administrative action seeking a civil penalty under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a).
2. On August 7, 2009, Respondent received a Notice of Intent to file a Civil Administrative Complaint informing Respondent of EPA's pending enforcement action.
3. On November 23, 2009, EPA filed the Complaint in this action against Respondent, Amerilab Technologies, Inc. The Complaint alleges that Respondent violated Section 12(a) (2) (L) of FIFRA, 7 U.S.C. § 136j (a) (2)(L), at its facility in New Hope, Minnesota, by failing to file the Annual Pesticide Production Reports (EPA Form 3540-16) for calendar years 2004, 2006, 2007, and 2008 and filing late, the Annual Pesticide Production Report for 2005, for EPA Establishment Number 069781-MN-001.
4. Respondent did not file an Answer or request a hearing under Section 14 of FIFRA, 7 U.S.C. §136l, and 40 C.F.R. § 22.15.

Stipulations

5. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.
6. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).
7. Respondent certifies that it is complying fully with FIFRA, 7 U.S.C. § 136 *et seq.* and the regulations at 40 C.F.R. § 167.
8. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.
9. The parties agree that settling this action without further litigation, upon the terms of this CAFO, is in the public interest.

Civil Penalty

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$23,139 civil penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

for checks sent by regular U.S. Postal Service mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

for checks sent by express mail:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
Contact: Natalie Pearson
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, Missouri 63101

The check must state "In the Matter of Amerilab Technologies, Inc.," the docket number of this CAFO, and the billing document number (BD Number).

11. A transmittal letter stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Joseph G. Lukascyk (LC-8J)
Pesticides and Toxics Compliance Section
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Harriet Croke (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

12. This civil penalty is not deductible for federal tax purposes.

13. If Respondent does not pay the civil penalty timely, EPA may refer this matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

General Provisions

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state and local laws.

18. This CAFO is a "final order" for purposes of EPA's Enforcement Response Policy for FIFRA.

19. The terms of this CAFO bind Respondent, its successors, and assigns.

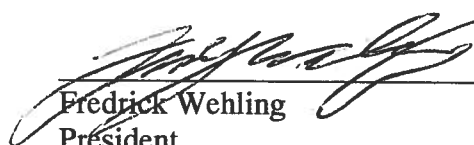
20. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and attorney's fees in this action.

22. This CAFO constitutes the entire agreement between the parties.

Amerilab Technologies, Inc., Respondent


2-1-10
Date



Fredrick Wehling
President
Amerilab Technologies, Inc.

United States Environmental Protection Agency, Complainant

2/19/10
Date



Margaret M. Guerriero
Director
Land and Chemicals Division

In the Matter of:
Amerilab Technologies, Inc.
Docket No. FIFRA-05-2010-0008

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

2/19/10
Date

Walter W. Kovalyck
for
Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency
Region 5

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COUNSEL

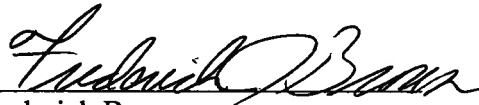
CERTIFICATE OF SERVICE

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving Amerilab Technologies, Inc., was filed on February 23, 2010 with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7001 0320 0006 0189 9736, a copy of the original to the Respondent:

Mr. Fredrick Wehling
Amerilab Technologies, Inc.
2765 Niagra Lane North
Minneapolis, MN 55447

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J
Harriet Croke, Regional Judicial Officer, ORC/C-14J
Eric Volck, Cincinnati Finance/MWD



Frederick Brown
Pesticides and Toxics Compliance Section
U.S. EPA - Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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