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BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:	)	DOCKET NO. FIFRA-10-2009-0023
	)	
A-DEC, INC.	)	<b>CONSENT AGREEMENT AND</b>
	)	<b>FINAL ORDER</b>
	)	
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 A-Dec, Inc. ("Respondent") hereby agrees to issuance of, the Final Order contained in Part V of this CAFO.



1 appeal the accompanying Final Order. Respondent also consents that this settlement will be  
2 considered prior history under FIFRA once finalized and consents to payment of the penalty as  
3 stated below.

4 4.2. Respondent consents to the assessment of a civil penalty in the amount of THREE  
5 HUNDRED TWENTY FIVE -THOUSAND SEVEN-HUNDRED DOLLARS and no cents  
6 (\$325,700.00). Respondent consents to issuance of the Final Order set forth in Part V, below,  
7 and agrees to pay the total civil penalty set forth in this paragraph within thirty (30) days of the  
8 effective date of this Final Order.

9 4.3. Payment under this CAFO shall be made by cashier's check or certified check,  
10 payable to the order of "Treasurer, United States of America" and delivered to the following  
11 address:

12 US Bank - USEPA - Region 10  
13 Fines and Penalties  
14 Cincinnati Finance Center  
15 PO Box 979077  
16 St. Louis, MO 63197-9000

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

18 4.4. Respondent shall serve photocopies of the checks described in Paragraph 4.3,  
19 above, on the Regional Hearing Clerk and the EPA Region 10 Office of Compliance and  
20 Enforcement at the following addresses:

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

Attn: Derrick Terada  
U.S. Environmental Protection Agency Region 10  
Pesticides and Toxics Unit, OCE-084  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

1  
2 4.5. Should Respondent fail to pay the penalty assessed herein in full by its due date,  
3 the entire unpaid balance of penalty and accrued interest shall become immediately due and  
4 owing. Should such a failure to pay occur, Respondent may be subject to a civil action under  
5 Section 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with  
6 interest, handling charges, and nonpayment penalties, as set forth below.

7 4.6. Should Respondent fail to pay any portion of the penalty assessed herein in full by  
8 its due date, Respondent shall also be responsible for payment of the following amounts:

9 a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate  
10 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1)  
11 from the effective date of the accompanying Final Order, provided, however, that  
12 no interest shall be payable on any portion of the assessed penalty that is paid  
13 within 30 days of the effective date of the Final Order.

14 b. Handling Charge: Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge  
15 of \$15 shall be paid if any portion of the assessed penalty is more than 30 days  
16 past due.

17 c. Nonpayment Penalty: Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty  
18 of 6% per annum shall be paid on any portion of the assessed penalty that is more  
19 than 90 days past due, which nonpayment penalty shall be calculated as of the  
20 date the underlying penalty first becomes past due.

21 4.7. The penalty described in Paragraph 4.2, above, including any additional costs  
22 incurred under Paragraph 4.6, above, represents an administrative civil penalty assessed by EPA  
23 and shall not be deductible for purposes of federal taxes.

24 4.8. The undersigned representative of Respondent certifies that he is fully authorized  
25 to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

1 4.9. Respondent shall bear its own costs and attorneys fees in connection with this  
2 matter.

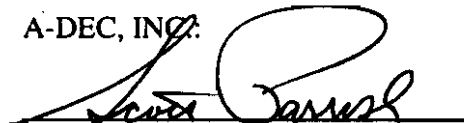
3 4.10. The provisions of this CAFO shall bind Respondent and its agents, servants,  
4 employees, successors, and assigns.

5 4.11. The above provisions are STIPULATED AND AGREED upon by Respondent  
6 and EPA.

7 DATED:

8 1/22/09

A-DEC, INC.:

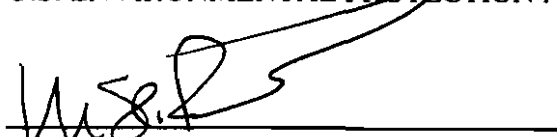


9 SCOTT PARRISH  
10 President  
11 For Respondent

12 DATED:

13 1/27/09

U.S. ENVIRONMENTAL PROTECTION AGENCY:



14 MERCER ST. PETER  
15 Assistant Regional Counsel  
16 For Complainant

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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 28<sup>th</sup> day of January, 2009.

  
\_\_\_\_\_  
RICHARD G. McALLISTER  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: A-DEC, INC., DOCKET NO.: FIFRA-10-2009-0023** was filed with the Regional Hearing Clerk on January 29, 2009.

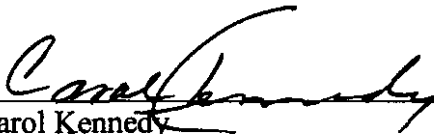
On January 29, 2009 the undersigned certifies that a true and correct copy of the document was delivered to:

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 January 29, 2009, to:

Peter L. Serrurier, Esq.  
Stoel Rives LLP  
900 SW Fifth Ave., Suite 2600  
Portland, Oregon 97204-1268

DATED this 29<sup>th</sup> day of January 2009.

  
\_\_\_\_\_  
Carol Kennedy  
Regional Hearing Clerk  
EPA Region 10