

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8
Docket No. FIFRA-08-2008-0025

2009 JUN -8 PM 3:51

EPA REGION VIII
HEARING CLERK

In the Matter of:)
)
ChemStation of Denver)
4800 Lima Street)
Denver, CO 80239)
)
)
)
Respondent)
_____)

CONSENT AGREEMENT

Complainant, United States Environmental Protection Agency- Region 8, and Respondent, ChemStation Denver, LLC, by their undersigned representatives, hereby consent and agree as follows:

1. On or about August 12, 2008, Complainant issued a Complaint to Respondent in this matter alleging certain violations of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. section 136l(a) *et. seq.* and its implementing regulations. In the Complaint, Complainant proposed a civil penalty assessment.
2. Respondent admits the jurisdictional allegations, and neither admits nor denies the remaining allegations of the Complaint. Respondent waives its right to contest any allegations at a hearing or at a civil proceeding in connection with the enforcement of the Final Order incorporating this Consent Agreement.
3. 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.
4. Respondent consents and agrees to pay a civil penalty in the total amount of **ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000)** in the manner described below in this paragraph:
 - a. Complainant and Respondent agree that the Main Civil Penalty shall be paid in eight (8) quarterly installments of \$13,750.00 each.
 - b. The first of the eight (8) quarterly payments is due 30 calendar days after the date written on the Final Order, issued by the Regional Judicial Officer, which adopts this Consent Agreement. If the due date falls on a weekend or legal federal

holiday, the 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. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

- c. Due dates for the remaining seven payments shall be ninety days (90) after the previous payment due date. Where any due date falls on a weekend or federal legal holiday, the due date shall be the next business day.
- d. The payment shall be made by remitting a cashier's or certified check, including the name and docket number of this case. (**ChemStation Denver, LLC, Docket No. FIFRA-08-2008-0025**), for the above-described amount, payable to "Treasurer, United States of America." to:

(via REGULAR MAIL):

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

(via WIRE TRANSFERS):

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

(via OVERNIGHT MAIL):

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

Contact: Ms. Natalie Pearson (Tel.: 314-418-4087)

(via ACH (also known as REX or remittance express)):

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
ABA: 051036706

Account Number: 310006
CTX Format Transaction Code 22 – checking
Environmental Protection Agency
808 17th Street NW
Washington DC 20074
Contact: Jesse White, 301-887-6548

(via ON LINE PAYMENT):

There is now an On Line Payment Option, available through the Dept. of Treasury. This payment option can be accessed from the information below: WWW.PAY.GOV. Enter "sfo 1.1" in the search field. Open form and complete required fields.

A copy of the payment shall be sent simultaneously to:

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

and

Ms. Amy Hambrick, FIFRA Inspector
Technical Enforcement Program (8ENF-T)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

- e. In the event any payment due is not received by the specified due date, interest accrues from the date of the final 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 1st late day, 30 days of interest accrues).
- f. In addition, 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 (i.e., the 121st day from the date the Final Order is issued). Payments are applied in the following order: handling charges, 6% penalty interest, late interest, and any balance is the applied to the outstanding principal amount.

5. 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 or 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.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,
Complainant.**


Date: 6-8-2009

By: Mark Chalfant
Mark Chalfant, Director
Technical Enforcement Program

Date: 6/8/09

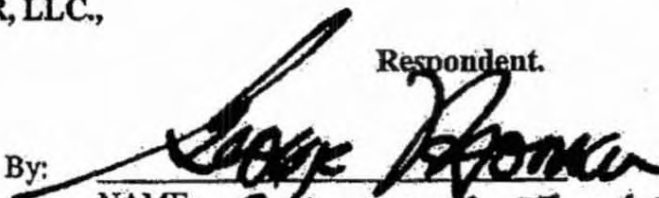
By: Michael T. Bisner
for David Rochlin, Supervisory Enforcement Agency
Legal Enforcement Program

Date: June 8, 2009

By: 
Dana J. Stotsky, Senior Enforcement Agency
Legal Enforcement Program (8LEP)
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
Colorado Bar # 14717
Phone: (303) 312-6905
FAX: (303) 312-6953
stotsky.dana@epa.gov

CHEMSTATION DENVER, LLC.,

Date: 6.5.09

By: 
Respondent.
NAME: GEORGE F. THOMAS
TITLE: GEORGE F. THOMAS

Date: _____

By: _____
NAME: _____
TITLE: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

2009 JUN -9 PM 3: 20

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15 JUN 2009 01:58 PM

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DOCKET NO. FIFRA-08-2008-0025

In the Matter of:)
)
ChemStation of Denver)
4800 Lima Street)
Denver, CO 80239)
)
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 Respondent is hereby **ORDERED** to comply with all the terms of the Consent Agreement, effective immediately upon receipt by Respondent of this Consent Agreement and Final Order.

SO ORDERED THIS 9th DAY OF June, 2009

Elyana R. Sutin
Regional Judicial Officer

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT** in the matter of **CHEMSTATION OF DENVER, DENVER COLORADO, DOCKET NO.: FIFRA-08-2008-0025** was filed with the Regional Hearing Clerk on June 8, 2009. The attached **FINAL ORDER** in the matter of **CHEMSTATION OF DENVER, DENVER COLORADO, DOCKET NO.: FIFRA-08-2008-0025** was filed with the Regional Hearing Clerk on June 9, 2009.

Further, the undersigned certifies that true and correct copies of the documents were delivered to Dana Stotsky, Senior Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO, 80202-1129. True and correct copies of the aforementioned documents were placed in the United States mail certified/return receipt requested on June 10, 2009, to:

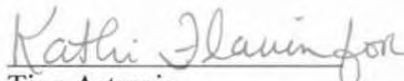
Grant Babb
ChemStation of Denver
4800 Lima Street
Denver, CO 80239

E-mailed to:

Honorable Susan L. Biro
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1900L
Washington, DC 20460

Amy Hambrick
U.S. Environmental Protection Agency
1595 Wynkoop
Denver, CO 80202-1129

June 10, 2009


Tina Artemis
Paralegal/Regional Hearing Clerk