

RECEIVED

08 NOV -3 AM 11:43

HEARINGS CLERK
EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)	DOCKET NO. FIFRA-10-2008-0159
)	
)	
BUCKMAN LABORATORIES, 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 re delegated 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 Buckman Laboratories, Inc. ("Respondent") hereby agrees to issuance of, the Final Order contained in Part V of this CAFO.

1 US Bank - USEPA - Region 10
2 Fines and Penalties
3 Cincinnati Finance Center
4 PO Box 979077
5 St. Louis, MO 63197-9000

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

7 4.4. Respondent shall serve photocopies of the checks described in Paragraph 4.3,
8 above, on the Regional Hearing Clerk and the EPA Region 10 Office of Compliance and
9 Enforcement at the following addresses:

10 Regional Hearing Clerk
11 U.S. Environmental Protection Agency Region 10
12 Office of Regional Counsel, ORC-158
13 1200 Sixth Avenue, Suite 900
14 Seattle, WA 98101

15 Attn: Erin Halbert
16 U.S. Environmental Protection Agency Region 10
17 Pesticides and Toxics Unit, OCE-084
18 1200 Sixth Avenue, Suite 900
19 Seattle, WA 98101

20 4.5. Should Respondent fail to pay the penalty assessed herein in full by its due date,
21 the entire unpaid balance of penalty and accrued interest shall become immediately due and
22 owing. Should such a failure to pay occur, Respondent may be subject to a civil action under
23 Section 14(a)(5) of FIFRA, 7 U.S.C. § 1361(a)(5), to collect any unpaid penalties, together with
24 interest, handling charges, and nonpayment penalties, as set forth below.

25 4.6. Should Respondent fail to pay any portion of the penalty assessed herein in full by
its due date, Respondent shall also be responsible for payment of the following amounts:

- a. Interest: Any unpaid portion of the assessed penalty shall bear interest at the rate
established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1)
from the effective date of the accompanying Final Order, provided, however, that

1 no interest shall be payable on any portion of the assessed penalty that is paid
2 within 30 days of the effective date of the Final Order.

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

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

10 4.7. The penalty described in Paragraph 4.2, above, including any additional costs
11 incurred under Paragraph 4.6, above, represents an administrative civil penalty assessed by EPA
12 and shall not be deductible for purposes of federal taxes.

13 4.8. The undersigned representative of Respondent certifies that he is fully authorized
14 to enter into the terms and conditions of this CAFO and to bind Respondent to this document.

15 4.9. Respondent shall bear its own costs and attorneys fees in connection with this
16 matter.

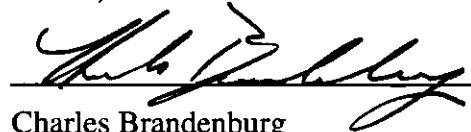
17 4.10. The provisions of this CAFO shall bind Respondent and its agents, servants,
18 employees, successors, and assigns.

19 4.11. The above provisions are STIPULATED AND AGREED upon by Respondent
20 and EPA.

21 DATED:

22 Oct 7, 2008

~~CH2O, INC.~~ **Buckman Laboratories, Inc.**




23 Charles Brandenburg
24 CEO
25 For Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DATED:

10/28/08

U.S. ENVIRONMENTAL PROTECTION AGENCY:



MERCER ST. PETER
Assistant Regional Counsel
For Complainant

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in **In the Matter of: Buckman Laboratories, Inc., DOCKET NO.: FIFRA-10-2008-0159** was filed with the Regional Hearing Clerk on November 3, 2008.

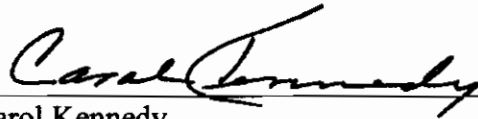
On November 3, 2008 the undersigned certifies that a true and correct copy of the document was delivered to:

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 November 3, 2008, to:

Mr. Dennis Barbee, Operations Manager
Buckman Laboratories, Inc.
PO Box 80305
Memphis, TN 38108

DATED this 3rd day of November 2008.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10