



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 WYNKOOP STREET

DENVER, CO 80202-1129

Phone 800-227-8917

http://www.epa.gov/region08

2013 SEP 30 PM 2:04

FILED
EPA REGION VIII
HEARING CLERK

DOCKET NO.: FIFRA-08-2013-0001

IN THE MATTER OF:

BRUNELLES PEST CONTROL

6209 LR1 Drive

Wolf Point, MT 59201

Respondent

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FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b)(2) and (3) of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order.

Respondent is hereby **ORDERED** to comply with all of the terms of this **Order**, effective immediately upon receipt by Respondent of this **Order**.

SO ORDERED THIS 30th Day of September, 2013

Elyana R. Sutin
Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

In the Matter of:)
)
Brunelles Pest Control)
6209 LR1 Drive)
Wolf Point, MT 59201,)
Respondent.)
)

CONSENT AGREEMENT

Docket No. FIFRA-08-2013-0001

2013 SEP 30 PM 2: 04

FILED
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Region 8 of the United States Environmental Protection Agency (EPA) and Brunelles Pest

Control (Respondent), by their undersigned representatives, agree as follows:

1. On December 5, 2012, the EPA issued a Complaint and Notice of Opportunity for Hearing (Complaint) alleging that the Respondent violated the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA or the Act) section 12(a)(2)(G), 7 U.S.C. § 136j(a)(2)(G). The Complaint proposed that the Respondent pay an administrative penalty for its violations, pursuant to section 14(a)(1), 7 U.S.C. § 136l(a)(1) of the Act.

2. The Respondent admits the jurisdictional allegations of the Complaint and neither admits nor denies the specific factual allegations of the Complaint.

3. The Respondent waives its right to contest the allegations in the Complaint and to appeal any final order (Final Order) that an EPA Regional Judicial Officer may issue to approve this consent agreement (Agreement).

4. This Agreement, upon incorporation into a Final Order, is binding upon the EPA, the Respondent, and the Respondent's successors and assigns. Any change in ownership or corporate status of the Respondent, including, but not limited to, any transfer of assets or real or personal property, shall not alter the Respondent's responsibilities under this Agreement.

5. Respondent consents and agrees to pay a civil penalty in the amount of two thousand one hundred forty five dollars (\$2,145) in **three payments**, in the manner described below in this Paragraph.

a. The **first payment** of seven hundred fifteen dollars (\$715.00) is due within thirty (30) calendar days from the date written on the Final Order issued by the Regional Judicial Officer that incorporates this Agreement.

b. The **second payment** of seven hundred fifteen dollars (\$715.00) is due on the first day of **December 2013**.

c. The **third payment and final payment** of seven hundred fifteen dollars (\$715.00) is due on the first day of **March 2014**.

d. If the due date of any of the payments falls on a weekend or legal federal holiday, the due date is the next business day. The date the payments are made is considered to be the date processed by U.S. Bank, as described below. Payments must be received by 11:00 a.m. Eastern Standard Time to be considered as received that day.

e. The payment shall be made by remitting a check or making a wire transfer or on-line payment. The checks or other payments shall designate the name and docket number of this case, be in the amount stated in subparagraphs "a-c," above, and be payable to "Treasurer, United States of America." The payment shall be sent as follows:

If sent by regular U.S. mail:

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

If sent by any overnight commercial carrier:

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

If sent by wire transfer: Any wire transfer must be sent directly to the Federal Reserve

Bank in New York City with the following information:

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

Automated Clearinghouse (ACH) for receiving US currency:

U.S. Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 -- checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, Maryland 20737

Contacts: John Schmid (202-874-7026) and REX (Remittance Express)
800-234-5681

On-line Debit and Credit Card 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.

f. At the same time that each payment is made, notice that the payment has been made shall be provided to:

David Golden (8ENF-UFO)
Technical Enforcement Program
U.S. EPA Region 8
1595 Wynkoop
Denver, CO 80202-1129

and

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

If a payment is made by cashiers or certified check, the notice shall include a copy of the check.

If a payment is made in any other manner, the notice shall include documentation demonstrating that the payment was made.

g. If the payment 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 (e.g., on the 1st late day, 30 days of interest will have accrued).

h. A handling charge of fifteen dollars (\$15) shall be assessed the 31st day from the date of the Final Order, and for each subsequent 30-day period that the debt, or any portion thereof, remains unpaid. In addition, a 6% per annum penalty shall be assessed on any unpaid principal amount if payment is not received within 90 days of the due date. Payments are first applied to outstanding handling charges, second to penalty assessments, third to accrued interest, and then to the outstanding principal amount.

i. If any of the three civil penalty payments required by Subparagraphs “a” through “c” are not paid within the time specified, EPA, in its sole, unreviewable discretion, may elect to accelerate any remaining payments, such that the remaining payment(s) will be due within thirty (30) calendar days of Respondent’s receipt of notice of such acceleration from EPA. The provisions of Subparagraphs “d” through “i” of this Paragraph 5 shall apply to such accelerated payment.

6. Respondent agrees that the penalty shall never be claimed as a federal or other tax deduction or credit.

7. Nothing in this Agreement shall relieve the Respondent of the duty to comply with the Act and any regulation or order issued pursuant to the Act.

8. Any failure by the Respondent to comply with this Agreement shall constitute a breach of this Agreement and may result in referral of the matter to the United States Department of Justice for enforcement of this Agreement and such other relief as may be appropriate.

9. Nothing in this 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 any failure by the Respondent to comply with this Agreement.

10. The undersigned representative of the Respondent certifies that he is fully authorized to enter into and bind the Respondent to this Agreement.

11. The parties agree to submit this Agreement to the appropriate EPA regional judicial officer, with a request that it be incorporated into a Final Order.

12. Each party shall bear its own costs and attorney's fees in connection with this matter.

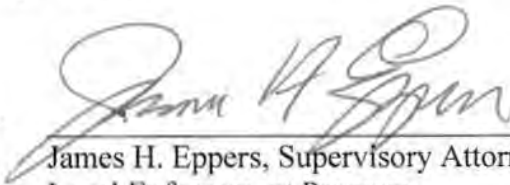
13. This Agreement, upon incorporation into a Final Order and full satisfaction by the parties, shall be a complete and full resolution of the Respondent's liability for federal civil penalties for the violations and facts alleged in the Complaint.

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

Date:


9/30/2013

By:



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop St.
Denver, Colorado 80202-1129

Date: 9/30/13

By: 
Darcy O'Connor, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice
U.S. EPA Region 8
1595 Wynkoop St.
Denver, Colorado 80202-1129

**BRUNELLES PEST CONTROL,
Respondent.**

Date: 23 SEP 13

By: 

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **BRUNELLES PEST CONTROL, DOCKET NO.: FIFRA-08-2013-0001**. The documents were filed in the Regional Hearing Clerk's office on September 30, 2013.


Further, the undersigned certifies that a true and correct copy of the documents were delivered to, Eduardo Quintana, 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 and emailed on September 30, 2013, to:

Pat Brunelle, Owner
Brunelle Pest Control
6209 LR1 Drive
Wolf Point, MT 59201

And emailed to:

Kim White
U. S. Environmental Protection Agency
Cincinnati Finance Center
26 W. Martin Luther King Drive (MS-0002)
Cincinnati, Ohio 45268

September 30, 2013


Tina Artemis
Paralegal/Regional Hearing Clerk