

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)

Hunte Kennel Systems)
and Animal Care, Inc.)

117 N. Royhill Blvd.)
Goodman, Missouri 64843)

Respondent)

) Docket No. FIFRA-07-2009-0003

This proceeding for the assessment of a civil penalty was initiated on March 9, 2009, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136l, when Complainant issued a Complaint and Notice of Opportunity for Hearing ("Complaint") to Respondent, charging violations of the Section 12 of FIFRA, 7 U.S.C. § 136j. The Complaint proposed a civil penalty of Fifty Eight Thousand Five Hundred dollars (\$58,500.00) for these violations.

The parties subsequently entered negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order ("CA/FO") is the result of such negotiations.

CONSENT AGREEMENT

1. For the purposes of this proceeding, Respondent admits the jurisdictional allegations of the Complaint but neither admits nor denies the factual allegations as set forth in the Complaint.
2. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.
3. Respondent certifies by the signing of this CA/FO that it is presently in compliance with all requirements of FIFRA and regulations promulgated thereunder.
4. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a civil penalty as specified in the Final Order.
5. Payment of this civil penalty in full shall resolve all civil and administrative claims for all violations of FIFRA alleged in this document.

6. Nothing contained in the CA/FO shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state, and local environmental statutes and regulations and applicable permits.

7. Respondent understands that its failure to timely pay any portion of the civil penalty described in Paragraph 1 of the Final Order below may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charged for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

FINAL ORDER

Pursuant to the provisions of FIFRA, 7 U.S.C. § 136 *et seq.*, and based upon the information set forth in the Consent Agreement accompanying this Final Order, IT IS HEREBY ORDERED THAT:

1. Respondent consents to the issuance of the Final Order and consents to the payment of a civil penalty of \$54,000.00, plus interest of \$2,632.50 over a period of three years, for a total payment of \$56,632.50. The total civil penalty of \$56,632.50 shall be paid in 12 installments as set forth in the schedule below:

Payment Amount:	Due no later than:
\$4,905.00	30 days of the effective date of this CA/FO
\$4,871.25	5/18/2010
\$4,837.50	8/15/2010
\$4,803.75	11/18/2010
\$4,770.00	2/18/2011
\$4,736.25	5/18/2011
\$4,702.50	8/18/2011
\$4,668.75	11/18/2011
\$4,635.00	2/18/2012
\$4,601.25	5/18/2012
\$4,567.50	8/18/2012
\$4,533.75	11/18/2012

Payments shall be by cashier's or certified check made payable to the "United States Treasury" and shall be remitted to:

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

This payment shall reference docket number FIFRA-07-2009-0003.

2. A copy of each check shall be sent to:

Regional Hearing Clerk
United States Environmental Protection Agency - Region 7
901 North Fifth Street
Kansas City, Kansas 66101

and to:

Chris Muehlberger
Assistant Regional Counsel
United States Environmental Protection Agency - Region 7
901 North Fifth Street
Kansas City, Kansas 66101.


3. This executed CA/FO shall be returned to the Regional Hearing Clerk, EPA,
901 North 5th Street, Kansas City, Kansas 66101.

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FOR RESPONDENT:

Hunte Kennel Systems and Animal Care, Inc.

Date Dec. 7. 09

By 
Andrew Hunte

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

Date 12-15-09

By Karon A. Hourmoy
for William Spratlin
Director
Water, Wetlands and Pesticides Division

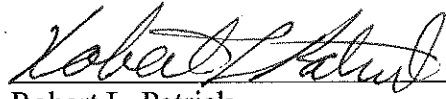
Date 12.15.09

By Chris Muehlberger
Chris Muehlberger, Attorney
Office of Regional Counsel

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IT IS SO ORDERED. This Final Order shall become effective immediately.

Date December 21, 2009



Robert L. Patrick
Regional Judicial Officer

IN THE MATTER OF Hunte Kennel Systems and Animal Care, Inc., Respondent
Docket No. FIFRA-07-2009-0003

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Chris Muehlberger
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

John E. Price, Esq.
Carnahan, Evans, Cantwell & Brown, P.C.
2805 S. Ingram Mill Road
P.O. Box 10009
Springfield, Missouri 65808-0009

Copy by Facsimile and
First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
Office of Administrative Law Judges
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20005

Dated: 12/21/09



Kathy Robinson
Hearing Clerk, Region 7