

**UNITED STATE ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

In the Matter of:)
)
Biobased USA, LLC)
)
Respondent.)
_____)

Docket No.: FIFRA-04-2011-3029(b)

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HEARING CLERK

ORDER GRANTING MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER


By Joint Motion to Amend Consent Agreement and Final Order (“Joint Motion”), filed on September 22, 2011, Complainant, Director of the Air, Pesticides, and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, and Respondent, Biobased USA, LLC, (“the Parties”) request that the undersigned Regional Judicial Officer (“RJO”) approve an amendment to the Consent Agreement and Final Order (“CAFO”) issued by the RJO on September 19, 2011. In particular, the Joint Motion requests approval of modifications of the CAFO to correct typographical errors discovered by EPA after the CAFO had been filed by the Regional Hearing Clerk and served upon the parties. The parties indicate that the negotiated penalty agreed to was \$14,260, to be paid in twelve installments. However, in paragraphs 26 and 31 of the CAFO, EPA incorrectly typed in the penalty amount as \$14,620. Due to this mistake, the parties request an Order amending the CAFO by changing the civil penalty amount in paragraphs 26 and 31 to \$14,260. Furthermore, the parties request further revision to paragraph 26, to state that Respondent shall pay the first installment of the penalty within 30 days after the effective date of the RJO’s Order granting the parties’ Motion.

IT IS ORDERED:

For good cause shown, the Joint Motion is granted. The RJO’s September 19, 2011, Final Order

is hereby amended to reflect the above-mentioned CAFO modifications which are incorporated herein
by reference.

Dated: *Sept. 28, 2011*



Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the Order Granting Motion to Amend Consent Agreement and Final Order, in the Matter of Biobased USA, LLC, Docket No. FIFRA-04-2011-3029(b), on the parties listed below in the manner indicated:

Donald Wilshe
President, Biobased USA, LLC
4237 Cornelius Road
East Bend, North Carolina 27108

(Via Certified Mail -
Return Receipt Requested)

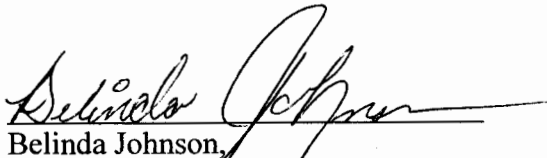
Robert W. Caplan
Senior Attorney
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Melba Table
Pesticides Section
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

(Via EPA's internal mail)

Date: 9/27/11


Belinda Johnson,
Acting Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/562-9686