



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 24 2019

REPLY TO THE ATTENTION OF

ECP-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Laura Richard
EHS Manager
Sunrise Ag Service Company
20735 State Route 125 West
Virginia, Illinois 62691

Re: Expedited Settlement Agreement and Final Order In the Matter of Sunrise Ag
Service Company Docket Number **FIFRA-05-2019-0015**

Ms. Richard:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order in resolution of the above case. This document was filed on May 24, 2019 with the Regional Hearing Clerk.

The civil penalty in the amount of \$7,200 is to be paid in the manner described in paragraphs 19-20. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due within 30 calendar days of the filing date.

Thank you for your cooperation in resolving this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Wesley".

Abigail Wesley
Pesticides and Toxics Compliance Section

cc: Jon Micah Goeller, (C-14J)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)
)
Sunrise Ag Service Company)
Easton, Illinois)
)
Respondent.)
_____)

Docket No. FIFRA-05-2019-0015

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**



EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Sunrise Ag Service Company (“Respondent”) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c), for its facilities, EPA Establishment Numbers (EPA Est. Nos.) 075541-IL-001 thru 075541-IL-009, located in Easton, Illinois, Mason City, Illinois, Kilbourne, Illinois, Manito, Illinois, Bluff Springs, Illinois, Virginia, Illinois, Chandlerville, Illinois, and Arenzville, Illinois.

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c) requires any producer operating a registered pesticide-producing establishment to inform EPA of the types and amounts of pesticides (and, if applicable, active ingredients used in producing pesticides): which it is producing; which it has produced during the past year; and which it has sold or distributed during the past year. In addition, § 136e(c) provides that the required information shall be kept current and submitted to the Administrator annually, as required by regulations prescribed by the Administrator.

3. 40 C.F.R. § 167.85(a) and (b) add requirements for reporting: devices produced at registered pesticide-producing establishments; the name and address of the establishment; and an estimate of the amount of pesticide product to be produced during the current year.

9. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-004, located at 1350 South East Avenue, Manito, Illinois 61546, submitted to EPA, on or about February 21, 2019, failed to contain an original signature, as required by 40 C.F.R § 167.85(c).

10. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-005, located at 7517 South Bluff Springs Road, Bluff Springs, Illinois 62622, submitted to EPA, on or about February 21, 2019, failed to contain an original signature, as required by 40 C.F.R § 167.85(c).

11. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-006, located at 20264 Gridley Road, Virginia, Illinois 62691, submitted to EPA, on or about February 21, 2019, failed to contain an original signature, as required by 40 C.F.R § 167.85(c).

12. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-007, located at 206 Lake Street, Chandlerville, Illinois 62627, submitted to EPA, on or about February 21, 2019, failed to contain an original signature, as required by 40 C.F.R § 167.85(c).

13. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-008, located at 501 West Main Street, Arenzville, Illinois 62611, submitted to EPA, on or about February 21, 2019, failed to an original signature, as required by 40 C.F.R § 167.85(c).

14. Respondent's annual report for calendar year 2018, for EPA Est. No. 075541-IL-009, located at 10334 County Highway 9, Arenzville, Illinois 62611, submitted to EPA, on or about February 21, 2019, failed to contain an original signature and failed to contain the EPA Est. No. assigned to the facility's site location, as required by 40 C.F.R § 167.85(c).

15. Respondent's failure to comply with Section 7(c) of FIFRA and 40 C.F.R. § 167.85, constitutes a violation of Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).

16. EPA and Respondent agree that settlement of this matter is in the public interest.

The check or electronic funds transfer instrument must state the case title (“In the Matter of: Sunrise Ag Service Company”), and the docket number of this Agreement.

20. When it pays the penalty, Respondent must send a notice of payment that states Respondent’s name, complete address, and the case docket number (along with a photocopy of the check or a statement of affirmation or receipt of an electronic funds transfer) to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Abigail Wesley
Pesticides and Toxics Compliance Section (LC-17J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

21. Payment of the civil penalty shall resolve only Respondent’s liability for federal civil penalties for the violations and facts alleged herein.

22. The civil penalty is not deductible for federal tax purposes.

23. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States’ enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalties are not reviewable in a collection action.

24. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement.

25. Respondent certifies that it is complying with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and its implementing regulations at 40 C.F.R. § 167.85.

26. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to FIFRA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 -706.

27. Each party shall bear its own costs and fees, if any.

28. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a Final Order under 40 C.F.R. Part 22.

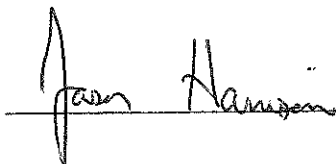
29. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing of the Final Order.

IT IS SO AGREED,

FOR RESPONDENT SUNRISE AG SERVICE COMPANY.:

Name (print): Jason Harrison

Title (print): Operations Manager

Signature: 

Date 5-6-19

APPROVED BY EPA:

Michael D. Harris

Date *5/22/2019*

~~Tinka G. Hyde~~ *Michael D. Harris*

Acting

Division Director

~~Land and Chemicals Division~~

United States Environmental Protection Agency

Region 5

Enforcement & Compliance Assurance Division

In the Matter of: Sunrise Ag Service Company

FINAL ORDER

Pursuant to authority of Section 14(a) of FIFRA, 7 U.S.C. § 136l, and 40 C.F.R. § 22.13(b), and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31

IT IS SO ORDERED:

Ann L. Coyle

Date *5/24/19*

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the matter of: Sunrise Ag Service Company
Docket Number: **FIFRA-05-2019-0015**

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement**, which was filed on, May 24, 2019 this day in the following manner to the addressees:

Copy by certified mail
Return-receipt requested:

Ms. Laura Richard
EHS Manager
Sunrise Ag Service Company
20735 State Route 125 West
Virginia, Illinois 62691

Copy by e-mail to
Attorney for Complainant:

Jon Micah Goeller
goeller.jon@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

May 24, 2019



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5