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HEARINGS CLERK
EPA--REGION 10

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

E.B. Meyer Inc.,

2447 West Highway 52

Emmett, Idaho 83617

Respondent.

DOCKET NO. FIFRA-10-2017-0120

**EXPEDITED SETTLEMENT
AGREEMENT AND
FINAL ORDER**

EXPEDITED CONSENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges that E.B. Meyer Inc. (“Respondent”) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7U.S.C. § 136e(c).

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticides-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. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year.

3. The EPA is authorized to enter into this Final Order (FO), pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, *as amended*, 7 U.S.C. § 136l(a) (“FIFRA”), 40 C.F.R. § 167.85 and 40 C.F.R. § 22.13(b) and in accordance with the July 22, 2014 *FIFRA Section 7 Expedited Settlement Agreement Pilot Program*, which has been extended by the EPA until January 22, 2017.

4. EPA finds that Respondent is a “person,” a “producer” and operates an “establishment”, as those terms are defined in Sections 2(s), (w), and (dd) of FIFRA, 7 U.S.C. §§ 136(s), (w), and (dd), and 40 C.F.R. § 167.3, at 2447 West Hghway 52, Emmett, Idaho 83617. This Establishment is registered with EPA under Establishment Number 79470-ID-001.

5. Respondent has failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), and

with the regulations found at 40 C.F.R. § 167.85(d) in that it did not file the 2015 and 2016 annual pesticides report for the above facility by March 1, as required.

6. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this FO.

7. Except as provided in Paragraph 6 herein, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this FO.

8. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Expedited Settlement Agreement, the issuance of the attached Final Order, or the enforcement of this FO.

9. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Expedited Settlement Agreement and any right to appeal the attached Final Order.

10. Respondent consents to the issuance of this FO and agrees to comply with its terms and conditions.

11. Each Party to this FO shall bear its own costs and attorney's fees.

12. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that to the best of Respondent's knowledge, it is presently in compliance with all requirements of FIFRA, 7 U.S. C. *et seq.*, and all regulations promulgated thereunder.

13. The parties enter into this Expedited Settlement Agreement in order to settle the civil violation(s) alleged above. Pursuant to the Consolidated Rules of Practice, and in consideration of the statutory factors set forth in FIFRA Section 14(a)(4), 7 U.S.C. Section 1361(a)(4), EPA's *Enforcement Response Policy for FIFRA Section 7(c) Establishment Reporting Requirements* ("ERP"), updated May 2010, 40 C.F.R. Part 19, and the July 22, 2014 *FIFRA Section 7 Expedited Settlement Agreement Pilot Program*, extended until August 1, 2017, EPA has determined that an appropriate civil penalty to settle this action is **\$300.00**

14. Respondent agrees that within 30 days of the effective date of this FO (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check payable to "**United States Treasury**" with the case name, address and docket number of this FO (FIFRA-10-2017-0119), for the amount specified above, to U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Alternatively, Respondent agrees to provide a check or money order for payment via overnight/common carriers (*i.e.*, FedEx, DHL, UPS) to Environmental Protection Agency, Government Lockbox 979077, 1005 Convention Plaza SL-MO-C2-GL, St. Louis, MO 63101 or an electronic deposit for payment can be made at <http://www2.epa.gov/financial/makepayment>.

Copies of the payment shall be sent simultaneously to:

Mr. Andrew Landry (OCE-101)
U.S. EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

15. This FO settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of FIFRA or any other federal statute or regulation.

16. Nothing in this FO is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this FO shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

17. This FO is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this FO shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. 22.31(b), this FO is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he/she is fully authorized to execute this Expedited Settlement Agreement and to legally bind E.B. Meyer Inc. to this FO.

IT IS SO AGREED,

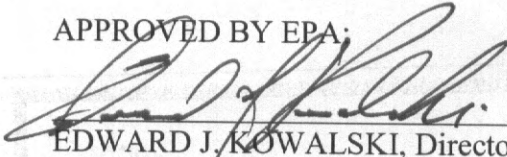
Name (print): Ed Meyer

Title (print): President

Signature: 
Mr. ED Meyer

Date: 6-20-17

APPROVED BY EPA:



EDWARD J. KOWALSKI, Director
Office of Compliance and Enforcement
EPA Region 10

Date: 7/6/2017

BEFORE THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:)
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E.B. Meyer Inc.,)
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Emmett, Idaho 83617,)
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)
Respondent.)

DOCKET NO. FIFRA-10-2017-0120

FINAL ORDER

FINAL ORDER

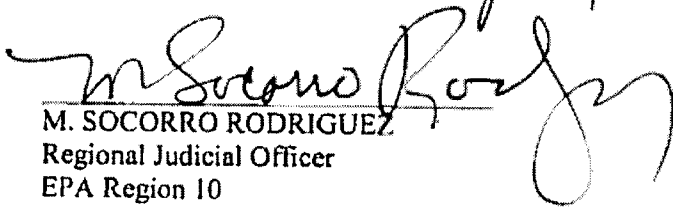
Complainant, the Director of the Office of Compliance and Enforcement, U.S. Environmental Protection Agency, Region 10, and Respondent, have executed a document entitled "Expedited Settlement Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's December 2009 *FIFRA Enforcement Response Policy Federal Insecticide, Fungicide, Rodenticide Act*, and the statutory factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4).

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136l(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of THREE HUNDRED DOLLARS (\$300.00), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the

Consent Agreement.

SO ORDERED this 11th day of July, 2017, in accordance with


M. SOCORRO RODRIGUEZ
Regional Judicial Officer
EPA Region 10

the July 22, 2014
FIFRA Section 7
Expedited Settlement
Program extended by
the EPA until
July 22, 2017.

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: E.B. Meyer Inc., Docket No.: FIFRA-10-2017-0120, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:


The undersigned certifies that a true and correct copy of the document was delivered to:

Andrew Landry
U.S. Environmental Protection Agency
Region 10, Mail Stop OCE-101
1200 Sixth Avenue, Suite 900
Seattle, Washington 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 to:

Mr. Ed Meyer, President
E.B. Meyer Inc.
2447 West Highway 52
Emmett, Idaho 83617

DATED this 18 day of July, 2017.



TERESA YOUNG
Regional Hearing Clerk
EPA Region 10