


# Memo

**To:**  File  
**From:** Kathy Robinson, Regional Hearing Clerk  
**Date:** January 12, 2007  
**Subject:** UNITED WESTERN COOP, INC  
Docket No. FIFRA-07-2006-0240

The extra set of pages one through four of the Consent Agreement and Final Order are included in the case file only for purposes of scanning the Consent Agreement and Final Order for the Intranet.

Attachment

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 NORTH 5<sup>TH</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF )  
 )  
United Western Coop, Inc. ) Docket No. FIFRA-07-2006-0240  
 )  
 ) CONSENT AGREEMENT AND  
Respondent ) FINAL ORDER  
 )

PRELIMINARY STATEMENT

This proceeding for the assessment of a civil penalty was initiated on or about August 28, 2006, pursuant to Section 14 of the Federal Insecticide, Fungicide, and Rodenticide Act (hereinafter called FIFRA), 7 U.S.C. § 136l, when the United States Environmental Protection Agency (hereinafter referred to as “Complainant” or “EPA”) issued a “Complaint and Notice of Opportunity for Hearing” to United Western Coop, Inc. (hereinafter referred to as “Respondent”).

The Complaint charged Respondent with three counts of violating § 12(a)(1)(A) of FIFRA, 7 U.S.C. § 135j(a)(1)(A), and three counts of violating § 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E).

Subsequently, Complainant and Respondent entered into negotiations in an attempt to resolve the Complaint. The Consent Agreement and Final Order (CAFO) set forth herein below is the result of these negotiations and represents settlement of this Complaint.

## CONSENT AGREEMENT

It is hereby agreed, and accepted by Respondent that:

1. This Consent Agreement and Final order is being entered into by the parties in full settlement of, and release from all FIFRA civil penalties that might have attached as a result of allegations in the Complaint. Respondent has read the Consent Agreement, finds it reasonable and consents to the issuance and its terms and explicitly waives its right to request a hearing on the Complaint, this Agreement, or the attached Final Order.
2. Respondent admits the jurisdictional allegations of the Complaint and admits the facts stipulated in this Consent Agreement.
3. Respondent neither admits nor denies the violation of FIFRA as set forth in the Complaint.
4. Respondent certifies by signing this Consent agreement and Final order that to its knowledge it is presently in compliance with FIFRA, 7 U.S.C. § 136 et.seq., and all regulations promulgated thereunder.
5. Nothing in this Consent Agreement shall be construed as a release from, or to insulate Respondent from, any other action under any law and/or regulation administered by the U.S. Environmental Protection Agency.
6. Failure to pay the assessed penalty may result in the referral of this matter to the United States Department of Justice for collection.
7. Each party shall bear its own costs and attorneys' fees in the action resolved by this Consent Agreement and Final Order.

8. Each signatory of this Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

9. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a mitigated civil penalty as specified in paragraph 2 of this Final Order.

#### FINAL ORDER

Pursuant to § 14 of FIFRA, as amended, 7 U.S.C. § 136j, and upon information contained in this Consent Agreement of the parties herein, IT IS HEREBY ORDERED THAT:

1. Respondent in settlement of the allegations set forth in this Complaint, shall pay by cashier's or certified checks, a civil penalty, for the violations cited herein, in the amount of Twenty Two Thousand Eight Hundred Eighty Dollars (\$22,880.00), in three installments in the following manner: Ten Thousand Dollars (\$10,000.00) on or before thirty (30) days of the effective date of this CAFO, Six Thousand Four Hundred Forty Dollars (\$6,440.00) on or before June 30, 2007, Six Thousand Four Hundred Forty Dollars (\$6,440.00) on or before December 31, 2007, payable to the "Treasurer, United States of America" and such checks shall be mailed to: **U.S. EPA-Region 7, P.O. Box 371099M, Pittsburgh, Pennsylvania 15251**. The payments shall be identified as **In the Matter of United Western Coop, Inc.** Copy of the Checks shall be forwarded to Rupert G. Thomas, Office of Regional Counsel, Region VII, EPA, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101, and Kathy Robinson, Regional Hearing Clerk, Region VII, EPA, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

2. The civil penalty shall be paid on or before the due dates stated in paragraph 1 of this Order (the date by which the payment must be received shall hereafter be referred to as the "due