

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Marianne Milette 1/31/17
Name of Case Attorney Date

in the ORC (RAA) at 918-1113
Office & Mail Code Phone number

Case Docket Number FIFRA-01-2017-0014

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Harlan Kent
Yankee Candle, Inc.
102 Christian Way
Whately, MA 01093

Total Dollar Amount of Receivable \$ 2,700 Due Date: 3/2/17

SEP due? Yes No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

1ST \$ _____ on _____
2nd \$ _____ on _____
3rd \$ _____ on _____
4th \$ _____ on _____
5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____ Phone Number
in the Financial Management Office

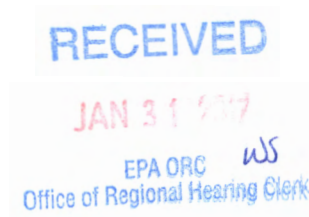


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1 – New England
5 Post Office Square - Suite 100
Boston, Massachusetts 02109-3912

BY HAND

January 31, 2017

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912



Re: *In the Matter of Yankee Candle, Inc.*,
Docket No. FIFRA-01-2017-0014

Dear Ms. Santiago:

Enclosed for filing in the above-referenced action, please find the original and one copy of an Expedited Settlement Agreement and Final Order settling the matter referenced above pursuant to 40 C.F.R. § 22.18(b) and a certificate of service.

Please contact me at (617) 918-1854 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Milette".

Marianne Milette, FIFRA Enforcement Officer
U.S. Environmental Protection Agency
Region 1 (Mail Code OES05-4)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Enclosures

cc: Harlan Kent, Yankee Candle, Inc.
Hugh Martinez, Senior Enforcement Counsel, U. S. EPA Region 1
Sharon Hayes, Manager, Toxics and Pesticides Enforcement Office, U. S. EPA, Region 1
Taryn LaScola, Director, MADAR, Division of Crop and Pest Management



U. S. ENVIRONMENTAL PROTECTION AGENCY – Region 1 (New England)
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Expedited Settlement Agreement and Final Order, Docket Number FIFRA-01-2017-0014
Issued under Section 14(a) of FIFRA, 7 U.S.C. § 1361(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)

1. The U.S. Environmental Protection Agency (“EPA”) finds that Yankee Candle, Inc. (“Respondent”), failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136e(c).
2. Under FIFRA Section 7(c) and 40 C.F.R. Part 167, Respondent was required to file, on or before the March 1st deadline, an annual pesticide production report concerning Respondent’s registered pesticide-producing establishment located at 102 Christian Way, Whately, Massachusetts (“the Establishment”).
3. EPA finds that Respondent failed to file its annual pesticide production report concerning the Establishment on or before the March 1, 2016 deadline, which failure is unlawful under FIFRA Section 12(a)(2)(L), 7 U.S.C. § 136j(a)(2)(L).
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (“Agreement”) and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361(a), and 40 C.F.R. § 22.13(b).
5. Pursuant to FIFRA and the Consolidated Rules of Practice at 40 C.F.R. Part 22, based on the nature of the violations, and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of \$ 2,700 (two thousand and seven hundred dollars). Respondent consents to the issuance of this Agreement and consents to the payment of such penalty.
6. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements in Paragraph 2 above; (b) admits that EPA has jurisdiction over Respondent and Respondent’s conduct alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of the penalty in Paragraph 5 above; and, (e) waives any right to contest the allegations contained herein and its right to appeal the proposed Final Order herein.
7. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violations.
8. Respondent agrees that, within 30 days of the effective date of this Agreement (the effective date meaning the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check, with case name and docket number noted (“In the Matter of Yankee Candle, Inc. Docket No FIFRA-01-2017-0014”), for the amount specified above, payable to “Treasurer, United States of America,” to: U.S. EPA, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Respondent shall also submit a copy of the check to: EPA Regional Hearing Clerk, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (Mail Code ORA 18-1), Boston, MA 02109-3912 and to Marianne Milette, FIFRA Enforcement Officer, U.S. EPA - Region 1 (New England), 5 Post Office Square, Suite 100 (OES05-4), Boston, MA 02109-3912.

RECEIVED

JAN 31 2017

EPA ORC WS
Office of Regional Hearing

9. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein.

10. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve any criminal liability of Respondent, and nothing in this Agreement 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. Each party shall bear its own costs and fees, if any. Respondent specifically waives any right to recover costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504.

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

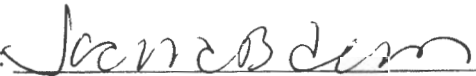
12. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that the civil penalty is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six (6) percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d).

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

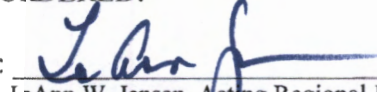
APPROVED BY YANKEE CANDLE, INC.:

Signature:  Date: 1/17/17
Name and Title (print): Michael R. Peterson
Assistant Secretary

APPROVED BY EPA:

Signature:  Date: 1/25/17
Joanna B. Jerison, Legal Enforcement Manager
Office of Environmental Stewardship, U.S. EPA - Region 1 (New England)

IT IS SO ORDERED:

Signature:  Date: 1/25/17
LeAnn W. Jensen, Acting Regional Judicial Officer
U.S. EPA - Region 1 (New England)

In the matter of Yankee Candle, Inc., Docket No. FIFRA-01-2017- 0014

CERTIFICATE OF SERVICE

I certify that the foregoing EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER (Docket No. FIFRA-01-2017-0014) was sent to the following persons, in the manner specified on the date below:

Original and one copy
hand delivered:

Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Sq., Suite 1100
Mail Code: ORA18-1
Boston, MA 02109-3912

Copy, via Certified Mail,

Harlan Kent, President
Yankee Candle, Inc.
PO Box 110
16 Candle Way
South Deerfield, MA 01373

Copy, via First Class Mail,

Taryn LaScola, Director
MA Department of Agricultural Resources,
Division of Crop and Pest Management
250 Causeway Street, Suite 500
Boston, MA 02114-2151

Date:

1/31/17



Marianne Milette, FIFRA Enforcement Officer
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region I
5 Post Office Sq., Suite 100
Mail Code: OES05-4
Boston, MA 02109-3912
tel: (617) 918-1854
email: milette.marianne@epa.gov