



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
APR 6 2010

REPLY TO THE ATTENTION OF:

LC-8J

CERTIFIED MAIL

Receipt No. 7001 0320 0006 0189 9293

Ms. A'isha Bauer  
TC Bauer Company  
3333 N. Elston Avenue  
Chicago, Illinois 60618

Consent Agreement and Final Order **FIFRA-05-2010-0012**

Dear Mr. Bauer:

Enclosed please find a copy of a fully executed Consent Agreement and Final Order, in resolution of the above case. This document was filed on April 6, 2010, with the Regional Hearing Clerk.

The civil penalty in the amount of \$5,000 is to be paid in the manner described in paragraphs 95 and 96. Please be certain that the number **BD 2751045P012** and the docket number are written on both the transmittal letter and on the check. Payment is due by May 6, 2010 (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 "Claudia Niess", with a flourish at the end.

Claudia Niess  
Pesticides and Toxics Compliance Section

Enclosures

RECEIVED  
APR 06 2010

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGIONAL HEARING CLERK  
REGION 5 U.S. ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: ) Docket No. FIFRA-05-2010-0012  
)  
TC Bauer Company ) Proceeding to Assess a Civil Penalty  
Chicago, Illinois ) Under Section 14(a) of the Federal  
Respondent. ) Insecticide, Fungicide, and Rodenticide  
Act, 7 U.S.C. § 136l(a)  
\_\_\_\_\_ )

**Consent Agreement and Final Order**  
**Preliminary Statement**

1. This is an administrative action commenced and concluded under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136l(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency, Region 5, has been delegated the authority to settle this matter.

3. The Respondent is TC Bauer Company (TC Bauer), a corporation doing business in the State of Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and to the terms of this CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

9. Respondent certifies that it is complying with FIFRA, 7 U.S.C. §§ 136 to 136y.

**Statutory and Regulatory Background**

10. Section 3(a) of FIFRA, 7 U.S.C. § 136a(a) and 40 C.F.R. § 152.15 state that no person in any state may distribute or sell to any person any pesticide that is not registered under this Act, except in certain circumstances which are not relevant to this case.

11. Section 12(a)(1)(A) of FIFRA, 7 U.S.C. 136j(a)(1)(A), states that it is unlawful for any person in any state to distribute or sell to any person any pesticide that is not registered under Section 3.

12. The term “person” as defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s) “means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”

13. The term “distribute or sell” is defined, in Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) and 40 C.F.R. § 152.3, as “to distribute, sell, offer for sale, hold for distribution, hold for shipment, or receive and (having so received) deliver or offer to deliver.”

14. The term “pesticide” is defined, in pertinent part, at Section 2(u) of FIFRA, 7 U.S.C. § 136(u) and 40 C.F.R. § 152.3 as any substance or mixture of substances intended for

preventing, destroying, repelling, or mitigating any pest and as any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

15. The term “pest” is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t) and further defined in 40 C.F.R. §152.5(c) “as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life....”

16. The term “plant regulator” is defined, in pertinent part, at Section 2(v) of FIFRA, 7 U.S.C. § 136(v) as “any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substance to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

17. 40 C.F.R. § 152.15(a) states that a substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if the person who distributes or sells the substance (1) claims, states, or implies (by labeling or otherwise) that the substance can or should be used as a pesticide; or (2) that the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide.

18. The Administrator of EPA may assess a civil penalty against any registrant who violates any provision of FIFRA of up to \$6,500 for each offense that occurred after March 15, 2004 pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), and 40 C.F.R. Part 19.

### **Factual Allegations and Alleged Violations**

19. Respondent is a “person” as defined at Section 2(s) of FIFRA, 7 U.S.C. § 136(s).

20. At all times relevant, Respondent owned or operated a place of business located at 3333 N. Elston Avenue, Chicago, Illinois 60618.

21. On or about May 7, 2008, an inspector employed by the Kansas Department of Agriculture and authorized to conduct inspections under FIFRA met with Mr. James McClelland of Jimmie Mac's Tree Care which is located at 870 Moscow, Munjor, Kansas 67601.

22. Mr. McClelland agreed to meet the inspector on May 7, 2008 at a prearranged time at Mitten's Truck Stop in Oakley, Kansas.

23. During that meeting, Mr. McClelland provided the inspector documents including packing slips, invoices and letters from TC Bauer.

24. During that meeting, Mr. McClelland also provided the inspector with labels of products which Jimmie Mac's Tree Care has received from TC Bauer including labels for: Pine Neem Super, Pine Tree Bark Protector, and Citro Tree Bark Protector.

25. The inspector also received a copy of a label for Rootupia from TC Bauer on or about May 15, 2008.

### **Pine Neem Super**

26. The label for the product Pine Neem Super that was collected by the inspector on or about May 7, 2008 states, in part:

- (a) "PINE NEEM SUPER  
NATURAL SAFE AND EFFECTIVE  
CONTROLS OVER 100 INSECTS and BUGS"
- (b) "A broad spectrum bio IPM agent, controlling more than 600 species of pests/insects. Controls caterpillars, beetles, whiteflies, leafhoppers, aphids, cutworms, fungus, gnats, shore flies, leaf miners, thrips, powdery mildew..."
- (c) "Foliar Spray: Apply on all plant surface, keeping it agitated during application to keep it well mixed. It must be used within 10 hours after mixing with water. Spray for ADEGIDS, PSYLLDIS and SCALES during periods of peak egg hatch and crawler activity. Contact pests with spray solution and thoroughly wet all surfaces of infested leaves, branches, and stems. Retreat after 2 or 3 days for excessive infestation by APHIDS, MEALY- BUGS..."
- (d) "Manufactured by TC BAUER CO"

27. Pine Neem Super is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), 40 C.F.R. §§ 152.3 and 152.15(a).

28. Pine Neem Super is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

29. On or about April 29, 2007, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas.

30. On or about May 14, 2007, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas.

31. On or about August 1, 2007, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas.

32. On or about March 25, 2008, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas

33. On or about April 21, 2008, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas.

34. On or about August 7, 2007, Respondent distributed or sold Pine Neem Super to Jimmie Mac's Tree Care in Munjor, Kansas.

#### **Pine Tree Bark Protector**

35. The label for the product Pine Tree Bark Protector that was collected by the inspector on or about May 7, 2008 states, in part:

- (a) "PINE TREE BARK Protector  
NATURAL SAFE AND EFFECTIVE CONTROLS  
OVER 100 INSECTS and BUGS"
- (b) "COAT BARKS WELL FOR INSECT CONTROL."
- (c) "Manufactured by TC BAUER CO"

36. Pine Tree Bark Protector is a pesticide as defined by Section 2(u) of FIFRA,

7 U.S.C. § 136(u), and 40 C.F.R. §§ 152.3 and 152.15(a).

37. Pine Tree Bark Protector is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

38. On or about April 21, 2008, Respondent distributed or sold Pine Tree Bark Protector to Jimmie Mac's Tree Care in Munjor, Kansas.

#### **Citro Tree Bark Protector**

39. The label for the product Citro Tree Bark Protector that was collected by the inspector on or about May 7, 2008 states, in part:

- (a) "NATURAL SAFE AND EFFECTIVE CONTROLS OVER  
100 INSECTS and BUGS
- (b) "COAT BARKS WELL FOR INSECT CONTROL"
- (c) "Manufactured by TC BAUER CO"

40. Citro Tree Bark Protector is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 CFR §§ 152.3 and 152.15(a).

41. Citro Tree Bark Protector is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

42. On or about August 1, 2007, Respondent distributed or sold Citro Tree Bark Protector to Jimmie Mac's Tree Care in Munjor, Kansas.

43. On or about August 7, 2007, Respondent distributed or sold Citro Tree Bark Protector to Jimmie Mac's Tree Care in Munjor, Kansas.

44. On or about April 21, 2008, Respondent distributed or sold Citro Tree Bark Protector to Jimmie Mac's Tree Care in Munjor, Kansas.

#### **Rootupia**

45. The label for the product Rootupia that was collected by the inspector on or about May 15, 2008 states, in part:

- (a) "Rootupia"
- (b) "Biostimulant and Root Stimulator"
- (c) "PROMOTES CELL DIVISION, STIMULATES PHOTOSYNTHESIS, DELAYS SENESENCE"
- (d) "Decreases use of fertilizer, pesticides and fungicides."
- (e) "Trichoderma and Mychrochozai are beneficial fungi that enhance root growth and bolsters plants resistance to stress conditions like drought temperature extremes, frost damage insect pressure and disease."
- (f) "Manufactured by TC BAUER CO"

46. Rootupia is a pesticide as defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and 40 C.F.R. §§ 152.3 and 152.15(a).

47. Rootupia is not registered as a pesticide as required by Section 3(a) of FIFRA, 7 U.S.C. § 136a(a).

48. On or about August 1, 2007, Respondent distributed or sold Rootupia to Jimmie Mac's Tree Care in Munjor, Kansas.

49. On or about August 7, 2007, Respondent distributed or sold Rootupia to Jimmie Mac's Tree Care in Munjor, Kansas.

50. On or about March 25, 2008, Respondent distributed or sold Rootupia to Jimmie Mac's Tree Care in Munjor, Kansas.

51. On or about April 21, 2008, Respondent distributed or sold Rootupia to Jimmie Mac's Tree Care in Munjor, Kansas.

#### Count 1

52. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

53. Respondent distributed, offered for sale, or sold Pine Neem Super on or about April 29, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

54. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C.



§ 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 2

55. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

56. Respondent distributed, offered for sale, or sold Pine Neem Super on or about May 14, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

57. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 3

58. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

59. Respondent distributed, offered for sale, or sold Pine Neem Super on or about August 1, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

60. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 4

61. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

62. Respondent distributed, offered for sale, or sold Pine Neem Super on or about March 15, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

63. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 5

64. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

65. Respondent distributed, offered for sale, or sold Pine Neem Super on or about April 21, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

66. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 6

67. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

68. Respondent distributed, offered for sale, or sold Pine Neem Super on or about August 7, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

69. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 7

70. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

71. Respondent distributed, offered for sale, or sold Pine Tree Bark Protector on or about

April 21, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

72. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 8

73. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

74. Respondent distributed, offered for sale, or sold Citro Tree Bark Protector on or about August 1, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

75. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 9

76. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

77. Respondent distributed, offered for sale, or sold Citro Tree Bark Protector on or about August 7, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

78. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 10

79. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

80. Respondent distributed, offered for sale, or sold Citro Tree Bark Protector on or about April 21, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

81. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count 11

82. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

83. Respondent distributed, offered for sale, or sold Rootupia on or about August 1, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

84. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 12

85. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

86. Respondent distributed, offered for sale, or sold Rootupia on or about August 7, 2007, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

87. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

Count 13

88. Complainant incorporates by reference the allegations contained in paragraphs 1

through 51 of this CAFO.

89. Respondent distributed, offered for sale, or sold Rootupia on or about March 25, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

90. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

#### Count 14

91. Complainant incorporates by reference the allegations contained in paragraphs 1 through 51 of this CAFO.

92. Respondent distributed, offered for sale, or sold Rootupia on or about April 21, 2008, in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

93. Respondent's violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), subjects Respondent to the issuance of an Administrative Complaint assessing a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. §136l(a).

#### Civil Penalty

94. Pursuant to Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), Complainant determined that an appropriate civil penalty to settle this action is \$5,000. In determining the penalty amount, Complainant considered the appropriateness of the penalty to the size of Respondent's business, the effect on Respondent's ability to continue in business, and the gravity of the violation. Based on an ability to pay analysis, EPA has determined that Respondent has an ability to pay a mitigated penalty of \$5,000. Complainant also considered EPA's *Enforcement Response Policy for FIFRA* (ERP), dated July 2, 1990.

95. Within 30 days after the effective date of this CAFO, Respondent must pay a \$5,000

civil penalty for the FIFRA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to the "Treasurer, United States of America," to:

[for a check sent by regular U.S. Postal Service mail:]

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

[for a check sent by overnight mail:]

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

96. The check must note the case title, the docket number of this CAFO and the billing document (BD) number.

97. A transmittal letter, stating, Respondent's name, the case title, Respondent's complete address, the case docket number and the BD number must accompany the payment. Respondent must send a copy of the check and transmittal letter to:

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

Ms. Claudia R. Niess (LC-8J)  
Pesticides and Toxics Compliance Section  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Mrs. Nidhi O'Meara (C-14J)  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

98. This civil penalty is not deductible for federal tax purposes.

99. If Respondent does not pay the civil penalty timely, EPA may refer the matter to the Attorney General who will recover such amount by action in the appropriate United States district court under Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

100. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.

#### **General Provisions**

101. This CAFO resolves only Respondent's liability for federal civil penalties for the violation and facts alleged in the CAFO.

102. This CAFO does not affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

103. This CAFO does not affect Respondent's responsibility to comply with FIFRA and other applicable federal, state, and local laws.

104. This CAFO is a "final order" for purposes of EPA's ERP for FIFRA.

105. The terms of this CAFO bind Respondent, its successors, and assigns.

106. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.


107. Each party agrees to bear its own costs and attorney's fees in this action.

108. This CAFO constitutes the entire agreement between the parties.




**TC Bauer Company, Respondent**

March 10, 2010  
Date

  
Alisha Bauer  
Founder and President  
TC Bauer Company

**U.S. Environmental Protection Agency, Complainant**

March 29, 2010  
Date

  
Margaret M. Guerriero  
Director  
Land and Chemicals Division

**In the Matter of:**  
**TC Bauer Company**  
**Docket No. FIFRA-05-2010-0012**

**Final Order**

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

3/29/10  
Date

Walter W. Koudy  
for  
Bharat Mathur  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

**RECEIVED**  
APR 06 2010

**REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY**


**CERTIFICATE OF SERVICE**

I hereby certify that the original signed copy of the Consent Agreement and Final Order in resolution of the civil administrative action involving TC Bauer Company, was filed on April 6, 2010 with the Regional Hearing Clerk (E-19J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, and that I mailed by Certified Mail, Receipt No. 7001 0320 0006 0189 9293, a copy of the original to the Respondent:

Ms. A'lsha Bauer  
TC Bauer Company  
3333 N. Elston Avenue  
Chicago, Illinois 60618

and forwarded copies (intra-Agency) to:

Marcy Toney, Regional Judicial Officer, ORC/C-14J  
Nidhi O'Meara, Regional Judicial Officer, ORC/C-14J  
Eric Volck, Cincinnati Finance/MWD

  
Frederick Brown  
Pesticides and Toxics Compliance Section  
U.S. EPA - Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

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U.S. ENVIRONMENTAL  
PROTECTION AGENCY**