



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 05 2010

Certified Mail – Return Receipt Requested

Mr. Philip A. Amrell  
Vice President  
Suwannee Lumber Company  
40 SW 10<sup>th</sup> Street / US 19 & 351 A  
Cross City, Florida 32628

RE: Docket No. FIFRA-04-2010-3019(b); Suwannee Lumber Company

Dear Mr. Amrell:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Ms. Mary Summers at (404) 562- 8997.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by EPA.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne M. Gettle".

Jeanne M. Gettle

Chief

Pesticides and Toxic Substances Branch

Enclosures

cc: State Lead Agency

Internet Address (URL) • <http://www.epa.gov>

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
ATLANTA, GEORGIA

In the Matter of: )  
 )  
Suwannee Lumber Company )  
 )  
Respondent. )  
\_\_\_\_\_ )

Docket No. FIFRA-04-2010-3019(b)

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2010 FEB -5 AM 7:31  
HEARING CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. §§136 *et seq.* (hereinafter "FIFRA"), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Suwannee Lumber Company.
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. §22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. §22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

## II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. §136l(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to the Regional Administrators by EPA Delegation 5-14, dated May 11, 1994.
4. Pursuant to 40 C.F.R. §22.5(c)(4) the following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Mary Summers  
Case Development Officer  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960.

5. Respondent is Suwannee Lumber Company, a Florida corporation, located at US 19 & 351 A, Cross City, Florida 32628.
6. Respondent is a "person" as defined by Section 2(s) of FIFRA, 7 U.S.C. §136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
7. Respondent is a "producer" as defined by Section 2(w) of FIFRA, 7 U.S.C. §136(w), and 40 C.F.R. §167.3.
8. Respondent's establishment located at US 19 & 351 A, Cross City, Florida, is registered with the Agency as a pesticide-producing establishment.
9. Respondent's EPA Establishment Number is 082672-FL-001.  
Respondent has voluntarily requested that EPA Est. No. 082672-FL-001 be terminated since Respondent had no production activity in calendar year 2008.

### III. EPA's Statement of Facts and Allegations of Violation

10. Producers operating an establishment registered with EPA are required to submit to the Administrator of EPA an annual report which indicates the types and amounts of pesticides or active ingredients which they are currently producing, which they produced during the past year, and which they sold or distributed during the past year, pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. §136e(c)(1), and the regulations promulgated at 40 C.F.R. §167.85.
11. Submittal of the annual report of pesticide-production for calendar year 2008 was due on or before March 1, 2009.
12. Respondent failed to submit the annual report on or before March 1, 2009.
13. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. §136j(a)(2)(L).
14. Section 14(a) of FIFRA, 7 U.S.C. §136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes EPA to assess a civil penalty for violation of FIFRA.
15. Section 14(a)(4) of FIFRA, 7 U.S.C. §136l(a), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation.
16. Given Respondent's lack of production in calendar year 2008 and Respondent's voluntary termination of its establishment number, EPA proposes to assess no civil penalty against the Respondent for the above-described violation.

#### IV. Consent Agreement

17. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above, but neither admits nor denies EPA's allegations of violations, set forth above.
18. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
19. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.
20. Should Respondent choose to engage in production activity in the future, Respondent shall request re-activation of EPA Est. No. 082672-FL-001 prior to resuming production and shall send all future pesticide-production reports required under Section 7 of FIFRA, 7 U.S.C. §136(e) on or before the March 1<sup>st</sup> due date, by means of certified mail, return receipt requested, to the following address:

U.S. EPA – Region 4  
Sam Nunn Atlanta Federal Center  
Chemical Products & Asbestos  
Section  
61 Forsyth Street SW  
Atlanta, Georgia 30303-8960.

21. Compliance with this CAFO shall resolve the allegation of the violation contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

V. Final Order

23. Respondent shall pay no civil penalty. As set forth in paragraph 16, EPA has decided that a penalty should not be assessed.
24. Therefore, Complainant and Respondent shall bear their own costs and attorney fees in this matter.
25. This CAFO shall be binding upon the Respondent, its successors and assigns.
26. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to this CAFO.

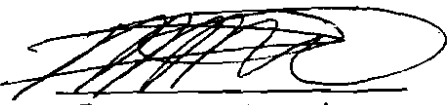
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VI. Effective Date

27. The effective date of this CAFO shall be the date on which the CAFO is filed with the  
Regional Hearing Clerk.

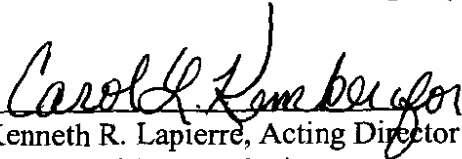
**AGREED AND CONSENTED TO:**

**Suwannee Lumber Company**

By:   
Name: Philip A. Amrell  
Title: V.P.

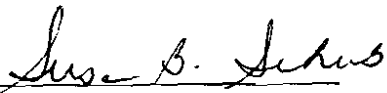
Date: 12-28-09

**U.S. Environmental Protection Agency**

By:   
Kenneth R. Lapierre, Acting Director  
Air, Pesticides and Toxics  
Management Division  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

Date: 1/12/10

**APPROVED AND SO ORDERED** this 7<sup>th</sup> day of Feb., 2010.

  
Susan B. Schub  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Suwannee Lumber Company, FIFRA Docket Number: 04-2010-3019(b), to the addressees listed below.

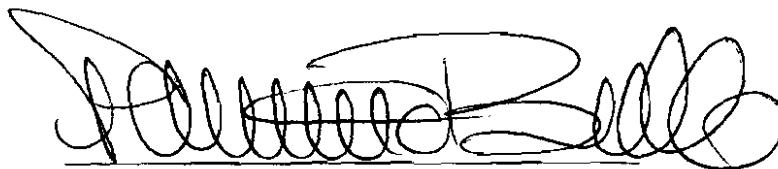
Mr. Philip A. Amrell, Vice President (Via Certified Mail, Return Receipt Requested)  
Suwannee Lumber Company  
40 SW 10<sup>th</sup> Street / US 19 & 351 A  
Cross City, Florida 32628

Mary Summers (Via EPA's internal mail)  
PCPMS  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Robert Caplan (Via EPA's internal mail)  
Office of Environmental Accountability  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

Date:

2-5-10



Patricia A. Bullock, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth St., SW  
Atlanta, GA 30303  
(404) 562-9511