

IRN : PUB03212668045890
 ALC+2 : 6801072702
 Cashflow Name : EPA Fines and Penalties
 Lockbox ID : 979077

2737021203172 2021 1099 80 \$1000.00 region 7 lori
 09/27/2021

Front of Check

REMITTER: <u>ELY'S INCORPORATED</u>	NOTICE TO CUSTOMERS THE PURCHASE OF AN INDEMNITY BOND MAY BE REQUIRED BEFORE THIS CHECK WILL BE REPLACED OR REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.	606484
Date: <u>09/15/2021</u>	76-34/1049 20070001	
Pay To The Order Of: <u>UNITED STATES TREASURY***</u>	\$ 1,000.00	
**** One Thousand and 00/100****		
Cornerstone BANK York, NE 68467 cornerstoneconnect.com	CASHIER'S CHECK TWO AUTHORIZED SIGNATURES REQUIRED OVER \$1,000.00	
THIS DOCUMENT HAS A PANTO LOGO DESIGN, HIGH RESOLUTION BORDER AND WATERMARK. LOOK FOR THESE FEATURES WHEN ACCEPTING THIS ITEM.		
Docket No. FIF RA-07-2021-0084		
⑈606484⑈ ⑆104900349⑆ 20070001⑈ 501		

Back of Check

<p>SECURITY FEATURES THAT INCLUDE:</p> <ul style="list-style-type: none"> • BLEED THROUGH ABILITY • MICROPRESS PRINTING • COLOR TO BLACK ROUND • WARNING BORDER • TRUE WATERMARK • TONER PRINTING • CHEMICAL RESISTIVE PAPER • FLUORESCENT FIBERS • VISIBILE FIBERS 	<p>ADDITIONAL SECURITY FEATURES THAT INCLUDE:</p> <ul style="list-style-type: none"> • SECURITY LINES • CHECK NUMBER • MICROPRESS PRINTING • COLOR TO BLACK ROUND • WARNING BORDER • TRUE WATERMARK • TONER PRINTING • CHEMICAL RESISTIVE PAPER • FLUORESCENT FIBERS • VISIBILE FIBERS 	<p>20210923 Fed Res Bank Cleveland >041036017<</p>	<p><input type="checkbox"/> CHECK HERE AFTER MOBILE OR REMOTE DEPOSIT DATE DO NOT WRITE, STAMP OR SIGN BELOW. RESERVED FOR FINANCIAL INSTITUTION USE ONLY</p>	<p>U S ENVIRONMENTAL PROTECTION 979077</p>	<p>ENDORSE HERE</p>
					<p>FEDERAL RESERVE BOARD OF GOVERNORS REG. CC</p>

IRN : RUSB03212669004655

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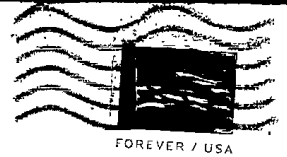
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Ely's Inc.

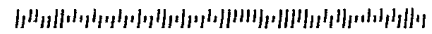
P.O. BOX 185
GUIDE ROCK, NE 68942-0185
(402) 257-2125

OMAHA NE 680
20 SEP 2021 PM 4 L



U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St Louis, Missouri 63197-9000

63197-900077

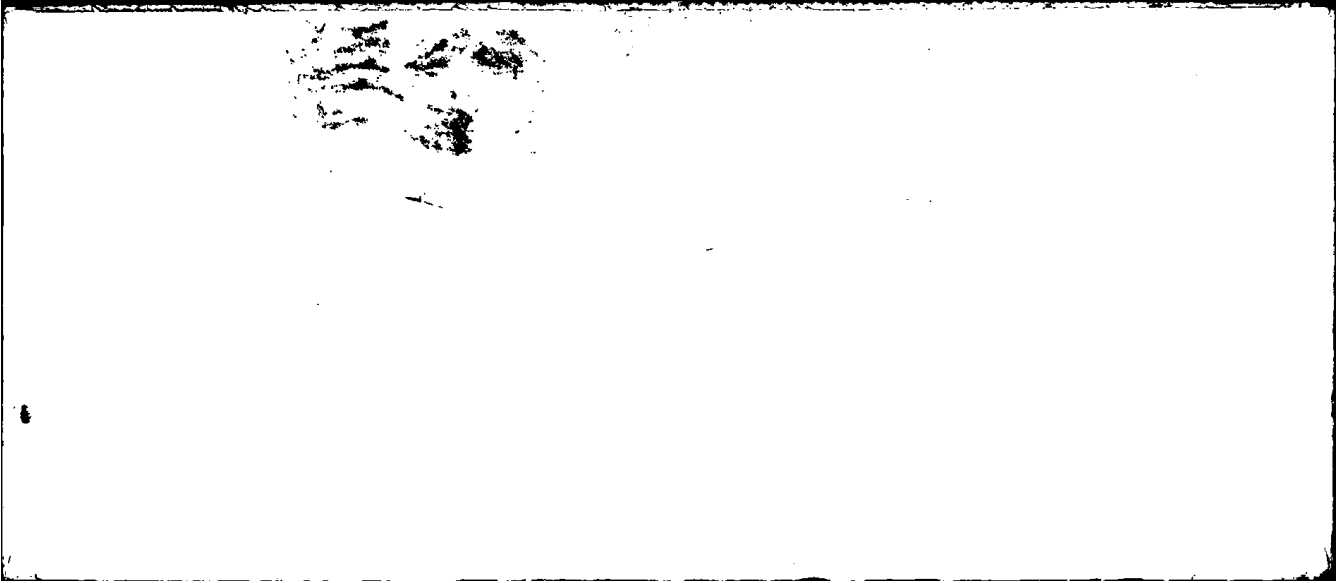


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U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of:)
)
Ely's, Incorporated,) Docket No. FIFRA-07-2021-0084
)
Respondent.)

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

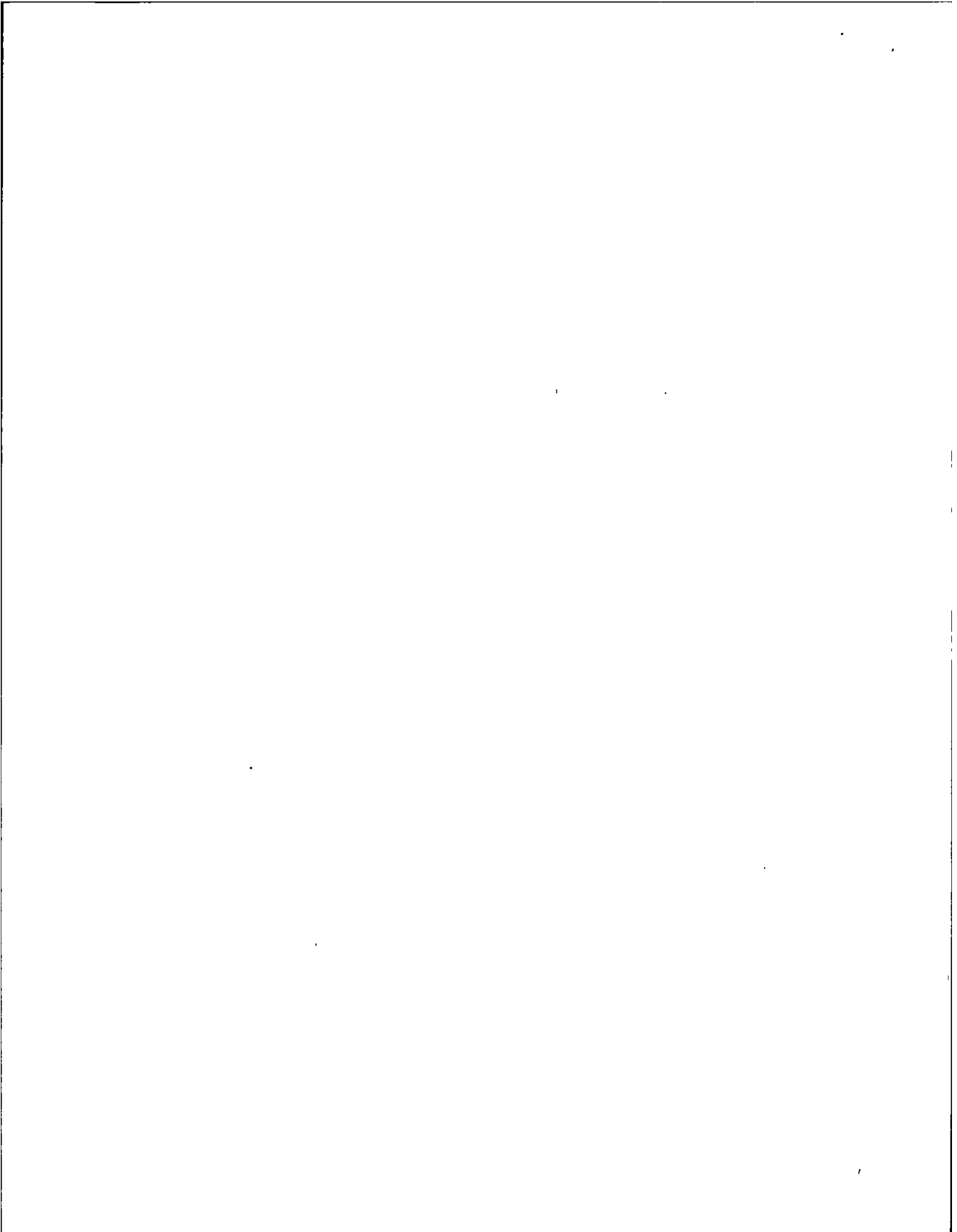
1. The U.S. Environmental Protection Agency (EPA) alleges that Ely's, Incorporated (Respondent) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).
2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating an establishment registered under Section 7 of FIFRA, 7 U.S.C. § 136e, to inform the EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which the producer is currently producing, which the producer has produced during the past year, and which the producer has sold or distributed during the past year. The information required by Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), must be kept current and submitted to the EPA annually as required under any regulation issued pursuant to Section 7 of FIFRA, 7 U.S.C. § 136e.
3. The regulations at 40 C.F.R. Part 167 set out the registration and reporting requirements for pesticide and active ingredient producing establishments. Pursuant to 40 C.F.R. § 167.85(d), a producer operating an establishment must submit an initial report no later than 30 days after the first registration of each establishment the producer operates. Thereafter, the producer must submit an annual report on or before March 1 of each year, even if the producer has produced no pesticidal product for that reporting year.
4. Respondent operates the establishment assigned Establishment No. 51967-NE-1 located in Guide Rock, Nebraska.
5. Respondent failed to timely submit an annual pesticide production report on or before March 1, 2021 for Establishment No. 51967-NE-1.
6. Respondent's failure to timely submit an annual pesticide production report on or before March 1, 2021 for Establishment No. 51967-NE-1 is a violation of Section 7(c) of FIFRA, 7 U.S.C. § 136e(c).

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CERTIFICATE OF SERVICE

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via Email to Complainant:

kacsur.katherine@epa.gov

Copy via Email to Respondent:

elysinc@windstream.net

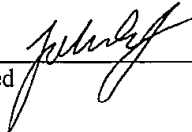
AND

Copy via Certified Mail, Return Receipt Requested to Respondent:

Rodney P. Ely, Registered Agent
Ely's, Incorporated
University Avenue South
Guide Rock, Nebraska 68942

Dated this 20 day of September, 2021.

Signed



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7. The 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. § 136(a), and 40 C.F.R. § 22.13(b).

8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirements set forth above; (b) admits that the EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation, and has submitted true and accurate documentation of such correction along with this Agreement; (b) has provided a deposit for payment of the civil penalty as set forth below; (c) has submitted a true and accurate proof of deposit for payment of the civil penalty along with this Agreement; and (d) agrees to release the deposit for payment to EPA upon entry of the Final Order attached hereto.

10. EPA and Respondent agree that settlement of this matter for a civil penalty in the amount of One Thousand Dollars (\$1,000.00) is in the public interest. Respondent certifies that it has provided a deposit for payment for the full civil penalty amount, and that such payment identified Respondent by name and docket number, was made by certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

or by alternate payment method described at <http://www.epa.gov/financial/makepayment>.

11. Respondent certifies that the original Agreement and a true and accurate copy of the deposit for payment was submitted to:

Milady Peters
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219, and to
peters.milady@epa.gov

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12. Full payment of the civil penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. The EPA reserves the right to take any enforcement action with respect to any other past, present, or future violations of FIFRA or any other applicable law.

13. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State and local taxes.

14. Upon signing and returning this Agreement to the EPA, Respondent waives the opportunity for a hearing or appeal pursuant to FIFRA.

15. Each party shall bear its own costs and fees, if any.

16. This Agreement authorized by the EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

18. Respondent consents to receiving the filed Agreement electronically at the following e-mail address:

elysinc@windstream.net

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RESPONDENT
ELY'S, INCORPORATED

Date: 9-20-21

By: 

John Ely
Print Name

President
Title

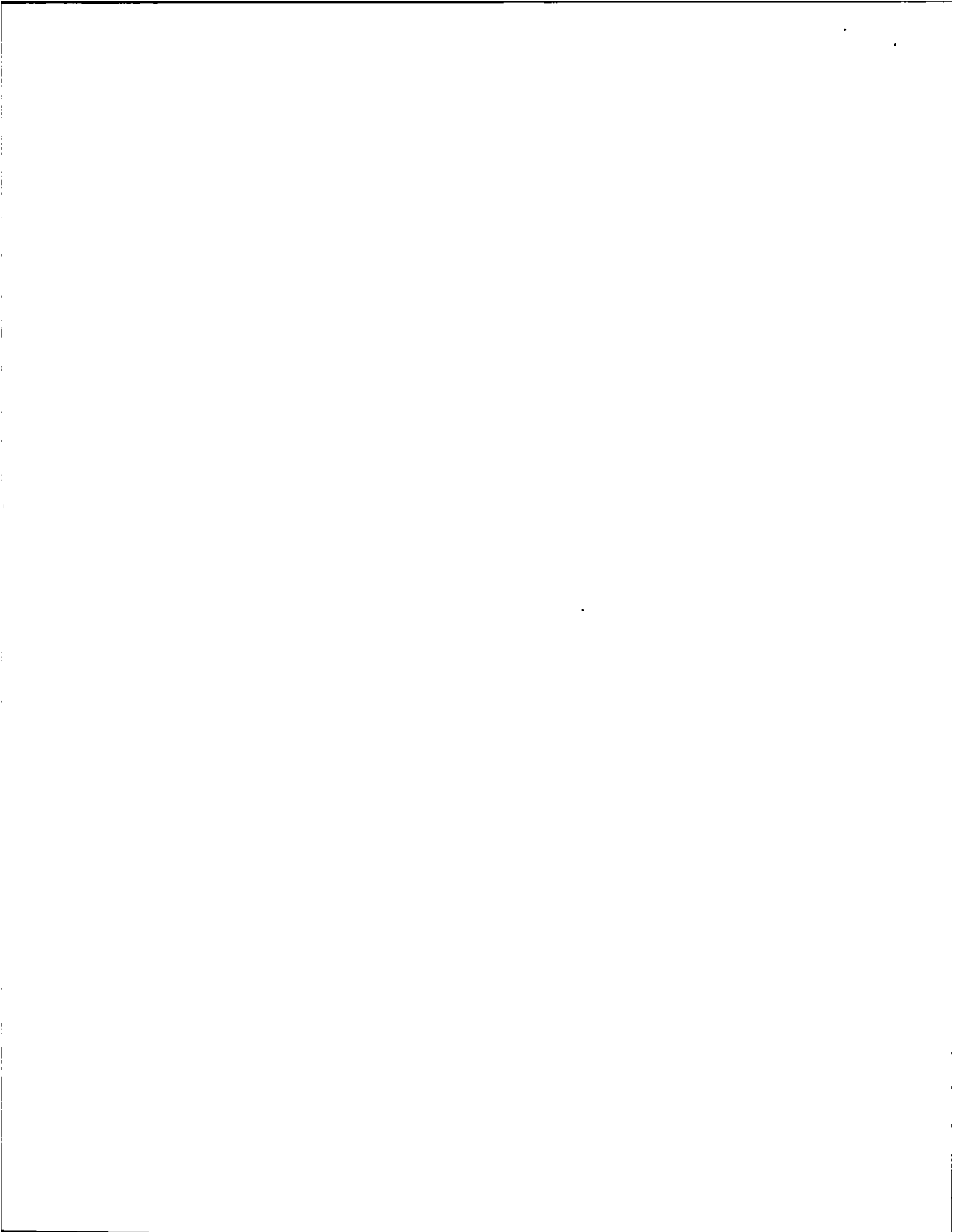
elys inc @ Windstream.com
E-mail address

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COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: _____

Candace Bednar
Chemical Branch Chief
Enforcement and Compliance Assurance Division

Katherine Kacsur
Office of Regional Counsel

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FINAL ORDER

Pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 136(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, the foregoing Expedited Settlement Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Expedited Settlement Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

IT IS SO ORDERED.

Karina Borromeo
Regional Judicial Officer

Date

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