

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
 REGION VII  
 11201 Renner Boulevard  
 Lenexa, Kansas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7  
 2015 FEB -3 AM 8:50

TOPE JAN 23 2015

**BEFORE THE ADMINISTRATOR**

IN THE MATTER OF :	)	
	)	
ALLIED GAS & CHEMICAL CO., INC.	)	Docket No. FIFRA-07-2015-0003
	)	
	)	EXPEDITED SETTLEMENT
	)	AGREEMENT AND
Respondent	)	FINAL ORDER
	)	

**EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER**

1. The U.S. Environmental Protection Agency (“EPA”) alleges that Allied Gas & Chemical Co., Inc. (“Respondent”) failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c) for its facility, Allied Gas & Chemical Co., Inc., EPA Establishment No. 052001-IA-001, located in Oskaloosa, Iowa.

2. Section 7(c) of FIFRA, 7 U.S.C. § 136e(c), requires any producer operating a registered pesticide-producing establishment to inform EPA of the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides, which it is producing, which it has produced during the past year, and which it has sold or distributed during the past year. The information required by this paragraph shall be kept current and submitted to the Administrator annually as required by such regulations as the Administrator may prescribe. The regulation found at 40 C.F.R. § 167.85(d) requires such pesticides report to be filed annually on or before March 1, even if the producer has produced no pesticidal products for that reporting year.

3. Respondent has failed to comply with Section 7(c) of FIFRA, 7 U.S.C. § 136(c), and with the regulations found at 40 C.F.R. § 167.85(d) in that it did not file the 2013 annual pesticides report for the above facility by March 1, 2014, as required.

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. § 136l and 40 C.F.R. § 22.13(b).

5. 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 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.

6. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that to the best of Respondent's knowledge, it is presently in compliance with all requirements of FIFRA, 7 U.S.C. 136 et seq., and all regulations promulgated thereunder. Respondent has now submitted its 2013 annual pesticides report.

7. EPA and Respondent agree that settlement of this matter for a civil penalty is in the public interest. Respondent certifies that it has sent a Cashier's or certified check (payable to the "United States Treasury") in the amount of four hundred dollars (\$400.00) in payment of the full penalty amount to the following address:

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

The docket Number of this ESA is FIFRA-07-2015-0003, and must be included on the check.

This original ESA and a copy of the check must be sent by certified mail to:

Andrew Kowalski (TOPE)  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

8. 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.

9. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, or any other federal statute or regulation, of this Agreement.


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

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

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

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


FOR RESPONDENT:

 \_\_\_\_\_ Date: 1-18-15

Name (Print): Sheryl L Fenton

Title (Print): Bookkeeper

FOR COMPLAINANT:



Karen Flournoy  
Director  
Water, Wetlands and Pesticides Division  
EPA Region 7

Date: 1-27-15



Kent Johnson  
Office of Regional Counsel  
EPA Region

Date: 1/27/15

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I hereby ratify the ESA and incorporate it herein by reference. It is so ORDERED.

Karina Borromeo

Karina Borromeo  
Regional Judicial Officer

Date: Feb. 2, 2015

IN THE MATTER OF Allied Gas & Chemical Co., Inc., Respondent  
Docket No. FIFRA-07-2015-0003

CERTIFICATE OF SERVICE

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

Copy by email to Attorney for Complainant:

[lesher.mark@epa.gov](mailto:lesher.mark@epa.gov)

Copy by First Class Mail to:

Sheryl L. Fenton  
Allied Gas & Chemical Co., Inc.  
1807 17<sup>th</sup> Avenue  
Oskaloosa, Iowa 52577

Dated: 2/3/15

A handwritten signature in black ink that reads "Kathy Robinson". The signature is written in a cursive style with a horizontal line underneath the name.

Kathy Robinson  
Hearing Clerk, Region 7