

U. S. ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 N. 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the Matter of)
)
Innovative Ag Services Co.)
2010 South Main) Docket No. FIFRA-07-2008-0027
Monticello, Iowa 52310)
)
Respondent.)

JOINT MOTION TO AMEND CONSENT AGREEMENT AND FINAL ORDER

Preliminary Statement

The United States Environmental Protection Agency (EPA), Region 7 and Innovative Ag Services Co. (Respondent) agreed to a settlement of Respondent's violations of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) and memorialized the settlement through a Consent Agreement and Final Order (CAFO) filed on September 5, 2008. The Respondent violated Section 12(a)(2)(F) of FIFRA, 7 U.S.C. § 136j(a)(2)(F), by distributing or selling a registered pesticide classified for restricted use to an uncertified applicator.

The CAFO ordered Respondent to pay a mitigated penalty of \$ 1,300.00. Respondent agreed as part of the settlement to perform a Supplemental Environmental Project (SEP) that was to be completed within nine (9) months of the effective date of the CAFO, or June 5, 2009. The Respondent has provided an interim and Final SEP report that show efforts have been made to complete the SEP during the time period set forth in the CAFO. As part of the SEP, the Respondent furnished pesticide products to the Howard County Conservation Board and Howard County to combat noxious weeds. The Respondent provided the product in the timeframe set forth in the CAFO. According to the Final SEP report the products had not been completely used during the timeframe set forth in the SEP because noxious weeds were not prevalent during that time. The Respondent has indicated that the product should be used by the end of September, and the affidavits provided by the recipients of the product also indicate that the product will be used by that time.

Based on this information, the Amended CAFO adjusts the completion date of the SEP in Paragraph 31 to September 30, 2009, and the due date for the Final SEP Report in Paragraph 32 to be October 1, 2009. All references to the Consent Agreement and Final Order have been changed to Amended Consent Agreement and Final Order. Respondent and Complainant have signed the Amended CAFO. Attachment 1.

Motion

Pursuant to 40 C.F.R. § 22.16, Complainant and Respondent hereby move for an Order granting this Joint Motion to file an Amended CAFO.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kelley Catlin". The signature is written in a cursive, flowing style.

Kelley Catlin
Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of July, 2009, I filed the Original Joint Motion to Amend CAFO with the Regional Hearing Clerk, EPA Region 7, 901 North Fifth Street, Kansas City, Kansas 66101. I also delivered copies of this document to the following:

VIA CERTIFIED MAIL:

Mike Duncomb
Innovative Ag Services Co.
2010 South Main
Monticello, Iowa 52310

Kelley Catz

7/14/09
Date