UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 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	)	
	)	
AG – IOWA COOPERATIVE COMPANY	)	Docket No. FIFRA-07-2002-0151
	)	
	)	CONSENT AGREEMENT
Respondent	)	AND FINAL ORDER

PRELIMINARY STATEMENT

1. This administrative proceeding for the assessment of Civil Penalties was initiated pursuant to § 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, 7 U.S.C. § 135 et seq., hereinafter FIFRA. The action was instituted by Complaint and Notice of Opportunity for Hearing filed upon Respondent, alleging violations of § 12(a)(2)(F) of FIFRA, 7 U.S.C. § 136j(a)(2)(F).

CONSENT AGREEMENT

2. For purposes of this proceeding only, Respondent does by this Consent Agreement and Final Order admit the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations of Counts I and 2 of the Complaint.

3. Respondent hereby explicitly waives its right to contest the factual allegations and to appeal the Final Order accompanying this Consent Agreement.

4. For purposes of this proceeding only, Respondent consents to the issuance of the Order set forth below and consents to the payment of a civil penalty in the amount hereinafter recited.

5. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order may be claimed by Respondent as deductions for federal, state, or local income tax purposes.

6. Failure to pay the civil penalty may result in commencement of a civil action in Federal District Court to recover the full amount due, together with interest and penalties.

7. If the full amount of the penalty is not paid within sixty (60) days after receipt of this Order, interest may commence to be charged. Said interest shall be calculated at a rate of 6% per annum on the balance of the unpaid penalty, costs and accumulated interest until fully paid.

8. The execution of this Consent Agreement and Final Order resolves all of the allegations set forth in the Complaint.

9. Each signatory of this Consent Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

FINAL ORDER

1. Respondent shall pay a mitigated civil penalty of Five Thousand Five Hundred Dollars ($5,500) within thirty (30) days of the effective date of this Order.

2. Payment shall be by cashier's or certified check, made payable to the United States Treasury, and shall bear the docket number for this matter, and shall be mailed to:

In the Matter of
Ag – Iowa Cooperative Company
Docket No. FIFRA-07-2002-0151

EPA - Region VII
Regional Hearing Clerk
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

3. Each party shall bear its own costs and attorney's fees in connection with this action.

RESPONDENT:

AG – IOWA COOPERATIVE COMPANY

By: Larry Fluitt

Title: General Manager

Date: Sept. 6, 2002

COMPLAINANT:

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By: Henry F. Rompage
Henry F. Rompage
Office of Regional Counsel
EPA, Region VII

Date: 9-26-02

In the Matter of
Ag – Iowa Cooperative Company
Docket No. FIFRA-07-2002-0151

IT IS SO ORDERED. This Order shall become effective immediately.

Robert L. Patrick
Regional Judicial Officer

Date: September 27, 2002

IN THE MATTER OF Ag-Iowa Cooperative Company, Respondent
Docket No. FIFRA-07-2002-0151

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Henry F. Rompage
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Larry Fleihler
General Manager
Ag-Iowa Cooperative Company
P.O. Box 190
Arlington, Iowa 50606

Copy by First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

The Honorable William B. Moran
Administrative Law Judge
U. S. Environmental Protection Agency
401 M Street, S.W./Mail Code 1900L
Washington, D. C. 20460

Dated: 9/27/02

Kathy Robinson
Kathy Robinson
Regional Hearing Clerk