



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

FEB 21 2017

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Richard E. Glaze  
Balch & Bingham LLP  
30 Ivan Allen Jr. Boulevard, Suite 700  
Atlanta, Georgia 30308-3036

Re: DJR Associates, L.L.C., d/b/a ChemStation of Alabama,  
ChemStation Gulf Coast, ChemStation Atlanta  
Ratified Expedited Settlement Agreement and Final Order  
Docket No. FIFRA-04-2017-3125(b)

Dear Mr. Glaze:

Enclosed is a copy of the ratified Expedited Settlement Agreement and Final Order (ESA) in the above-referenced matter. The original ESA 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. Please refer to Paragraphs 10 and 11 of the ESA for discussion of penalty information and payment requirements with your client. To ensure proper processing, the respondent's Name and Docket Number for this case, identified above and in the ESA, should be noted on any cashier's or certified check submitted in payment of the penalty.

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 your client on notice of its potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by the U.S. Environmental Protection Agency Region 4 against the company. Where used in the document, "SEC" refers to the Securities and Exchange Commission. Should you or your client have any questions about this matter or your client's compliance status in the future, please contact Michiko Kono, Associate Regional Counsel, at (404) 562-9558, or Patricia Livingston, of the EPA Region 4 staff, at (404) 562-9171.

Sincerely,

Anthony G. Toney  
Chief  
Chemical Safety and Enforcement Branch

Enclosures

cc: Tony Cofer, Alabama Department of Agriculture & Industries  
Michiko Kono, EPA Region 4, OEA



7. Pursuant to Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L), it is unlawful for any person who is a producer of pesticides to violate any of the provisions of Section 7 of FIFRA. By failing to submit the annual production report required by the due date, Respondent failed to comply with Section 7 of FIFRA. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA.

8. The EPA and Respondent agree that settlement of this matter for a civil penalty of FOUR THOUSAND DOLLARS (\$4,000) is in the public interest.

9. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirement(s) in Paragraph 4 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, and agrees to pay the penalty set forth in paragraph 8 herein within fifteen (15) days after the effective date of this Agreement; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

10. Respondent is assessed a civil penalty of FOUR THOUSAND DOLLARS (\$4,000) which shall be paid within 15 days from the effective date of this Agreement.

11. Respondent shall remit the penalty by either a cashier's or certified check made payable to the "Treasurer, United States of America," and shall send the penalty payment by one of the methods below. **The check shall reference on its face the name of the Respondent and Docket Number of this Agreement.**

Address for payment submittal using the United States Postal Service (excluding USPS overnight mail):

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

Address for payments by USPS overnight mail or other delivery service (e.g., Federal Express, United Parcel Service, DHL, etc.):

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101  
Contact Number: (314) 425-1819.

12. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this Agreement, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA – Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960;

Patricia Livingston  
Pesticides Section  
U.S. EPA – Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960.

13. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this Agreement. Any attempt by Respondent to deduct any such payments shall constitute a violation of this Agreement.
14. Pursuant to 31 U.S.C. § 3717, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the effective date of this Agreement, if the penalty is not paid by the date required. A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
15. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
16. This Agreement shall be binding upon the Respondent, its successors and assigns. Each undersigned representative of the parties to this Agreement certifies that he or she is fully authorized by the party represented to enter into this Agreement and hereby legally binds that party to it.
17. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the alleged violation(s).
18. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein. The EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
19. 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.
20. The Agreement authorized by the EPA's execution of the Final Order attached hereto constitute a Final Order under 40 C.F.R. Part 22.
21. Effective Date. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

Name (print): Kerry Sharp

Title (print): Office Manager

Signature: Kerry Sharp

Date 1/9/17

APPROVED BY EPA:

Carol G. Kember for

Beverly L. Banister

Director

Air, Pesticides and Toxics Management Division

Date 1/20/17

### FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 136l and 40 C.F.R. § 22.13(b), and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

Respondent shall pay a civil penalty in the amount of FOUR THOUSAND DOLLARS (\$4,000) to the EPA within fifteen (15) days after the effective date of this Expedited Settlement Agreement and Final Order. This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for the EPA Region 4. Unless otherwise stated, all time periods herein shall be calculated in calendar days from such date.

IT IS SO ORDERED:

Tanya Floyd  
Tanya Floyd  
Regional Judicial Officer

Date February 17, 2017

**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 DJR Associates, L.L.C., d/b/a ChemStation of Alabama, ChemStation Gulf Coast, ChemStation Atlanta, Docket Number: FIFRA-04-2017-3125(b), to the addressees listed below:

Mr. Richard Glaze  
Balch & Bingham LLP  
30 Ivan Allen Jr. Boulevard  
Suite 700  
Atlanta, Georgia 30308

(via Certified Mail, Return Receipt Requested)

Patricia Livingston  
Pesticides Section  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

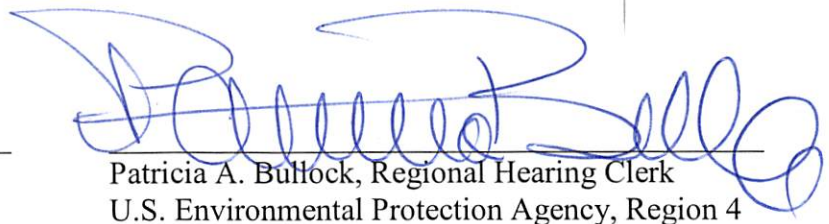
(via EPA's internal mail)

Robert Caplan  
Senior Attorney  
Office of Regional Counsel  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

(via EPA's internal mail)

Date: \_\_\_\_\_

2-21-12



Patricia A. Bullock, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9511