



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

MAR 27 2014

U.S. ENVIRONMENTAL
PROTECTION AGENCY
REGIONAL HEARING
CLERK
2011 MAR 27 P 4:13

Martin Sok,
President
NJ Hannan Chain Inc
460 Bergen Blvd
Palisades Park, New Jersey 07650-2345

Martin Sok,
Manager
Hannam Mart
1475 Bergen Blvd
Fort Lee, N.J. 07024

Re: *In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ
Hannam Chain Inc, and Hannam Chain U.S.A., Inc.,*
Docket No. FIFRA-02-2013-5103.

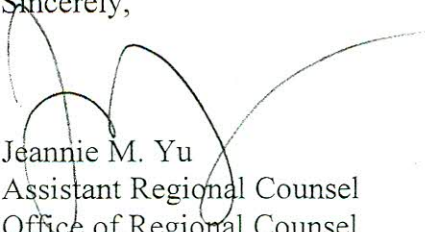
Dear Mr. Sok:

Enclosed is a copy of the Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Administrator (or her delegate) of the U.S. Environmental Protection Agency, Region 2. The original of this document will be filed with the Regional Hearing Clerk of EPA, Region 2.

Please note that payment is due within forty-five (45) days of effective date of this Consent Agreement and Final Order. Please arrange for payment of this penalty according to the instructions given in that Order.

Thank you for your cooperation in working with us to resolve this matter. If you have any questions, please contact me at (212) 637-3205.

Sincerely,


Jeannie M. Yu
Assistant Regional Counsel
Office of Regional Counsel

Enclosure

In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc, and Hannam Chain U.S.A., Inc., Case Docket Number: FIFRA-02-2013-5103

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy
by Hand:

✓ Regional Hearing Clerk
Office of Regional Counsel
U.S. Environmental Protection Agency –Region 2
290 Broadway
16th Floor
New York, NY 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Martin Sok
President
NJ Hannam Chain Inc.
460 Bergen Blvd.
Palisades Park, New Jersey 07650-2345

Martin Sok
Manager
Hannam Mart
1475 Bergen Blvd
Fort Lee, N.J. 07024

Dated: March 27, 2014


Air Branch Secretary

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2011 MAR 27 P 4: 12
REGIONAL HEARING
CLERK

-----X
In the Matter of :
HANNAM MART, :
NJ HANNAM CHAIN LLC, :
NJ HANNAM, :
NJ HANNAM CHAIN INC, :
and :
HANNAM CHAIN U.S.A., INC. :

Proceeding Under the Federal :
Insecticide, Fungicide, and :
Rodenticide Act, as amended. :
-----X

CONSENT AGREEMENT AND
FINAL ORDER

Docket No. FIFRA-02-2013-5103

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was initiated pursuant to 7 U.S.C. § 1361(a), of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. § 136 et seq. (“FIFRA” or “the Act”). On June 28, 2013, Complainant in this proceeding, the Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, (“EPA”), Region 2, issued a Complaint and Notice of Opportunity for Hearing,

Docket No. FIFRA-02-2013-5103, to Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc, and Hannam Chain U.S.A., Inc. The Complaint alleges three violations of FIFRA Section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A) for the distributions or sales of an unregistered pesticide and two violations of FIFRA Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E) for the distributions or sales of a misbranded pesticide.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Respondents in this Consent Agreement and Final Order are Hannam Mart and NJ Hannam Chain Inc. (hereinafter alternatively referred to as “Respondents”).
2. Hannam Mart (“HMart”) is located at 1475 Bergen Blvd., Fort Lee, N.J. 07024.
3. HMart is an unincorporated for-profit business operating in the State of New Jersey.
4. NJ Hannam Chain Inc. (“Hannam”) is located at 460 Bergen Blvd., Palisades Park, New Jersey 07650-2345.
5. Hannam is a for-profit corporation operating in the State of New Jersey.
6. After issuance of the Complaint, Respondents contacted EPA and verbally told the agency that they are taking full responsibility for the violations described in Complaint and requested that NJ Hannam Chain LLC, NJ Hannam, and Hannam Chain U.S.A., Inc be dropped from this action.
7. Based on the representations of the Respondents, EPA has negotiated this settlement with the Respondents and does not intend to further prosecute the other parties named in the Complaint, provided the terms of this settlement are complied with.

8. The Respondents have been, and continue to be “person(s)” as defined by FIFRA Section 2(s), 7 U.S.C. Section 136(s), and are subject to FIFRA and the regulations promulgated thereunder.

9. Respondents are “distributors” or “sellers” within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

10. Respondents are each a “wholesaler”, “dealer”, “retailer,” or “other distributor” within the meaning of Section 14(a) (1) of FIFRA, 7 U.S.C. § 136l(a) (1).

11. Respondents both own and/or operate the Hannam Mart retail store (the “Facility”) located at 1475 Bergen Blvd., Fort Lee, N.J. 07024 which constitutes an “establishment”, as defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).

12. Respondents hold for sale, sell and/or distribute groceries and a variety of household goods, including pest control products, at the Facility.

13. At times relevant to this Consent Agreement, Respondents held for sale, distributed and/or sold the following pesticides at the Facility:

- a. “Killpop Mat”,
- b. “Trista Melamine Sponge”, and
- c. “Wellos Laundry Ball”.

14. On March 13, 2012, duly-authorized EPA enforcement officers (the “Inspectors”) conducted an inspection, pursuant to Section 8 and 9 of FIFRA, 7 U.S.C. § 136f and 136g, at the Facility (the “Inspection”).

15. At the time of the Inspection, the Inspectors found “Killpop Mat”, “Trista Melamine Sponge”, and “Wellos Laundry Ball” for sale at the Facility.

16. During the Inspection, the Inspectors found the following for sale or distribution at the Facility:

- a. 47 units of “Killpop Mat”;
- b. 1 unit of “Trista Melamine Sponge”; and
- c. 9 units of “Wellos Laundry Ball”.

17. During the Inspection, the Inspectors collected physical and documentary samples demonstrating that Respondents held and/or offered for distribution or sale, within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. Section 136(gg), the products described in the previous paragraph, and assigned them the following numbers:

- a. “Killpop Mat” product - EPA Sample number 03131213703020201;
- b. “Trista Melamine Sponge” product - EPA Sample number 03131213703020206; and
- c. “Wellos Laundry Ball” product- EPA Sample number 03131213703020202.

18. Based on the inspection, EPA issued a Complaint on June 28, 2013

19. EPA alleged in the Complaint a total of three violations of FIFRA Section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A) for the distributions or sales of unregistered pesticides (Killpop Mat, Trista Melamine Sponge, and Wellos Laundry Ball), and two violations of FIFRA Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E) for distributions or sales of misbranded pesticides (Killpop Mat and Trista Melamine Sponge).

20. Respondents have not filed an Answer to the Complaint.

21. The parties reached settlement through a series of telephone conversations beginning July 19, 2013.

CONSENT AGREEMENT

Based upon the foregoing, and pursuant to Section 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. § 22.18, it is hereby agreed as follows:

1. Respondents assume full liability and financial responsibility, including payment of the penalty and related stipulated penalties (if applicable) for the violations set forth in the Complaint.
2. Respondents both certify that they own, operate and/or manage H Mart.
3. Respondents both certify that they and any of the other Parties cited in the caption of this case that are subject to FIFRA are now in compliance with FIFRA Sections 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A) and FIFRA Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E) in that they no longer distribute or sell unregistered Killpop Mat, Trista Melamine Sponge, and Wellos Laundry Ball pesticidal products and misbranded Killpop Mat and Trista Melamine Sponge pesticidal products, respectively. If Respondents sell and/or distribute any pesticides in the future, they will ensure that such pesticidal products comply with any applicable federal, state and/or local rules and registration.
4. Respondents shall pay, by cashier's or certified check, or by electronic fund transfer, a civil penalty in the amount of **Twenty-Two Thousand Nine Hundred and Fifty dollars (\$22,950)** according to the following schedule:
 - a. \$11,475 is due on or before thirty (30) days after the date of signature of the Final Order at the end of this document;

b. \$11,475 is due on or before one hundred eighty (180) days after the date of signature of the Final Order at the end of this document;

5. Payments must be received at the address listed in Paragraph 5, below, or the EFT must be received by the Federal Reserve Bank of New York, on or before the due dates specified above (the date by which each payment must be received shall hereafter be referred to as the “due date”).

a. Failure to pay the penalty in full according to the above provisions will result in referral of this matter to the United States Department of Justice or the United States Department of the Treasury for collection or other appropriate action.

b. Furthermore, if a payment is not received on or before its due date, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of fifteen dollars (\$15.00) will be assessed for each thirty (30) day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of its due date. Any such non-payment penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid.

6. If payment is made by cashier's or certified check, such payment shall be payable to the "Treasurer, United States of America." All checks shall be identified with the notation of the

name and docket number of this case as follows: In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc., and Hannam Chain U.S.A., Inc., Docket No. FIFRA-02-2013-5103.

All checks shall be mailed to:

United States Environmental Protection Agency
Fines & Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

If Respondents choose to pay by electronic fund transfer (“EFT”), Respondents shall provide the following information to its remitter bank:

- a. Amount of Payment
- b. SWIFT address:
FRNYUS33
33 Liberty Street
New York, N.Y. 10045
- c. Account Code for Federal Reserve Bank of New York receiving payment:
68010727
- d. Federal Reserve Bank of New York ABA routing number: **021030004**
- e. Field Tag 4200 of the Fedwire message should read: **“D 68010727 Environmental Protection Agency”**
- f. Name of Respondents: **In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc., and Hannam Chain U.S.A., Inc., Case Docket Number: FIFRA-02-2013-5103.**

Respondents shall also send proof of each payment, whether by check or EFT, to:

Jeannie M. Yu
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

and

Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, N.Y. 10007-1866

7. Respondents have read the Consent Agreement, understand its terms, find it to be reasonable and consents to the issuance and its terms. Respondents consent to the issuance of the accompanying Final Order. Respondents agree that all terms of settlement are set forth herein.
8. For the purpose of this proceeding and in the interest of an expeditious resolution of this matter, Respondents admit (a) the jurisdictional allegations of the Complaint; and (b) admits the factual allegations in the Complaint.
9. Both Respondents explicitly and knowingly consent to the assessment of the civil penalty as set forth in this Consent Agreement and agree to assume joint and several responsibility for the full payment of the civil penalty in accordance with the terms of this Consent Agreement.
10. The civil penalty provided for herein is a penalty within the meaning of Title 26, Section 162(f) of the United States Code, 26 U.S.C. § 162(f), and is not a deductible expenditure for purposes of federal law.
11. This Consent Agreement is being voluntarily and knowingly entered into by the Complainant and Respondents to resolve (conditional upon full payment of the civil penalty herein, and the accuracy of the Respondents' certifications in this proceeding) the civil and administrative claims alleged in the Complaint against all Parties cited in the Caption of the Complaint. Nothing herein shall be read to preclude EPA or the United States, on behalf of EPA, however, from pursuing appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

12. Respondents explicitly and knowingly waive their right to request or to seek any Hearing on this Consent Agreement or on the Findings of Fact and Conclusions of Law herein, or on the accompanying Final Order.

13. The Respondents agree not to contest the validity or any term of this Consent Agreement and Final Order (“CA/FO”) in any action brought: a) by the United States, including EPA, to enforce this CA/FO, or b) to enforce a judgment relating to this CA/FO.

14. Respondents waive their right to appeal this Consent Agreement and the accompanying Final Order.

15. This Consent Agreement and any provision herein shall not be construed as an admission of liability in any criminal or civil action or other administrative proceeding, except in an action or proceeding to enforce or seek compliance with this Consent Agreement and its accompanying Final Order.

16. Respondents explicitly waive any right they may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, Deputy Regional Administrator, or Regional Judicial Officer for Region 2, where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

17. This Consent Agreement and Final Order does not relieve Respondents of their obligations to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect

Respondents' obligation to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

18. Nothing in this Consent Agreement and Final Order shall be construed as a release from any other action under any law and/or regulation administered by EPA.

19. The provisions of this Consent Agreement and Final Order shall be binding upon EPA and Respondents, their officers/officials, agents, authorized representatives and successors or assigns.

20. Any failure by Respondents to perform fully any requirement herein will be considered a violation of this CA/FO, and may subject Respondents to a civil judicial action by the United States to enforce the provisions of this CA/FO.

21. Each party hereto agrees to bear its own costs and fees in this matter.

22. Respondents consent to service upon itself of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

23. Each signatory of this Consent Agreement certifies that he or she is duly and fully authorized to enter into the terms of this Consent Agreement and to legally bind the party on behalf of which he or she signs this Consent Agreement.

In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc, and Hannam Chain U.S.A., Inc., Case Docket Number: FIFRA-02-2013-5103

RESPONDENTS:



Martin Sok
Hannam Mart



Martin Sok, President
NJ Hannan Chain Inc.

DATE: March 11, 2014.

COMPLAINANT:



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency, Region 2

DATE: March 18, 2014

In the Matter of Hannam Mart, NJ Hannam Chain LLC, NJ Hannam, NJ Hannam Chain Inc, and Hannam Chain U.S.A., Inc., Case Docket Number: FIFRA-02-2013-5103

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Consent Agreement entered into by the parties to this matter, is hereby approved, incorporated herein, and issued as an Order, pursuant to Section 14 of FIFRA and 40 C.F.R. Section 22.18(b)(3). The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2, New York, New York. 40 C.F.R. Section 22.31(b).



Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th Floor
New York, New York 10007

DATE: March 20, 2014