

Settlement Agreement Program, EPA has determined that an appropriate civil penalty to settle this action is \$500.00.

6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$500.00 is in the public interest.

7. Upon signing this Expedited Settlement Agreement, Respondent shall deposit the civil penalty amount listed in Paragraph 6 by one of the following methods:

7.1. Send a cashier's or certified check or money order with a notation for FIFRA-10-2021-0141 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Docket No. FIFRA-10-2021-0141
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

7.2. Send a cashier's or certified check or money order by an overnight/common carrier (e.g., FedEx® or United Parcel Service of America, Inc.) with a notation for FIFRA-10-2021-0141 payable to the order of the "Treasury of the United States of America" to the following address:

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101

7.3. Make an electronic deposit for payment (Vendor Express, Fedwire, Pay.gov) at <http://www2.epa.gov/financial/makepayment> following the online directions for an electronic funds transfer (EFT).

8. Concurrently with the deposit under paragraph 7, Respondent shall forward a scanned, ink signed PDF copy of the Expedited Settlement Agreement, a copy of the cashier's or certified check or money order or documentation of a wire transfer, and a certification signed by Respondent that regarding the violations alleged above, Respondent is in compliance with Section 7(c) of FIFRA via email to Martin Lovato, Enforcement Case Officer at the following email address: lovato.martin@epa.gov.

By written notice to Respondent, EPA may change the address and/or person listed above.

9. EPA is authorized to enter into this Expedited Settlement Agreement (“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. § 1361(a), and 40 C.F.R. § 22.13(b).

10. In signing this Agreement, for purposes of this proceeding, Respondent: (a) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged above; (b) neither admits nor denies the factual allegations contained herein; (c) consents to the assessment of this penalty; and (d) waives any right to contest the allegations above, and its right to appeal the proposed attached Final Order.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation(s); (b) agrees to provide a deposit for payment of the civil penalty as set forth in Paragraph 7; (c) agrees to submit a true and accurate proof of deposit for payment of the civil penalty as set forth in Paragraph 8; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

12. Upon the effective date of this Agreement and subsequent payment of the civil penalty as set forth in paragraph 7, Respondent shall be resolved of liability for Federal civil penalties for the violation(s) and facts alleged herein.

13. The penalty, including interest, paid by Respondent pursuant to the requirements of this Agreement, represents civil penalties assessed by EPA, and shall not be deductible for purposes of federal, state, or local income taxes.

14. EPA reserves all of its rights to take an enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement. Nothing in this Final Order is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Final Order shall be construed to limit EPA's authority to take any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

15. Each party shall bear its own costs and attorney's fees.

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

17. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement and Final Order shall be filed with the Regional Hearing Clerk. In accordance with 40 C.F.R. § 22.31(b), this Agreement is effective upon filing with the Regional Hearing Clerk.

18. The undersigned representative certifies that he/she is authorized to execute this Expedited Settlement Agreement and to legally bind ASSOC Chemists Inc.

IT IS SO AGREED,

Name (print): STEVEN M. BROWN

Title (print): OPERATIONS MANAGER

Signature: 
Steven Brown (Operations Manager)

Date: 6/30/2021

APPROVED BY EPA:

STACY

MURPHY

Digitally signed by STACY
MURPHY
Date: 2021.07.07 13:50:47
-07'00'

Date: _____

EDWARD J. KOWALSKI, Director
Enforcement and Compliance Assurance Division
EPA Region 10

FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), and according to the terms of the Expedited Settlement Agreement entered into by Complainant or EPA and Respondent or ASSOC Chemists Inc., IT IS HEREBY ORDERED THAT:

The Expedited Settlement Agreement is hereby ratified and shall be effective upon the filing of the Expedited Settlement Agreement and this Final Order by the Regional Hearing Clerk for EPA, Region 10. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

SO ORDERED this _____ day of _____, 2021.

Mednick,
Richard

Digitally signed by
Mednick, Richard
Date: 2021.07.08
10:14:28 -07'00'

RICHARD MEDNICK
Regional Judicial Officer
EPA Region 10

Certificate of Service

The undersigned certifies that the original of the attached EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER, In the Matter of: ASSOC Chemists Inc., Docket No.: FIFRA-10-2021-0141, was filed with the Regional Hearing Clerk and served on the addressees in the following manner on the date specified below:

The undersigned certifies that a true and correct copy of the document was delivered to:

Martin Lovato
Enforcement Case Officer
U.S. Environmental Protection Agency, Region 10
lovato.martin@epa.gov

Further, the undersigned certifies that a true and correct copy of the aforementioned document was sent via email/return receipt to:

Steven Brown
Operations Manager
ASSOC Chemists Inc.
sbrown@walkerind.com

DATED this _____ day of _____, 2021.

TERESA
YOUNG

Digitally signed by
TERESA YOUNG
Date: 2021.07.08
11:46:24 -07'00'

TERESA YOUNG
Regional Hearing Clerk
EPA Region 10