

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF: )

Agrimor Int'l Co., )

Respondent. )  
\_\_\_\_\_ )

DOCKET NO.: FIFRA-04-2010-3002

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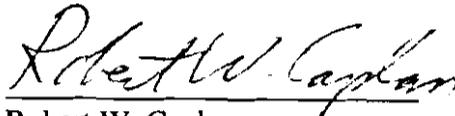
FIRST STATUS REPORT

On December 8, 2009, during a conference call between the Regional Judicial Officer (RJO) and counsel for EPA and the Respondent, the RJO directed EPA counsel to file a status report by December 17, 2010, reporting on the parties' progress to reach a settlement. The parties have engaged in settlement talks but have not yet reached a settlement. On December 16, 2010, counsel for Respondent advised EPA counsel that Respondent was asserting inability to pay the penalty proposed in the Amended Complaint and also requesting that EPA place his client in a different "size of violator" category. EPA counsel explained the procedure EPA follows for evaluating inability to pay claims and size of violator and the documentation that needs to be submitted to EPA in order to conduct the analysis. Counsel for Respondent indicated that his client intends to submit the documentation.

If all necessary documentation is submitted by the first week of January 2010, EPA counsel estimates that it could take EPA until the end of January 2010 to complete its review. It is also possible that EPA may determine that additional documentation will need to be submitted in order to fully evaluate Respondent's claim. Counsel for EPA

would not object to a further extension of time for Respondent to file an answer while it conducts its review, however, at this point, counsel for EPA cannot predict how long the review process will take.

Respectfully submitted,

A handwritten signature in cursive script that reads "Robert W. Caplan". The signature is written in black ink and is positioned above a horizontal line.

Robert W. Caplan  
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(Via EPA's internal mail)

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(Via Certified Mail, Return Receipt  
Requested)

Date:

12/17/09



Saundi J. Wilson, Paralegal Specialist  
Office of Air, Pesticides, and Toxics Law