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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA

In the Matter of:)	Docket No. FIFRA-04-2010-3002
)	
Agrimor Int'l Co. and)	SECOND AMENDED CIVIL COMPLAINT
Stockton Chemical Corp.,)	NOTICE OF OPPORTUNITY FOR HEARING
)	
Respondents.)	
_____)

I. SECOND AMENDED CIVIL ADMINISTRATIVE COMPLAINT

A. Jurisdiction and Background

1. This Second Amended Civil Administrative Complaint (Second Amended Complaint) is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. §§ 136 *et seq.* (hereinafter "FIFRA").
2. The Complainant, the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency (hereinafter "EPA"), Region 4, is authorized by the Administrator of EPA and by the Regional Administrator of EPA, Region 4, to issue a complaint on behalf of EPA to persons alleged to be in violation of FIFRA. The Administrator of EPA delegated this authority under FIFRA to the Region 4 Administrator by EPA Delegation 5-14, dated May 11, 1994. The Region 4 Administrator delegated this authority to the Director, Air, Pesticides and Toxics Management Division by EPA Region 4 Delegation 5-14, dated September 7, 2005.
3. EPA's original Civil Administrative Complaint against Respondent, Agrimor Int'l Co. was filed on October 9, 2009, with the Regional Judicial Officer and a copy was served

by U.S. mail and received by Respondent on October 16, 2009. On October 22, 2009, prior to an Answer being filed by Respondent, EPA filed its First Amended Complaint pursuant to 40 C.F.R. § 22.14(c).

4. On February 12, 2010, Respondent Agrimor Int'l Co. filed an Answer to EPA's First Amended Complaint.
5. This Second Amended Complaint is being filed pursuant to the authority of 40 C.F.R. § 22.14(c) and the Order Granting Complainant's Motion for Leave to File Second Amended Complaint, issued by Judge Gunning on December 1, 2010.
6. On information and belief, Respondent Agrimor Int'l Co. is currently located at 20900 Northeast 30th Avenue, Suite 607, Aventura, Florida 33180, and is a Florida corporation doing business at all relevant times in Florida. Respondent was previously located at 18305 Biscayne Boulevard, Suite 304, Aventura, Florida 33160 and 210-174th Street, Sunny Isles Beach, Florida 33160.
7. On information and belief, Respondent Stockton Chemical Corporation, is currently located at 20900 Northeast 30th Avenue, Suite 607, Aventura, Florida 33180, and is a Florida corporation doing business at all relevant times in Florida. Respondent was previously located at 18305 Biscayne Boulevard, Suite 304, Aventura, Florida 33160 and 210-174th Street, Sunny Isles Beach, Florida 33160.
8. On information and belief, Respondents are owned and operated by the same owners, have the same officers, directors, and shareholders, conduct the same or identical type of business operations from the same location, and are subsidiaries or divisions of Stockton Agrimor AG, a foreign company that controls the activities of Agrimor and Stockton.

Actions of Respondent Agrimor are the actions of Stockton Chemical Corporation and vice versa. As such, the companies are alter-egos of one another.

9. Respondents engage in the import and export of pesticides and other chemicals in the United States. Purchases of pesticides from foreign manufacturers and suppliers are often arranged and facilitated by Respondents' parent company, Stockton Agrimor AG.
10. This Second Amended Complaint serves as notice that EPA has reason to believe that Respondents have violated Section 12 of FIFRA, 7 U.S.C. § 136j.

B. Statutory and Regulatory Authority

11. Complainant incorporates by reference paragraphs 1-10 above.
12. Respondents are "persons" as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such are subject to FIFRA and the regulations promulgated thereunder.
13. A "pesticide" is defined by Section 2(u) of FIFRA to include any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
14. A "pest" is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1).
15. The importation of pesticides into the United States is governed by Sections 17(c) and (e) of FIFRA, 7 U.S.C. §§ 136o(c) and 136o(e), and the regulations prescribed thereunder.
16. FIFRA Section 17(c) requires the Secretary of the Treasury to notify the EPA Administrator of the arrival of pesticides in the United States.

17. FIFRA Section 17(e), 7 U.S.C. 136o(e) requires the Secretary of the Treasury, in consultation with the Administrator, to prescribe regulations for the enforcement of FIFRA Section 17(c).
18. Pursuant to FIFRA Section 17(e), the Secretary of the Treasury, through the United States Customs Service, prescribed regulations for the enforcement of Section 17(e) of FIFRA at 19 C.F.R. §§ 12.110-12.117.
19. 19 C.F.R. §12.112(a) requires an importer desiring to import pesticides or devices into the United States to submit to the EPA Administrator a Notice of Arrival of Pesticides and Devices (EPA Form 3540-1) (hereinafter "Notice of Arrival"), prior to the arrival of the shipment in the United States.
20. Through the Notice of Arrival, the importer reports vital information to EPA such as the major active ingredients, quantity, country of origin, carrier, port of entry, and points of contact. This information allows EPA to make informed decisions, before pesticides arrive in the United States, as to whether such importation will pose unreasonable adverse risks to public health and the environment. The Notice of Arrival also provides contact information in the event of an emergency related to the movement of potentially toxic pesticide materials.
21. The Notice of Arrival is a report, required by FIFRA that must be filed with the Administrator prior to the arrival of each pesticide in the United States.
22. Pursuant to Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136(a)(2)(N), it is unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to fail to file reports required by FIFRA.

23. Pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful for any person to distribute or sell to any person any pesticide that is not registered under Section 3 of FIFRA, 7 U.S.C. 136a.
24. "To distribute or sell" pesticides is defined in Section 2(gg) to mean "to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver."
25. Pursuant to 40 C.F.R. § 168.75(c) , an exporter of unregistered pesticides must submit to EPA a purchaser acknowledgment statement containing the following information:
(1) name, address and EPA identification number (if applicable) of the exporter; (2) name and address of the foreign purchaser; (3) identity of the product and the active ingredient(s); (4) the country or countries of final destination; (5) statement from the foreign purchaser acknowledging that the product is not registered for use in the United States and cannot be sold in the United States; (6) the signature of the foreign purchaser; and (7) date of the foreign purchaser's signature.
26. Pursuant to 40 C.F.R. §§ 168.75(c) and 169.2(h)(3), exporters of unregistered pesticides are required to maintain copies of a statement signed by the foreign purchaser of the pesticide acknowledging that the purchaser understands that such pesticide is not registered for use in the United States and cannot be sold in the United States under the Act.
27. Pursuant to Section 2(q)(1)(H) of FIFRA, 7 U.S.C. §136(2)(q)(1)(H), an unregistered pesticide intended for export is misbranded when the label does not contain, in words

prominently placed thereon with conspicuousness, the following: "Not Registered for Use in the United States of America."

C. Factual Allegations

28. Complainant incorporates by reference herein paragraphs 1-27 above.
29. On or about December 10, 2004, an inspector with the Florida Department of Agriculture and Consumer Services (FDACS), duly appointed by the EPA Administrator, conducted an import-related inspection at Respondents' facility, previously located at 210-174th Street, Sunny Isles Beach, Florida 33160, in response to a reported spill of a pesticide (Endosulfan) that had been imported by Respondents and was traveling by rail through Hialeah, Florida.
30. Documentary evidence collected by FDACS during the inspection showed that on July 25, 2004, Respondent Agrimor arranged to purchase the following three pesticides from Qinfeng Pesticides Co., Ltd., Shenzhen, China (Purchase Order #AG-119-04): Endosulfan 35% EC (16,000 kgs.), Cymoxanil 80% WP (1,500 kgs.), and Fosetyl-al 80% WP (1,000 kgs.).
31. Copies of Respondent Agrimor's Material Safety Data Sheets collected during the FDACS inspection for each of the pesticides purchased, identify the products as pesticides under FIFRA.
32. Endosulfan is described as an "insecticide" / "organochlorine pesticide"; Cymoxanil is described as a "Fungicide for downy mildew"; and Fosetyl Aluminum is described as a "Bactericide, systemic fungicide."
33. Endosulfan 35%, Cymoxanil 80% , and Fosetyl-al 80% are "pesticides" as defined in

- Section 2(u) of FIFRA, 7 U.S.C. § 136(u), in that they are substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating a pest.
34. The Endosulfan 35%, Cymoxanil 80% , and Fosetyl-al 80% pesticides imported by Respondent as described above were not registered with EPA under Section 3 of FIFRA, 7 U.S.C. 136a.
 35. A Certificate of Origin dated September 27, 2004, collected during the FDACS inspection, identified “Shenzhen Qinfeng Pesticides Co., Ltd., via Agrimor Int’l Co.” as the Exporter, “Agrimor Int’l c/o Lufran Int’l Corp.” as the Consignee, and state “Products for Use in Agriculture – In Transit to Honduras – Total Four Hundred and Twenty Five Packages Only.”
 36. The FDACS inspector also collected a Bill of Lading (#EURFF04910926MIM), dated September 29, 2004, prepared by Eurasia Freight Service, Inc., a freight forwarder, listing Agrimor as the shipper and consignee, that reflects the port of loading of the aforementioned pesticides as Port of Shanghai, China, the port of discharge as the Port of Long Beach, California, for final destination to the Port of Miami, Florida, for eventual transit of “Four Hundred and Twenty Five Packages Only” from Miami to Honduras.
 37. Subsequent to the filing of the original Complaint on October 16, 2009, EPA received additional documentation from the Florida Department of Environmental Protection which included, in part, Commercial Invoice #AG-120-04A and related Packing Lists #AG-120-04A1 thru #AG-120-04A3 from Agrimor Int’l Co. to Suragroh Honduras dated October 25, 2004.
 38. The aforementioned Commercial Invoice and Packing Lists also reference Bill of Lading

#EURFF04910926MIM and describe Four Hundred Twenty Five (425) Packages of the following eleven unregistered pesticides: "Acetamiprid" (4,000 kgs.), "Endosulfan" (16,000 lbs.), "Cymoxanil" (1,500 kgs.), "Paraquat" (16,000 lbs.), "Fenprothrin" (5,000 lbs.), "Abamectin" (2000 lbs.), "Lambda-Cyhalothrin (1,000 lbs.), "Oxamyl" (2,000 lbs.), "Fosetyl Al" (1,000 kgs.), "Metamidofos" (3,000 lbs.), and "Dimethomorph" (500 kgs.).

39. Commercial Invoice #AG-120-04A also states as to the Terms of Payment, "Post-Dated U.S. Bank Check – 150 Days After Arrival of Product in Miami, Florida – Make Check To: Agrimor Int'l Co."
40. On or after October 22, 2004, the eleven aforementioned pesticides arrived in the Port of Long Beach, California. On or after October 22, 2004, the pesticides were transported by rail to the Port of Miami. When the train carrying the pesticides arrived at the Hialeah (Miami) rail yard sometime after October 22, 2004, some quantity of the Endosulfan pesticide was discovered to have spilled or leaked from a container on a railcar necessitating a cleanup by the transport company.
41. The pesticides were subsequently transported from Miami to Port Everglades, Florida where they arrived on or about January 5, 2005.
42. A Notice of Arrival of Pesticides and Devices (NOA) was not submitted to EPA for any of the eleven imported pesticides referenced in paragraph 38 prior to their arrival in the United States at the Port of Long Beach, California.
43. On information and belief, some time after January 5, 2005, some or all of the eleven pesticides imported by Respondents were exported by Respondents from Port Everglades to South America.

44. Subsequent to the filing of the First Amended Complaint, EPA received additional documentation from the United States Customs and Border Protection (USCBP), Port of Miami, evidencing Respondents' importation into the United States of at least seven additional unregistered pesticide products in eleven additional, separate shipments between March 8, 2005, and October 24, 2008.
45. Respondents' eleven importations referenced in paragraph 44 involved the following seven unregistered pesticides: "Acetamiprid" (4 shipments), "Chlortalonyl" (2 shipments), "Dimethomorph" (1 shipment), "Metalaxyl" (1 shipment), "Abamectin" (1 shipment), "Glyphosate" (1 shipment), and "DSVN - Toxic Solid Organic, N.O.S. - CHLO (1 shipment)."
46. USCBP records of the imported pesticides show the shippers for various shipments as Agrimor International, Stockton Agrimor and Stockton Chemical Corporation, and the consignees in the United States as Stockton and Agrimor Int'l Company.
47. A Notice of Arrival was not submitted to EPA by Respondents for any of the seven unregistered pesticides referenced in paragraph 45 above prior to each shipment's arrival in the United States.
48. Based on information and belief, Respondents exported the unregistered pesticides listed in paragraphs 38 and 45 to purchasers in foreign countries. Respondents failed to submit foreign purchaser acknowledgment statements to EPA as required by 40 C.F.R. § 168.75(c). Respondents have not maintained foreign purchaser acknowledgement statements as required by 40 C.F.R. § 168.75(c)(3) and 40 C.F.R. § 169.2(h)(3).
49. The labels on drums of pesticides imported for export by Respondents including

“Endosulfan”, “Cymoxanil”, and “Fosetyl Al” did not contain, in words prominently displayed thereon with such conspicuousness as to render it likely to be noted by the ordinary individual under customary conditions of purchase and use, the statement “Not Registered for Use in the United States of America” as required by Section 2(q)(1)(H) of FIFRA.

D. Allegations of Violations

Counts 1-11: Failure to File Notices of Arrival for Pesticides Imported in October 2004

50. Complainant incorporates by reference herein paragraphs 1-49 above.
51. Respondents distribute pesticides and are, therefore, distributors subject to the requirements of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).
52. Respondents violated FIFRA Section 12(a)(2)(N) by failing to file reports required by FIFRA Section 17(e) and 19 C.F.R. § 12.112(a).
53. Respondents failed to file a Notice of Arrival with EPA for each of the eleven unregistered pesticides referenced in paragraph 38 prior to their arrival in the United States in October 2004.
54. By failing to file a Notice of Arrival for each of the eleven unregistered pesticides prior to their arrival in the United States, Respondents committed eleven separate violations of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

Counts 12-22: Distributing Unregistered Pesticides

55. Complainant incorporates by reference herein paragraphs 1-54 above.
56. Respondents violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by

distributing pesticides that were not registered under Section 3 of FIFRA,

7 U.S.C. § 136a.

57. By distributing eleven unregistered pesticides in the United States, Respondents committed eleven separate violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Counts 23-33: Failure to File NOAs for Additional Pesticides Imported Between 2005-2008

58. Complainant incorporates by reference herein paragraphs 1-57 above.
59. Respondents distribute pesticides and are, therefore, distributors subject to the requirements of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).
60. Respondents violated FIFRA Section 12(a)(2)(N) by failing to file reports required by FIFRA Section 17(e) and 19 C.F.R. § 12.112(a).
61. Respondents failed to file a Notice of Arrival with EPA for each of the seven unregistered pesticides referenced in paragraphs 45 prior to their arrival in the United States.
62. By failing to file a Notice of Arrival for each of the eleven shipments of the seven unregistered pesticides prior to their arrival in the United States, Respondents committed eleven separate violations of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N).

Counts 34-44: Distributing Unregistered Pesticides

63. Complainant incorporates by reference herein paragraphs 1-62 above.
64. Respondents violated Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), by distributing pesticides that were not registered under Section 3 of FIFRA, 7 U.S.C. § 136a.
65. By distributing seven unregistered pesticides in the United States, between March 8, 2005

and October 24, 2008, on eleven separate occasions, Respondents committed eleven separate violations of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 45: Violations of Export & Record Keeping Requirements

66. Complainant incorporates by reference herein paragraphs 1-65 above.
67. Respondents violated 40 C.F.R. § 168.75(c) by failing to submit foreign purchaser acknowledgement statements to EPA pertaining to exports of the unregistered pesticides listed in paragraphs 38 and 45 above.
68. Respondents violated 40 C.F.R. §§ 168.75(c)(3) and 169.2(h)(3) by failing to maintain copies of foreign purchaser acknowledgement statements pertaining to exports of the unregistered pesticides listed in paragraphs 38 and 45 above.
69. By failing to prepare, maintain, or submit records required by Section 8 of FIFRA, 7 U.S.C. § 136f, 40 C.F.R. § 168.75(c)(3), and 40 C.F.R. § 169.2(h)(3) for the pesticides listed in paragraphs 38 and 45 above. Respondents violated Section 12(a)(2)(B)(i) of FIFRA, 7 U.S.C. § 136j(a)(2)(B)(i). Respondents exported pesticides to a number of foreign purchasers, however, at the time this Second Amended Complaint is being filed, EPA does not have complete information on the number of foreign purchasers; therefore, EPA has decided to compress these violations into one count, and to reserve its rights to further amend the Complaint to allege additional counts when the number of foreign purchasers is determined.

Counts 46-47: Misbranding Violations

70. Complainant incorporates by reference paragraphs 1-69 above.

71. Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person to distribute or sell to any person any pesticide which is misbranded.
72. Pursuant to Section 2(q)(1)(H) of FIFRA, 7 U.S.C. § 136(2)(q)(1)(H), an unregistered pesticide intended for export is misbranded when the label does not contain, in words prominently placed thereon with conspicuousness, the following: "Not Registered for Use in the United States of America."
73. The labeling on the drums and containers of pesticides imported for export by Respondents including "Endosulfan" and "Cymoxanil" referenced in paragraph 38 did not have the required statement: "Not Registered for Use in the United States of America."
74. By selling or distributing two misbranded pesticides, Respondents committed two violations of Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E).

E. Proposed Penalty

Section 14 of FIFRA, 7 U.S.C. § 136l(a)(1), in conjunction with the Civil Monetary Inflation Adjustment Rule, 40 CFR Part 19, authorizes EPA to assess a civil penalty not to exceed \$6,500 for each violation that occurred on or after March 15, 2004 through January 12, 2009. EPA proposes to assess a total civil penalty of \$300,238 against the Respondents for the violations set forth in Counts 1-47 above.

F. Appropriateness of Proposed Penalty

The proposed penalty has been derived in accordance with the July 2, 1990, Enforcement Response Policy (ERP) for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for a Category I Respondent and in accordance with the Debt Collection Improvement Act of 1996,

and the Civil Monetary Inflation Adjustment Rule, 61 Fed. Reg. 69,360 (December 31, 1996), which provides for a 10% increase in the statutory maximum for violations of federal statutes after January 31, 1997, and a subsequent increase of 10% for violations occurring after March 15, 2004, 69 Fed. Reg. 7121 (February 13, 2004) and before January 12, 2009.

As set forth in the policy and Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), in determining the amount of the penalty, Complainant must take into consideration the size of the Respondents' business, the effect on the Respondents' ability to continue in business, and the gravity of the violation. Prior to filing its Answer, Respondent Agrimor asserted that it was financially unable to pay the penalty proposed in the First Amended Complaint. On or about January 11, 2010, Respondent submitted certain financial documentation for EPA's review. EPA's financial analyst reviewed the documentation and concluded that Respondent Agrimor could pay the penalties proposed in the First and Second Amended Complaints. Included in the financial documentation was information about Respondent Stockton Chemical Corporation. The information indicates that Agrimor alone, or the two companies together, are capable of paying the penalty proposed in this Second Amended Complaint.

Respondents have been placed into Category I size of business (total business revenues of greater than \$1,000,000 per year) in accordance with the ERP's directions for determining the size of business. If the categorization is incorrect, the proposed penalty will be adjusted upon the submission of reliable financial information indicating that another category is appropriate.

II. NOTICE OF OPPORTUNITY FOR HEARING

A. Answer and Request for Hearing

The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil

Penalties and the Revocation/Termination or Suspension of Permits," 40 CFR Part 22 (Consolidated Rules) govern the procedures of the hearing. A copy of the Consolidated Rules accompanied the Initial Complaint that was served on Respondent Agrimor. Under these rules, you have the right to request a formal hearing to contest any material fact set forth in this Second Amended Complaint and/or to contest the appropriateness of the proposed penalty.

You must file a written Answer within 20 days of your receipt of this Second Amended Complaint to avoid being found in default. Default constitutes an admission by you of all facts alleged in the Second Amended Complaint, waives your right to a hearing, and results in having the above-cited penalty assessed without further proceedings.

Your Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in this Second Amended Complaint with regard to which you have knowledge. If you have no knowledge of a particular fact and so state, the allegation is considered denied. Failure to deny an allegation constitutes an admission. Your Answer must also briefly state all facts and circumstances, if any, which constitute grounds for a defense and specifically request an administrative hearing (if desired). If you deny any material fact or raise any affirmative defense, you will be considered to have requested a hearing.

Your written Answer to the Second Amended Complaint should be sent to:

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

A copy of the Answer should also be sent to:

Mr. Robert Caplan
Senior Attorney
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Mr. Mark Bloeth
Enforcement Officer
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303.

B. Informal Settlement Conference

Whether or not you request a hearing, you may confer informally with Mr. Caplan at (404) 562-9520 to discuss the facts of this case, the amount of the proposed penalty, or the possibility of settlement. An informal settlement conference does not, however, affect your obligation to file a written Answer to the Second Amended Complaint.

EPA has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement reached with you in an informal conference. The terms of such an agreement would be embodied in a Consent Agreement and Final Order (CAFO). A CAFO signed by EPA and the Respondents would be binding as to all terms and conditions specified therein upon signature by the EPA Regional Judicial Officer.

Please be advised that after the Second Amended Complaint is issued, pursuant to Section 22.8 of the Consolidated Rules, any *ex parte* discussion of the merits of any action with the Administrator, Regional Administrator, Judicial Officer, Regional Judicial Officer, Presiding Officer, or any person likely to advise these officials in the decision of the case, is prohibited. *Ex parte* discussion as used herein means communicating to any of the above officials by one party to a proceeding without notice to, and in the absence of, the other party.

C. Payment of Penalty

If Respondents choose not to contest any of the allegations set forth in this Second Amended Complaint by filing a written Answer, an authorized official of Respondents should

sign and submit an Affidavit of Compliance (in lieu of an Answer) within 30 days stating that the violations have been corrected and pay the proposed penalty. The Affidavit of Compliance should be sent to the Regional Hearing Clerk, EPA, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303. The check must be payable to the "Treasurer, United States of America," and sent to the following Regional Hearing Clerk banking address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000.

The check shall reference on its face the Docket Number FIFRA-04-2010-3002.

12/17/10
Date

Beverly H. Banister
Beverly H. Banister, Director
Air, Pesticides, and Toxics
Management Division
U.S. EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Second Amended Complaint in the Matter of: **Agrimor Int'l Co. / Stockton Chemical Corporation, Docket No. FIFRA-04-2010-3002**, on the parties listed below in the manner indicated.

Mr. Stephen J. Darmody
Shook, Hardy & Bacon, L.L.P
Miami Center, Suite 2400
201 South Biscayne Boulevard
Miami, Florida 33131-4332

(via Certified Mail / Return Receipt)

Mark Bloeth
Chemical Products
& Asbestos Section
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303

(via EPA's internal mail)

Mr. Robert Caplan
Senior Attorney
Office of Environmental Accountability
U.S. EPA - Region 4
61 Forsyth Street
Atlanta, Georgia 30303

(via EPA's internal mail)

Date: 1 5 11


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