

annual pesticides reports for the above facility by March 1 of 2013, March 1 of 2014 and March 1, 2015, respectively, as required.

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this Expedited Consent Agreement and the attached Final Order, (hereinafter "this Agreement").

6. Except as provided in Paragraph 5 of this Agreement, for purposes of this proceeding, Respondent neither admits nor denies the factual allegations and legal conclusions set forth in this Expedited Consent Agreement.

7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Agreement, the issuance of the attached Final Order, or the enforcement of this Agreement.

8. For purposes of this proceeding only, Respondent hereby expressly waives any right to contest any issue of law or fact set forth in this Agreement and any right to appeal the attached Final Order.

9. Respondent consents to the issuance of this Agreement and agrees to comply with its terms and conditions.

10. Each Party to this Agreement shall bear its own costs and attorney's fees.

11. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that to the best of Respondent's knowledge, it is presently in compliance with all requirements of FIFRA, 7. U.S.C. *et seq.*, and all regulations promulgated thereunder.

12. The parties enter into this Agreement in order to settle the civil violation(s) alleged above. Pursuant to FIFRA and the Consolidated Rules of Practice, based on the nature of the violations, and other relevant factors, EPA has determined an appropriate civil penalty to settle this action is **\$1,200**.

13. Respondent agrees that within 30 days of the effective date of this Agreement (the date it is filed with the Regional Hearing Clerk), Respondent shall submit a check with the case name, address and docket number of this Agreement (FIFRA-03-2015-0213), for the amount specified above, payable to "**United States Treasury**," U.S. Environmental Protection Agency, Fines and Penalties, Cincinnati Finance Center, P.O. Box 979077, St. Louis, MO 63197-9000. Copies of the check shall be sent simultaneously to:

Ms. Christine Convery, Enforcement Officer
U.S. Environmental Protection Agency
Region III (Mail Code 3LC62)
1650 Arch Street
Philadelphia, PA 19103

and

Ms. Lydia Guy, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III (Mail Code 3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029.

14. This Agreement settles EPA's civil penalty claims against Respondent for the violations specified above. EPA does not waive its right to take enforcement action against Respondent for any other past, present, or future violations of FIFRA or any other federal statute or regulation.

15. Nothing in this Agreement is intended to, nor shall be construed to operate in any way to resolve, any criminal liability of Respondent, and nothing in this Agreement shall be construed to limit EPA's authority to undertake any action against Respondent in response to conditions that may present an imminent and substantial endangerment.

16. This Agreement is binding on the parties signing below. Upon signature of the parties and approval by the Regional Judicial Officer, this Agreement 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.

17. The undersigned representative certifies that he is fully authorized to execute this Agreement and to legally bind Tricon Chemical Corporation to this Agreement.

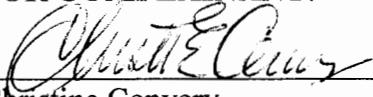
APPROVED BY:

Name (print): IRA A. MOSS

Title (Print): President

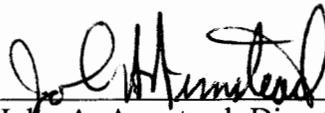
Signature:  Date: 8-20-2015

FOR COMPLAINANT:

 Date: 8/28/2015
Christine Convery
Pesticides Enforcement Officer
EPA Region III

Accordingly, the Land and Chemicals Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator, or his designee, issue the Final Order set forth below.

9.8.15
Date


John A. Armstead, Director
Land and Chemicals Division

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

IN RE:)	DOCKET NO. FIFRA-03-2015-0213
)	
TRICON CHEMICAL CORPORATION)	CONSENT AGREEMENT
8140 CRYDEN WAY)	
FORESTVILLE, MD 20747)	NOTABLY LATE OR NON REPORTING
)	
Respondent)	

FINAL ORDER

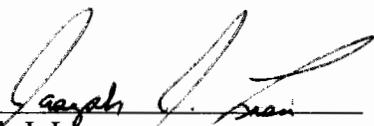
Complainant, the Director of the Land and Chemicals Division, U.S. Environmental Protection Agency - Region III, and the above-captioned Respondent have executed a document entitled "Expedited Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, *as amended*, 7 U.S.C. § 136l(a) ("FIFRA"), and the Consolidated Rules of Practice, and having determined based on the parties' representation in the Consent Agreement that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), **IT IS**

HEREBY ORDERED that Respondent pay a penalty of one thousand two hundred dollars (\$1,200), and comply with the terms and conditions of the Consent Agreement.

The effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Sept 9, 2015
Date



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA - Region III

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN RE: :
: :
TRICON CHEMICAL CORPORATION : DOCKET NO. FIFRA-03-2015-0213
8140 CRYDEN WAY :
FORESTVILLE, MD 20747 :
: :
Respondent :

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Expedited Settlement Agreement and Final Order for the above-referenced matter were hand-delivered to the Regional Hearing Clerk, EPA Region III, and that true and correct copies were mailed via certified mail to the following person(s):

Mr. Ira Arnold Moss, President
Tricon Chemical Corporation
8140 Cryden Way
Forestville, MD 20747

9/11/15
Date


Christine Convery
Enforcement Officer
U.S. Environmental Protection Agency, Region III