



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 19 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Matt Robinson
President
Bugguys, Company, LLC
11877 Douglas Road, Suite 102 PMB 204
Alpharetta, Georgia 30005

Re: Docket No. FIFRA-04-2011-3009(b)
Bugguys, Company, LLC.
Establishment No. 075639-GA-001

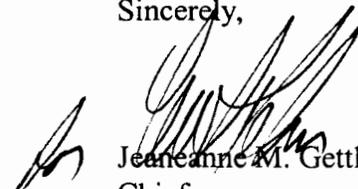
Dear Mr. Robinson:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22.

Should you have any questions about this matter or your compliance status in the future, please call me at (404) 562-8979 or Ms. Mary Summers at (404) 562-8997.

Also enclosed is a copy of a document entitled "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission any environmental enforcement actions taken by EPA.

Sincerely,



Jeanne M. Gettle
Chief
Pesticides and Toxic
Substances Branch

Enclosures

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
ATLANTA, GEORGIA**

In the Matter of:)
)
Bugguys Company, LLC)
)
)
Respondent.)
_____)

Docket No.: FIFRA-04-2011-3009(b)

11 AUG 19 AM 9:06

USEPA, REGION 4
OFFICE OF ENVIRONMENTAL
ACCOUNTABILITY

Hearing Clerk

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. §§ 136 *et seq.* (hereinafter "FIFRA"), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, United States Environmental Protection Agency, Region 4 (EPA). Respondent is Bugguys Company, LLC.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under FIFRA to the Regional Administrators by EPA Delegation 5-14, dated May 11, 1994.
4. Pursuant to 40 C.F.R. § 22.5(c)(4) the following individual is authorized to receive service for EPA in this proceeding:

Mary Summers
Case Development Officer
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303-8960.
5. Respondent is Bugguys Company, LLC, a Georgia corporation, located at 11877 Douglas Road, Suite 102 PMB 204, Alpharetta, Georgia 30005.
6. Respondent is a “person” as defined by Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and as such is subject to FIFRA and the regulations promulgated thereunder.
7. Respondent is a “producer” as defined by Section 2(w) of FIFRA, 7 U.S.C. §136(w), and 40 C.F.R. § 167.3.
8. Respondent’s establishment located at 11877 Douglas Road, Suite 102 PMB-204, Alpharetta, Georgia, is registered with EPA as a pesticide-producing establishment.
9. Respondent’s EPA Establishment Number is 075639-GA-001.

III. EPA's Statement of Facts and Allegations of Violation

10. Producers operating an establishment registered with EPA are required to submit to the Administrator of EPA an annual report which indicates the types and amounts of pesticides or active ingredients which they are currently producing, which they produced during the past year, and which they sold or distributed during the past year, pursuant to Section 7(c)(1) of FIFRA, 7 U.S.C. § 136e(c)(1), and the regulations promulgated at 40 C.F.R. § 167.85.
11. Submittal of the annual report of pesticide-production for calendar years 2009 and 2010 were due on or before March 1, 2010, and March 1, 2011.
12. Respondent failed to submit the annual reports on or before March 1, 2010, and March 1, 2011.
13. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136j(a)(2)(L).
14. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with the Debt Collection Improvement Act of 1996, authorizes the assessment of a civil penalty.
15. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a), requires EPA to consider the appropriateness of the assessed penalty to the size of business of the Respondent, the effect on Respondent's ability to continue in business, and the gravity of the violation.
16. According to Respondent, during calendars 2009 and 2010, it produced no pesticides. Given Respondent's lack of production, EPA proposes to assess no civil penalty against the Respondent for the above-described violations.

IV. Consent Agreement

17. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above, and neither admits nor denies the factual allegations, set forth above.
18. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed final order accompanying the consent agreement.
19. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of FIFRA.
20. Respondent agrees to submit to EPA all future annual pesticide-production reports required under Section 7 of FIFRA, 7 U.S.C. § 136(e), on or before the March 1st due date. Respondent shall send the reports by means of certified mail, return receipt requested, to the following address:

U.S. EPA – Region 4
Atlanta Federal Center
Chemical Products & Asbestos Section
61 Forsyth Street
Atlanta, Georgia 30303-8960.

21. Compliance with this CAFO shall resolve the allegation of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of FIFRA.

V. Final Order

23. Respondent shall pay no civil penalty. As set forth in paragraph 16, EPA has decided that a penalty will not be assessed.
24. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
25. This CAFO shall be binding upon the Respondent, its successors and assigns.
26. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and hereby legally binds party to this CAFO.

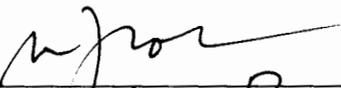
The rest of this page is left intentionally blank.

VI. Effective Date

27. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

AGREED AND CONSENTED TO:

Respondent: Bugguys Company, LLC
Docket No: FIFRA-04-2011-3009(b)

By: 
Name: Matt Robinson
Title: pres

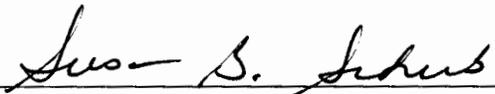
Date: 7-14-11

Complainant: U.S. Environmental Protection Agency

By: 
Beverly H. Banister, Director
Air, Pesticides and Toxics
Management Division

Date: 8/8/11

APPROVED AND SO ORDERED this 18th of August, 2011.


Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Bugguys, Company, LLC, FIFRA Docket Number: 04-2011-3009(b), to the addressees listed below.

Mr. Matt Robinson
President
Bugguys, Company, LLC
11877 Douglas Road, Suite 102 PMB 204
Alpharetta, Georgia 30005

(Via Certified Mail, Return Receipt Requested)

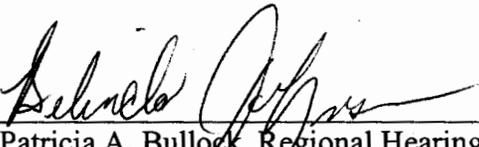
Mary Summers
PCPMS
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(Via EPA's internal mail)

Robert Caplan
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

(Via EPA's internal mail)

Date: 8/19/11


for Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St., SW
Atlanta, GA 30303
(404) 562-9511