



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 28 2007

Ref: 8ENF-UFO

Certified Mail 7005-0390-0000-4847-1651
Return Receipt Requested

Grant Babb, General Manager
Chemstation of Denver
4800 Lima Street
Denver, CO 80239

Re: Stop Sale, Use or Removal Order for
Chemstation 3030 (EPA Reg. No. 65072-20001)

Dear Mr. Babb:

On May 18, 2007 and again on August 1, 2007, an inspector from the United States Environmental Protection Agency (EPA) conducted inspections of Chemstation of Denver to determine compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). During those inspections, it was determined that one of the two EPA registered pesticides produced by Chemstation of Denver was Chemstation 3030 (EPA registration number 65072-20001).

Chemstation 3030 (EPA registration number 65072-20001) is a 100% repackaging registration based on Van Waters and Rogers Inc. LiquiChlor (EPA registration number 550-20001). Chemstation 3030's registration is for a 12.5 % sodium hypochlorite active ingredient product and Chemstation can only repackage using LiquiChlor (EPA registration number 550-20001).

During EPA's May and August 2007 inspections, it was determined that Chemstation of Denver is producing Chemstation 3030 using a different registered pesticide, Dixichlor (EPA registration number 813-16) purchased from DPC Industries, Inc. Dixichlor contains 10% sodium hypochlorite active ingredient, not the 12.5% sodium hypochlorite active ingredient claimed on the Chemstation 3030 label. In addition, Dixichlor is not the pesticide that Chemstation listed in the 100% repackaging registration.

As a result of the above discrepancies, Chemstation of Denver is in violation of FIFRA § 12(a)(1)(C), 7 U.S.C. § 136j(a)(1)(C), which provides in relevant part that that it shall be unlawful for any person in any State to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under FIFRA § 3, 7 U.S.C. 136a.

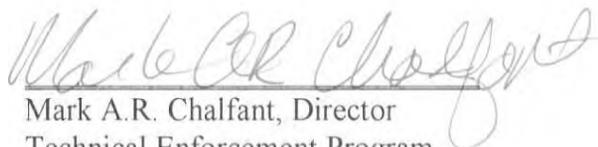


Based on this violation EPA is issuing the enclosed Stop Sale, Use, Or Removal Order (Enclosure 1) pertaining to all Chemstation 3030 under your control and strongly recommend that your company take immediate steps to correct the problems with this product.

The Agency will monitor and supervise this action through the Office of Enforcement, Compliance & Environmental Justice, U.S. EPA Region VIII, 1595 Wynkoop Street, Denver, CO 80202. You are requested to contact Amy Hambrick at (303) 312-6883 to discuss your proposed follow-up. Regardless of your actions, the Agency is issuing a Stop Sale, Use or Removal Order (SSURO) pursuant to FIFRA Section 13, 7 U.S.C. § 136k, at this time and may also issue a civil administrative action pursuant to FIFRA Sections 14, 7 U.S.C. § 136l.

You have the opportunity to discuss this action with EPA. You are encouraged to present your views either orally or in writing. Thank you for your cooperation.

Sincerely,



Mark A.R. Chalfant, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures: Stop Sale, Use, Or Removal Order

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2007 SEP 20 11:51:09

Docket No.: FIFRA-08-2007-0015

To:

Chemstation of Denver
4800 Lima Street
Denver, Colorado 80239

STOP SALE, USE, OR
REMOVAL ORDER

A. INTRODUCTION

1. The United States Environmental Protection Agency (EPA) is authorized under Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136(k)(a), to issue orders prohibiting the sale, use, or removal of any pesticide whenever there is reason to believe the pesticide is in violation of any provision of FIFRA.
2. The Director of the Technical Enforcement Program has been duly delegated the authority to issue such orders.
3. FIFRA § 12(a)(1)(C), 7 U.S.C. § 136(j)(a)(1)(C), provides that it shall be unlawful for any person in any State to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under FIFRA § 3, 7 U.S.C. 136a.

B. ORDER

4. EPA hereby orders Chemstation of Denver to stop the sale, use, or removal of Chemstation 3030 (EPA registration number 65072-20001) that is owned by, controlled by, or in the custody of Chemstation of Denver.
5. This Order pertains to all quantities and sizes of Chemstation 3030 within the ownership, control, or custody of Chemstation of Denver that were produced using any source of sodium hypochlorite other than the source listed on the Chemstation 3030 registration. The product shall not be sold, used, or removed other than in accordance with the provisions of this Order or any further Stop Sale, Use, or Removal Order that may be issued to Chemstation of Denver in connection with Chemstation 3030.
6. Any person violating the terms or provisions of this Order shall be subject to CIVIL or CRIMINAL PENALTIES or both as set forth in FIFRA § 14, 7 U.S.C. § 136l.
7. This order shall be EFFECTIVE IMMEDIATELY upon receipt by any representative of Chemstation 3030.

C. BASIS FOR ORDER

8. On May 18, 2007 and again on August 1, 2007, an inspector from the United States Environmental Protection Agency (EPA) conducted inspections of Chemstation of Denver to determine compliance with FIFRA. During those inspections, it was determined that one of the two EPA registered pesticides produced by Chemstation of Denver was Chemstation 3030 (EPA registration number 65072-20001).

9. Chemstation 3030 (EPA registration number 65072-20001) is a 100% repackaging registration based on Van Waters and Rogers Inc. LiquiChlor (EPA registration number 550-20001). The registration denotes sodium hypochlorite at 12.5% as its active ingredient.

10. Chemstation of Denver repackages Chemstation 3030 using a different EPA registered pesticide, Dixichlor (EPA registration number 813-16) purchased from DPC Industries, Inc. Dixichlor contains 10% sodium hypochlorite as its active ingredient.

11. As the seller and distributor of a pesticide, you are in violation of FIFRA § 12(a)(1)(C), 7 U.S.C. § 136j(a)(1)(C), which provides in relevant part that that it shall be unlawful for any person in any State to distribute or sell to any person any registered pesticide the composition of which differs at the time of its distribution or sale from its composition as described in the statement required in connection with its registration under section 3.

D. OTHER MATTERS

12. For resolution of this Order, you are encouraged to contact:

Amy Hambrick
US EPA Region 8 (ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6883

13. This Stop, Sale, Use or Removal Order will be supervised by the US EPA Region 8 Technical Enforcement Program unless you are otherwise notified.

9/28/07

Date

Mark A.R. Chalfant

Mark A.R. Chalfant Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **STOP SALE, USE OR REMOVAL ORDER** in the matter **CHEMSTATION OF DENVER, DOCKET NO.: FIFRA-08-2007-0015** was filed with the Regional Hearing Clerk on September 28, 2007.

Further, the undersigned certifies that a true and correct copy of the document was delivered to David Janik, Enforcement Attorney, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt requested on September 28, 2007, to:

Grant Babb, General Manager
Chemstation of Denver
4800 Lima Street
Denver, CO 80239

September 28, 2007



Tina Artemis
Paralegal/Regional Hearing Clerk

