

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

09/24/09

HEARING CLERK

2009 SEP 29 AM 7:33

RECEIVED  
EPA REGION IV

The following is an answer to the civil complaint served by US EPA Region 4(docket number-FIFRA-04-2009-3027):

I, Timothy Lowder, was not present when said inspection by an appointed EPA Administrator was performed. Kim Smith, secretary and sales supervisor, was present and spoke to the inspector.

In response to Count 1 (#9), it is my understanding that an inspector conducted an inspection at Spring Lake Gardens, Inc. on or about May 30, 2006. It is my understanding that the inspector indentified a product received from a distributor: Vereen's 18-5-9 w/.86% Pendimethalin 25% PSCU. It is denied that this product was being offered for sale on premises by Spring Lake Gardens, Inc. At the time, I was unaware that we had received a product that did not have proper labeling. I had ordered the same product received previously (Andersens 22-0-6 w/ Pendimethalin.) It is my understanding that Vereen's was incorporated on a pallet of miscellaneous products from Coor Farm Supply located in Smithfield, NC of which we ordered a combination fertilizer/crabgrass preventer for our own end use. I was and am aware that a product of this nature cannot be sold to the public without proper labeling. The product was still on the pallet that had been set off the truck delivered by Coor Farm Supply. I believe the product was sent by mistake by the distributor. Previously and up to that present time, I had received and used from Coor Farm Supply a product by Andersen labeled 22-0-6 w/ Pendimethalin. I am including a letter from Mr. Ozzie Coor indicating that an incorrect product was sent. The fact is I had never ordered that product previously and that I did order Andersen 22-0-6 w/Pendimenthalin. I am including an invoice showing a previous shipment of this product described above. All these products were for our own end use. We had no knowledge of being in violation of any law by receiving this pallet of goods. It is my understanding that Mrs. Smith explained to the inspector that we did not have this product out for sale at Spring Lake Gardens, Inc., that we had received a different product previously with

complaint indicates.

Please contact if additional information is needed.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Lowder". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tim Lowder

cc: Marlene Tucker  
Phillip Beard



COOR FARM SUPPLY SERVICE, INC.

P.O. BOX 525  
SMITHFIELD, NORTH CAROLINA 27577  
(919) 934-4573 • 1-800-999-4573 • Fax (919) 934-1216



2009 SEP 29 AM 7:34

HEARING CLERK

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NPA REGION 11

Tim,

This note is in reference to your earlier call. You stated that an inspector with NCDALCS found product in your warehouse that was supposed to be for your end use. This product was fertilizer with an herbicide impregnated on it.

I am not personally familiar with this particular transaction but sounds like an incorrect product was sent.

I know that you were sent correct product many times for your end use.

Sincerely

Ozzie Coor