

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
901 NORTH 5th STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTERS OF)	
)	
FRM Chem, Inc., <i>et al.</i>)	Docket Nos. FIFRA-07-2008-0035
Advanced Products Technology, Inc. <i>et al.</i>)	FIFRA-07-2008-0036
Synisys, Inc. <i>et al.</i>)	FIFRA-07-2009-0041
Custom Compounders, Inc. <i>et al.</i>)	FIFRA-07-2009-0042
)	
)	
Respondents)	

JOINT PREHEARING STIPULATIONS

Complainant Environmental Protection Agency (“EPA”) and Respondents FRM Chem, Inc., Advanced Products Technology, Inc., Synisys, Inc., Custom Compounders, Inc., Keith G. Kastendieck, and Karlan C. Kastendieck (collectively, “Respondents”), by undersigned Counsel, hereby stipulate to the following exhibits and facts in the above-captioned matters:

I. Exhibits.

EPA stipulates to admit into evidence at hearing all documents included in Respondents’ Prehearing Exchange (March 1, 2010), with the exception of Respondents’ Exhibits 46 and 47.

Respondents stipulate to admit into evidence at hearing the following documents included in Complainant’s Prehearing Exchange (January 15, 2010), Rebuttal Prehearing Exchange (March 15, 2010), and Supplemental Prehearing Exchange (August 17, 2010):

Joint Prehearing Stipulations

- Complainant's Prehearing Exchange (January 15, 2010) Exhibits: 1-1h inclusive, 2-2b inclusive, 5, 6, 8, 10-18 inclusive, 19b-19k inclusive, 21, 22, 25-34 inclusive, 37-41 inclusive, 43, 44, 46-66 inclusive
- Complainant's Attachments to Rebuttal Prehearing Exchange (March 15, 2010):
 - In their entirety: Attachments A-D inclusive, J-M inclusive, R, T-V inclusive
 - As to authenticity only, with Respondent reserving the right to make evidentiary objections: Attachments E-I inclusive, W, X, Z, BB, CC
- Complainant's Supplemental Prehearing Exchange (August 17, 2010) Exhibits: 67-71 inclusive, 77

II. Facts.

For paragraphs 1 through 14 below, Complainant and Respondents stipulate to the accuracy of the factual assertions contained therein and to their relevance to the above-captioned matters.

1. FRM Chem, Inc., a producer of pesticides and cleaning chemicals, was incorporated in Missouri in 1968, and is registered with the U. S. Environmental Protection Agency (EPA) as a pesticide producer, EPA Establishment Number 10366-MO.
2. Corporate officers listed on the Annual Registration Reports for FRM Chem, Inc., filed in 2004-2007 with the Missouri Secretary of State include: Raymond E. Kastendieck, Keith G. Kastendieck, and Ann P. Kastendieck.
3. FRM Chem, Inc., was administratively dissolved as a corporation by the state of Missouri as of July 1, 2008.
4. Custom Compounds, Inc., was incorporated in Georgia in November of 1986.
5. Corporate officers listed on the Annual Registration for Custom Compounds, Inc., filed 4/30/2007 with the Georgia Secretary of State include: Raymond Kastendieck, Karlan Kastendieck, and A.P. Kastendieck.

Joint Prehearing Stipulations

6. Advanced Products Technology, Inc. was incorporated in Missouri by Ann P. Kastendieck in December of 2003, and lists as its principal place of business or corporate headquarters 50 Hi-Line Dr., Union MO.
7. Corporate officers listed on the Annual Registration Reports for Advanced Products Technology, Inc., filed in 2004-2010 with the Missouri Secretary of State include: Raymond E. Kastendieck and Ann P. Kastendieck.
8. Synisys, Inc. was incorporated in Missouri by Ann P. Kastendieck in December of 2003, and lists as its principal place of business or corporate headquarters 50 Hi-Line Dr., Union MO.
9. Corporate officers listed on the Annual Registration Reports for Synisys, Inc., filed in 2004-2010 with the Missouri Secretary of State include: Raymond E. Kastendieck and Ann P. Kastendieck.
10. FRM Chem, Inc. previously had P.O. Box 207 in Washington, Missouri. At all times set forth in the Complaints, P.O. Box 1612 in Washington, Missouri received mail for FRM Chemical, Raymond Kastendieck and Ann Kastendieck. The street address listed for P.O. Box 1612 is 60 Hi-Line Drive in Union, Missouri.
11. P.O. Box 1656 in Washington, Missouri, receives mail in the following names: Synisys, Inc.; Industrial Specialties, Inc.; Pool Solutions Midwest, Inc.; Advanced Products Technology, Inc. The street address listed for P.O. Box 1656 is 3007 Brighton Lane in Washington, Missouri, the home address of Raymond E. Kastendieck.
12. Raymond E. Kastendieck, Ann P. Kastendieck, Keith G. Kastendieck, and Karlan C. Kastendieck are the principal stockholders, corporate officers, and members of the board of directors for Respondents FRM Chem, Inc., Advanced Products Technology, Inc., Synisys, Inc., and Custom Compounders, Inc., each indicate that for each of the four Respondent corporations. Custom Compounders, Inc. has two other corporate stockholders, officers and members of the board of directors: Janice Kastendieck and Alan Kastendieck.
13. Keith Kastendieck has been employed by FRM Chem, Inc. since approximately 1982 and at all times relevant to the Complaints in the above-captioned matters, has been employed as the plant manager of the businesses located at 50 and 60 Hi-line Drive in Union, Missouri.
14. Ann Kastendieck is the business manager for the named Respondents in the above-captioned matters, and for Pool Solutions Midwest, Inc., and Industrial Specialties, Inc.

Joint Prehearing Stipulations

For paragraphs 15 through 23 below, Complainant and Respondents stipulate to the accuracy of the factual assertions contained therein, but Respondents reserve the right to object as to their relevance to the above-captioned matters.

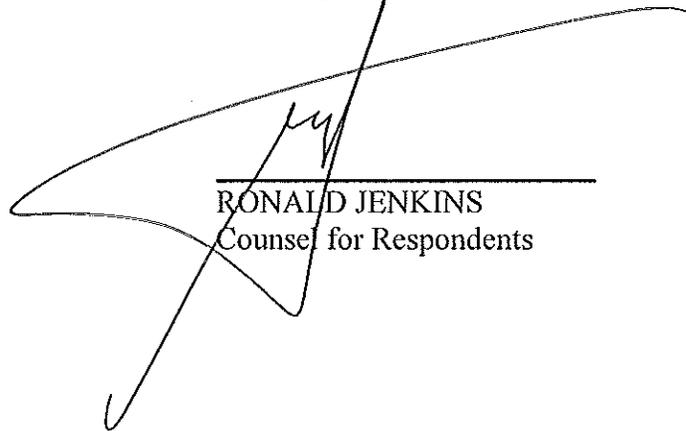
15. V.L. Clark Chemical Company, Inc. was incorporated in Missouri in December 1991, and lists as its principal place of business or corporate headquarters 60 Hi-Line Dr., Union MO.
16. Corporate officers listed on the Annual Registration Reports for V.L. Clark Chemical Company, Inc., filed in 2004-2010 with the Missouri Secretary of State include: Ann P. Kastendieck and Keith G. Kastendieck.
17. The assets of a business called "Industrial Specialties" were purchased by FRM Chem, Inc. in 1998, and Industrial Specialties, Inc. was incorporated in Missouri by Ann P. Kastendieck in December of 2003, with a listed principal place of business or corporate headquarters at 50 Hi-Line Dr., Union MO.
18. Corporate officers listed on the Annual Registration Reports for Industrial Specialties, Inc., filed in 2004-2010 with the Missouri Secretary of State include: Raymond E. Kastendieck and Ann P. Kastendieck.
19. KLARK Holdings, LLC was organized as a limited liability company in Missouri by Ann P. Kastendieck in December of 2003, with an address listed as 50 Hi-Line Drive, Washington, MO.
20. Pool Solutions Midwest, Inc. was incorporated in Missouri by Ann P. Kastendieck in December of 2003, and which lists as its principal place of business or corporate headquarters 60 Hi-Line Dr., Union MO.
21. Corporate officers listed on the Annual Registration Reports for Pool Solutions Midwest, Inc., filed in 2004-2010 with the Missouri Secretary of State include: Raymond E. Kastendieck and Ann P. Kastendieck.
22. Chemicals, Pharmaceuticals, and Intermediates, Inc. is a Missouri corporation incorporated in 1978 which lists as its principal place of business or corporate headquarters 60 Hi-Line Dr., Union MO.
23. Corporate officers listed on the Annual Registration Reports for Chemicals, Pharmaceuticals, and Intermediates, Inc., filed in 2004-2010 with the Missouri Secretary of State include: James McQuie and Ann P. Kastendieck.

Joint Prehearing Stipulations

^{26th} CRD
DATED this 27th day of August, 2010.


CHRIS DUDDING


KENT JOHNSON
Assistant Regional Counsels
EPA Region 7


RONALD JENKINS
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2010, I hand-delivered the original of this Joint Prehearing Stipulations to the Regional Hearing Clerk, and sent one true and correct copy:

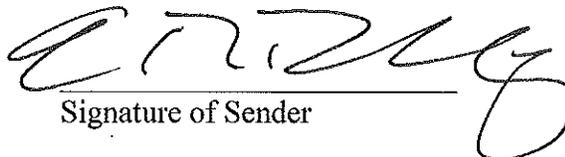
via email, to:

Ronald E. Jenkins
Jenkins & Kling, PC
10 S. Brentwood Blvd., Ste. 200
St. Louis, MO 63105

via UPS, to:

Judge Barbara Gunning
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, Suite 350
Washington, D.C. 20005

Office of the Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, Suite 350
Washington, D.C. 20005


Signature of Sender