

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA, GEORGIA**

In the Matter of:

**Weylchem US, Inc.**

Respondent.

Docket No. **FIFRA-04-2020-0715(b)**

**CONSENT AGREEMENT**

**I. NATURE OF ACTION**

1. This is an administrative penalty assessment proceeding brought under Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. § 136l(a) (FIFRA or the Act), and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.) Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions of FIFRA and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

**II. PARTIES**

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, who has been delegated the authority on behalf of the Administrator of the United States Environmental Protection Agency (EPA) to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

5. Respondent is **Weylchem US, Inc.**, a domestic corporation doing business in the State of South Carolina. This proceeding pertains to Respondent's facility located at 2114 Larry Jeffers Road, Elgin, South Carolina (EPA Establishment Number 33973-SC-1) (Facility).

### III. GOVERNING LAW

6. Weylchem US, Inc. (Weylchem or 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. The term "pesticide" is defined by Section 2(u) of FIFRA, 7 U.S.C. § 136(u), to mean any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
8. A "pest" is defined in Section 2(t) of FIFRA, 7 U.S.C. § 136(t), as any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator declares to be a pest under Section 25(c)(1) of FIFRA, 7 U.S.C. § 136w(c)(1).
9. The term "establishment" is defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd) and 40 C.F.R. § 167.3, to mean any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.
10. Pursuant to Section 2(q)(1)(E) of FIFRA, 7 U.S.C. § 136(q)(1)(E), a pesticide is misbranded if any word, statement, or other information required by or under authority of FIFRA to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
11. Pursuant to Section 2(q)(1)(F) of FIFRA, 7 U.S.C. § 136(q)(1)(F), a pesticide is misbranded if the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under Section 3(d) of FIFRA, 7 U.S.C. § 136a(d), are adequate to protect health and the environment.
12. Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.
13. The term "to distribute or sell" as defined by Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg) and 40 C.F.R. § 152.3, includes to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, or "release for shipment".
14. Pursuant to Section 17(c) FIFRA, 7 U.S.C. § 136o(c) and the regulations at 19 C.F.R. § 12.112, an importer desiring to ship pesticides or pesticide devices into the United States is required to submit to the EPA Administrator a Notice of Arrival of Pesticides and Devices

(NOA) [EPA Form 3540-1], prior to the arrival of the shipment(s) into the United States, or, as an alternative to submitting an NOA, the importer or its agent may file an entry via the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment (ACE) Data Processing System.

#### IV. FINDINGS OF FACTS

15. On or about June 11, 2019, International Forwarders, Inc. (IFI), the licensed customs broker for Weylchem filed an entry in the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment (ACE) system (entry number H41-12320910) for the importation of one ISO tank containing 23,720 kilograms (52,293 pounds) of the registered pesticide product, Lamprecid Sea Lamprey Larvicide (EPA Registration Number 6704-45), which arrived at the Port of Charleston, South Carolina on or around June 11, 2019. On or about this same day, the shipment was conditionally released by CBP and delivered to Weylchem's facility located at 2114 Larry Jeffers Road, Elgin, South Carolina.
16. Upon review of the label for the pesticide product Lamprecid Sea Lamprey Larvicide (EPA Registration Number 6704-45) that was submitted by Weylchem through the CBP's ACE system on or around June 11, 2019, and represented by Weylchem as being the label on the ISO tank, the EPA determined that the ISO tank was misbranded in violation of Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E). Specifically, the label for the pesticide product (which had been prepared as a liquid), did not state the net contents in the ISO tank in terms of liquid measure expressed in conventional American units of fluid ounces, pints, quarts, and gallons nor did the label contain requirements and procedures for the disposal of the container or rinsate of the pesticide that were appropriate for a refillable ISO tank.
17. On June 25, 2019, Weylchem informed the EPA that the ISO tank of Lamprecid Sea Lamprey Larvicide did not have an EPA-approved pesticide product label affixed to the ISO tank nor was a copy of an EPA-approved pesticide product label attached to the shipping papers for the ISO tank that were left with Weylchem, the consignee, at the time of delivery. On or around June 25, 2019, Weylchem requested that it be provided an option through which it could relabel the ISO tank at its facility at 2114 Larry Jeffers Road, Elgin, South Carolina, which is an EPA-registered establishment (EPA Establishment Number 33973-SC-1).
18. The U.S. Fish and Wildlife Services (USFWS) is the registrant for Lamprecid Sea Lamprey Larvicide (EPA Registration Number 6704-45), for which the U.S. Geological Survey (USGS) is the registered agent. On or about July 3, 2019, the EPA spoke with the USGS regarding the events and label issues described above. USGS confirmed that it had contracted Weylchem to manufacture, import and repackage the Lamprecid Sea Lamprey Larvicide pesticide product at Weylchem's facility in Elgin, South Carolina. Additionally, USGS confirmed that it had supplied the EPA-approved pesticide product label appropriate for nonrefillable 5-gallon containers of Lamprecid Sea Lamprey Larvicide to Weylchem.
19. On July 17, 2019, the USGS submitted a notification to EPA's Office of Pesticide Programs (OPP) for Lamprecid Sea Lamprey Larvicide that added container handling language for refillable ISO tanks to address the misbranding described in paragraph 16. In reviewing the

label submitted to OPP in the July 17, 2019, notification for use in the labeling of the noncompliant Lamprecid Sea Lamprey Larvicide, EPA noted that the nonrefillable 5-gallon container disposal instructions had been removed from the Container Handling section. On July 22, 2019, the EPA informed USGS of the removal of the 5-gallon container disposal instructions. On July 23, 2019, the USGS submitted a new notification to incorporate container instructions for both nonrefillable 5-gallon containers and refillable ISO tanks on the Lamprecid Sea Lamprey Larvicide pesticide product label.

20. On or about July 24, 2019, the EPA advised Weylchem that the Lamprecid Sea Lamprey Larvicide ISO tank could be relabeled in compliance with FIFRA at Weylchem's facility at 2114 Larry Jeffers Road, Elgin, South Carolina. On August 13, 2019, Weylchem relabeled the ISO tank of Lamprecid Sea Lamprey Larvicide in compliance with FIFRA and submitted to the EPA a certification letter stating that the relabeling had been completed.
21. Between July 8 and July 31, 2019, five additional shipments of Lamprecid Sea Lamprey Larvicide arrived at the Port of Charleston, South Carolina, each shipment containing one ISO tank of the pesticide product. The shipments had been exported from the foreign manufacturing facility prior to June 25, 2019, the date Weylchem informed the EPA that the first ISO tank of Lamprecid Sea Lamprey Larvicide filed under entry H41-12320910, which had arrived around June 11, 2019, was not labeled in compliance with FIFRA labeling requirements. Weylchem chose not to file entries in the CBP ACE System for these five shipments, which remained held at the Port of Charleston, South Carolina, until Weylchem had completed relabeling of the first ISO tank of Lamprecid Sea Lamprey Larvicide in compliance with FIFRA and EPA allowed the tank to be sold, distributed or used in U.S. commerce on August 14, 2019.
22. On August 13 and August 14, 2019, following the relabel and full release of the first ISO tank of Lamprecid Sea Lamprey Larvicide IFI, the licensed customs broker for Weylchem filed entries in the CBP ACE System for the importation of the five additional ISO tanks described in paragraph 21 under the following five (5) entry numbers: H41-12347210, H41-12320779, H41-12349000, H41-12320795 and H41-12320969. The five shipments contained a total of 266,142 pounds (120,720 kilograms) of Lamprecid Sea Lamprey Larvicide (EPA Registration Number 6704-45). Around that same time, the ISO tanks in those five shipments were conditionally released by CBP and transported from the Port of Charleston, South Carolina to Weylchem's facility in Elgin, South Carolina. On or around August 15, 2019, Weylchem requested that it be allowed to relabel the five ISO tanks at its facility.
23. Around August 27, 2019, the EPA advised Weylchem that the Lamprecid Sea Lamprey Larvicide could be relabeled in compliance with FIFRA at its facility.
24. Between August 29 and September 4, 2019, Weylchem submitted certification statements and photographs demonstrating that the additional five ISO tanks of Lamprecid Sea Lamprey Larvicide had been properly relabeled in compliance with FIFRA.

## V. ALLEGED VIOLATIONS

25. The EPA alleges that by importing and distributing the misbranded pesticides as described above, Weylchem violated Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), on at least six occasions and is therefore subject to the assessment of a civil penalty under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).
26. Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), in conjunction with 40 C.F.R. Part 19, Adjustments of Civil Monetary Penalties for Inflation, authorizes the assessment of a civil penalty for violations of FIFRA.
27. Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), requires the EPA to consider the appropriateness of the assessed penalty to the size of business of Weylchem, the effect on Weylchem's ability to continue in business, and the gravity of the violation(s).
28. After consideration of the factors set forth in Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), the EPA proposes to assess a total civil penalty of **THIRTY-FIVE THOUSAND NINE HUNDRED DOLLARS (\$35,900)** against Weylchem for the above-described violations. Civil penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), may be assessed by Administrative Order.

## VI. STIPULATIONS

29. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
30. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:
  - (a) admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
  - (b) neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
  - (c) consents to the assessment of a civil penalty as stated below;
  - (d) consents to the conditions specified in this CAFO;
  - (e) waives any right to contest the alleged violations of law set forth in Section V (Alleged Violations) of this CAFO; and
  - (f) waives its rights to appeal the Final Order accompanying this CAFO.
31. For the purpose of this proceeding, Respondent:
  - (a) agrees that this CAFO states a claim upon which relief may be granted against Respondent;

- (b) acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (c) waives any right it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
- (d) by executing this CAFO, certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of FIFRA and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected;
- (e) waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept or issue this CAFO; and
- (f) agrees to comply with the terms of this CAFO.

32. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means at the following valid email addresses: bauman.michael@epa.gov and caplan.robert@epa.gov for the EPA and mark.matheny@weylchem.com for the Respondent.

## VII. TERMS OF PAYMENT

- 33. Weylchem consents to the payment of a civil penalty, which was calculated in accordance with the Act, in the amount of \$35,900.00, which is to be paid within thirty (30) calendar days of the Effective Date of this CAFO.
- 34. Payment(s) shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
Mail Station: SL-MO-C2-GL  
St. Louis, Missouri 63101  
Contact Number: (314) 425-1819

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

If paying by ACH, Respondent shall remit payment to:

US Treasury REX / Cashlink ACH Receiver  
ABA: 051036706  
Account Number: 310006, Environmental Protection Agency  
CTX Format Transaction Code 22 – checking  
Physical location of US Treasury facility:  
5700 Rivertech Court  
Riverdale, Maryland 20737  
Contact: Craig Steffen (513) 487-2091  
REX (Remittance Express): 1-866-234-5681

35. Respondent shall send proof of **payment**, within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
bullock.patricia@epa.gov

and

Michael Bauman  
Chemical Safety Section  
Enforcement and Compliance Assurance Division

U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960  
bauman.michael@epa.gov

36. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and Docket No. **FIFRA-04-2020-0715(b)**.
37. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:
- (a) Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, interest is waived. However, if the civil penalty is not paid in full within 30 days of the Effective Date of this CAFO, interest will continue to accrue on any unpaid portion until the unpaid portion of the penalty and accrued interest is paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b), and 40 C.F.R. § 13.11(a).
  - (b) Non-Payment Penalty. On any portion of a civil penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31 C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).
  - (c) Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.
38. If Respondent fails to timely pay any portion of the penalty assessed under this CAFO, pursuant to Section 14 (a)(5) of FIFRA 7 U.S.C. § 136l(a)(5), EPA may:
- (a) refer the debt to a credit reporting agency or a collection agency pursuant to Section 14(a) of FIFRA 7 U.S.C. § 136l(a), 40 C.F.R. §§ 13.13 and 13.14;



- (b) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;
- (c) suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
- (d) request that the Attorney General bring a civil action in the appropriate district court to recover the amount assessed pursuant to Section 14(a)(5) of FIFRA, 7 U.S.C. § 136l(a)(5).

39. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

#### **VIII. EFFECT OF CAFO**

- 40. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
- 41. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. 40 C.F.R. § 22.18(c).
- 42. Any violation of this CAFO may result in a civil judicial action for civil penalties as provided in Section 14(a) of the Act, 42 U.S.C. § 136l(a), as well as criminal sanctions as provided in Section 14(b) of the Act, 42 U.S.C. § 136l(b). The EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.
- 43. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of FIFRA and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
- 44. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
- 45. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.

46. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.
47. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
48. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
49. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
50. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
51. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
52. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
53. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
54. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

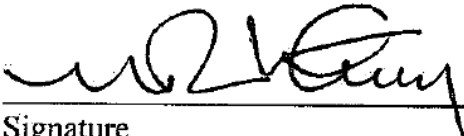
#### **IX. EFFECTIVE DATE**

55. This CAFO shall become effective upon execution of the Final Order by the Regional Judicial Officer on the date of filing with the Hearing Clerk.

**Remainder of Page Intentionally Left Blank**  
**Complainant and Respondent will Each Sign on Separate Pages**

The foregoing Consent Agreement In the Matter of **Weylchem US, Inc.**, Docket Number **FIFRA-04-2020-0715(b)** Is Hereby Stipulated, Agreed and Approved for Entry.

FOR RESPONDENT:

  
\_\_\_\_\_  
Signature

6/30/20  
\_\_\_\_\_  
Date

Printed Name: Mark R. Matheny  
Title: Chief Executive Officer  
Address: 2114 Larry Jeffers Rd.  
Elgin, SC 29045

The foregoing Consent Agreement In the Matter of **Weylchem US, Inc.**, Docket Number **FIFRA-04-2020-0715(b)** Is Hereby Stipulated, Agreed and Approved for Entry.

FOR COMPLAINANT:

---

Carol L. Kemker  
Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**Weylchem US, Inc.,**

Respondent.

Docket No. **FIFRA-04-2020-0715(b)**

FINAL ORDER

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**BEING AGREED, IT IS SO ORDERED**

---

Tanya Floyd  
Regional Judicial Officer

## CERTIFICATE OF SERVICE

I certify that the foregoing **Consent Agreement** and Final Order, in the Matter of **Weylchem US, Inc.**, Docket No. **FIFRA-04-2020-0715(b)**, were filed and copies of the same were emailed to the parties as indicated below.

**Via email to all parties at the following email addresses:**

To Respondent:       Mark Matheny, Acting CEO  
Weylchem US, Inc.  
mark.matheny@weylchem.com  
2114 Larry Jeffers Road  
Elgin, South Carolina 29045  
(404) 934-5518

To EPA:                 Michael Bauman, Life Scientist  
bauman.michael@epa.gov  
404-562-8962

Robert Caplan, Senior Attorney  
caplan.robert@epa.gov  
404-562-9520

U.S. EPA Region 4  
61 Forsyth Street, S.W. Atlanta,  
Georgia 30303-8960

---

Patricia A. Bullock, Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960