



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 05 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Alicia Mazzara
General Manager/Agent
Artistic Pools of Florida, Inc.
2841 Roosevelt Boulevard
Clearwater, Florida 33760

Re: Artistic Pools of Florida, Inc., EPA Est. No. 049654-FL-001
Ratified Consent Agreement and Final Order
Section 7 Expedited Settlement Agreement
Docket No. FIFRA-04-2014-3161(b)

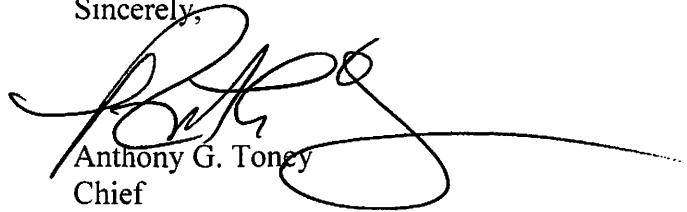
Dear Ms. Mazzara:

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.

The U.S. Environmental Protection Agency Region 4 has received proof of payment as per paragraph 6 of the Expedited Settlement Agreement and Final Order so no further action is required in this regard. 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 the Environmental Protection Agency.

Should you have any questions about this matter or your compliance status in the future, please contact Karen Hill of the EPA Region 4 staff at (404) 562-8972.

Sincerely,

A handwritten signature in black ink, appearing to read 'AToney', with a long horizontal flourish extending to the right.

Anthony G. Toney
Chief
Pesticides and Toxic
Substances Branch

Enclosures

cc: Kelly Friend, Department of Agriculture & Consumer Services

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

RECEIVED
EPA REGION IV
2014 NOV -5 PM 2:29
HEARING CLERK

IN THE MATTER OF:) **Docket No.: FIFRA-04-2014-3161(b)**
)
Artistic Pools of Florida, Inc.) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
Respondent) **FINAL ORDER**
_____)

EXPEDITED SETTLEMENT AGREEMENT and FINAL ORDER

1. The U.S. Environmental Protection Agency ("EPA") alleges that Artistic Pools of Florida, Inc. ("Respondent") failed to comply with Section 7(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. § 136e(c).
2. Under Section 7(c) of FIFRA and 40 C.F.R. Part 167, Respondent was 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.
3. Submittal of the annual report of pesticide production for calendar year 2012 was due on or before March 1, 2013.
4. Respondent failed to submit the annual report by the due date.
5. Therefore, Respondent violated Section 12(a)(2)(L) of FIFRA, 7 U.S.C. 136j(a)(2)(L).
6. EPA and Respondent agree that settlement of this matter for a civil penalty of FOUR HUNDRED DOLLARS (\$400) is in the public interest.
7. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order ("Agreement"), and this proceeding for the assessment of a civil penalty is simultaneously commenced and concluded, pursuant to Section 14(a) of FIFRA, 7 U.S.C. § 1361 and 40 C.F.R. § 22.13(b).
8. In signing this Agreement, Respondent: (a) admits that Respondent is subject to the requirement(s) in Paragraph 2 (above); (b) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of this penalty; and (e) waives any right to contest the allegations contained herein, and its right to appeal the proposed Final Order attached hereto.

9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent: (a) has corrected the alleged violation(s), *and has submitted true and accurate documentation of such correction along with this Agreement*; (b) has provided a deposit for payment of the civil penalty set forth in Paragraph 6 (above) in accordance with the penalty collection procedures provided to Respondent in EPA's letter entitled "Opportunity for Expedited Settlement within Fourteen (14) Days"; (c) has submitted true and accurate proof of deposit for payment of said civil penalty along with this Agreement; and (d) agrees to release said deposit for payment to EPA upon entry of the Final Order attached hereto.

10. Upon the effective date of this Agreement, payment of the civil penalty shall resolve only Respondent's liability for Federal civil penalties for the violations and facts alleged herein.

11. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.

12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of FIFRA, any other federal statute or regulation, or this Agreement.

13. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to FIFRA.

14. Each party shall bear its own costs and fees, if any.

15. The Agreement authorized by EPA's execution of the Final Order attached hereto constitutes a final order under 40 C.F.R. Part 22.

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16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. 22.31(b), is effective upon filing.

IT IS SO AGREED,

Name (print): Alicia Mazzara

Title (print): General Manager

Signature: 

Date 9/19/2014

APPROVED BY EPA:


Beverly H. Banister
Division Director


Date 10/21/14

FINAL ORDER

Pursuant to the authority of Section 14(a) of FIFRA, 7 U.S.C. § 1361 and 40 C.F.R. § 22.13(b), and according to the terms of this Agreement, IT IS HEREBY ORDERED THAT:

This Agreement shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA Region 4. Unless otherwise stated, all time periods herein shall be calculated in calendar days from such date.

IT IS SO ORDERED:


Susan Schub
Regional Judicial Officer

Date Nov - 5, 2014

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 Artistic Pools of Florida Inc.,
Docket Number: FIFRA-04-2014-3161(b), to the addressees listed below:

Ms. Alicia Mazzara
General Manager / Agent
Artistic Pools of Florida, Inc.
2841 Roosevelt Blvd.
Clearwater, Florida 33760

(via Certified Mail, Return Receipt Requested)

Karen Hill
Pesticides Section
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

(via EPA's internal mail)

Robert Caplan
Associate Regional Counsel
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street
Atlanta, Georgia 30303

(via EPA's internal mail)

Date: 11-5-14



Patricia A. Bullock, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
(404) 562-9511