



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 10 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jennifer Czarneski, President
ClorDiSys Solutions, Inc.
5 Concord Road
Lebanon, New Jersey 08833

Re: In the Matter of ClorDiSys Solutions, Inc.
Docket No. FIFRA-02-2012-5107

Dear Ms. Czarneski:

Enclosed is the Complaint and Notice of Opportunity for Hearing and supporting documents, in the above-referenced proceeding. This Complaint alleges violations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

You have the right to a formal hearing to contest any of the allegations in the Complaint and/or to contest the penalty proposed in the Complaint.

If you wish to contest the allegations or the penalty proposed in the Complaint, you must file an Answer, within **thirty (30)** days of your receipt of the enclosed Complaint, to the United States Environmental Protection Agency's (EPA) Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint and have not obtained a formal extension for filing an Answer from the Regional Judicial Officer, a default order may be entered against you, and the entire proposed penalty may be assessed without further proceedings.

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2012 APR 11 P 12:19
REGIONAL HEARING
CLERK

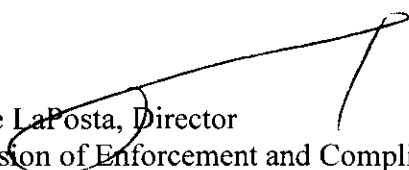
Whether or not you request a formal hearing, you may request an informal conference with EPA to discuss any issues relating to the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of a settlement by participating in an informal conference with EPA. However, a request for an informal conference **does not** substitute for a written Answer, affect what you may choose to say in a written Answer, or extend the thirty (30) days by which you must file an Answer to request a hearing.

Enclosed are copies of the "Consolidated Rules of Practice," which govern this proceeding. For your general information and use, I also have enclosed both an "Information Sheet for U.S. EPA Small Business Resources" and a "Notice of SEC Registrants' Duty to Disclose Environmental Legal Proceedings," which may or may not apply to you.

The EPA encourages the use of Supplemental Environmental Projects, where appropriate, as part of any settlement. I am enclosing a brochure on "EPA's Supplemental Environmental Projects (SEP) Policy." Please note that SEPs are only available as part of a negotiated settlement and will not be available if this case is resolved by formal adjudication.

If you have any questions or wish to schedule an informal settlement conference, please contact the attorney whose name is listed in the Complaint.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosures

cc: Karen Maples, Regional Hearing Clerk (w/o enclosures)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.11
2012 APR 11 P 12:19
REGIONAL HEARING
CLERK

-----X
In the Matter of :
 :
ClorDiSys Solutions, Inc., :
 :
 : COMPLAINT AND NOTICE OF
 : OPPORTUNITY FOR HEARING
 :
Respondent. :
 : Docket No. FIFRA-02-2012-5107
 :
Proceeding Under the Federal :
Insecticide, Fungicide, and :
Rodenticide Act, as amended. :
-----X

Complainant hereby alleges as and for her Complaint against Respondent:

1. This Complaint and Notice of Opportunity for Hearing (Complaint) is filed pursuant to Section 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA" or the "Act"), as amended, 7 U.S.C. § 1361(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Suspension of Permits ("Consolidated Rules of Practice" or "CROP"), 40 C.F.R. Part 22.
2. The Complainant, Director of the Division of Enforcement and Compliance Assistance, Region 2, United States Environmental Protection Agency ("EPA"), has been duly delegated the authority to institute this action.
3. Respondent is ClorDiSys Solutions, Inc. (hereinafter referred to as "ClorDiSys", or "Respondent").
4. Respondent is a for-profit corporation operating in the State of New Jersey.
5. Respondent has been, and continues to be, a "person" as defined by FIFRA Section 2(s), 7 U.S.C. Section § 136(s), and as such, is subject to FIFRA and the regulations promulgated thereunder.

6. Respondent owns and operates a facility located at 5 Concord Road in Lebanon, New Jersey, hereinafter "Respondent's facility."

7. Respondent's facility constitutes an "establishment", as defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).

8. As part of its business, Respondent distributes chlorine dioxide sterilization and decontamination solutions.

9. Among the products sold by Respondent is "CSI CD Cartridge."

10. CSI CD Cartridge is a registered pesticide, EPA Reg. No. 80802-1.

11. Respondent is a "distributor or seller" within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

12. Respondent is a "registrant", "wholesaler", "dealer", or "other distributor" within the meaning of Section 14(a) (1) of FIFRA, 7 U.S.C. § 136(a) (1).

13. Respondent is also a "producer" of pesticides, as that term is defined by Section 2(w) of FIFRA, 7 U.S.C. §136(w).

14. Respondent's facility is registered under Section 7 of FIFRA, 7 U.S.C. § 136e. Its assigned EPA Establishment Number is 080802-NJ-001.

15. On or about September 3, 2009 and September 29, 2010, duly authorized EPA inspectors inspected Respondent's facility ("the inspections").

16. The inspections described in the previous paragraph were conducted pursuant to and in accordance with the provisions of Section 9(a)(1) of FIFRA, 7 U.S.C. § 136g(a)(1).

Counts 1 and 2 – Sale of an Unregistered Pesticide
CD-Tab Chlorine Dioxide Generating Tablets

17. Complainant realleges each allegation contained in Paragraphs 1 through 16, inclusive, as if fully set forth herein.

18. Among the products sold by Respondent are "CD-Tab Chlorine Dioxide Generating Tablets" (hereinafter "CD-Tab").

19. During the inspections, EPA staff collected samples of promotional materials and directions for use for CD-Tabs.

20. Respondent's promotional materials for CD-Tab describe CD-Tab as "extremely effective against Biofilms."

21. Respondent's directions for use for CD-Tab describe CD-Tab as "extremely effective against Biofilms."

22. Respondent sells CD-Tab for the purpose of eliminating, reducing, or mitigating biofilms.

23. A biofilm is a complex aggregation of microorganisms growing on a solid substrate.

24. Section 2(mm) of FIFRA, 7 U.S.C. § 136(mm), defines an "antimicrobial pesticide" *inter alia* as a pesticide that is intended to "reduce or mitigate growth or development of microbiological organisms" or "protect surfaces from contamination or fouling caused by slime."

25. Respondent's claims for CD-Tab, described in Paragraphs 20 and 21, above, are pesticidal claims.

26. CD-Tab is not an EPA-registered product.

27. CD-Tab is an unregistered pesticide.

28. In the course of the inspections, EPA staff obtained Respondent's sales records for CD-Tab.

29. Respondent sold CD-Tab to a customer in Starkville, MS on May 15, 2009.

30. Respondent sold CD-Tab to a customer in Winnipeg, Manitoba on May 1, 2009.

31. Each of the sales described in paragraphs 29 and 30, above, is a sale of an unregistered pesticide in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 3 – Import of a Pesticide Without a Notice of Arrival
CD-Tab Chlorine Dioxide Generating Tablets

32. Complainant realleges each allegation contained in paragraphs 1 through 31,

inclusive, as if fully set forth herein.

33. Pursuant to Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), it is unlawful for a registrant, dealer, or other distributor to fail to file reports required by subchapter II of FIFRA, 7 U.S.C. §§ 136-136y.

34. Nineteen CFR § 12.112 requires an importer desiring to import pesticides into the United States to submit EPA Form 3540-1, Notice of Arrival of Pesticides and Devices, to the U.S. Environmental Protection Agency prior to the arrival of shipment in the United States (hereinafter "Notice of Arrival").

35. Nineteen CFR § 12.112 is a regulation promulgated pursuant to and under the authority of Section 17 of FIFRA, 7 U.S.C. §136o.

36. During the inspections, EPA staff collected evidence of Respondent's import of CD-Tab from China.

37. On or about October 28, 2008, Respondent imported 8 cartons of CD-Tab from Tianjin, China.

38. As the consignee of the shipment described in paragraph 37, above, Respondent was the "importer desiring to import pesticides" within the meaning of 19 C.F.R. §12.112(a).

39. Respondent imported the CD-Tab shipment in the United States without filing a Notice of Arrival with the EPA.

40. Respondent's importation of the CD-Tab shipment described in paragraphs 37 and 39, above, without filing a Notice of Arrival prior to its arrival is a violation of Section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), and 19 C.F.R §12.112.

**Counts 4 to 9– Sale of a Pesticide the Composition of Which Differs From its Registration
CSI CD Cartridges**

41. Complainant realleges each allegation contained in paragraphs 1 through 40, inclusive, as if fully set forth herein.

42. Respondent's CSI CD Cartridges are registered as EPA Reg. No. 80802-1.

43. Respondent submitted this registration as a "me too" (aka "identical repack") registration to the primary registration of Advanced Sterilization Products' CSI CD Cartridge, EPA Reg. No. 71871-1 (the "base product").

44. A “me too” or “identical repack” registration is a complete (100%) repackaging of an identical, already-registered product.

45. Pursuant to the “me too” registration, Respondent submitted a required Confidential Statement of Formulation (“CSF”) for its CSI CD Cartridges that identified the CSI CD Cartridges as a 100% repack of the base product.

46. The Confidential Statement of Formulation (CSF) for the CSI CD Cartridges lists the source of the base product’s active ingredient, and therefore Respondent’s CSI CD Cartridges’ active ingredient, as companies located in Alabama and Spain.

47. Documentary evidence collected at the September 2009 inspection includes invoices for Respondent’s purchases of the active ingredient.

48. From at least 2003, Respondent has purchased the active ingredient from Brenntag Northeast, Inc. (“BNE”), Reading, PA.

49. BNE is not one of the sources listed on Respondent’s CSF for the CSI CD Cartridges.

50. BNE is registered under Section 7 of FIFRA, 7 U.S.C. § 136e. Its assigned EPA Establishment Number is 9436-PA-1.

51. BNE has not registered the active ingredient.

52. From at least 2003, Respondent has used the active ingredient purchased from BNE as the active ingredient in the CSI CD Cartridges it sells with a label bearing EPA Reg. No. 80802-1.

53. The composition of the CSI CD Cartridges made by Respondent differs from the composition described in the statement required in connection with its registration in that Respondent is making a new product and not repacking the base product.

54. The composition of the CSI CD Cartridges made by Respondent differs from the composition described in the statement required in connection with its registration in that the active ingredient used in Respondent’s CSI CD Cartridges is sourced from BNE and not from either of the sources identified in the CSF.

55. The sale of a registered pesticide the composition of which differs from its composition as described in the statement required in connection with its registration is a violation of 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

56. As a direct result of the inspections, EPA obtained evidence of distribution(s) and/or sale(s) of CSI CD Cartridges by Respondent.

57. Respondent made the following sales of CSI CD Cartridges:

Count	Invoice Number	Sold To	Date
4	CSI09012009-M	DRS Labs	09/1/2009
5	CSI08192009OHSU	OHSU	8/19/2009
6	CSI081109KSU	Kansas State University	8/11/2009
7	CSI0372009-N	Northwestern University	3/27/2009
8	CSI02252009TSS	TSS	2/25/2009
9	CSI 101242009VT	Virginia Poly Technical Institute	1/24/2009

58. Each of Respondent's sales of a CSI CD Cartridge listed in the table in paragraph 57, above, is a sale of a registered pesticide the composition of which differs from its composition as described in the statement required in connection with its registration and constitutes a separate violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

**Counts 10 to 15--Sale of a Pesticide the Composition of Which Differs From its Registration
CSI CD Cartridges (systems)**

59. Complainant realleges each allegation contained in paragraphs 1 through 58, inclusive, as if fully set forth herein.

60. As a direct result of the inspections described, EPA obtained evidence of Respondent's distribution and/or sale of various chlorine generating devices by the brand names: Minidox M, Cloridox-GMP, and Steridox-VP.

61. Each of Respondent's chlorine generating devices are sold only as complete systems, which include CSI CD cartridges.

62. Respondent made the following sales of CSI CD Cartridges as part of the distributions and/or sales of Minidox M, Cloridox-GMP, and Steridox-VP chlorine generating devices:

Count	Invoice Number	Sold To	Date
10	CSI040242009TJ	St. Jude's Children's Research Hospital	4/24/2009
11	CSI04092009SF	UCSF	4/9/2009
12	CSI04092009OHSU	OHSU	4/9/2009

13	CSI01262009UWM	University of Wisconsin, Madison	1/26/2009
14	CSI 101242009VT	Virginia Poly Technical Institute	1/24/2009
15	CSI011420009VA	Dep't. Veterans Affairs	1/14/2009

63. Each of Respondent's sales of the chlorine generating devices with CSI CD Cartridges listed in the table in paragraph 62, above, is a sale of a registered pesticide the composition of which differs from its composition as described in the statement required in connection with its registration and constitutes a separate violation of Section 12(a)(1)(C) of FIFRA, 7 U.S.C. § 136j(a)(1)(C).

PROPOSED CIVIL PENALTY

Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1), provides, in part, that “[a]ny... wholesaler, dealer, retailer, or other distributor who violates any provision of this subchapter [subchapter II of FIFRA 7 U.S.C. §§ 136 - 136y] may be assessed a civil penalty by the Administrator [of EPA] of not more than \$5,000 for each offense.” Under authority of the Federal Civil Penalties Inflation Adjustment Act of 1990, 104 Stat. 890, Public Law 101-410 (codified at 28 U.S.C. § 2461 note), as amended by the Debt Collection Improvement Act of 1996, 110 Stat. 1321, Public Law 104-134 (codified at 31 U.S.C. § 3701 note), EPA has promulgated regulations, codified at 40 C.F.R. Part 19, that, *inter alia*, increase the maximum penalty EPA might obtain pursuant to Section 14(a)(1) of FIFRA, 7 U.S.C. § 136l(a)(1) to \$7,500 for any violation occurring after January 12, 2009. Section 14(a)(3) of FIFRA, 7 U.S.C. § 136l(a)(3), provides that “[n]o civil penalty shall be assessed unless the person charged shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged.” This “COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING” (“Complaint”) constitutes the aforementioned written notice.

The proposed civil penalty has been determined in accordance with Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), as amended. For purposes of determining the amount of any penalty to be assessed, Section 14 of FIFRA requires that EPA “shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person’s ability to continue in business, and the gravity of the violation.” Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4).

To develop the proposed penalty in this Complaint, Complainant has taken into account the particular facts and circumstances of this case, to the extent known at the time of its filing, with specific reference to EPA’s “FIFRA Enforcement Response Policy [for] The Federal Insecticide, Fungicide and Rodenticide Act,” dated December 2009 (hereinafter referred to as the “ERP”). A copy of the ERP is available upon request or may be obtained from the Internet at this address: <http://cfpub.epa.gov/compliance/resources/policies/civil/fifra/>. This guidance policy provides rational, consistent and equitable calculation methodologies for applying the

statutory penalty criteria enumerated above to particular cases.

Complainant proposes, subject to receipt and evaluation of further relevant information, that Respondent be assessed the following civil penalties for the violations alleged in this Complaint:

Counts 1 and 2: Sale of an Unregistered Pesticide	\$ 14,300
Count 3: Import of a Pesticide Without a Notice of Arrival	\$ 5,158
Counts 4-15: Sale/distribution of a pesticide the composition of which differs from its registration 12 Counts @ \$5,670 per violation	\$ 68,040
Total (rounded to the nearest \$100)	\$ 87,500

PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this civil administrative litigation have been set forth in 64 Fed. Reg. 40138 (July 23, 1999), entitled, "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS," and which are codified at 40 C.F.R. Part 22. A copy of these rules accompanies this "Complaint and Notice of Opportunity for Hearing" (hereinafter referred to as the "Complaint").

A. Answering the Complaint

Where Respondent intends to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondent is entitled to judgment as a matter of law, Respondent must file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer to the Complaint. (40 C.F.R. § 22.15(a)) Such Answer must be filed within 30 days after service of a Complaint. The address of the Regional Hearing Clerk of EPA, Region 2, is:

**Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866**

Respondent shall also then serve one copy of the Answer to the Complaint upon

Complainant and any other party to the action. (40 C.F.R. § 22.15(a))

Respondent's Answer to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondent has any knowledge. (40 C.F.R. § 22.15(b)) Where Respondent lacks knowledge of a particular factual allegation and so states in its Answer, the allegation is deemed denied. (40 C.F.R. § 22.15(b)) The Answer shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondent disputes (and thus intends to place at issue in the proceeding), and (3) whether Respondent requests a hearing. (40 C.F.R. § 22.15(b))

Respondent's failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of its defense may preclude Respondent, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondent in its Answer, a hearing upon the issues raised by the Complaint and Answer may be held. (40 C.F.R. § 22.15(c)) If, however, Respondent does not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer raises issues appropriate for adjudication. (40 C.F.R. § 22.15(c))

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.35(b). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22.

C. Failure to Answer

If Respondent fails in its Answer to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. (40 C.F.R. § 22.15(d)) If Respondent fails to file a timely (*i.e.*, in accordance with the 30-day period set forth in 40 C.F.R. § 22.15(a)) Answer to the Complaint, Respondent may be found in default upon motion. (40 C.F.R. § 22.17(a)) Default by Respondent constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual allegations. (40 C.F.R. § 22.17(a)) Following a default by Respondent for a failure to timely file an Answer to the Complaint, any order issued therefore shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondent without further proceedings 30 days after the default order becomes final pursuant to 40 C.F.R.

§ 22.27(c). (40 C.F.R. § 22.17(d)) If necessary, EPA may then seek to enforce such final order of default against Respondent, and to collect the assessed penalty amount, in federal court.

D. Exhaustion of Administrative Remedies

Where Respondent fails to appeal an adverse initial decision to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondent waives its right to judicial review. (40 C.F.R. § 22.27(d)).

In order to appeal an initial decision to the Agency's Environmental Appeals Board [EAB; see 40 C.F.R. § 1.25(e)], Respondent must do so within "30 days after the initial decision is served." (40 C.F.R. § 22.30(a)) Pursuant to 40 C.F.R. § 22.7(c), where service is effected by mail, "5 days shall be added to the time allowed by these [rules] for the filing of a responsive document." Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) (discussing when an initial decision becomes a final order) does not pertain to or extend the time period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondent requests a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of the Act and its applicable regulations (40 C.F.R. § 22.18(b)). At an informal conference with representative(s) of Complainant, Respondent may comment on the charges made in this Complaint, and Respondent may also provide whatever additional information that it believes is relevant to the disposition of this matter, including: (1) actions Respondent has taken to correct any or all of the violations herein alleged, (2) any information relevant to Complainant's calculation of the proposed penalty, (3) the effect the proposed penalty would have on Respondent's ability to continue in business, and (4) any other special facts or circumstances Respondent wishes to raise.

Complainant has the authority to modify the amount of the proposed penalty, where appropriate, to reflect any settlement agreement reached with Respondent or any relevant information previously not known to Complainant, or to dismiss any or all of the charges if Respondent can demonstrate that the relevant allegations are without merit and that no cause of action as herein alleged exists. Respondent is referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondent may have regarding this complaint should be directed to:

Naomi Shapiro
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866
212-637-3221

The parties may engage in settlement discussions irrespective of whether Respondent has requested a hearing (40 C.F.R. § 22.18(b)(1)). Respondent's requesting a formal hearing does not prevent it from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. §22.15(c).

A request for an informal settlement conference does not affect Respondent's obligation to file a timely Answer to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference shall be embodied in a written consent agreement (40 C.F.R. § 22.18(b)(2)). In accepting the Consent Agreement, Respondent waives its right to contest the allegations in the Complaint and waives its right to appeal the Final Order that is to accompany the Consent Agreement (40 C.F.R. § 22.18(b)(2)). In order to conclude the proceeding, a Final Order ratifying the parties' agreement to settle will be executed (40 C.F.R. § 22.18(b)(3)).

Respondent's entering into a settlement through the signing of such Consent Agreement terminates this administrative litigation and civil proceedings arising out of the allegations made in the Complaint. Respondent's entering into a settlement does not extinguish, waive, satisfy or otherwise affect its obligation and responsibility to comply with all applicable statutory and regulatory requirements, and to maintain such compliance.

RESOLUTION OF THIS PROCEEDING WITHOUT HEARING OR CONFERENCE

Instead of filing an Answer, Respondent may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondent files with the Regional Hearing Clerk, Region 2 (at the New York address noted above), a copy of the check or other instrument of payment (40 C.F.R. § 22.18(a)). Such payment shall be made by cashier's or certified check or by electronic fund transfer (EFT). If the payment is made by check, then the check shall be made payable to the "Treasurer, United States of America," and shall be mailed to :

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

The check shall be identified with a notation listing the name of the matter (In the Matter of ClorDiSys Solutions, Inc.) and the Docket Number (FIFRA-02-2012-5107).

If Respondent chooses to make the payment by EFT, then Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727
- 4) Federal Reserve Bank of New York ABA routing number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- 6) I/M/O ClorDiSys Solutions, Inc.
- 7) Case Number: FIFRA-02-2012-5107

Whether the payment is made by check or by EFT, the Respondent shall promptly thereafter furnish reasonable proof that such payment has been made, to both:

Naomi Shapiro
Assistant Regional Counsel

Karen Maples
Regional Hearing Clerk


Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondent elects to pay the full amount of the penalty proposed in the Complaint within 30 days of receiving the Complaint, then, upon EPA's receipt of such payment, the Regional Administrator of EPA, Region 2 (or, if designated, the Regional Judicial Officer), shall issue a Final Order. Issuance of this Final Order terminates this administrative litigation and the civil proceedings arising out of the allegations made in the Complaint. Further, pursuant to 40 C.F.R. § 22.18(a)(3), the making of such payment by Respondent shall constitute a waiver of Respondent's right both to contest the allegations made in the Complaint and to appeal said Final Order to federal court. Such payment does not extinguish, waive, satisfy or otherwise affect Respondent's obligation and responsibility to comply with all

applicable regulations and requirements, and to maintain such compliance.

Dated: APRIL 16, 2012
New York, New York

COMPLAINANT:



Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. E.P.A. Region 2

TO:
Jennifer Czarneski, President
ClorDiSys Solutions, Inc.
5 Concord Road
Lebanon, New Jersey 08833

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Complaint, bearing docket number **FIFRA-02-2012-5107**, and a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, by certified mail, return receipt requested, to:

Jennifer Czarneski, President
ClorDiSys Solutions, Inc.
5 Concord Road
Lebanon, New Jersey 08833

I hand-carried the original and a copy of the foregoing Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Dated: APR 11, 2012
New York, New York

