

June 23, 2007

ATTN. MARDI KLEVS, CHIEF (DT-8J)  
REGION 5  
U.S. ENVIRONMENTAL PROTECTION AGENCY  
77 WEST JACKSON BLVD.  
CHICAGO. IL 60604-3590

RE: NORMAN MFG. CO.  
31473 UTICA ROAD  
FRASER, MI 48026

DOCKET NO. FIFRA-05-2007-0030

SEARCHED  
SERIALIZED  
INDEXED  
JUN 23 2007  
FBI - CHICAGO

Initial Note:

The EPA letter pertaining to this complaint which was recieved May 27th had been mailed to the street address indicated. Norman Mfg. Co., 31473 Utica Road has closed. It was necessary for the postal service to redirect mail to the PO box which will remain open for the present time. Please ensure that any future correspondence be directed to PO BOX 247, FRASER, MI 48026.

The telephone has been disconnected and there is no access to fax services.

The responses and remarks which follow in addressing the specific allegations may appear to be somewhat vague. This is not intended to confuse or misguide your interest in this matter. Rather, the reasons for this are as follows:

1. I alone was responsible for record keeping, filing of correspondence between Norman Mfg. Co., EPA, Department of Agriculture, Mason Chemical, etc.. My office keeping skills regarding paperwork leave much to be desired. Some records have been misplaced. Your letter refers to "Accepted Labels" of 1993 and 1994. As 17 years has passed, some of my input relies on recollection or lack thereof.
2. When closing this office as indicated in the initial note at top of this page, a number of my records were taken to my residence for eventual sorting. Others were taken to a friends available space for the same reason.

My residence was burglarized and quite thoroughly ransacked with tables and couches overturned and papers scattered. I happen to live in a high crime area and although I telephoned the Detroit Police Department, they did not show up "within a few days" as suggested and I did not follow up by going in to file a report. Having been victimized before and knowing others with the same experience, I was quite confident that nothing would come of it. As such, I do not have an actual police report to substantiate this.

When dropping off additional records and items at the friends available space, things were left in less than organized fashion as my primary interest was in emptying the facility in Fraser to expedite my landlords ability to rent this property.

It is for these reasons that I cannot put my fingers on what may be helpful information at this time.

#### COUNT 1

See sales/distribution activity in Count 2.

Your current allegations refer to "Accepted Label" in 1993. I have found a copy of a letter I wrote to Marc Mason of Mason Chemical dated April 22, 1996 in which I refer to a recent inspection conducted by the Michigan Department of Agriculture (MDAG) which I presume was conducted on behalf of both MDAG and EPA which is/was the practice.

In this letter in 1996, while discrepancies were found and apparently addressed, there does not appear to be other discrepancies noted which relate to current allegations.

I question myself as to whether the wrong labels were submitted during the 2002 inspection and if correct labels should be on record with EPA.

#### COUNT 2

Invoice date 8/15/02, U.A.W.  
1 case of 4 gallons Algae Check. Total sale ..... \$ 61.00

See response in Count 1 regarding label comments.

#### COUNT 3

Invoice date 8/1/02, Lafayette.  
2 5 gallon containers Algae Check. Total sale ..... \$ 139.00

See response in Count 1 regarding label comments.

COUNT 4

Invoice date 6/18/02, Goldblatt.  
2 55 gallon drums Algae Check. Total Sales ..... \$ 1,611.50\*

\*I believe this sale was F.O.B. Delivered and we incurred the freight charges. This would lower the costs (total sales) considerably.

See response in Count 1 regarding label comments.

COUNT 5

There were no (0) sales or distribution of Algarcide Aqua Guard 50 during the period in question. The product was inactive.

I was simply keeping the name of the product registered in the event it might ever be considered for use/sales again in future.

As per noted in Count 1, a label review by MDAG and I believe EPA relected no such discrepancies as currently being investigated (letter to Marcc Mason in 1996).

COUNT 6

See sales/distribution activity in Count 7.

As noted in Count 1, letter to Marcc Mason in 1996 does not suggest discrepancies from the 1994 "Accepted Label" existed.

In addition, I have found and enclosed a letter from Mason Chemical dated January 25, 2002 noting label changes, and my response to that letter. My response was made, late, but as I recall there had been no follow-up by Mason at that time. All of this seems to have been going on just prior to and into the period of the 2002 inspection by MDAG. As this is now approaching 5 years since this occurred, I am uncertain as to this activity.

COUNT 7

Invoice date 8/15/02, U.A.W.  
3 cases Algae Trek, Total sale ..... \$ 183.00

See Count 6 for response regarding label comments.

COUNT 8

Invoice date 8/1/02, Lafayette.  
2 5 gallon Algae Trek, Total Sale ..... \$ 183.00

See Count 6 for response regarding label comments.

COUNT 9

Invoice date 6/18/02, Goldblatt.

2 55 gallon drums Algae Trek. Total sale ..... \$ 1,611.50\*

\*As noted in Count 4, I believe we shipped F.O.B. Delivered and incurred freight charges thus decreasing our actual sales cost.

See Count 6 for response regarding label comments.

Upon your review of the responses to the Counts, and the following, if a hearing is needed it is so requested.

If it is up to me to request a settlement, the settlement requested is \$ 0.00.

At the time in question, Norman Mfg. Co. was a 2 person operation with no outside employees. Norman was not participating in activities and Thomas was in the shop. I handled sales, paperwork and service activities.

At present, Norman is deceased, Thomas lives with his daughter and subsists solely on social security, and I am unable to meet penalties, much less current living expenses. Norman Mfg. Co., 31473 Utica Road has closed and I am acting as self employed, subbing out services for the Michigan equivalent of minimum wage of \$ 7.25 per hour part time to pay bills.

I need to address delinquent tax matters, delinquent payments to the landlord in Fraser, and delinquent utilities for the facility in Fraser.

I would also request that consideration be extended to the very minimal amount of sales during the period in question, and the fact the the product integrity has not been questioned with only label infractions alleged.

I have always cooperated with the MDAG inspectors and complied with directives to the best of my knowledge.

Please feel free to contact Ms. Sue Downey of the Southfield, Michigan office of MDAG and I believe she will confirm that we were a very small operation at that time. I'm uncertain as to whether she knows that we have since closed.

Thank you for considerations extended in our regards in this matter.

A handwritten signature in black ink, appearing to read "Don Grant", with a long horizontal flourish extending to the right.

Don Grant

Cell: 586-838-7065

Original to: Regional Hearing Clerk

Copies: MARDI KLEVS

LUIS OVIEDO

JOSEPH LUKASCYK

# NORMAN MANUFACTURING COMPANY

"SINCE 1935"

- BOILER WATER TREATMENTS
- COOLING WATER TREATMENTS
- CHEMICAL CONTROL EQUIPMENT
- CHEMICAL TESTING EQUIPMENT
- SWIMMING POOL CHEMICALS
- INHIBITED ACID CLEANERS
- ACID DESCALING SERVICES

31473 Utica Road — P.O. Box 247  
**FRASER, MICHIGAN 48026**

Phone: (810) 294-5680  
294-5681  
Fax: (810) 293-7440

April 22, 1996

MR. MARC MASON  
MASON CHEMICAL COMPANY  
721 W. ALGONQUIN ROAD  
ARLINGTON HEIGHTS, IL 60005

Marc

During an earlier State Marketplace inspection as conducted by the Michigan Department of Agriculture, 2 discrepancies were noted in our program involving algaecide registration and labeling, as described below.

- 1) We had inadvertantly failed to properly register our product names of Algaecide Aqua Guard 50, Algae Trek and Algae Check.
- 2) In a review of our labels (1 per product), 1 error was noted on the Algae Check label. The label we supplied at the time of the inspection listed the E.P.A. Reg. 10324-15-38122 instead of 10324-43-38122. The 10324-15-38122 is the Algae Trek identification. I am uncertain as to how this occurred but believe it may have been an error on the part of the printer. The Algae Check label was initially structured to mirror your MCl412-10%-W label as per your instructions and was reviewed and approved. Correct identifications were in place in that approval process. It may be possible that after the approvals were received, the printer then repeated the designation of 15 instead of the proper 43 in the labels supplied and we did not catch it.

In any event, we were advised to ensure that everything in regards to labels is in order prior to registering these products. As we need to register the products, I have enclosed copies of our most recent Supplemental Distribution information and Distributor Agreements of April, 1994 for your review. Please review this information and advise if everything is current. We will register immediately upon authorization.

Thank You.

  
Don Garant



**MASON**

Quaternary Specialists

January 25, 2002

Don Garant  
Norman Manufacturing Co.  
31473 Utica Road  
Fraser, MI 48026

Subject: Maquat TC76-10% Label Update  
Algae Trek

Dear Mr. Garant:

Enclosed is our latest label for Maquat TC76-10%. Please look this label over carefully and make the necessary changes.

Kindly forward an updated label for the aforementioned product to me within the next 90 days. Once approved, we will require a final printed label for our files.

If you would prefer a copy of the label be e-mailed to you, call or send a message to [mary@maquat.com](mailto:mary@maquat.com).

Very truly yours,

MASON CHEMICAL COMPANY

Mary Smolka  
Regulatory Assistant  
Enclosure

# **NORMAN MANUFACTURING COMPANY**

"SINCE 1935"

- *BOILER WATER TREATMENTS*
- *COOLING WATER TREATMENTS*
- *CHEMICAL CONTROL EQUIPMENT*
- *CHEMICAL TESTING EQUIPMENT*
- *SWIMMING POOL CHEMICALS*
- *INHIBITED ACID CLEANERS*
- *ACID DESCALING SERVICES*

31473 Utica Road — P.O. Box 247  
Fraser, Michigan 48026

Phone (586) 294-5680  
294-5681  
Fax (586) 293-7440

July 23, 2002

ATTN. MARY SMOLKA  
MASON CHEMICAL CO.  
721 W. ALGONQUIN  
CHICAGO, IL 60005

RE: LABEL

Mary

Sorry for the delay on this.

Here is a copy of our Algae Trek label which has been revised based on the Maquat TC76-10% label/information you had supplied.

I am also providing the 4 page TC76-10% label indicating where some non-applicable information was eliminated and/or re-positioned to fit a 1 page label.

Please review and advise.

Thank You.

Don Garant

# ALGAE TREK

**ALGAE TREK for control of Algae and Algal Slime Growth in Industrial and/or Commercial Recirculating Cooling Water Towers.**

## ACTIVE INGREDIENTS

Alkyl (60% C<sub>12</sub>, 30% C<sub>14</sub>, 5% C<sub>16</sub>, 5% C<sub>18</sub>) dimethyl benzyl ammonium chloride ..... 9.96%  
Diakyl (60% C<sub>12</sub>, 30% C<sub>14</sub>, 5% C<sub>16</sub>, 5% C<sub>18</sub>) methyl benzyl ammonium chloride ..... 0.04%  
**ERT INGREDIENTS** .....

**TOTAL** ..... 90.00%

Weight: Approx. 8lbs./gallon

**KEEP OUT OF REACH OF CHILDREN  
DANGER**

See Right Panel for Additional Precautionary Statements

## FIRST AID

Wipe the product container or label with you when calling a poison control center or doctor, or going for treatment.

**ON SKIN OR CLOTHING:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

**IN EYES:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

**SWALLOWED:** Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

**GET TO PHYSICIAN:** Probable mucosal damage may contraindicate gastric lavage.

## SOLD BY:

**NORMAN MANUFACTURING COMPANY**  
31473 UTICA ROAD — FRASER, MICHIGAN 48026  
586.294-5680 • Fax 586.293.7440

E.P.A. Reg. 103224-15-38122

Est. No. 38122-MI-01

NET CONTENTS

BATCH NO.

## PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS

**DANGER.** Corrosive. Causes irreversible eye damage and skin burns. Harmful if swallowed or absorbed through skin. Do not get into eyes, on skin or on clothing. Wear protective eyewear (goggles, safety glasses or face shield), protective clothing, and rubber gloves. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before re-use.

## ENVIRONMENTAL HAZARD

This pesticide is toxic to fish. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product into sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

## PHYSICAL OR CHEMICAL HAZARDS

Do not mix with soap, anionic detergents or oxidizers.

*(For Industrial Water Treatment Use, Industrial and/or Commercial Recirculating Cooling Water Towers and Recirculating Cooling Water Systems)*

## STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.

1. **PESTICIDE STORAGE** Store in original containers and place in locked storage area. Keep from freezing.

2. **SPILL OR LEAK PROCEDURES** Small spills may be mopped up or flushed away with water or absorbed on some absorbent material and incinerated. Large spills should be contained, the material then moved into containers and disposed of by approved methods for hazardous wastes.

3. **PESTICIDE DISPOSAL** Pesticide waters are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your local State Pesticide or Environmental Control agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

4. **CONTAINER DISPOSAL** Do not reuse empty container (bottle, cans, jars). Triple rinse (or equivalent). Then offer for recycling or reconditioning or puncture and dispose of in a sanitary landfill, or incinerate or if allowed by state and local authorities, by burning. If burned stay out of smoke.

5. **GENERAL** Consult Federal, State, or local disposal authorities for approval of alternative procedure such as limited open burning.

## DIRECTIONS FOR USE

### INDUSTRIAL WATER TREATMENT

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Do not use water containing residues from use of this product to irrigate crops for food or feed.

Use of the product in either public/municipal or single or multiple family private/residential potable/drinking water systems is strictly prohibited. Use of the product in any cooling water system that discharges effluent within 1/4 mile of either a public/municipal or single or multiple family private/residential potable/drinking water intake is strictly prohibited.

This product aids in the control of bacterial, fungal and algal slimes in evaporative condensers, heat exchange water systems, industrial and commercial cooling towers.

**INDUSTRIAL AND/OR COMMERCIAL RECIRCULATING COOLING WATER TOWERS, RETORT WATER SYSTEMS**

1. **DOSING LOCATION:** This product should be applied at a point in the system where it will be uniformly mixed, such as at the sump.

2. **DOSING CONDITIONS:** This product should be applied when the system is in jeopardy of being affected or after cleaning systems where efficiency is already impaired.

### 3. METHOD OF APPLICATION:

#### a. INTERMITTENT OR SLUG METHOD

**Initial Dose:** When the system is noticeably fouled, apply 26.25 to 51.25 fluid ounces (20 to 40 ppm on an active quaternary basis) per 1000 gallons of water in the system. Repeat until control is achieved.

**Subsequent Dose:** When microbial control is evident, add 6.65 to 19.25 fluid ounces (5 to 15 ppm on an active quaternary basis) per 1000 gallons of water in the system twice weekly or as needed to maintain control. Badly fouled systems must be cleaned before treatment is begun.

#### b. MODIFIED INTERMITTENT METHOD

**Initial Dose:** When the system is noticeably fouled, apply 26.25 to 51.25 fluid ounces (20 to 40 ppm on an active quaternary basis) per 1000 gallons of water in the system. Apply half this initial dose when half of the water in the system has been lost by blowdown.

**Subsequent Dose:** When control of microbial growth is evident, apply 6.65 to 19.25 fluid ounces (5 to 15 ppm on an active quaternary basis) per 1000 gallons of water in the system. Apply half of this subsequent dose when half of the water in the system has been lost by blowdown. Badly fouled systems must be cleaned before treatment is begun.

#### c. CONTINUOUS FEED METHOD

**Initial Dose:** When the system is noticeably fouled, apply 26.25 fluid ounces (20 ppm on an active quaternary basis) per 1000 gallons of water in the system.

**Subsequent Dose:** Maintain this treatment by starting a continuous feed of 6.65 fluid ounces (5 ppm on an active quaternary basis) per 1000 gallons of water lost by blowdown. Badly fouled systems must be cleaned before treatment is begun.