



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 28 2013

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 JUL 11 A 11:26
REGIONAL HEARING
CLERK

CERTIFIED RETURN RECEIPT

HANNAM MART:

Gene Kim
Officer
NJ HANNAM Mart
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM CHAIN LLC:

Gene Kim
Officer
NJ Hannam Chain LLC
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM:

Gene Jinsoo
Registered Agent
NJ Hannam
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

NJ HANNAM CHAIN INC:

Martin Sok
President
NJ Hannam Chain Inc
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

Gene Kim
Registered Agent
NJ Hannam Chain Inc
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

HANNAM CHAIN U.S.A., INC.:

Kee W Ha, CEO
Hannam Chain U.S.A.
Headquarters
2740 W. Olympic Blvd.
Los Angeles, CA 90006

Jeong Wan Koo
Registered Agent
Hannam Chain U.S.A.
3240 Wilshire Blvd STE 570
Los Angeles, CA 90010-1504

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
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RE: In the Matter of HANNAM MART, NJ HANNAM CHAIN LLC, NJ
HANNAM, NJ HANNAM CHAIN INC, and HANNAM CHAIN U.S.A., INC.,
Docket No. FIFRA-02-2013-5103

Dear Sirs/Madams;

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), 7 U.S.C. 136 et seq.

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 (EPA) Regional Hearing Clerk at the following address:

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

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 Security and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings, which may or may not apply to you.

The EPA encourages the use of Supplemental Environmental Projects (SEPs), where appropriate, as part of any settlement. I am enclosing a brochure on EPA's 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)

bcc: Pam Cooper (EPA Region 9)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2013 JUL 11 A 11: 26
REGIONAL HEARING
CLERK

-----X
In the Matter of

HANNAM MART,

NJ HANNAM CHAIN LLC,

NJ HANNAM,

NJ HANNAM CHAIN INC,

and

HANNAM CHAIN U.S.A., INC.

Respondents.

Proceeding Under the Federal
Insecticide, Fungicide, and
Rodenticide Act, as amended.
-----X

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

Docket No. FIFRA-02-2013-5103

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. HANNAM MART ("H-Mart") is located at 1475 Bergen Blvd Fort Lee, N.J. 07024.

4. H-Mart is an unincorporated for-profit business operating in the State of New Jersey.
5. NJ HANNAM CHAIN LLC (“H-LLC”) is located at 1475 Bergen Blvd Fort Lee, N.J. 07024.
6. H-LLC is a for-profit corporation operating in the State of New Jersey.
7. NJ HANNAM (“Hannam”) is located at 1475 Bergen Blvd Fort Lee, N.J. 07024.
8. Hannam is a for-profit corporation operating in the State of New Jersey.
9. NJ HANNAM CHAIN INC (“H-INC”) is located at 1475 Bergen Blvd Fort Lee, N.J. 07024.
10. H-INC is a for-profit corporation operating in the State of New Jersey.
11. HANNAM CHAIN U.S.A., INC. (“H-USA”) is located at 2740 W. Olympic Blvd., Los Angeles, CA 90006.
12. H-USA is a for profit company registered in the State of California.
13. H-USA is the headquarters of the Hannam chain of markets/or supermarkets.
14. Upon information and belief, H-Mart is a franchise of H-U.S.A.
15. H-Mart, H-LLC, Hannam, H-INC, and H-USA are collectively hereinafter referred to as the “Respondents”.
16. Upon information and belief the following companies jointly or individually own, operate, and/or do business as H-Mart:
 - a. H-LLC,
 - b. Hannam,
 - c. H-INC, and/or
 - d. H-USA.
17. The Respondents have been, and continue to be “person(s)” as defined by FIFRA Section 2(s), 7 U.S.C. Section 136(s), and are subject to FIFRA and the regulations promulgated thereunder.
18. Respondents are “distributors or sellers” within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg).

19. Respondents are each a “wholesaler”, “dealer”, “retailer,” or “other distributor” within the meaning of Section 14(a) (1) of FIFRA, 7 U.S.C. §136l(a) (1).
20. The H-Mart retail store (the “Facility”) located at 1475 Bergen Blvd Fort Lee, N.J. 07024 constitutes an “establishment”, as defined in Section 2(dd) of FIFRA, 7 U.S.C. § 136(dd).
21. Respondents hold for sale, sell and/or distribute groceries and a variety of household goods, including pest control products, at the Facility.
22. On March 13, 2012, duly-authorized EPA enforcement officers (the “Inspectors”) conducted an inspection, pursuant to Section 8 and 9 of FIFRA, 7 U.S.C. § 136f and 136g, at the Facility (the “Inspection”).
23. At the time of the Inspection, the Inspectors found “Killpop Mat”, “Trista Melamine Sponge”, and “Wellos Laundry Ball” for sale at the Facility.
24. Respondents held for sale, distributed and/or sold the following pesticides at the Facility:
 - a. “Killpop Mat”,
 - b. “Trista Melamine Sponge”, and
 - c. “Wellos Laundry Ball”.
25. During the Inspection, the Inspectors found the following for sale or distribution at the Facility:
 - a. 47 units of “Killpop Mat”;
 - b. 1 unit of “Trista Melamine Sponge”; and
 - c. 9 units of “Wellos Laundry Ball”.
26. During the Inspection, the Inspectors collected physical and documentary samples of the products described in the previous paragraph that were held and/or offered for distribution or sale, within the meaning of Section 2(gg) of FIFRA, 7 U.S.C. Section 136(gg) and assigned them the following numbers:
 - a. “Killpop Mat” product - EPA Sample number 03131213703020201;
 - b. “Trista Melamine Sponge” product - EPA Sample number 03131213703020206;
and
 - c. “Wellos Laundry Ball” product - EPA Sample number 03131213703020202
27. The term “pest” includes any insect, virus, bacteria or other micro-organisms, section 2(t) of FIFRA, 7 U.S.C. Section 136(t).
28. Section 2(mm) of FIFRA, 7 U.S.C. Section 136(mm) defines the term “antimicrobial pesticide” as, among other things, “a pesticide that (A) is intended to- (i) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.”
29. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines the term “pesticide” as, among other things, “(1) any substance or mixture of substances intended for preventing, destroying, repelling

or mitigating any pest.”

30. Pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, no person may distribute or sell to any person any pesticide that is not registered with EPA.

31. Section 2(q)(1)(E) of FIFRA, 7 U.S.C. Section 136(q)(1)(E) states that a pesticide is misbranded if any word, statement or other information required to appear on the label is not likely to be read or understood by the ordinary individual under customary conditions of purchase and use.

32. Pesticide products are misbranded if the labeling requirements specified in 40 C.F.R. Section 156.10(a)(1) and (a)(3) are not met. The contents of the label must clearly and prominently show the required information set forth in 40 C.F.R. Section 156.10(a)(1)(i)-(ix). Additionally, pursuant to 40 C.F.R. Section 156.10(a)(3), all pesticide products shall bear all required labeling text in the English language.

Count 1
Sale/Distribution of Unregistered Pesticide- Killpop Mat

33. Complainant realleges each allegation contained in Paragraphs 1 through 32, inclusive, as if fully set forth herein.

34. The (translated) label of the “Killpop Mat” product referenced in paragraphs 23-26, above, displayed several pesticidal claims including but not limited to:

- a. “Fast insect-killing effect”;
- b. “Insecticide for the world”;
- c. “extermination of mosquitoes”;
- d. “Made of Bioallethrin, which has an excellent insect-killing effect”;
- e. “demonstrates excellent insect-killing effect in a large area”;
- f. “The insect-killing effect lasts for 13 hours”;
- g. “electric fumigation insect killer”;
- h. “This product acts on only mosquitoes selectively”;
- i. “one mat of this product can usually provide insect-killing effect for 13.2m² to 19.8 m²”;
- j. “electric fumigation insect killer”; and
- k. “..when surface turns almost white, its insect-killing ingredient..”

35. By virtue of the pesticidal claims on the “Killpop Mat” packaging, as set forth the previous paragraph, the product was intended for preventing, destroying, repelling, or mitigating a pest, and therefore is a pesticide as defined in Section 2(u) of FIFRA, 7 U.S.C. § 136(u), and must be registered with EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a.

36. The “Killpop Mat” pesticide product was not registered by EPA, as required by FIFRA Section 3, 7 U.S.C. Section 136a.

37. Respondents' sale or distribution of the "Killpop Mat" without having registered it with EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, constitute an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 2
Sale/Distribution of Misbranded Killpop Mat

38. Complainant realleges each allegation contained in Paragraphs 1 through 32, inclusive, as if fully set forth herein.

39. The wording on the package of the "Killpop Mat" product referenced in Paragraphs 23-26, above, is mostly written in the Korean language.

40. The following sections and/or directions on the back of the package of the "Killpop Mat" product were written entirely in Korean:

- a. sanitary aid,
- b. product name;
- c. shape;
- d. characteristics;
- e. usage/use volume,
- f. shelf life;
- g. precautions for use; and
- h. customer support.

41. The only words written in English on the package of the "Killpop Mat" product were the following:

- a. front label: "Killpop Mat", "New," and "DBK";
- b. sides labels: "Killpop Mat", "New", "DBK", and "Related Products"; and
- c. back label: "DBK" and "Made in Korea".

42. The label for the "Killpop Mat" product does not contain the following information in English: product registration number, producer establishment number, ingredient statement, hazard and precautionary statement, and directions for use.

43. The "Killpop Mat" product has labels written mostly in the Korean language and therefore the product was misbranded.

44. The label language for the "Killpop Mat" product is misbranded within the meaning of Section 2(q)(1)(E), 7 U.S.C. Section 136(q)(1)(E) and 40 C.F.R. Sections 156.10(a)(1) & (3), because it is not likely to be read or understood by the ordinary individual under customary conditions of purchase and use.

45. Respondents sold and/or distributed the misbranded "Killpop Mat" product at the Facility.

46. FIFRA Section 12(a)(1)(E), 7 U. S.C. Section 136j(a)(1)(E), provides that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.

Count 3

Sale/Distribution of an Unregistered Pesticide-Trista Melamine Sponge

47. Complainant realleges each allegation contained in Paragraphs 1 through 32, inclusive, as if fully set forth herein.

48. The (translated) label for the “Trista Melamine Sponge” displays the following pesticidal claims including but not limited to:

- a. “Antibacteria”;
- b. “99% Antibiosis”;
- c. “99.9% naturally antibiotic product”;

49. The “Trista Melamine Sponge” offered for sale or distribution by the Respondents is intended to disinfect, sanitize, reduce or mitigate bacteria and microorganisms, and therefore is an “antimicrobial pesticide” as defined by Section 2(mm)(1) of FIFRA, 7 U.S.C. Section 136(mm)(l).

50. By virtue of the aforementioned claims on the packaging and product insert of the “Trista Melamine Sponge”, the product was intended for preventing, destroying, repelling or mitigating a pest and therefore is a pesticide within the meaning of Section 2 (u) of FIFRA, 7 U.S.C. Section 136(u).

51. The “Trista Melamine Sponge” product was not registered by EPA, as required by FIFRA Section 3, 7 U.S.C. Section 136a.

52. FIFRA Section 12(a)(1)(A), 7 U.S.C. Section 136j(a)(1)(A), provides it shall be unlawful for any person in any state to distribute or sell to any person any pesticide which is not registered under Section 3 of FIFRA, 7 U.S.C. Section 136a.

53. Respondents’ sale and/or distribution of the “Trista Melamine Sponge” product without having registered it with EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 4

Sale/Distribution of Misbranded Pesticide-Trista Melamine Sponge

54. Complainant realleges each allegation contained in Paragraphs 1 through 32, inclusive, as if fully set forth herein.

55. The wording on the package of the “Trista Melamine Sponge” product referenced in Paragraphs 23-26, above, was written in both the English and Korean language.

56. The wording on the “Trista Melamine Sponge” label had the characteristics, applications and usage directions for the product written entirely in the Korean language.

57. The label for the “Trista Melamine Sponge” product did not contain the following information in English: product registration number, producer establishment number, ingredient statement, hazard and precautionary statement, and directions for use.

58. The “Trista Melamine Sponge” product had labels written mostly in the Korean language and therefore the product was misbranded.

59. The label language for the “Trista Melamine Sponge” product is misbranded within the meaning of Section 2(q)(1)(E), 7 U.S.C. Section 136(q)(1)(E) and 40 C.F.R. Sections 156.10(a)(1) & (3), because it is not likely to be read or understood by the ordinary individual under customary conditions of purchase and use.

60. Respondents sold and/or distributed the misbranded “Trista Melamine Sponge” at the Facility.

61. FIFRA Section 12(a)(1)(E), 7 U.S.C. Section 136j(a)(1)(E), provides that it shall be unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded.

62. Respondents’ sale and/or distribution of the misbranded “Trista Melamine Sponge” was in violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

Count 5

Sale/Distribution of an Unregistered Pesticide-Wellos Laundry Ball

63. Complainant realleges each allegation contained in Paragraphs 1 through 32 inclusive, as if fully set forth herein.

64. The label for the Wellos Laundry Ball product referenced in Paragraphs 23-26, above, displayed several pesticidal claims including but not limited to:

- a. On the outside packaging:
 - i. “Strong antibiosis and sterilization function”;
 - ii. “the Wellos Ball has an antibiotic agent, it eliminates mold, pathogenic organisms and unpleasant odors”; and
 - iii. “Antibiotic”.

- b. On the product insert:
 - i. “antibiotic”;
 - ii. “The powerful antibiotic effect eliminates a mold, a pathogenic bacteria which cause unpleasant odors and uncleanness”;
 - iii. “the ANTIBIOTIC BALL eliminates the mold, pathogenic organisms in the washing machine, and activates the water to increase the cleaning strength”;
 - iv. “Powerful antibiotic”;
 - v. “Antibiotic ball: Strong antibiosis and sterilization function.

65. The “Wellos Laundry Ball” offered for sale or distribution by the Respondents is intended to disinfect, sanitize, reduce or mitigate bacteria and microorganisms, and therefore is an “antimicrobial pesticide” as defined by Section 2(mm)(1) of FIFRA, 7 U.S.C. Section 136(mm)(l).

66. By virtue of the aforementioned claims on the packaging and product insert of the “Wellos Laundry Ball”, the product was intended for preventing, destroying, repelling or mitigating a pest and therefore is a pesticide within the meaning of Section 2 (u) of FIFRA, 7 U.S.C. Section 136(u).

67. The “Wellos Laundry Ball” product was not registered by EPA, as required by FIFRA Section 3, 7 U.S.C. Section 136a.

68. Respondents’ sale and/or distribution of the “Wellos Laundry Ball” product without having registered it with EPA pursuant to Section 3 of FIFRA, 7 U.S.C. § 136a, constitutes an unlawful act pursuant to Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

PROPOSED CIVIL PENALTY

The proposed civil penalty has been determined in accordance with Section 14(a) of FIFRA, 7 U.S.C. § 136l(a), as amended, which authorizes the assessment of a civil penalty of up to \$5,000 for each violation of “any provision of” subchapter II of FIFRA, 7 U.S.C. §§ 136 - 136y. The statutory maximum assessment per violation was raised to \$6,500 for the period March 15, 2004 through January 12, 2009. Effective after January 12, 2009, the statutory maximum was raised to \$7,500. 40 C.F.R. Part 19.

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, and used EPA’s “FIFRA Enforcement Response Policy [for] The Federal Insecticide, Fungicide and

Rodenticide Act,” dated December 2009 (hereinafter referred to as the “ERP”). This guidance policy provides rational, consistent and equitable calculation methodologies for applying the statutory penalty criteria enumerated above to particular cases. A copy of the ERP is available upon request or may be obtained from the Internet at this address:
<http://cfpub.epa.gov/enforcement/resources/policies/civil/erp/>.

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

Sale/distribution of unregistered pesticide products	
3 Counts @ \$5,670 per violation (post 1/12/09).....	\$17,010
Sale/distribution of misbranded pesticide products	
2 Counts @ \$4,250 per violation (post 1/12/09).....	\$8,500
Total Proposed Penalty Assessment (rounded to the nearest \$100)	\$25,500

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 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 Respondents intend to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that Respondents are entitled to judgment as a matter of law, Respondents 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)) An 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**

(Note that any documents filed after Respondents have filed an Answer in this proceeding should not be filed using the above address, but should be filed following the instructions specified in

section “D”, below.)

Respondents 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)).

Respondents’ 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 Respondents have any knowledge (40 C.F.R. § 22.15(b)). Where Respondents lack knowledge of a particular factual allegation and so states in their 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 Respondents dispute (and thus intends to place at issue in the proceeding), and (3) whether Respondents request a hearing (40 C.F.R. § 22.15(b)).

Respondents’ failure affirmatively to raise in the Answer facts that constitute or that might constitute the grounds of their defense may preclude Respondents, 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 Respondents in their Answer, a hearing upon the issues raised by the Complaint and Answer may be held (40 C.F.R. § 22.15(c)). If, however, Respondents do 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 Respondents fail in their 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 Respondents fail 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, Respondents may be found in default upon motion (40 C.F.R. § 22.17). Default by Respondents constitute, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint (40 C.F.R. § 22.17(a)). Following a default by Respondents 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 Respondents 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 Respondents, and to collect the assessed penalty amount, in Federal court.

D. Filing of Documents Filed After the Answer

Unless otherwise ordered by the Presiding Officer for this proceeding, all documents filed after Respondents have filed an Answer should be filed with the Headquarters Hearing Clerk, acting for the Regional Hearing Clerk, addressed as follows:

If filing by the United States Postal Service, address to:

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1900R
Washington, D.C. 20460

If filing by UPS, FedEx, DHL or other Courier, or personal delivery, address to:

Sybil Anderson
Headquarters Hearing Clerk
Office of Administrative Law Judges
Ronald Reagan Building, Rm M1200
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

E. Exhaustion of Administrative Remedies

Where Respondents fail 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), Respondents waive their 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)], Respondents 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, five 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 Respondents request 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, Respondents may comment on the charges made in this Complaint, and Respondents may also provide whatever additional information that they believe is relevant to the disposition of this matter, including: (1) actions Respondents have 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 Respondents' ability to continue in business, and (4) any other special facts or circumstances Respondents wish to raise.

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

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

Jeannie M. Yu,
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, N.Y. 10007-1866
212-637-3205 (phone)
Yu.Jeannie@epa.gov

The parties may engage in settlement discussions irrespective of whether Respondents have requested a hearing (40 C.F.R. § 22.18(b)(1)). Respondents' request for a formal hearing does not prevent them 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 Respondents' 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, Respondents waive their right to contest the allegations in the Complaint and waive their 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)).

Respondents entering into a settlement through the signing of such Consent Agreement and their complying with the terms and conditions set forth in the Consent Agreement terminates this administrative litigation and civil proceedings arising out of the allegations made in the Complaint. Respondents entering into a settlement do not extinguish, waive, satisfy or otherwise affect their 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, Respondents may choose to pay the total amount of the proposed penalty within 30 days after receipt of the Complaint, provided that Respondents file 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)). A copy should also be provided to the EPA Assistant Regional Counsel identified on the previous page. 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 HANNAM MART, NJ HANNAM CHAIN LLC., NJ HANNAM, NJ HANNAM CHAIN INC, and HANNAM CHAIN U.S.A., INC.) and the Docket Number (FIFRA-02-2013-5103).

If Respondents choose to make the payment by EFT, then Respondents shall provide the following information to their remitter bank:

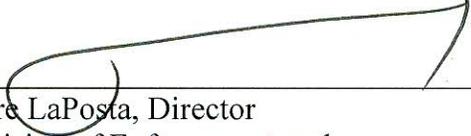
- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account Code for Federal Reserve Bank of New York receiving payment: 68010727
- 4) Federal Reserve Bank of New York ABA routing number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"
- 6) HANNAM MART, NJ HANNAM CHAIN LLC., NJ HANNAM, NJ HANNAM CHAIN INC, and HANNAM CHAIN U.S.A., INC.
- 7) Case Number: FIFRA-02-2013-5103

Pursuant to 40 C.F.R. § 22.18(a)(3), if Respondents elect 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 Respondents shall constitute a waiver of Respondents' 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.

In the Matter of HANNAM MART, NJ HANNAM CHAIN LLC, NJ HANNAM, NJ HANNAM CHAIN INC, and HANNAM CHAIN U.S.A., INC., Docket No. FIFRA-02-2013-5103

COMPLAINANT:


Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. EPA, Region 2

Dated: JUNE 28, 2013
New York, New York

TO:

HANNAM MART:

Gene Kim
Officer
NJ HANNAM Mart
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM CHAIN LLC:

Gene Kim
Officer
NJ Hannam Chain LLC
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM:

Gene Jinsoo
Registered Agent
NJ Hannam
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

NJ HANNAM CHAIN INC:

Martin Sok
President
NJ Hannam Chain Inc
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

Gene Kim
Registered Agent
NJ Hannam Chain Inc
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

HANNAM CHAIN U.S.A., INC.:

Kee W Ha, CEO
Hannam Chain U.S.A.
Headquarters
2740 W. Olympic Blvd.
Los Angeles, CA 90006

Jeong Wan Koo
Registered Agent
Hannam Chain U.S.A.
3240 Wilshire Blvd STE 570
Los Angeles, CA 90010-1504

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-02-2013-5103, and a copy of the Consolidated Rules of Practice, 40 C.F.R. Part 22, by certified mail, return receipt requested, to:

HANNAM MART:

Gene Kim
Officer
NJ HANNAM Mart
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM CHAIN LLC:

Gene Kim
Officer
NJ Hannam Chain LLC
1475 Bergen Blvd
Fort Lee, New Jersey 07024

NJ HANNAM:

Gene Kim
Registered Agent
NJ Hannam
460 Bergen Blvd Ste 205
Palisades Park, New Jersey 07650-2345

NJ HANNAM CHAIN INC:

Martin Sok
President
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Gene Kim
Registered Agent
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HANNAM CHAIN U.S.A., INC.:

Kee W Ha, CEO
Hannam Chain U.S.A.
Headquarters
2740 W. Olympic Blvd.
Los Angeles, CA 90006

Jeong Wan Koo
Registered Agent
Hannam Chain U.S.A.
3240 Wilshire Blvd STE 570
Los Angeles, CA 90010-1504

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: July 11, 2013
New York, New York

Mildred N. Bae