

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Aug 06, 2025

12:56 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of: :
: :
KL-CHEMPAK, INC. : U.S. EPA Docket No. FIFRA-03-2025-0127
10 INDUSTRIAL HWY, 32000 SOUTH LOOP :
LESTER, PENNSYLVANIA 19113 : Proceeding under Section 14(a) of the Federal
: Insecticide, Fungicide, and Rodenticide Act
Respondent. : (FIFRA), 7 U.S.C. § 136l(a).
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CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and KL-ChemPak, Inc. ("Respondent" or "ChemPak") (collectively the "Parties"), pursuant to Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136l(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA" or "the Act") authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under FIFRA for the violations alleged herein.

2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The U.S. Environmental Protection Agency ("EPA") has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(1).

GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Respondent is and, at all times relevant to the violations alleged herein, was a company incorporated in the State of Pennsylvania.
14. Respondent is and, at all times relevant to the violations alleged herein, was the owner and operator of a facility located at 10 Industrial Hwy, 32000 South Loop, Lester, Pennsylvania (hereinafter “the Facility”). This facility is an EPA-registered pesticide/device producing facility with the number EPA Est. No. 80347-PA-1. This facility has been registered with EPA since October 25, 2019.
15. Based on information available to the EPA, at all times relevant to the violations alleged herein, Respondent’s business includes the warehousing, blending, and transloading of chemical and pesticide products at the Facility in Lester, Pennsylvania. The Facility handles raw materials, blends them into end-use pesticide products, and places them in ISO tanks for testing, storage, and transportation purposes.

Overview of FIFRA Regulations and Label Requirements

16. Title I of FIFRA, 7 U.S.C. §§ 136-136y, establishes the framework for regulating the distribution, sale, and use of pesticides to ensure protection of human health and the environment.
17. Section 2(s) of FIFRA, 7 U.S.C. § 136(s), defines a “person” as “any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.”
18. Respondent is a “person” as that term is defined in Section 2(s) of FIFRA, 7 U.S.C. § 136(s), and is subject to the assessment of civil penalties for the violations alleged herein.
19. Section 2(u) of FIFRA, 7 U.S.C. § 136(u), defines a “pesticide” in part, as “any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.”
20. Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines a “pest” 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)].”

21. Section 2(gg) of FIFRA, 7 U.S.C. § 136(gg), defines “to distribute and sell” as “to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver.” See also 40 C.F.R. § 152.3.
22. Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers”; and defines “labeling” as “all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device”
23. Under Section 19(e)(1)(A) of FIFRA, 7 U.S.C. § 136q(e)(1)(A), the EPA is authorized to promulgate regulations ensuring that pesticide containers are designed to minimize risks of spills, leaks, or contamination during handling, storage, transportation, and disposal.

EPA Inspection

24. Respondent blends, packages and transports pesticide products for use in hydraulic fracking operations. The facility has been registered with EPA as a pesticide/device-producing establishment (EPA Est. No. 80347-PA-1) since 2019.
25. Respondent handles the registered pesticide products “Tolcide PS-75” (EPA Registration Number 33677-3, transferred to 102009-1), “Tolcide 4FRAC” (EPA Registration Number 4564-22, transferred to 102007-8) and “Tolcide 4FRAC20” (EPA Registration Number 4564-23, transferred to 102007-9) at its facility.
26. “Tolcide PS-75”, “Tolcide 4FRAC” and “Tolcide 4FRAC20” are subject to the regulations found in 40 C.F.R. § 156.10., which require proper labeling that clearly and prominently displays key product information.
27. On February 9, 2023, an EPA-credentialed inspector conducted a routine FIFRA producer establishment inspection (“Inspection”) of the Facility.
28. The EPA inspector provided Notice of Inspection (EPA Form 3540-2) to an authorized representative for Respondent.
29. During the Inspection, the EPA collected information on the Facility's operations pertaining to the production and distribution and sale of pesticide products.

30. The inspector observed three ISO tanks, each containing a different substance: one tank held "Tolcide PS-75", another contained "Tolcide 4FRAC", and the third held "Tolcide 4FRAC20". None of the tanks had the required EPA-approved labels affixed to the exterior in the immediate vicinity of their respective discharge control valves.
31. EPA believes that the labeling deficiencies observed are violations under FIFRA Section 12(a)(2)(S), as the tanks lacked labeling that clearly and prominently display key product information necessary for safe handling and compliance with EPA regulations.
32. On March 10, 2025, the EPA issued Respondent a Notice to Show Cause ("Show Cause") in connection with the alleged noncompliance with FIFRA at their facility located in Lester, Pennsylvania.

Count I

Failure to Affix Required EPA-Approved Label to Pesticide Containers

33. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
34. 40 C.F.R. § 156.10(a)(4)(ii)(B) requires that pesticide products stored in bulk containers, whether mobile or stationary, have a copy of the product labeling securely affixed to the container in the immediate vicinity of the discharge control valve.
35. During the inspection conducted at the Facility on February 9, 2023, Respondent was found to be in custody of an ISO tank containing Tolcide PS-75 without the required EPA-approved labels affixed to the exterior in the immediate vicinity of the discharge control valve.
36. By failing to properly label the exterior of the ISO tank containing Tolcide PS-75 in their custody, Respondent failed to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B).
37. In failing to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B) in the manner set forth in Paragraphs 34 to 35, Respondent violated Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), and is subject to the assessment of penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count II

Failure to Affix Required EPA-Approved Label to Pesticide Containers

38. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

39. 40 C.F.R. § 156.10(a)(4)(ii)(B) requires that pesticide products stored in bulk containers, whether mobile or stationary, have a copy of the product labeling securely affixed to the container in the immediate vicinity of the discharge control valve.
40. During the Inspection conducted at the Facility on February 9, 2023, Respondent was found to be in custody of an ISO tank containing Tolcide 4FRAC without the required EPA-approved labels affixed to the exterior in the immediate vicinity of the discharge control valve.
41. By failing to properly label the exterior of the ISO tank containing Tolcide 4FRAC in their custody, Respondent failed to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B).
42. In failing to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B) in the manner set forth in Paragraphs 39 to 40, Respondent violated Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), and is subject to the assessment of penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Count III

Failure to Affix Required EPA-Approved Label to Pesticide Containers

43. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
44. 40 C.F.R. § 156.10(a)(4)(ii)(B) requires that pesticide products stored in bulk containers, whether mobile or stationary, have a copy of the product labeling securely affixed to the container in the immediate vicinity of the discharge control valve.
45. During the Inspection conducted at the Facility on February 9, 2023, Respondent was found to be in custody of an ISO tank containing Tolcide 4FRAC20 without the required EPA-approved labels affixed to the exterior in the immediate vicinity of the discharge control valve.
46. By failing to affix the required labeling to the ISO tank containing Tolcide 4FRAC20 in their custody, Respondent failed to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B).
47. In failing to comply with 40 C.F.R. § 156.10(a)(4)(ii)(B) in the manner set forth in Paragraphs 44 to 45, Respondent violated Section 12(a)(2)(S) of FIFRA, 7 U.S.C. § 136j(a)(2)(S), and is subject to the assessment of penalties under Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

CIVIL PENALTY

48. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **NINE THOUSAND SIX HUNDRED DOLLARS (\$9,600)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
49. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in FIFRA, Section 14(a)(4), 7 U.S.C. § 136l(a)(4), including, the following: the size of business of the person charged, the effect of the person's ability to continue in business, and the gravity of the violation. These factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's FIFRA Enforcement Response Policy (December 2009), which reflects the statutory penalty criteria and factors set forth in FIFRA, Section 14(a)(4) of FIFRA, 7 U.S.C. § 136l(a)(4), the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation have also been considered.
50. Respondent agrees to pay a civil penalty in the amount of **NINE THOUSAND AND SIX HUNDRED DOLLARS (\$9,600)** ("Assessed Penalty") within thirty (30) days of the Effective Date of this Consent Agreement and Final Order.
51. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Any checks should be made payable to "Treasurer, United States of America."
52. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, FIFRA-03-2025-0127,
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously **by email** to the following person(s):

John Rutherford
Assistant Regional Counsel
rutherford.john@epa.gov,

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or 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 appropriate docket number and Respondent’s name.

53. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service (“IRS”) standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s costs of processing and handling overdue debts.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days.

54. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following.

a. Refer the debt to a credit reporting agency or a collection agency, per 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 government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but

is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 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, per 40 C.F.R. § 13.17.

d. Request that the Attorney General bring a civil action in the appropriate district court to recover the amount outstanding pursuant to 7 U.S.C. § 136l(a)(5).

55. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

56. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.

57. Payment of the civil penalty, in accordance with the above terms and provisions, is due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed the EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).

58. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Rutherford.john@epa.gov (for Complainant), and Gilyons@chempak.net (for Respondent).

GENERAL SETTLEMENT CONDITIONS

59. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.

60. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the

right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

61. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

62. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, 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 the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the FIFRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

63. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under FIFRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

64. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this

Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

65. The effective date of this Consent Agreement and Final Order (“Effective Date”) is the date on which the Final Order, signed by the Regional Administrator of the EPA, Region 3, or the Regional Administrator’s designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

66. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent: KL-ChemPak, Inc.

Date: _____

By: _____

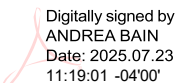
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Gregory Lyons
Compliance Manager

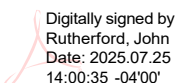
For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By: **ANDREA BAIN**  Digitally signed by
ANDREA BAIN
Date: 2025.07.23
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[Digital Signature and Date]
Andrea Bain, Acting Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region 3
Complainant

Attorney for Complainant:

By: **Rutherford, John**  Digitally signed by
Rutherford, John
Date: 2025.07.25
14:00:35 -04'00'

[Digital Signature and Date]
John Rutherford
Assistant Regional Counsel
U.S. EPA – Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

FILED

Aug 06, 2025

12:56 pm

U.S. EPA REGION 3
HEARING CLERK

In the Matter of:

KL-CHEMPAK, INC.

10 INDUSTRIAL HWY, 32000 SOUTH LOOP
LESTER, PENNSYLVANIA 19113

Respondent.

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: U.S. EPA Docket No. FIFRA-03-2025-0127
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: Proceeding under Section 14(a) of the Federal
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: (FIFRA), 7 U.S.C. §136l(a).
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FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, KL-ChemPak, Inc., have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and Sections 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the Parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the EPA's FIFRA Enforcement Response Policy (December 2009), and the statutory factors set forth in Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136l(a)(4).

NOW, THEREFORE, PURSUANT TO Section 14(a) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136l(a), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **NINE THOUSAND SIX HUNDRED DOLLARS (\$9,600)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of FIFRA and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: _____
Regional Judicial and Presiding Officer
U.S. EPA Region 3

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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	: Insecticide, Fungicide, and Rodenticide Act
Respondent.	: (FIFRA), 7 U.S.C. §136l(a).
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CERTIFICATE OF SERVICE

I certify that the foregoing ***Consent Agreement and Final Order*** was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the ***Consent Agreement and Final Order***. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Gregory Lyons
KL-ChemPak, Inc.
10 Industrial Hwy, 32000 South Loop
Lester, Pennsylvania 19113

John Rutherford
Assistant Regional Counsel
U.S. EPA, Region 3
rutherford.john@epa.gov

Christine Convery
Environmental Scientist
U.S. EPA, Region 3
Convery.Christine@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3