



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 04 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael S. Williams
Chief Operating Officer
Peach State Labs, Inc.
180 Burlington Road
Rome, Georgia 30162

Re: Peach State Labs, Inc.
Consent Agreement and Final Order
Docket No. TSCA-04-2017-2512(b)


Dear Mr. Williams:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk and served on the parties as directed in Section 22.6 of the Consolidated Rules of Practice, 40 C.F.R. Part 22. Please refer to Section V of the CAFO for penalty information and payment requirements. To ensure proper processing, the Respondent's name and Docket Number for this case, identified above and in the CAFO, should be noted on any cashier's or certified check submitted in payment of the penalty.

Also, enclosed please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts Peach State Labs, Inc., on notice of its potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the U. S. Environmental Protection Agency Region 4.

Should you have any questions concerning the SEC's environmental disclosure requirements, or your compliance status in the future, please contact Mr. Verne George of the EPA Region 4 staff at (404) 562-8988.

Sincerely,


Anthony G. Toney

Chief
Chemical Safety and Enforcement Branch

Enclosures

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA, GEORGIA

In the Matter of:)
Peach State Labs, Inc.)
Respondent.)
_____)

Docket No. TSCA-04-2017-2512(b)

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CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, U. S. Environmental Protection Agency, Region 4. Respondent is Peach State Labs, Inc.
2. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of the EPA. The Administrator of the EPA has delegated this authority under TSCA to the EPA Region 4 Regional Administrator by the EPA Delegation 12-2-A, dated May 11, 1994. The Region 4 Regional Administrator has re delegated this authority to the Director of the Air, Pesticides and Toxics Management Division by the EPA Region 4 Delegation 12-2-A, dated January 14, 2009. Pursuant to that Delegation, the Director of the Air, Pesticides and Toxics Management Division has

the authority to commence an enforcement action as the Complainant in this matter and has the authority to sign Consent Agreements memorializing settlements between the EPA and Respondents.

3. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony; the making of any argument; or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

4. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful for any person to: (1) fail to submit reports or information, or export notices required by Section 12(b) of TSCA, 15 U.S.C. § 2611(b).
5. Any person who violates a provision of Section 15 of TSCA shall be liable for a civil penalty for each such violation in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19. Each day a violation continues may constitute a separate violation.
6. All Confidential Business Information (CBI) in this CAFO has been redacted. To determine the identity of the chemical substances referenced in this CAFO or the CBI that was deleted (CBI deleted), Complainant and/or Respondent should refer to the show cause letter dated August 22, 2016, sent to the Respondent identifying the potential violations of TSCA and notifying the Respondent of the opportunity to show cause why the EPA should not proceed with an enforcement action.

III. Specific Allegations

7. Respondent owns and operates a chemical importing, exporting and manufacturing facility located at 180 Burlington Road, Rome, Georgia.
8. Respondent is an importer, exporter and manufacturer as those terms are defined in 40 C.F.R. §§ 720.3 and 707.63.
9. On April 26, 2016, an authorized agent of the EPA Region 4 conducted an inspection at Respondent's Rome, Georgia facility pursuant to Section 11 (a) of TSCA, 15 U.S.C. § 2610(a).
10. A review of Respondent's export records showed that Respondent exported Mixture A to the foreign country identified as [CBI deleted] on [CBI deleted].
11. Mixture A contained Chemical A, a chemical substance that was subject to a significant new use rule (SNUR) pursuant to Section 5 of TSCA, as set forth in 40 C.F.R. § 721.[CBI deleted].
12. On [CBI deleted], the EPA promulgated a final SNUR for Chemical A.
13. The effective date of Chemical A's SNUR was [CBI deleted].
14. Chemical A's SNUR is referenced at 40 C.F.R. Part 721.[CBI deleted], Subpart E.
15. Pursuant to 40 C.F.R. § 721.20, persons who intend to export a chemical substance identified in 40 C.F.R. Part 721, Subpart E, or in any proposed rule which would amend Subpart E are subject to the export notification provisions of Section 12(b) of TSCA, 15 U.S.C. § 2611 and the regulations promulgated at 40 C.F.R. Part 707.
16. Pursuant to Section 12(b) of TSCA, 15 U.S.C. § 2611, as also noted in 40 C.F.R. § 707.60(a), any person who exports or intends to export a chemical substance or mixture must notify the EPA of such exportation to a particular country if any of the following

actions have been taken pursuant to TSCA with respect to that chemical substance or mixture: (1) Data are required under section 4 or 5(b); (2) An order has been issued under section 5; (3) A rule has been proposed or promulgated under section 5 or 6 ; or (4) An action is pending, or relief has been granted under section 5 or 7. Chemical A was subject to a final SNUR as referenced in paragraphs 11-14.

17. Based on the EPA's SNUR promulgated under section 5 of TSCA, and the export activities associated with Chemical A, and pursuant to the requirements of 40 C.F.R. § 707.65(a)(3), Respondent was required to submit a TSCA Export Notice to the EPA for Chemical A, postmarked within seven days of forming the intent to export or on the date of export, whichever was earlier.
18. On [CBI deleted], Respondent submitted Chemical A's TSCA Section 12(b) Export Notice to the EPA. Respondent's Notice was not postmarked within seven days of forming the intent to export or the date of export as required by 40 C.F.R. § 707.65(a)(3).
19. By not postmarking and submitting a timely TSCA Section 12(b) Export Notice to the EPA for Chemical A, Respondent failed to comply with 40 C.F.R. § 707.60(a).
20. Pursuant to 40 C.F.R. § 707.60(f), failure to comply with TSCA Section 12(b) as set forth in Part 707 is a violation of TSCA Section 15(3), 15 U.S.C. § 2614(3), and will subject the exporter to the penalty, enforcement, and seizure provisions of TSCA Sections 16 and 17, 15 U.S.C. §§ 2615 and 2616.

IV. Consent Agreement

21. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set forth above and neither admits nor denies the factual allegations set forth above.

22. Respondent waives its right to a hearing on the allegations contained herein and its right to appeal the proposed Final Order accompanying the Consent Agreement.
23. Respondent consents to the assessment of the penalty proposed by the EPA and agrees to pay the civil penalty as set forth in this CAFO.
24. Respondent certifies that it has addressed the alleged violation set forth in this CAFO by submitting the TSCA Section 12(b) Export Notice for Chemical A.
25. Compliance with this CAFO shall resolve the allegations of the violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States. Other than as expressed herein, neither the EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.
26. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of TSCA.
27. Pursuant to 40 C.F.R. § 22.5(c)(4), the following individual is authorized to receive service for the EPA in this proceeding:

Verne George
Chemical Management and Emergency Planning Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-8988.

V. Final Order

28. Respondent is assessed a civil penalty of **SEVEN THOUSAND, TWO HUNDRED TWENTY-FIVE (\$7,225)** which shall be paid within thirty (30) days of the effective date.
29. Respondent shall remit the penalty payment by either a cashier's or certified check made payable to the "Treasurer, United States of America." **The Respondent shall note on the face of the check the Respondent's name and the Docket Number associated with this CAFO.** The penalty payment shall be sent by one of the methods below.

Address for standard delivery:

U.S. Environmental Protection Agency
P.O. Box 979077
St. Louis, Missouri 63197-9000

Address for signed receipt confirmation (FedEx, DHL, UPS, USPS certified, registered, etc.):

U.S. Environmental Protection Agency
Government Lockbox 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, Missouri 63101
Delivery Contact Phone Number: (314) 425-1819

30. At the time of payment, Respondent shall send a separate copy of the check and a written statement that the payment is being made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960 and;

Verne George
Chemical Management and Emergency Planning Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

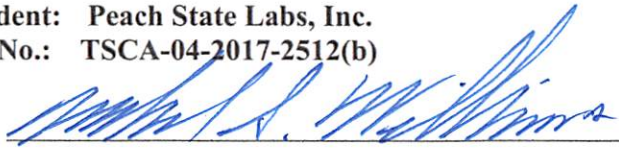
31. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for any civil penalty payment made pursuant to this CAFO. Any attempt by Respondent to deduct any such payments shall constitute a violation of this CAFO.
32. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In accordance with 40 C.F.R. § 13.11(a), interest on any civil penalty assessed in a CAFO begins to accrue on the date that a copy of the CAFO is mailed or hand-delivered to the Respondent. However, the EPA will not seek to recover interest on any amount of such civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). A charge will also be assessed to cover the administrative costs, both direct and indirect, of overdue debts. In addition, a late payment penalty charge shall be applied on any principal amount not paid within 90 days of the due date.
33. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
34. This CAFO shall be binding upon the Respondent and its successors and assigns.
35. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and hereby legally binds that party to this CAFO.

VI. Effective Date


36. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

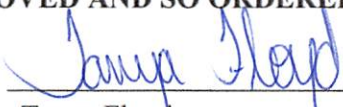
AGREED AND CONSENTED TO:

Respondent: Peach State Labs, Inc.
Docket No.: TSCA-04-2017-2512(b)

By:  Date: March 22, 2017
Name: Michael S. Williams
Title: Chief Operating Officer

Complainant: U. S. Environmental Protection Agency

By:  Date: 4/7/2017
Beverly H. Bamster
Director
Air, Pesticides and Toxics Management Division

APPROVED AND SO ORDERED this 3rd day of May, 2017.
By: 
Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that on the date set out below, I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, In the Matter of Peach State Labs, Inc . Docket Number: TSCA-04-2017-2512(b), to the addressees listed below.

Mr. Michael S. Williams (via Certified Mail, Return Receipt Requested)
Chief Operating Officer
Peach State Labs, Inc.
180 Burlington Road
Rome, Georgia 30162

Verne George (via EPA's internal mail)
Chemical Management and Emergency
Planning Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Robert Caplan (via EPA's internal mail)
Senior Attorney
Office of Regional Counsel
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

By:



Patricia A. Bullock
Regional Hearing Clerk
U.S. EPA Region 4
61 Forsyth St., S.W.
Atlanta, GA 30303
(404) 562-9511

Date:

5-4-17