



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

**OCT 24 2007**

4APT-AEEB

**FEDERAL EXPRESS**

Mr. Robert T. Franklin  
Franklin Chevrolet Cadillac Buick GMC Pontiac  
733 Northside Drive E.  
Statesboro, GA 30458

Re: Consent Agreement and Final Order In the Matter of Franklin Chevrolet Cadillac  
Buick GMC Pontiac, Docket No. CAA-04-2008-1506(b)

Dear Mr. Franklin:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in this matter. The original CAFO has been filed with the Regional Hearing Clerk as directed in Section 22.05(a) of the Consolidated Rules of Practice, as amended. Please refer to Section IV, Final Order, for the terms and instructions regarding your final payment on the penalty due.

Please note that due to the timing of the CAFO, EPA was required to assign the case a new Docket number to reflect the 2008 fiscal year. In addition, please note that the address to which you will need to mail the penalty payment has changed from the original version of the CAFO. The new address is included in the signed and ratified CAFO attached hereto.

Also enclosed is a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Securities and Exchange Commission (SEC) any environmental enforcement actions taken by the Environmental Protection Agency. If you have any questions with regard to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the Notice. Should you have any questions, please contact Laurie Savoy at (404) 562-9201.

Sincerely,

A handwritten signature in black ink that reads "Beverly A. Spagg".

Beverly A. Spagg  
Chief  
Air and EPCRA Enforcement Branch

Enclosures

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

**IN THE MATTER OF:** )  
)  
Franklin Chevrolet Cadillac Buick GMC )  
Pontiac )  
)  
Statesboro, GA )  
)  
**Respondent.** )

**Docket No. CAA-04-2008-1506**

RECEIVED  
EPA REGION IV  
2008 OCT 24 PM 3:33  
HEARING CLERK

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action/Jurisdictional Statements**

1. This is a civil penalty proceeding pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Franklin Chevrolet Cadillac Buick GMC Pontiac (hereinafter, "Respondent").

2. 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.

3. The authority to take action under Section 113(d) of CAA, 42 U.S.C. § 7413(d), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under the CAA to the Regional Administrators by EPA Delegation 7-6-A. The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides, and Toxics Management Division, by EPA Region 4 Delegation 7-6-A. 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.

4. Respondent is a corporation doing business in the State of Georgia.

5. Respondent is a "person" as defined in CAA § 302(e), 42 U.S.C. § 7602(e).

6. Respondent performs "service for consideration," as defined at 40 C.F.R. § 82.32(h), at its service facility located at 733 Northside Drive, Statesboro, GA.

7. Respondent performs "service involving refrigerant," as defined at 40 C.F.R. § 82.32(h), at its service facility located at 733 Northside Drive, Statesboro, GA.

8. Section 609(d) of the CAA, 42 U.S.C. § 7671h(d), and regulations promulgated at 40 C.F.R. Part 82, Subpart B, establish that any person servicing MVAC systems shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified.

9. Regulation 40 C.F.R. § 82.42(a) states no later than January 1, 1993, or within 30 days of a change of ownership, any person repairing or servicing motor vehicle air conditioners for consideration shall certify to the Administrator that such person has acquired, and is properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified.

10. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a penalty of not more than \$32,500 for each violation of Section 609 of CAA, 42 U.S.C. § 7671h, that occurred after March 15, 2004.

## II. Factual Allegations

11. EPA alleges that Respondent failed to certify in a timely manner to EPA that persons performing service were using approved refrigerant recovery/recycling equipment. Respondent violated CAA § 609(d), 42 U.S.C. § 7671h(d), and 40 C.F.R. § 82.42(a) by failing to certify in a timely manner that they have acquired and were properly using approved refrigerant recovery/recycling equipment.

## III. Consent Agreement

12. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out in Paragraphs 1 through 10 above, but Respondent neither admits nor denies the factual allegations set out in paragraph 11 above.

13. As provided in 40 C.F.R. § 22.18(b)(2), Respondent waives any right to contest the allegations listed above and its right to appeal the proposed final order accompanying this consent agreement.

14. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

15. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance at all of its automotive repair facilities that perform MVAC work with all relevant MVAC requirements of the CAA at Section 609.

16. Compliance with this CAFO shall resolve the alleged violations contained herein, and EPA hereby releases Respondent from all liability for the violations of Section 609 alleged herein. This CAFO shall not otherwise affect any liability of Respondent, if any, to the United States. Other than as expressed herein, neither 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 for allegations of violations not contained in this CAFO.

17. 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 the CAA.

#### IV. Final Order

18. Respondent is assessed a civil penalty of **FIVE HUNDRED DOLLARS (\$500.00)** which shall be paid within thirty (30) days after the date Respondent receives a copy of the fully executed CAFO.

19. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to: "Treasurer, United States of America," to the following address:

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

**The check shall reference on its face the name of the Respondent and the Docket Number of the CAFO.**

20. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been 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

Ms. Laurie Savoy  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

Ms. Saundi Wilson (OEA)  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

21. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim a deduction for the civil penalty payment made pursuant to paragraph 18.

22. Pursuant to 31 U.S.C. § 3717, 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. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge may be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

23. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

24. This CAFO shall be binding upon the Respondent, its successors and assigns.

25. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Ms. Laurie Savoy  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

26. 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 legally bind that party to it.

V. Effective Date

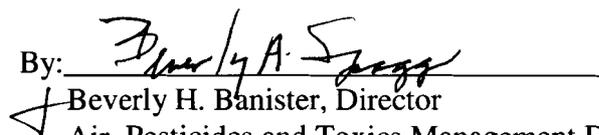
27. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

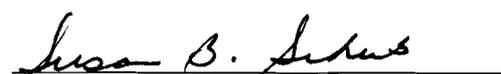
**Franklin Chevrolet Cadillac Buick GMC Pontiac**

By:  Date: 8/16/07  
Mr. Robert T. Franklin  
Owner

**U.S. Environmental Protection Agency**

By:  Date: 8/10/07  
Beverly H. Banister, Director  
Air, Pesticides and Toxics Management Division,  
Region 4

**APPROVED AND SO ORDERED** this 22<sup>nd</sup> day of October, 2007.

  
Susan B. Schub  
Regional Judicial Officer

CERTIFICATE OF SERVICE

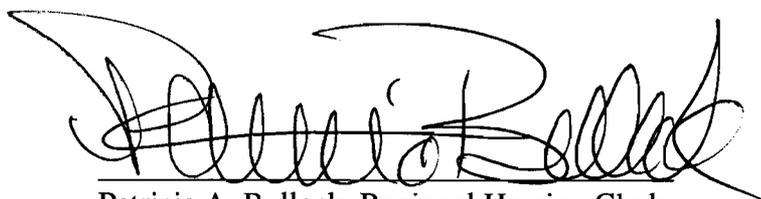
I hereby certify that on the date set out below I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, in the Matter of: Franklin Chevrolet Pontiac Cadillac Buick GMC Pontiac, Docket No. CAA-04-2008-1506(b), on the parties listed below in the manner indicated:

Mr. Robert T. Franklin (Via Federal Express)  
Franklin Chevrolet Cadillac Buick GMC Pontiac  
733 Northside Drive E.  
Statesboro, GA 30458

Karol Berrien (Via EPA's internal mail)  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, GA 30303

Laurie Savoy (Via EPA's internal mail)  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

Date: 10-24-07



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection  
Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404)562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi J Wilson on 10/22/07  
(Name) (Date)

in the OEH at (404) 562-9504  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required:  
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAYEE: Franklin Chevrolet Cadillac Buick GMC Pontiac  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 500  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA 01 2008 1506(b)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

**TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |                              |
|--|------------------------------|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)  |
|  | 3. Designated Program Office |

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |                           |                              |
|---------------------------|------------------------------|
| 1. Originating Office     | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD)    |