



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 07 2008

4APT-PTSB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Anita S. Hill
P.H.T. International, Inc.
8133 Ardrey Kell Road
Suite 204
Charlotte, North Carolina 28277

SUBJ: P.H.T. International, Inc.
Consent Agreement and Final Order
Docket No.: TSCA-04-2008-2518(b)

Dear Ms. Hill:

Enclosed is a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter that has been filed with the Regional Hearing Clerk and served as required in the Consolidated Rules of Practice, 40 CFR § 22.6. In addition, enclosed is a copy of a document entitled "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 EPA. Please note that the contact phone number at the bottom of the Notice has been changed to (202) 551-3470.

Since P.H.T. International, Inc. paid the civil penalty (\$5,481.00) to U.S. Bank on or about December 20, 2007, no further action is necessary. If you have any questions, please contact Verne George of the EPA Region 4 staff at (404) 562-8988.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeaneanne M. Gettle".

Jeaneanne M. Gettle
Chief
Pesticides and Toxic
Substances Branch

Enclosures

Internet Address (URL) • <http://www.epa.gov>

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)

P.H.T. International, Inc.)

Respondent.)

) Docket Number: TSCA-04-2008-2518(b)

HEARING CLERK

2008 APR -7 AM 6:03

RECEIVED
EPA REGION 4

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 the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified in 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 P.H.T. International, Inc. (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.

II. Preliminary Statements

3. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, it is unlawful for any person to: (1) fail or refuse to comply with any rule or order promulgated pursuant to Sections 4, 5, 8, 12 or 13 of TSCA (15 U.S.C. § 2603, § 2604, § 2607, § 2611 or § 2612); (2) use for commercial purposes a chemical substance or mixture that the person knew or had reason to know was manufactured, imported, processed, or distributed in commerce in violation of TSCA Section 5, 15 U.S.C. § 2604; (3) fail to maintain records, submit reports or information, or permit access to or allow copying of records as required by TSCA; and (4) refuse to permit entry or inspection as authorized by Section 11 of TSCA, 15 U.S.C. § 2610. Any person who violates a provision of Section 15 of TSCA may be assessed a penalty of up to \$27,500 for each such violation, in accordance with Section 16(a) of TSCA and 40 C.F.R. Part 19. For a violation occurring after March 15, 2004, a penalty of up to \$32,500 may be assessed. Each day a violation continues may constitute a separate violation.

4. The authority to take action under Section 16(a) of TSCA, 15 U.S.C. § 2615(a), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under TSCA to EPA Region 4 by EPA Delegation 12-2-A, dated May 11, 1994.

5. Complainant will file the original non-confidential CAFO with the Regional Hearing Clerk and a copy will be mailed to the Respondent. To determine the confidential business information (CBI) that was deleted [CBI deleted] from this CAFO, Complainant or Respondent should refer to the EPA's Letter that contain CBI and dated September 11, 2007.

III. Specific Allegations

6. On June 20, 2006, an authorized agent of the EPA, Region 4 conducted an inspection at [CBI deleted] pursuant to Section 11(a) of TSCA, 15 U.S.C. § 2610(a).

7. Upon review of the records obtained from [CBI deleted], it was determined that Respondent is the importer of record for several shipments of Chemical A that were imported to the United States between May 26, 2004, and June 20, 2006, the date of the inspection.

8. Effective May 26, 2004, Chemical A was subject to a test rule promulgated at 40 C.F.R. § 799.5115.

9. Chemical A is listed at 40 C.F.R. § 799.5115(j) [table 2].

10. Respondent's compliance status, as referenced in 40 C.F.R. § 799.5115(c)(1), is classified as tier one, therefore, Respondent is subject to the notification requirements set forth in 40 C.F.R. § 799.5115(c)(2).

11. At the time of the inspection at [CBI deleted], there were no records indicating that Respondent submitted to the EPA a letter of intent to test Chemical A or applied to the EPA and obtained an exemption from testing Chemical A.

12. Respondent violated 40 C.F.R. § 799.5115(c)(2) by failing to provide to the EPA on or before June 25, 2004, a letter of intent to test Chemical A or apply to the EPA for an exemption from testing Chemical A.

13. On September 18, 2007, Respondent applied to the EPA for an exemption from testing Chemical A.

IV. Consent Agreement

14. Respondent waives its right to a hearing on the allegation contained herein.

15. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

16. For the purposes of this CAFO, Respondent admits to the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

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

18. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with the testing regulations promulgated pursuant to TSCA Section 4 (TSCA, 15 U.S.C. § 2603).

19. Compliance with this CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent 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 pursue criminal enforcement.

20. 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.

V. Final Order

21. Respondent is assessed a civil penalty in the amount of ***Five Thousand, Four Hundred Eighty One Dollars (\$5,481.00)***, which is to be paid within thirty (30) days of the effective date of this CAFO.

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

For payment submittal by U.S. Postal Service:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center

PO Box 979077
St. Louis, MO 63197-9000

For payment submittal by any overnight mail service (Fed Ex, UPS, DHL, etc):

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St Louis, MO 63101

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

23. 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 30303-8960

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

Saundi Wilson
Office of Environmental Accountability
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960.

24. 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.

25. 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. 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 principle amount not paid within 90 days of the due date.

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

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

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

Verne H. George
PCB and Chemical Products
Management Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
(404) 562-898855.

29. 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.

The remainder of this page was intentionally left blank.

VI. Effective Date

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

Respondent: P.H.T. International, Inc.
Docket Number: TSCA-04-2008-2518(b)

By: Anita S Hill Date: January 11, 2008

Name: Anita S. Hill (Typed or Printed)

Title: Quality Assurance Manager (Typed or Printed)

Complainant: United States Environmental Protection Agency

By: Beverly A. Spagy Date: 3/26/08

Beverly Banister, Director
Air, Pesticides and Toxics
Management Division
Region 4

APPROVED AND SO ORDERED this 3rd day of April, 2008

By: Susan B. Schub

Susan B. Schub
Regional Judicial Officer

No. TSCA-04-2008-2518(b) to the addressees listed below:

Ms. Anita S. Hill
P.H.T. International, Inc.
8133 Ardrey Kell Road
Suite 204
Charlotte, North Carolina 28277

(Certified Mail
Return Receipt Requested)

Verne H. George
PCB and Chemical Products
Management Section
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

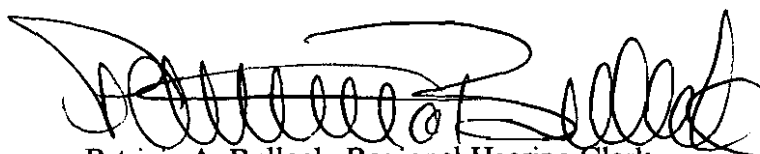
(via EPA's internal mail)

Robert Caplan, Senior Attorney
Office of Environmental Accountability
U.S. EPA, Region 4
61 Forsyth St., SW
Atlanta, GA 30303

(via EPA's internal mail)

Date:

4-7-08



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 4/2/08
(Name) (Date)

in the OEA 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

Other Receivable

Not sent with bill

This is an original debt

Oversight Billing - Cost Package not required

This is a modification

PAYEE: P.H.T. International Inc
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 5481-
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: TSCA N 2008-2518(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
Environmental Enforcement Section
Department of Justice RM 1647
P.O. Box 7611, Benjamin Franklin Station
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) |