



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
EDISON, NEW JERSEY 08837

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2007 JUL 13 PM 3:10
REGIONAL HEARING
CLERK

JUL 12 2007

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Theodore Hubbard, President
Mineral Pigment and Solutions, Inc.
1000 Coolidge Street
South Plainfield, New Jersey 07080

Re: In the Matter of Mineral Pigments and Solutions, Inc.
Docket No. EPCRA-02-2007-4109

Dear Mr. Hubbard:

Enclosed is a copy of the Consent Agreement and Final Order in the above referenced proceeding, signed by the Regional Administrator of the United States Environmental Protection Agency.

Please note that the forty five (45) day period for the payment of the civil penalty commences as of the date this Final Order is signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given in the Consent Agreement (see "Terms of Consent Agreement"). Specifically, please remember to send a copy of the company's payment check to the Complainant, as detailed in the Consent Agreement.

Sincerely yours,

Kenneth S. Stoller, P.E., QEP, DEE
Chief
Pesticides and Toxic Substances Branch

Enclosure

cc: Mr. Andrew Oppermann, EPCRA Program
State of New Jersey Department of Environmental Protection
Division of Environmental Safety and Health
Office of Pollution Prevention and Right To Know
22 S. Clinton Avenue, 3rd Floor
P.O. Box 443
Trenton, New Jersey 08625-0443

Mr. Frank McGonigle, Manager - Technical Information
Mineral Pigment and Solutions, Inc.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
JUL 13 PM 3:09
REGIONAL HEARING
CLERK

-----X
: In the Matter of : **CONSENT AGREEMENT**
: : **AND**
: **MINERAL AND PIGMENT SOLUTIONS, INC.** : **FINAL ORDER**
: :
: Respondent. : **DOCKET NUMBER**
: **EPCRA-02-2007-4109**
: Proceeding under Section 325(c) of :
: Title III of the Superfund :
: Amendments and Reauthorization Act :
-----X

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §11001 *et seq.* [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, "EPCRA")]. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc." (40 C.F.R. Part 22 (July 1, 2000)), provide in 40 C.F.R. §22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order pursuant to 40 C.F.R. §§22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance of the United States Environmental Protection Agency, Region 2 ("EPA or Complainant"), alleges that Mineral and Pigment Solutions, Inc. located at 1000 Coolidge Street, South Plainfield, New Jersey 07080 violated the requirements of Section 313 of EPCRA (42 U.S.C. §11023) and the regulations promulgated pursuant to that Section, codified at 40 C.F.R. Part 372.

Under Section 313 of EPCRA and 40 C.F.R. §372.22, owners or operators of a facility subject to the requirements of Section 313(b) are required to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form R, EPA Form 9350-1 (hereinafter, "Form R"), for each toxic chemical listed under 40 C.F.R. §372.65 and/or 40 C.F.R. §372.28 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical thresholds. The completed and correct Form R is required to be submitted to the Regional Administrator of the EPA and to the State in which the subject facility is located.

As an alternative to the requirements set forth above, pursuant to Section 313(f)(2) of EPCRA (42 U.S.C. §11023(f)(2)), and 40 C.F.R. §372.27, owners or operators of a facility subject to the requirements of Section 313(b), with respect to the manufacture, process or otherwise use of a toxic chemical, may apply an alternate threshold of one million (1,000,000) pounds per year to that chemical if the conditions set forth in 40 C.F.R. §372.27(a) are met. Pursuant to 40 C.F.R. §372.27(b), if the aforementioned alternate threshold for a specific toxic chemical is applicable, such owners or operators, in lieu of filing a Form R therefore, may submit "EPA Toxic Chemical Release Inventory Form A" (EPA Form 9350-2) (formerly the "Certification Statement"; see 59 Fed. Reg. 61488; November 30, 1994). EPA has excluded Persistent Bioaccumulative Toxic Chemicals (PBTs) from eligibility for the "Alternate Threshold for facilities with Low Annual Reportable Amounts." (40 C.F.R. §372.27(e))

EPA and Mineral and Pigment Solutions, Inc. agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. §22.13(b) and 40 C.F.R. §22.18(b)(2) and (3), is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated Findings of Fact or Conclusions of Law have been made. The following constitutes Complainant's Findings of Fact and Conclusions of Law based upon information EPA had obtained through March, 2007.

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

1. Respondent is Mineral and Pigment Solutions, Inc. (TRI Facility No.: 07080MNRLP1CLID).
2. At all times relevant hereto, Respondent has maintained a facility located at 1000 Coolidge Street, South Plainfield, New Jersey 07080 which is the subject of this Consent Agreement and Final Order (hereinafter, "Respondent's facility").
3. Respondent is a corporation organized pursuant to the laws of the State of Delaware.
4. Respondent is a "person" within the meaning of Section 329(7) of EPCRA (42 U.S.C. §11049(7)).
5. Respondent is an owner of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.
6. Respondent is an operator of a "facility" as that term is defined by Section 329(4) of EPCRA (42 U.S.C. §11049(4)) and by 40 C.F.R. §372.3.
7. Respondent's facility has 10 or more "full time employees" as that term is defined by 40 C.F.R. §372.3.
8. Respondent's facility is in Standard Industrial Classification Code 5169.
9. Respondent's facility is in the American Industry Classification System (NAICS) Code 424690.
10. Respondent's facility is subject to the requirements Section 313(b) of EPCRA (42 U.S.C. §11023(b)) and 40 C.F.R. §372.22.
11. A review of the Toxic Release Inventory Envirofacts Database indicated that Respondent voluntarily submitted a Form A report to the EPA for processing approximately 813,000 pounds of zinc compounds for calendar year 2004 on May 26, 2006. The Form A was 329 days late.
12. Zinc compounds are listed under 40 C.F.R. §372.65.
13. The established threshold amount for reporting a chemical processed was 25,000 pounds for the 2004 calendar year [40 C.F.R. §372.25(a)].

14. Respondent was required to submit by July 1, 2005 a complete and correct Form R or Form A for zinc compounds for the calendar year 2004 to the Administrator of EPA and to the State of New Jersey.

15. Respondent failed to submit, in a timely manner, a complete and correct Form R or Form A for zinc compounds for the calendar year 2004 to the Administrator and to the State of New Jersey .

16. Respondent's failure to submit, in a timely manner, a Form R or Form A for zinc compounds for the calendar year 2004 constitutes a failure to comply with Section 313 of EPCRA (42 U.S.C. §11023) and with 40 C.F.R. Part 372.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 325(c) of EPCRA, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc., 40 C.F.R. §22.18 (hereinafter, "Consolidated Rules"), it is hereby agreed by and between the parties, and Respondent voluntarily and knowingly agrees as follows:

1. Respondent certifies herein that any and all EPA Toxic Chemical Release Inventory Forms submitted for the above-described violation comply with the requirements of Section 313 of EPCRA and the regulations set forth at 40 C.F.R. Part 372.

2. For the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of the Complaint as applied to the facility; and (b) neither admits nor denies the specific factual allegations contained in the Complaint and the Findings of Fact and Conclusions of Law section above.

3. Respondent shall pay by cashier's or certified check, a civil penalty totaling **TWO THOUSAND EIGHT HUNDRED SIXTY TWO DOLLARS (\$2,862)**, payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

The check shall be mailed to:

EPA Region 2 (Regional Hearing Clerk)
P.O. Box 360188M
Pittsburgh, Pennsylvania 15251

Respondent shall also send a copy of this payment to each of the following:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

and

Kenneth S. Stoller, P.E., QEP, DEE, Chief
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue, Bldg. 10, MS-105
Edison, New Jersey 08837

4. Payment must be received at the above address on or before 45 calendar days after the date of signature of the Final Order at the end of this document (the date by which payment must be received shall hereafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

Supplemental Environmental Project

5. Respondent agrees to undertake the following Supplemental Environmental Project ("SEP") which the parties agree is intended to secure significant environmental or public health protection and improvements:

a. Within two months of receiving a copy of this Agreement signed by the Regional Administrator, Respondent shall purchase three (3) TETRA-0131 - LEL/02/CO/H2S P,R Personal

Multigas Monitors with in-line filters from Crowcon Detection Instruments located at 21 Kenton Lands Road, Erlanger, Kentucky 41018-1845 for the South Plainfield Fire Department, located at 123 Maple Avenue, South Plainfield, New Jersey 07080 as shown in Attachment A.

b. Respondent hereby certifies that, as of the date of this Consent Agreement and Final Order, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in this or any other case or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

c. The total expenditure for the SEP shall be not less than \$2,847.

d. Whether Respondent has complied with the terms of this Consent Agreement and Final Order through implementation of the SEP project as herein required shall be the sole determination of EPA.

6. a.. Respondent shall submit a SEP Completion Report to EPA on or by six months of receiving a copy of this Agreement signed by the Regional Administrator. The SEP Completion Report shall contain the following information:

- (i) Itemized costs, documented by copies of purchase orders and receipts or canceled checks;
- (ii) Certification that the purchased equipment was received by the South Plainfield Fire Department pursuant to the provisions of this Consent Agreement and Final Order; and

b. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsection (a) above shall be deemed a violation of this Consent Agreement and Final Order, and Respondent shall become liable for stipulated penalties pursuant to paragraph 10, below.

7. Respondent agrees that EPA may contact the South Plainfield Fire Department at any time in order to confirm that the SEP was carried out as agreed above.

8. Respondent shall maintain legible copies of documentation for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and Final Order, and Respondent shall provide the documentation of any such data to EPA within seven days of a request for such information. In all documents or reports, including, without limitation, the SEP Report, submitted to EPA pursuant to this Consent Agreement and Final Order, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

9. a. Following receipt of the SEP Report described in paragraph 6, above, EPA will do one of the following:

- (i) Accept the report;
- (ii) Reject the SEP Report, notify Respondent in writing of deficiencies in the SEP Report and grant Respondent an additional thirty (30) days in which to correct any deficiencies; or
- (iii) Reject the SEP Report and seek stipulated penalties in accordance with paragraph 10 herein.

b. If EPA elects to exercise option (ii) or (iii) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period,

EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this Consent Agreement and Final Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 10 herein.

10. a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement and Final Order relating to the performance of the SEP described in paragraph 5, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 5 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to paragraph 9, Respondent shall pay a stipulated penalty to the United States in the amount of **\$2,263**.

(ii) If the SEP is not completed satisfactorily, but Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

(iii) If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount determined as follows:

$$\text{Stipulated penalty} = [1 - \frac{\text{\$amount SEP cost expended}}{\$2,847}] \times \$2,263$$

(iv) If the SEP is satisfactorily completed, and Respondent spent at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

b. The determinations of whether the SEP has been satisfactorily completed, whether Respondent has made a good faith timely effort to implement the SEP and/or whether the reason for submitting a late completion report is acceptable shall be in the sole discretion of EPA.

c. Stipulated penalties for subparagraph (iii) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

d. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 3. Interest and late charges shall be paid as stated in paragraph 3 herein.

11. Complainant at its discretion may waive any stipulated penalties specified above.

12. Any public statement, oral or written, made by Respondent making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Section 313 of EPCRA, 42 U.S.C. § 11023 and regulations pursuant to that Section, 40 C.F.R. Part 372."

13. a. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Agreement, Respondent shall notify EPA in writing within 10 days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken by Respondent to prevent or minimize delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of Respondent's right to request an extension of its obligation under this Agreement based on such incident.

b. If the parties agree that the delay or anticipated delay in compliance with this Agreement has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

c. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Agreement has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays in completion of the SEP shall not be excused.

d. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased cost or expenses associated with the implementation of actions called for by this Agreement shall not, in any event, be a basis for changes in this Agreement or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

14. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to the issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

15. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

16. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or on the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

17. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

18. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

19. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

20. Each party hereto agrees to bear its own costs and fees in this matter.

21. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

Mineral and Pigment Solutions, Inc.

BY: Ted Hubbard
Authorizing Signature

NAME: TED HUBBARD
(PLEASE PRINT)

TITLE: President

DATE: 4-18-07

COMPLAINANT:

Dore LaPosta 1
Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

DATE: MAY 4, 2007

In the Matter of Mineral and Pigment Solutions, Inc.
Docket Number EPCRA-02-2007-4109

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties in full settlement of EPA's Complaint bearing **Docket No. EPCRA-02-2007-4109, issued In the Matter of Mineral and Pigment Solutions, Inc.** is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: 7-8-07



Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

MINERAL AND PIGMENT SOLUTIONS, INC.

ATTACHMENT 1

SUPPLEMENTAL ENVIRONMENTAL PROJECT



Mineral and Pigment
Solutions, Inc.



1000 Coolidge Street
South Plainfield, NJ 07080-1000
800.732.0562
800.543.1484 (Fax - General)
908.757.3488 (Fax - Overseas)
www.mp-solutionsinc.com



March 19, 2007

REGIONAL OFFICES

Southeast

6525 The Corners Parkway
Suite 208
Norcross, GA 30092
800.833.8142
800.833.8143 (Fax)

Midwest

24145 Riverwalk Court
Plainfield, IL 60544
800.833.8140
800.833.8141 (Fax)

Southwest

15710 JFK Boulevard
Suite 380
Houston, TX 77032
800.627.2436
877.796.7257 (Fax)

West

25301 Cabot Road
Suite 105
Laguna Hills, CA 92653
800.843.1935
800.325.1794 (Fax)

Canada

Toronto

416.679.8740
416.679.8743 (Fax)

Montreal

514.848.7044

Ms. Mary Ann Kowalski
Region 2 TRI Program Enforcement Coordinator
United States Environmental Protection Agency – Region 2
Pesticides and Toxic Substance Branch (MS-105)
2890 Woodbridge Ave.
Edison NJ 08837

Dear Ms. Kowalski:

Enclosed please find a quotation and literature on the Tetra gas monitors for first responders which we intend to donate to the South Plainfield Fire Department as a SEP in part of our Consent Agreement. The units are \$949.00 each and we are planning to donate a total of three units (\$2,847.00) upon your Agency's approval of this part of the agreement.

Please let use know as soon as possible if this proposal is acceptable so that we may place the order and have the units delivered to the Fire Department. The approval may be faxed to 908-561-5823 or sent via e-mail to fmcgonigle@mp-solutionsinc.com. If any additional information is needed please contact Frank McGonigle.

Very truly yours,

Mineral and Pigment Solutions, Inc.

Brad Owens

FMG/dlr

1000 Coolidge Street
South Plainfield, NJ 07080-1000
800.732.0562
800.543.1484 (Fax - General)
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March 19, 2007

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800.843.1935
800.325.1794 (Fax)

Canada

Toronto
416.679.8740
416.679.8743 (Fax)
Montreal
514.848.7044

South Plainfield Fire Department
Chief Larry Del Negro
123 Maple Ave
South Plainfield, NJ 07080

Dear Chief Del Negro:

Upon approval by the Environmental Agency of our proposal to purchase three Tetra gas monitors as part of our Consent Agreement under the SEP Policy of the EPA, an order will be placed with Crowcon, Inc. by our company and shipped directly to your Department. When they arrive, we would appreciate your written confirmation of receipt and a copy of the packing list.

If we can be of further assistance, please do not hesitate in contacting us.

Very truly yours,

Mineral and Pigment Solutions, Inc.



Brad Owens

FMG/dlr

Crowcon Detection Instruments

21 Kenton Lands Rd
Erlanger, KY 41018-1845

Quote

800-527-6926 PH
859-957-1044 FX

Customer No.: S PLAIN*
Quote No.: 576

Quote To: **Mineral and Pigment Solutions, Inc**
Mr. Frank McGonigle
1000 Coolidge Street
South Plainfield, NJ 07080

Ship To: **South Plainfield FD**
Capt. Jos Abbruzzese
123 Maple Ave
South Plainfield, NJ 07080

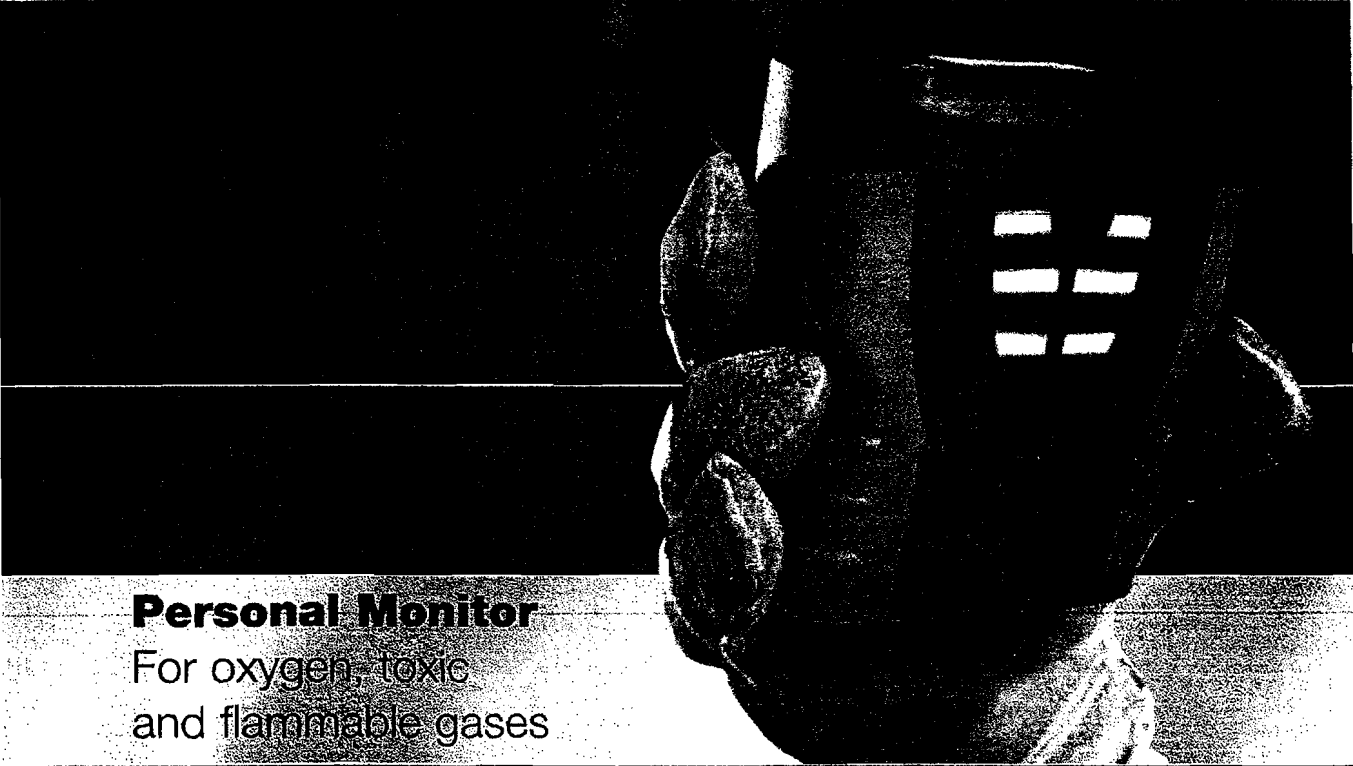
| Date | Ship Via | F.O.B. | Terms | RFQ # | Sales Region |
|----------|-------------|-------------|------------|-------|--------------|
| 03/14/07 | ups ground | Origin | Net 30 | | NE |
| Qty Req | Part Number | Description | Unit Price | Total | |

****QUOTED PRICES & WARRANTIES ONLY VALID FOR USA & CANADIAN CUSTOMERS****

TET-01/ABCD
LEL/O2/CO/H2S P, R

SN:
Includes the following:

| | | | | |
|----------------|------------|--------------------|--------|---------|
| 3 | TETRA-0131 | LEL/O2/CO/H2S P, R | 949.00 | 2847.00 |
| 3 | ILF001 | In Line Filter | 0.00 | 0.00 |
| Quote subtotal | | | | 2847.00 |
| Quote total | | | | 2847.00 |



Personal Monitor
For oxygen, toxic
and flammable gases

A personal monitor you can trust

Designed using the latest technologies, Tetra is simple to use, reliable, robust and fully weather protected.

Single button operation and intelligent sensor modules guarantee simplicity and flexibility of use.

The shockproof internal construction and self checking software assure reliable gas detection in the most arduous of environments.

Tetra, a personal monitor you can trust.

Reliable

- True single button operation – the most user friendly product available
- Li-ion rechargeable battery gives full 12 hours operation
- Easy to read backlit graphic display for gas readings and diagnostics
- Simple indications of operating status can be viewed at a glance
- 30 day countdown warning of calibration due date

Flexible

- Fully interchangeable intelligent sensor modules
- Available with internal electric sampling pump
- Rechargeable and alkaline battery versions available

Robust

- Tough plastic construction with flexible internal assembly to resist shock and vibration
- Overmoulded rubber for added protection
- Water and dust resistant to IP65

Assurance

- 94dBA audible alarm (@30cm)
- Piercingly bright dual red/blue visual alarm
- Internal vibrating alarm
- Two levels of instantaneous alarm
- Time weighted average alarm for 8 hours and 15 minute averages


Gas Detection You Can Trust

Tetra

Specification

| | | | | | |
|-------------------|--|---------------------|-----------------|------------------------------|---|
| Weight | 498g (1.1lb) | | | Operating temp. range | -20°C to +55°C (-4°F to +131°F) |
| Dimensions | 122x128x57mm (4.7x5x2.7 inches) rechargeable 134x128x57mm (5.1x5x2.7 inches) non-rechargeable | | | Humidity | 0-99% RH |
| Gas | <i>Range</i> | <i>Alarm UK/ROW</i> | <i>Alarm US</i> | Approval Codes | |
| Flammable | 0-100%LEL | 20%LEL | 10%LEL | Europe: | ATEX II 2G EEx iad IIC T4 (Tamb) -20°C to +55°C) BASEEFA 03ATEX0193 |
| Oxygen | 0-25% | 19/23.5% | 19.5/23.5% | USA | UL/cUL Class I Division 1 Groups A, B, C, D. |
| Hydrogen Sulphide | 0-50ppm | 5ppm | 10ppm | Safety Standards | |
| Carbon Monoxide | 0-500ppm | 30ppm | 35ppm | Europe | EN50014, EN50020, EN50018, 94/9/EC |
| Sulphur Dioxide | 0-20ppm | 2ppm | 2ppm | USA & Canada | UL913, CSA22.2, 152 |
| Chlorine | 0-20ppm | 0.5ppm | 0.5ppm | Operation Standards | EN50270, EN50271, IEC61508, EN61779 |
| Nitrogen Dioxide | 0-10ppm | 3ppm | 3ppm | PC Interface | IR link for RS232 connection. USB/RS232 Converter available. Portables PC software package provides full configuration control, calibration and access to the Data and Event files. |
| Ammonia | 0-100ppm | 25ppm | 25ppm | Autocalibrator | Tetra can be routinely calibrated using the Crowcon Autocalibrator II in conjunction with the Portables PC software. |
| Ozone | 0-1ppm | 0.1ppm | 0.1ppm | Accessories | Tetra is supplied with an integral belt/pocket clip. Pumped units are supplied with a sampling kit (flowplate and 2m(6ft) tubing). |
| Hydrogen | 0-1000ppm | N/A | N/A | | |
| Hydrogen Cyanide | 0-25ppm | 5ppm | 5ppm | | |
| Hydrogen Chloride | 0-10ppm | 1ppm | 1ppm | | |
| Hydrogen Fluoride | 0-10ppm | 1ppm | 1ppm | | |
| Phosphine | 0-5ppm | 0.2ppm | 0.2ppm | | |
| Fluorine | 0-1ppm | 0.1ppm | 0.1ppm | | |
| Phosgene | 0-1ppm | 0.1ppm | 0.1ppm | | |
| Ethylene oxide | 0-10ppm | 1ppm | 1ppm | | |
| Nitric oxide | 0-100ppm | 25ppm | 50ppm | | |

Other ranges and alarm levels are available on request. Each gas channel can have two instantaneous alarm levels set. Toxic channels also have Time Weighted Average alarms.

Flammable gas calibration is available for methane, propane, butane, pentane, hydrogen and ethylene as standard.

| | |
|-------------------------------|--|
| Typical response times | Flammable 20 s. Toxic gas 20 s. Oxygen 10s |
| Audible Alarms | 94dBA @ 30cm (1ft) Multiple alarm sounds allow selection of distinctive tones for different alarm levels |
| Visible Alarms | Dual colour red/blue flashing LED pair in gas hazard |
| Vibrating alarm | Internal vibrating alarm |
| Display | 128x64 graphic LCD with backlight, giving simultaneous display for all gas channels. Graphic symbols for battery (with proportional indication of remaining operation time), pump operation, healthy operation or fault warning. Start up indication when calibration is due within 30 days, calibration overdue, or service required. |
| Display Mode | Normal display for real time gas concentration levels. Display recall for Peak readings and TWA |
| Datalogging | Timed datalogging: 50 hours at 1-minute data rate Event logging: >1500 events |
| Battery Types | Rechargeable Li-ion battery Non rechargeable pack 3xAA Alkaline cells |
| Operating time | Based on pumped four gas unit with flammable sensor Rechargeable 12 hours minimum Non-rechargeable 11 hours minimum |
| Sampling | Hand aspirator or internal electric sampling pump |

Plug in charging power supplies are available in UK, European or US style. In line versions for 110V or 230V AC have flying lead for fitment of suitable mains plug. A vehicle lighter socket charger is available.

Optional accessories include: universal harness plate, shoulder strap, chest harness, carry case, aspirator assembly (flow plate bulb and 2m/6ft tubing), fixed and telescopic sample probes, and an in-line water trap.

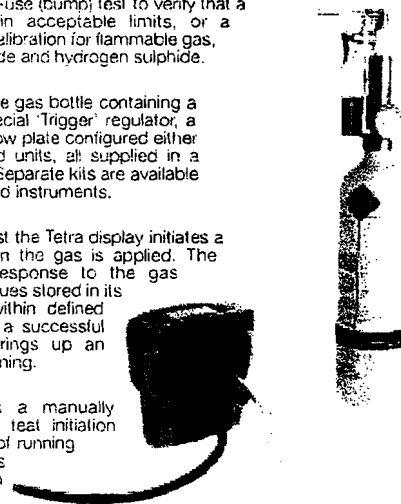
Gas Test Kit

The Gas Test Kit provides a simple and convenient means of carrying out either a pre-use (bump) test to verify that a Tetra is working within acceptable limits, or a simultaneous four gas calibration for flammable gas, oxygen, carbon monoxide and hydrogen sulphide.

The kit includes a 34 litre gas bottle containing a multigas mix with a special 'Trigger' regulator, a magnet and a clip-on flow plate configured either for diffusion or pumped units, all supplied in a convenient carry case. Separate kits are available for diffusion and pumped instruments.

Swiping the magnet past the Tetra display initiates a special test mode, then the gas is applied. The Tetra evaluates the response to the gas components against values stored in its memory and if it is within defined limits the Tetra signals a successful test. A test failure brings up an advisory calibration warning.

If the user performs a manually selected zero prior to test initiation Tetra offers the option of running a simultaneous four-gas calibration rather than just a verification test



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In the Matter of Mineral and Pigment Solutions, Inc.

Docket No. EPCRA-02-2007-4109

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the Foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced Docket Number, in the following manner to the respective addressees below:

Original and One Copy
by Interoffice Mail:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

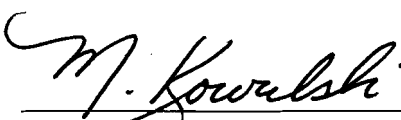
Mr. Theodore Hubbard, President
Mineral Pigment and Solutions, Inc.
1000 Coolidge Street
South Plainfield, New Jersey 07080

Copy by Mail:

Mr. Andrew Oppermann, EPCRA Program
State of New Jersey Department of Environmental Protection
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Dated: *July 12, 2007*



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