



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

**CERTIFIED MAIL**

**AUG 29 2007**

Mr. John B. Prince, III  
President  
Prince Ford-Mercury, Inc.  
1410 U.S. Highway 82 West  
Tifton, GA 31793

**Re: Consent Agreement and Final Order in the Matter of Prince Ford-Mercury, Inc.  
Docket No. CAA-04-2007-1520 (b)**

Dear Mr. Prince:

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. Any questions regarding the processing of your penalty may be directed to Ms. Lori L. Weidner, Financial Management Office, at (513) 487-2125.

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 (EPA). 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 Ms. Shanika Pennamon at (404) 562-9213.

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

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61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

AUG 10 2007.

**FEDERAL EXPRESS**

Mr. John B. Prince, III  
President  
Prince Ford-Mercury, Inc.  
1410 U.S. Highway 82 West  
Tifton, GA 31793

Dear Mr. Prince:

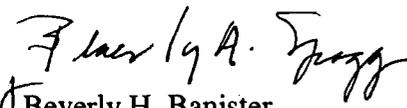
Please find enclosed the Consent Agreement and Final Order (CAFO), Docket No. CAA-04-2007-1520 (b), which represents the settlement in the matter of Prince Ford-Mercury, Inc. This CAFO is being submitted for your review and signature. Please review the CAFO for accuracy. Please notify Shanieka Pennamon, Environmental Protection Agency (EPA) if any changes to the CAFO are necessary. If the Company is in agreement with the terms of the CAFO, please sign the enclosed CAFO and return it to the EPA at the following address within 7 calendar days of receipt:

**Shanieka Pennamon  
North Air Enforcement Section  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303**

After returning the CAFO to EPA, the Regional Judicial Officer will also sign this final agreement and the CAFO will become fully executed. A copy of the fully executed CAFO will then be sent to you. **Payment of the agreed upon penalty should begin only after Prince Ford-Mercury, Inc. has received the fully executed CAFO.**

If you have any questions about the process outlined above, please contact Ms. Karol Berrien at (404) 562-9563 or Ms. Shanieka Pennamon at (404) 562-9213.

Sincerely,

  
Beverly H. Banister  
Director  
Air, Pesticides and Toxics  
Management Division

Enclosures

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

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:

Prince Ford-Mercury, Inc. )  
109 Westgreen Highway ) Docket Number: CAA-04-2007-1520(b)  
Douglas, Georgia 31533 )  
Respondent )  
\_\_\_\_\_ )

**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 Prince Ford-Mercury, 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.

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 re-delegated 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. The respondent is an automotive dealer whose main business is service, repair and retail sale of new and used motor vehicles.

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HEARINGS CLERK

7. Respondent performs “service for consideration” as defined at 40 C.F.R. § 82.32(g) at its facility located at 109 Westgreen Road, Douglas, Georgia 31533.

8. Respondent performs “service involving refrigerant” as defined at 40 C.F.R. § 82.32(h) at its facility located at 109 Westgreen Road, Douglas, Georgia 31533.

## II. Clean Air Requirements/Factual Allegations

9. Section 609(c) of the CAA, 42 U.S.C. § 7671h(c), and the regulations promulgated at 40 C.F.R. Part 82, Subpart B, establish that no person repairing or servicing motor vehicle air conditioners (MVACs) for consideration may perform any service on a MVAC involving the refrigerant for such air conditioner unless such person has been properly trained and certified.

10. Regulation 40 C.F.R. § 82.34(a) states no person repairing or servicing MVACs for consideration, and no person repairing or servicing MVAC-like appliances, may perform any service involving the refrigerant for such MVAC or MVAC-like appliance unless any such person repairing or servicing an MVAC has been properly trained and certified by a technician certification program approved by the Administrator pursuant to § 82.40.

11. EPA alleges that on more than one occasion from May 26, 2006, through March 8, 2007, Respondent performed service for consideration involving the refrigerant of MVAC systems without the use of properly trained and certified technicians. Respondent violated CAA § 609(c), 42 U.S.C. § 7671h(c), and 40 C.F.R. § 82.34(a) by failing to use properly trained and certified technicians while performing service for consideration involving the refrigerant of a MVAC system.

12. Section 609(d) of the CAA, 42 U.S.C. §7671h(d), and the regulations promulgated at 40 C.F.R. Part 82, Subpart B, state that persons performing service on MVAC systems for consideration shall certify to the Administrator that such persons have acquired, and are properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified.

13. Regulation 40 C.F.R. § 82.42(a) states that persons performing service on MVAC systems for consideration shall certify to the Administrator no later than January 1, 1993, that such persons have acquired, and are properly using, approved equipment and that each individual authorized to use the equipment is properly trained and certified. Certificates of compliance are not transferable, and in the event of a change of ownership, the new owner shall certify within thirty days of the change of ownership pursuant to § 82.42(a)(1).

14. EPA alleges that Respondent failed to certify in a timely manner to EPA that persons performing service were using approved refrigerant recover/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 had acquired and were properly using approved refrigerant recover/recycling equipment.

15. 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.

### III. Consent Agreement

16. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out in Paragraphs 1 through 8 above, but Respondent neither admits nor denies the factual allegations set out above.

17. 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.

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

19. Respondent certifies that, to the best of its knowledge, information and belief, as of the date of the execution of this CAFO, Respondent is in full compliance with all relevant requirements of the CAA § 609 and its implementing regulations.

20. Compliance with this CAFO shall resolve the allegations of violations contained herein and known to the EPA at this time and EPA hereby releases Respondent from all liability therefor. 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.

21. 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

22. Respondent is assessed a civil penalty of **THREE THOUSAND THREE HUNDRED THIRTY DOLLARS (\$3,330)** which is to be paid within thirty (30) days after the Respondent receives a copy of the fully executed CAFO.

23. 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. EPA  
Cincinnati Accounting Operations  
P.O. Box 371099M  
Pittsburgh, PA 15251-7099

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

24. 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, SW  
Atlanta, Georgia 30303-3104

Shanieka Pennamon  
North Air Enforcement Section  
U.S. EPA - Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

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

25. 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 22.

26. 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 will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

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

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

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

Shanieka Pennamon  
North Air Enforcement Section  
U.S. EPA - Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303  
(404) 562-9213

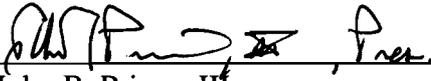
30. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

V. Effective Date

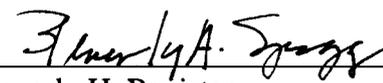
31. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

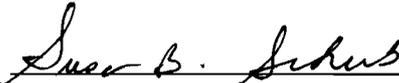
**Prince Ford-Mercury, Inc.**

By:  Date: 8/14/07  
John B. Prince, III  
President, Prince Ford-Mercury, Inc.

**U.S. Environmental Protection Agency**

By:  Date: 8/16/07  
Beverly H. Banister  
Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

**APPROVED AND SO ORDERED** this 28<sup>th</sup> day of August, 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: Prince Ford-Mercury, Inc., Docket No. CAA-04-2007-1520(b), on the parties listed below in the manner indicated:

Mr. John B. Prince, III  
President  
1410 U.S. Highway 82 West  
Tifton, Georgia 31793

(Via Certified Mail - Return  
Receipt Requested)

Ms. Nancy Tommelleo  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

(Via EPA's internal mail)

Ms. Shanieka Pennamon (AEEB)  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

(Via EPA's internal mail)

Date:

8/29/07

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

## NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.

This form was originated by: Sandra Wilson on 8/22/07  
(Name) (Date)

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

- |  |  |
|--|--|
| <input type="checkbox"/> Non-SF Judicial Order/Consent Decree<br>USAO COLLECTS | <input checked="" type="checkbox"/> Administrative Order/Consent Agreement<br>FMO COLLECTS PAYMENT |
| <input type="checkbox"/> SF Judicial Order/Consent Decree<br>DOJ COLLECTS      | <input type="checkbox"/> Oversight Billing - Cost Package required:<br>Sent with bill              |
| <input type="checkbox"/> Other Receivable                                      | <input type="checkbox"/> Not sent with bill  |
| <input type="checkbox"/> This is an original debt                              | <input type="checkbox"/> Oversight Billing - Cost Package not required                             |
|  | <input type="checkbox"/> This is a modification  |

PAYEE: Prince Ford Mercury Inc  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 3,330  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA 04 2007 1520(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)<br>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<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|