

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

One Congress Street, Suite 1100  
Boston, MA 02114-2023

RECEIVED

4:01p  
AUG 25 2009

EPA ORC  
Office of Regional Hearing Clerk

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO: EPCRA-01-2009-0091

This ESA is issued to:

Perma Treat Corporation

74 Airline Drive

Durham, CT 06422

for violating Section 312 of the Emergency Planning and Community Right-To-Know Act

This Expedited Settlement Agreement (ESA) is being entered into by the United States Environmental Protection Agency, Region 1 (EPA or Complainant), by its duly delegated official, Susan Studlien, Director, Office of Environmental Stewardship, and by Perma Treat Corporation (Respondent) pursuant to section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, and by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3).

ALLEGED VIOLATIONS

Complainant alleges that Respondent, owner and operator of the facility located at 74 Airline Drive, Durham, CT (facility), failed to timely submit completed emergency and hazardous chemical inventory forms (Tier II form, as described in 40 C.F.R. § 370.25 and 40 C.F.R. Part 370, Subpart D) for the years 2005, 2006 and 2007, as required by 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11022, and the regulations set forth at 40 C.F.R. Part 370. Under section 312 of EPCRA, 42 U.S.C. § 11022, and 40 C.F.R. Part 370, Respondent was required to submit its Tier II forms for the years 2005, 2006 and 2007 on or before March 1 of 2006, 2007 and 2008, respectively.

SETTLEMENT

EPA and Respondent agree that settlement of this matter for a penalty of **TWO THOUSAND DOLLARS (\$2,000)** is fair, appropriate and in the public interest. In signing this Agreement, Respondent (1) admits that Respondent is subject to the requirements of Section 312 of EPCRA; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; and (5) waives its right to a judicial or administrative hearing on any issue of law or fact set forth herein. Each party to this action agrees to bear its own costs and fees, if any.

DOCKET NO: EPCRA-01-2009-0091

In re: Perma Treat Corporation

By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that (1) the alleged violations have been corrected, and (2) Respondent agrees to pay the penalty in accordance with the terms of this ESA.

If the signed original ESA is not returned to the EPA Region 1 office at the above address in correct form by the Respondent **within 30 days**, the proposed ESA is withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations identified herein.

Respondent agrees to submit payment of the penalty within 30 days of the date on which this ESA is filed with the Regional Hearing Clerk. EPA will forward a copy of the fully executed ESA to Respondent as soon as it is filed with the Regional Hearing Clerk. The civil penalty of **TWO THOUSAND DOLLARS (\$2,000)** should be paid by cashier's or certified check, payable to "Treasurer, United States of America" and sent to:

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

The name of the matter and Docket No. EPCRA-01-2009-0091 must be included on the check. Respondent must also send a copy of the check to:

Rose Toscano  
EPCRA Enforcement Coordinator (SER)  
U.S. Environmental Protection Agency, Region 1  
One Congress Street  
Boston, MA 02114-2023

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. In the event that any partial payment of the civil penalty, plus interest thereon, is not paid when due without demand, the penalty plus accrued interest shall be payable with additional interest from the original due date to the date of payment, at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. §901.9(b)(2). In addition, a penalty charge of six percent per year will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. However, should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. §901.9(d).

**DOCKET NO:** EPCRA-01-2009-0091  
In re: Perma Treat Corporation

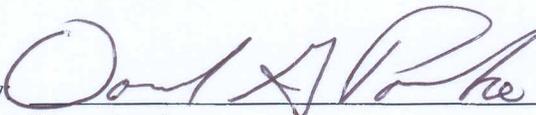
Upon Respondent's submission of the original signed ESA and payment of the penalty as set forth in this ESA, EPA will take no further civil action against Respondent for the alleged violations of EPCRA identified in this ESA. EPA does not waive any right to issue an enforcement action for any other past, present, or future violations by Respondent of EPCRA or any other federal statute or regulation.

This ESA is binding on the parties signing below.

In accordance with 40 C.F.R. § 22.31(b), this ESA is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED,

Perma Treat Corporation

By   
(Signature)  
Name (print): DONALD G. PONKO  
Title (print): GM / COO

Date: 8/10/09

APPROVED BY EPA:

By: Susan Studlien  
(Signature)

Date: 08/19/09

Name (print): SUSAN STUDLIEN  
Title (print): DIRECTOR,  
Office of Environmental Stewardship  
U.S. EPA Region 1

ORDER

I hereby ratify the foregoing Expedited Settlement Agreement and incorporate it herein by reference.

**IT IS SO ORDERED:**

Jill T. Metcalf  
Jill T. Metcalf  
Acting Regional Judicial Officer  
U.S. EPA, Region 1

Date: August 20, 2009

DOCKET NO: EPCRA-01-2009-0091  
In re: Perma Treat Corporation

In Re: Perma Treat Corporation  
EPA Docket Number: EPCRA-01-2009-0091

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Expedited Settlement Agreement (ESA) has been sent to the following persons on the date noted below:

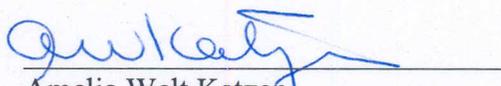
Original and one copy,  
hand-delivered:

Wanda Santiago  
Regional Hearing Clerk (RAA)  
U.S. EPA, Region I  
One Congress Street, Suite 1100  
Boston, MA 02114-2023

Copy of ESA  
and Final Order  
First Class Mail,  
Return Receipt requested:

David Fink, President  
Perma Treat Corporation  
74 Airline Drive  
Durham, CT 06422

Dated: 8/25/09

  
Amelia Welt Katzen  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency,  
Region 1  
Mail Code (SES)  
One Congress Street, Suite 1100  
Boston, MA 02114-2023  
Tel (617) 918-1869  
FAX (617) 918-0869



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
1 CONGRESS STREET, SUITE 1100, BOSTON, MA 02114

RECEIVED  
2009 AUG 25 P 4: 07

AUG 25 2009

EPA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**VIA HAND-DELIVERY**

Ms. Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region I  
1 Congress Street, Suite 1100 (RAA)  
Boston, MA 02114-2023

Re: In the Matter of Perma Treat Corporation, Docket Number EPCRA 01-2009-0091

Dear Ms. Santiago:

Enclosed for filing please find an Expedited Settlement Agreement and Certificate of Service resolving the above-captioned matter.

Sincerely,

Amelia Welt Katzen  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region I

Enclosure

cc: David Fink