



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TANK-AUTOMOTIVE AND ARMAMENTS COMMAND
STRATFORD ARMY ENGINE PLANT
STRATFORD, CONNECTICUT 06615-7574

SAEP Management Branch

20 September 2002

Mr. Roland Severance
Bureau of Air Management
Compliance and Field Operations
79 Elm Street
Hartford, Connecticut 06106

Subject: Notice of Violation (NOV) Number 14899

Dear Mr. Severance:

The United States Army Tank-automotive and Armaments Command [TACOM] Stratford Army Engine Plant [SAEP] would like to take this opportunity to state its position with regards to the referenced notice of violation and provide information to support a possible solution to the issues raised by the Connecticut Department of Environmental Protection [CTDEP].

It would appear that two central issues are the focus of the above referenced Notice of Violation:

- (1) Conflicts between the General Trading Order as it affects Boiler #1 and the Permit for this same boiler and,
- (2) The issue of potential penalties associated with the exceedences of the Full Load Emission Rates [FLERs].

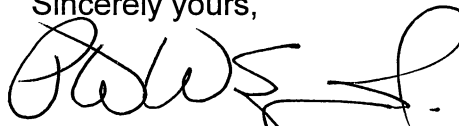
With regard to the first issue, Boiler #1 is included in the Trading Order; but has a permit with different emission limits. In the period that TACOM has been the permit holder, Boiler #1 has been operated based upon the limits established in the Trading Order. It is proposed by TACOM that for the past three year period TACOM has been the permit holder, that the limits established in the Trading Order be the rates utilized to calculate any credits to offset exceedances. In addition, for future emission requirements, the Army proposes to submit a new permit request using the most recent stack results to establish new FLERS for Boiler #1. Upon issuance of the new permit, Boiler #1 will then be removed from the Trading Order and operated under the new permit limits.

Regarding the more difficult issue of the FLER exceedences, it appears that it is not a question of did potential exceedences occur; but, when did they occur and by whom? It is TACOM's position that TACOM did not have any legal standing regarding releases to the atmosphere prior to October 1998. TACOM

did not have any permit for any air releases until October 1998. At that time, TACOM permitted Boiler #1 and became the registrant of the Trading Order, thus assuming operational and liability exposure from that point forward. However, it has been suggested during fact-finding sessions with CTDEP, that the period of exposure is six years back, to 1995. Because TACOM did not have standing prior to 1998, it cannot agree to any potential penalties associated with events prior to that time. An agreement by TACOM to incur such expenditure would most likely result in a violation of the Federal Anti-Deficiency Act. As this is a legal question, the period prior to October 1998 requires further review and opinion by Army Legal Counsel. Nevertheless, for the period October 1998 forward TACOM recommends that based upon the limits established in the Trading Order (notwithstanding the permit limits for Boiler #1), a factor of 2X be applied to the number of credits to be expended to account for the releases during that approximate three year period.

I appreciate your consideration of this matter and look forward to hearing from you in regards to resolving it. Please direct any questions to the undersigned at 203-385-4453 or John Burleson at 203-385-4316.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'PWS', with a long horizontal flourish extending to the right.

Peter W. Szymanski
Installation Manager

CF: J. Burleson (SAEP)
V. Kristoff (TACOM)
T. Tighe (TACOM)



TACOM

**Mobility and Firepower
for America's Army**



STRATFORD ARMY ENGINE PLANT
550 Main Street
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(203) 385-4453 Fax: (203) 385-6605

FROM: PETER W. SZYMANSKI, INSTALLATION MANAGER

DATE: Friday, September 20, 2002 CLASSIFICATION: UNCLASSIFIED

PAGES: Header + 2

**TO: Mr. Roland Severance, Bureau of Air Management, Compliance and Field Operations
79 Elm Street, Hartford, Connecticut 06106**

PHONE: 860-424-3439 FAX: 860-424-4082

NOTES:

Mr. Severance,

Attached is the SAEP response to NOV 14899. I will be mailing a hard copy to you via Registered Mail today.

Please contact John Burlison or myself if you have any questions.

**Pete Szymanski
SAEP Installation Manager**

*Sent 20 Sep 02
11:42 AM*

-----Tank-automotive & Armaments COMmand-----