

TEXTRON Lycoming

Textron Lycoming Turbine Engine Division
Subsidiary of Textron Inc

550 Main Street
Stratford, CT 06497-7593
USA
Tel 203/385-2000
Fax 203/385-3122

August 19, 1993

Andrea Simpson, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region I, RCE
J.F.K. Federal Building
Boston, MA 02203

Re: AVCO Corporation, Textron Lycoming Turbine Engine Division,
Docket No. CWA-2-1-93-1053

Dear Andrea:

Enclosed is the original Consent Agreement and Final Order signed by Textron Lycoming. Please inform me when the Agreement has been fully executed so that I can ensure timely processing of the penalty payment.

It has been a pleasure working with you. Textron Lycoming appreciates the prompt resolution of this matter. Thank you.

Very truly yours,


Lawrence J. O'Connell
Counsel

Enclosure

cc: Linda D'Amore
Judge J.F. Greene

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

IN THE MATTER OF

AVCO Corporation
Textron Lycoming Turbine
Engine Division
550 South Main Street
Stratford, CT

Respondent.

Docket No. CWA-2-I-93-1053

CONSENT AGREEMENT AND FINAL ORDER

I. Statutory Authority

The following Consent Agreement and Final Order are issued under Section 309(g) of the Clean Water Act (the "Act"), 33 U.S.C. § 1319(g). The Administrator of the U.S. Environmental Protection Agency ("EPA") has delegated his authority under this Section to the Regional Administrator of EPA, Region I, who issues this Final Order. The Regional Administrator of Region I has delegated the authority to enter consent agreements under this Section to the Director of Region I's Water Management Division, who enters this Consent Agreement.

II. Stipulations

EPA, Region I (the "Complainant") and AVCO Corporation, Textron Lycoming Turbine Engine Division (the "Respondent"), by their authorized representatives, hereby stipulate to the following findings of fact and law:

1. The Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5). Respondent, through its Textron Lycoming Turbine Engine Division, operates the Stratford Army Engine Plant pursuant to a Consolidated Facilities Contract with the U.S. Army Aviation Troop Command ("ATCOM") which owns the plant. The Stratford Army Engine Plant is a facility for the manufacture of gas turbine aircraft and land vehicle engines, located at 550 Main Street, Stratford, Connecticut.

2. Respondent discharges pollutants, as defined in Section 502(6) and (12) of the Act, 33 U.S.C. § 1362(6) and (12), from point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), at the Stratford Army Engine Plant to the Housatonic River. The Housatonic River is a navigable water under Section 502(7) of the Act, 33 U.S.C. § 1362(7). Respondent is therefore subject to the provisions of the Act, 33 U.S.C. § 1251, et seq.

3. On March 31, 1992, EPA, Region I issued to the Respondent an Administrative Complaint, Docket No. CWA-2-I-93-1053 (the "Complaint"), which included findings of violation, notice of the proposed assessment of civil penalty against the Respondent, and notice of the Respondent's opportunity to request a hearing on the proposed administrative penalty assessment. EPA, Region I also notified the public and the State of Connecticut of the issuance of the Complaint.

4. Following settlement discussions, and in order to

resolve the issues stated in the Complaint and dispose of this proceeding, EPA, Region I and the Respondent agree to the terms of this Consent Agreement and Final Order.

5. The Respondent admits the jurisdictional allegations of the Complaint, and neither admits nor denies the specific factual allegations contained in the Complaint. The Respondent waives its right to a hearing on this matter under Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2), and consents to the issuance of this Consent Agreement and Final Order without further adjudication.

III. Consent Agreement

Based on the foregoing and under the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), the parties hereby consent that:

1. Within **fourteen (14) days** of the effective date of this Consent Agreement and Final Order Respondent shall submit a cashier's or certified check payable to "Treasurer, United States of America" and referencing the title and docket number of this action in the amount of **one hundred and five thousand dollars (\$105,000)** to:

U.S. EPA, Region I
P.O. Box 360197M
Pittsburgh, PA 15251

The Respondent shall simultaneously submit copies of the penalty payment check to:

Ms. Linda D'Amore
Regional Hearing Clerk
U.S. EPA, Region I, RCG
J.F.K. Federal Building
Boston, MA 02203

and to:

Andrea Simpson
U.S. EPA, Region I, RCE
John F. Kennedy Federal Building
Boston, Massachusetts 02203

2. Pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), a failure by Respondent to pay the penalty assessed by this Consent Agreement and Final Order in full by its due date shall subject the Respondent to a civil action to collect the assessed penalty, plus interest at current prevailing rates from the date of the final order. The rate of interest assessed shall be at the rate set forth in 4 C.F.R. § 102.13(c), promulgated under 31 U.S.C. § 3717. Any person who fails to pay on a timely basis the amount of an assessed penalty shall be required to pay in addition to such amount and interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter. In such a collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

IV. General Provisions

1. The provisions of this Consent Agreement and Final

Order shall be binding upon the Respondent, its officers, employees, directors, agents, servants, authorized representatives, successors and assigns.

2. Issuance of this Consent Agreement and Final Order constitutes a settlement by EPA of all claims for judicial or administrative civil penalties pursuant to Sections 309(d) or (g) of the Act, 33 U.S.C. §§ 1319(d) or (g), for the violations of the Act alleged in the Complaint and for violations of reporting and monitoring requirements pursuant to paragraph 2 of the Respondent's current National Pollutant Discharge Elimination System (NPDES) permit and paragraph 4 of the Respondent's previous NPDES permit which occurred between July 1, 1988 and August 31, 1991.

3. Issuance of this Consent Agreement and Final Order does not constitute a waiver by EPA of its right to enforce the substantive legal requirements underlying this administrative penalty assessment, either administratively or judicially pursuant to Sections 309(a), (b), and (c) of the Act, 33 U.S.C. § 1319(a), (b), and (c). Nor, pursuant to Section 309(g)(7) of the Act, 33 U.S.C. § 1319(g)(7), does issuance of or compliance with this Consent Agreement and Final Order exempt the Respondent from responsibility for complying with all requirements of the Act and of any legal order or permit issued pursuant thereto.

4. The Respondent waives its rights pursuant to Sections 309(g)(2) and (8) of the Act, 33 U.S.C. § 1319(g)(2) and (8), to a hearing on this penalty assessment, and to judicial review of

the administrative penalty assessment.

V. Effective Date


This Consent Agreement and Final Order shall become effective thirty (30) days after the date of issuance noted below.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

David A. Fierra, Director
Water Management Division
United States Environmental
Protection Agency
Region I

Dated

AVCO CORPORATION, TEXTRON LYCOMING TURBINE ENGINE DIVISION



Ronald Newcomb
Vice-President of Operations

8-18-93
Dated

VI. Final Order

Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), the above Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the above Consent Agreement. This Final Order shall become effective thirty (30) days after the date of issuance noted below.

Issued this _____ day of _____, 1993.

Paul Keough
Acting Regional Administrator
U.S. Environmental Protection Agency - Region I
JFK Federal Building
Boston, MA 02203