



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

November 26, 1991

Schatz & Schatz,
Ribicoff & Kotkin
Douglas Cohen, Attorney at Law
90 State House Square
Hartford, CT 06103-3902

Re: In re: AVCO Corporation
Docket Nos. RCRA-I-91-1078 and TSCA-1-91-1080

Dear Mr. Cohen:

Per our conversation, please find attached a list of additional violations identified as a result of EPA's September 19 and 20, 1991 inspection, and arising out of the 1990 violations at AVCO's Stratford, Connecticut facility.

I trust that this information serves to facilitate our reaching a settlement and, addresses any questions you might have. I look forward to a response from you.

Sincerely,

Deborah Brown
Assistant Regional Counsel



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The RCRA CEI conducted on September 19-20, 1991 revealed the following violations of RCRA:

1. Respondent failed to have the date upon which each period of accumulation begins clearly marked and visible for inspection on each container, as required by 40 C.F.R. § 262.34(a)(2). Specifically, dates of accumulation were not clearly visible on two drums in the hazardous waste storage area located adjacent to the tank farm east of building 18. These two drums were marked with Textron tracking numbers N2232S and N2477H. Drum N2232S was marked as containing F001 waste: 1-1-1 trichloroethane. Drum N2477H was marked as containing D001 waste.
2. Respondent failed to retain land disposal restrictions notifications, in accordance with 40 C.F.R. § 268.7(a)(7). Textron was unable, at the time of the inspection, to produce an LDR notification which accompanied Connecticut manifest CTFO000001, which documented the shipment of F006 waste to Stablex in Canada.
3. Also, be advised that manifest CTC0139000 (2/25/91) documented the shipment of waste with the EPA hazardous waste code F008 to Stablex (Canada), although the company's Notice of Intent to Export and subsequent EPA Acknowledgement of Consent cited F006 waste. During the September 19-20, 1991 inspection, Textron personnel indicated that they believed the individual who had completed the manifest had erroneously used the incorrect EPA hazardous waste code on this manifest. Any discrepancy between the codes used on the manifest and those in the AOC could result in U.S. Customs not allowing the shipment to pass through to Canada.
4. Following issuance of EPA's Complaint I-91-1078, EPA conducted a thorough review of Textron's response to EPA's Information Request of May 13, 1991. This review revealed that Textren had committed additional RCRA violations, as follows:
 1. Failure to label or mark containers and tanks used for < 90 day storage of hazardous waste with the words "hazardous waste" as required by 40 C.F.R. § 262.34(a)(3). Specifically, tanks # 7 and # 9 in the tank farm were not labelled or marked with the words "hazardous waste" on June 5, 1990.

2. Failure to make hazardous waste determinations upon the generation of solid wastes, in accordance with 40 C.F.R. § 262.11. Specifically, Textron shipped waste oil containing chlorinated solvents, as a CT regulated waste rather than an EPA hazardous waste on a number of instances, in addition to the shipments cited by EPA Complaint I-91-1078. These additional shipments were documented by the following Connecticut manifests:
- ✓CTC0138056 (1/15/88), ✓CTC0126322 (1/15/88), ✓CTC0126331 (1/22/88), ✓CTC0150680 (2/11/88), ✓CTC0161833 (4/8/88), ✓CTC0161902 (4/12/88), ✓CTC0162059 (4/12/88), ✓CTC0169736 (5/2/88), ✓CTC0138049 (3/14/89), ✓CTB0088471 (date illegible), ✓CTC0138982 (9/20/89), and ✓CTC0280947 (12/26/89). Analytical results provided by TSD indicated chlorine levels in excess of 3,000 ppm in each of these shipments.