



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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March 15, 2018

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Jamieson Schiff, Esq.
Senior Associate General Counsel-EHS
Textron Inc.
40 Westminster St.
Providence, RI 02903

Re: Avco Corporation d/b/a Lycoming Engines, EPA Docket No. CAA-03-2018-0067

Dear Jamie:

Enclosed, please find the final Consent Agreement and Consent Order resolving the above-referenced matter. Pursuant to the Consent Order, payment of the penalty plus interest shall be made within thirty (30) days of the effective date of the Order. The effective date of the Order is the date on which the Order was filed with the Regional Hearing Clerk, in this case, March xx, 2016.

Payment of the penalty shall be made as specified in section IV of the Consent Agreement. You've inquired about information and procedures relating to wired/ACH payments. These are found on the EPA webpage referenced in the SCAFO at paragraph 60, and that remains the definitive source for information regarding payments to EPA. However, for your convenience I include the section pertaining to ACH here:

"Automated Clearinghouse payments to EPA can be made through the US Treasury using the following information:

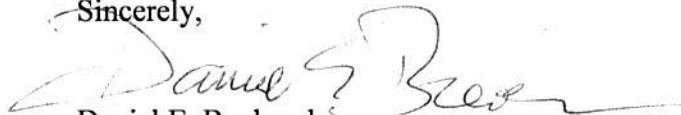
US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Physical location of US Treasury Facility:
5700 Rivertech Court
Riverdale, MD 20737
Remittance Express (REX): 1-866-234-5681"

At the same time that any payment is made, mail copies of any corresponding check, or written notification confirming any electronic wire transfer to Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and to me at

the above-referenced address. The written notification to the Regional Hearing Clerk and to me should reference the above case caption and docket number.

Thank you for your cooperation in settling this matter. If you have any questions, I can be reached at (215) 814-2607.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel E. Boehmcke", with a long horizontal flourish extending to the right.

Daniel E. Boehmcke
Senior Assistant Regional Counsel
EPA Region III

Enclosure

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

In the Matter of

Avco Corporation
d/b/a Lycoming Engines
652 Oliver Street
Williamsport, PA 16270

Respondent

EPA Docket No CAA-03-2018-0067

CONSENT AGREEMENT

Proceeding under Section 113(a) and (d)
of the Clean Air Act

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and Avco Corporation (the "Respondent" or "Avco"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") address violations set forth herein, which occurred at Respondent's facility at 652 Oliver Street, Williamsport, Pennsylvania, 17701 (the "Facility").

II. GENERAL PROVISIONS

1. Section 113(a) and (d) of the CAA, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the CAA. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution, and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this CAFO.
4. Respondent consents to the issuance of this CAFO, agrees to comply with the terms and conditions set forth herein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this CAFO shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns

III. APPLICABLE STATUTES AND REGULATIONS

7. The CAA establishes a regulatory framework designed "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." Section 101(b)(1) of the CAA, 42 U.S.C. § 7401(b)(1).

National Emission Standards for Hazardous Air Pollutants

8. The CAA establishes several provisions and programs to achieve its goal, including, inter alia, Section 112 of the CAA, 42 U.S.C. § 7412, which addresses emissions of hazardous air pollutants ("HAPs").
9. Section 112(b) of the CAA, 42 U.S.C. § 7412(b) sets forth a list of HAPs, including perchloroethylene (CAS number 127-18-4).
10. Section 112(c) of the CAA, 42 U.S.C. § 7412(c) requires the EPA to publish a list of categories and subcategories of major sources and area sources of HAP emissions.
11. Halogenated Solvent Cleaners were designated as a source category in 1994. *See* 59

Fed. Reg. 61801 (Dec. 2, 1994); *See also* 40 C.F.R. § 63.463.

12. Pursuant to Section 112(d) and (e) of the CAA, 42 U.S.C. §7412(d) and (e), EPA promulgated the National Emissions Standards for Hazardous Air Pollutant (referenced herein as “Subpart T” or “NESHAP” for Halogenated Solvent Cleaning, found at Part 63, Subpart T, 40 C.F.R. §§ 63.460 - 63.471.
13. As designated by 40 C.F.R. § 63.460, the Subpart T shall apply to each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride (CAS No. 75-09-2), perchloroethylene (CAS No. 127-18-4), trichloroethylene (CAS No. 79-01-6), 1,1,1-trichloroethane (CAS No. 71-55-6), carbon tetrachloride (CAS No. 56-23-5) or chloroform (CAS No. 67-66-3), or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight, as a cleaning and/or drying agent. The provisions apply to owners or operators of any solvent cleaning machine meeting these criteria.
14. A “batch cleaning machine” means a solvent cleaning machine in which individual parts or a set of parts move through the entire cleaning cycle before new parts are introduced into the solvent cleaning machine. An open-top vapor cleaning machine is a type of batch cleaning machine. A solvent cleaning machine, such as a ferris wheel or a cross-rod degreaser, that clean multiple batch loads simultaneously and are manually loaded are batch cleaning machines. 40 C.F.R. § 63.461.
16. A “solvent cleaning machine” means any device or piece of equipment that uses halogenated HAP solvent liquid or vapor to remove soils from the surfaces of materials. Types of solvent cleaning machines include, but are not limited to, batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines. Buckets, pails, and beakers with capacities of 7.6 liters (2 gallons) or less are not considered solvent cleaning machines. 40 C.F.R. § 63.461. Pursuant to 40 C.F.R. § 63.468(h), each owner or operator of a batch vapor or in-line solvent cleaning machine shall submit an exceedance report to the Administrator semiannually except when, the Administrator determines on a case-by-case basis that more frequent reporting is necessary to accurately assess the compliance status of the source or, an exceedance occurs. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency is approved.

Title V Permit Program

17. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for certain sources, including “major sources” and any source subject to standards or regulations under Section 112 of the CAA, 42 U.S.C. § 7412.
18. Pursuant to 40 C.F.R. § 70.2(a) and § 501(2) of the CAA, a “major source” is a source that directly emits, or has the potential to emit, 10 tons per year or more of any HAP which has been listed pursuant to section 112(b) of the Clean Air Act, 25 tons

per year or more of any combination of such HAP, or 100 tons per year or more of any air pollutant subject to regulation.

19. Pursuant to Sections 502(a) and 503(a) of the CAA, 42 U.S.C. §§ 7661a(a) and 7661b(a), all “major sources” must obtain a Title V permit. *See also* 40 C.F.R. § 70.5.
20. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it is unlawful for any person to violate any requirement of a Title V permit or to operate a major source except in compliance with a permit issued by the appropriate permitting authority.
21. Title V permits must contain “enforceable emission limitations and standards ... and such other conditions as are necessary to assure compliance with applicable requirements of [the CAA], including the requirements of the applicable implementation plan.” Section 504(a) of the CAA, 42 U.S.C. § 7661c(a).
22. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), on July 21, 1992, EPA promulgated regulations implementing the requirements of Title V and establishing the minimum elements of a major source operating permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32250 (July 21, 1992). These regulations are codified at 40 C.F.R. Part 70.
23. In 1996, the EPA granted full approval of the Pennsylvania Title V Operating Permits Program. “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania.” *See* 61 Fed. Reg. 39597 (July 30, 1996); *See also* 40 C.F.R. Part 70, Appendix A.
24. Pennsylvania’s Title V permit program is codified in 25 Pa. Code §§ 127.501 – 127.543.
25. Pursuant to 25 Pa. Code § 127.512, a Title V Permit holder shall comply with conditions of the operating permit. Noncompliance with the permit constitutes a violation of the CAA and is grounds for one or more of the following: (i) Enforcement action, (ii) Permit termination, revocation and reissuance or modification, and/or (iii) Denial of a permit renewal application.

Enforcement Provisions

26. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to violate any requirement of a permit issued under Title V of the CAA after the effective date of any permit program approved under Title V of the CAA.
27. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator of EPA to issue, pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, a requirement or prohibition of among other provisions of the CAA, Sections 112, or 502 of the CAA, 42 U.S.C. §§ 7412, or

7661a, or any rule, plan, order, waiver, or permit promulgated, issued, or approved under such provision. Section 113(d)(1) of the CAA limits the Administrator's authority to matters where the first alleged violation occurred no more than 12 months prior to initiation of an administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action. The Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

28. The Facility is operated under a permit issued by the Pennsylvania Department of Environmental Protection to Lycoming Engines located at 652 Oliver Street, Williamsport, PA 17701.
29. Lycoming Engines does business as a registered fictitious name in Pennsylvania. (Entity Number 3181058).
30. Avco Corporation, headquartered at 40 Westminster St., Providence, R.I. 02903, is the entity that registered Lycoming Engines as fictitious name.
31. Pursuant to 54 Pa. Cons. Stat. § 3.302, a fictitious name is any assumed or fictitious name, style or designation other than the proper name of the entity using such name. Pursuant to 54 Pa. Cons. Stat. § 17.207 an entity may register a fictitious name for the purpose of establishing a public record of its relationship to a business or other activity carried on under or through the fictitious name.
32. The use of a fictitious name does not create a separate legal entity, but is merely descriptive of a person or corporation who does business under another name. *See Burlington Coat Factory of Pa., LLC v. Grace Constr. Mgmt. Co., LLC*, 2015 PA Super 227, 126 A.3d 1010, 1024. See also *Ulick v. Vibration Specialty Co.*, 348 Pa. 241, 35 A.2d 332 (Pa. 1944).
33. Respondent, Avco Corporation, is the owner and operator of the Facility, using Lycoming Engines as a registered fictitious name to do business at its division located at 652 Oliver Street, Williamsport, PA 17701.
34. Respondent, Avco Corporation is a corporation incorporated in the State of Delaware (File Number 253911).
35. Respondent is a "person" within the meaning of Section 302(e) and 502 of the CAA, 42 U.S.C. §§ 7602 and 7661a.
36. The Facility emits or has the potential to emit well over 100 tons per year of criteria pollutants including carbon monoxide. *See* 40 C.F.R. § 50.8.
37. The Facility is a "major source" under 40 C.F.R. § 70.2(a) and 501 of the CAA,

42 U.S.C. § 7661.

38. The Facility operates pursuant to a Title V operating permit, Title V Permit No: 41-00005 issued and effective on April 22, 2013 and effective until April 21, 2018 (the "Title V Permit").
39. All terms and conditions in a permit issued pursuant to Pennsylvania's Title V Permit Program are federally enforceable by the EPA Administrator, unless the permit designates any terms and conditions that are not required under the CAA as state-enforceable only. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a) and 25 Pa. Code §§ 127.501 – 127.543.
40. The provisions of Subpart T, 40 C.F.R. § 63.466, are incorporated into the Respondent's Title V Permit. *See* Title V permit No: 41-00005 Source P236.
41. Pursuant to 40 C.F.R. § 63.460, Subpart T shall apply to each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride (CAS No. 75-09-2), perchloroethylene (CAS No. 127-18-4), trichloroethylene (CAS No. 79-01-6), 1,1,1-trichloroethane (CAS No. 71-55-6), carbon tetrachloride (CAS No. 56-23-5) or chloroform (CAS No. 67-66-3), or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight, as a cleaning and/or drying agent.
42. Respondent owns and operates a solvent cleaning machine as defined by Subpart T at the Facility. It uses a halogenated HAP solvent—perchloroethylene—in a total concentration greater than 5 percent by weight as a cleaning agent in order to remove soils from the surfaces of materials.
43. Respondent submitted a semi-annual and quarterly exceedance report dated January 29, 2016, as required by 40 C.F.R. § 63.468(h). This report indicates violations of the Facility's required record-keeping responsibilities.

Failure to keep records of required monthly visual inspection of idling mode cover

44. Pursuant to 40 C.F.R. § 63.466(b), each owner or operator of a batch vapor or in-line solvent cleaning machine complying with the equipment standards of 40 C.F.R. §63.463 (b)(1)(i), (b)(2)(i), (c)(1)(i), or (c)(2)(i) shall conduct monitoring and record the results on a monthly basis for the control devices, as appropriate, specified in paragraphs (b)(1) and (b)(2) of § 63.466.
45. The Facility's solvent cleaning machine is regulated under 40 C.F.R. § 63.463(b)(1)(i). *See* Title V permit at Source P236 ¶ 014.

46. Pursuant to 40 C.F.R. § 63.466(b)(1), if a cover (working-mode, downtime-mode, and/or idling-mode cover) is used to comply with the Subpart T, the owner or operator shall conduct a visual inspection to determine if the cover is opening and closing properly, completely covers the cleaning machine openings when closed, and is free of cracks, holes, and other defects.
47. The Facility uses such a cover on its solvent cleaning machine to comply with the standards of the Subpart T and its Title V permit. *See* Title V Permit at Source P236 ¶ 004.
48. Upon review of the Respondent's January 29, 2016 exceedance report, and subsequent information submitted, EPA has determined that Respondent did not record the results of monthly inspections of the idling mode cover conducted during July, August, October, and December of 2015.
49. The Respondent's failures to record the results of visual inspections of the idling mode cover in July, August, October, and December of 2015 constitute violations of the Facility's Title V permit at Source P236 ¶ 004, 40 C.F.R. § 63.466(b) of Subpart T, and Sections 112 and 502 of the CAA, 42 U.S.C. §§ 7412 and 7661a.

V. SETTLEMENT RECITATION, SETTLEMENT CONDITIONS, AND CIVIL PENALTY

50. Respondent herein certifies to Complainant EPA that upon investigation, to the best of its knowledge and belief, all violations alleged in this Consent Agreement have been remedied.
51. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle and resolve all violations set forth in Section IV of this Consent Agreement.
52. In settlement of the alleged violations enumerated above in Section IV of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of twenty seven thousand, five hundred dollars (\$27,500.00) within the time and manner specified herein.
53. The settlement amount of twenty seven thousand, five hundred dollars (\$27,500.00) is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e), of the CAA, 42 U.S.C. § 7413(e), (which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require), and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for

- inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). The Consent Agreement and Final Order shall constitute full and final satisfaction of the violations set forth in Section IV of this Consent Agreement.
54. Respondent shall pay the civil penalty of twenty seven thousand, five hundred dollars (\$27,500.00) no later than thirty (30) days after the effective date of this CAFO in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this CAFO.
 55. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
 56. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).
 57. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) day period in which the penalty remains unpaid.
 58. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
 59. Payment of the civil penalty set forth in Paragraph 52, above, shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to Treasurer, United States of America and shall reference the above case caption and docket number (CAA-03-2018-0067).
 60. Instructions for submitting payment of the penalty, including available methods, or combination of methods, are provided at the following EPA website addresses:

<http://www2.epa.gov/financial/additional-instructions-making-payments-epa> and <http://www2.epa.gov/financial/makepayment>.

61. All payments also shall reference the above case caption and docket number, (CAA-03-2018-0067). At the same time that any payment is made, copies of any corresponding check or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment shall be mailed to Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Daniel E. Boehmcke, Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Amelie Isin (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.
62. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this CAFO.
63. This Consent Agreement and Final Order shall constitute satisfaction of all civil claims for penalties for the specific violation alleged in Section IV of this Consent Agreement. Compliance with this CAFO shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
64. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this CAFO in the appropriate United States District Court. Additionally, Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in the assessment of additional interest, penalties and/or late payment penalty charges.

VI. RESERVATION OF RIGHTS

This CAFO resolves only the civil claims for the specific violations alleged in Section IV of this Consent Agreement. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the CAA, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of CAFO following its filing with the Regional Hearing Clerk.

VII. EFFECTIVE DATE

The effective date of this CAFO is the date on which the CAFO is filed with the Regional Hearing Clerk of EPA Region III.

VIII. WAIVER OF HEARING

For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

IX. ENTIRE AGREEMENT

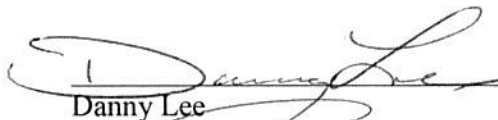
This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

X. EXECUTION

The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For the Respondent Avco Corporation:

2/12/18
Date



Danny Lee
Senior Vice President – Legal and Contracts, and Secretary
Avco Corporation

Respondent's Federal Tax Identification Number: 3-0458536

For Complainant, Environmental Protection Agency, Region III

2/22/18

Date



Daniel Boehmcke
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order (CAA-03-2018-0067). The amount of the recommended civil penalty assessment is twenty-seven thousand, five hundred dollars (\$27,500.00).

03/08/18

Date



Cristina Fernandez, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of

Avco Corporation
d/b/a Lycoming Engines
652 Oliver Street
Williamsport, PA 16270

Respondent

EPA Docket No CAA-03-2018-0067

FINAL ORDER

Proceeding under Section 113(a) and (d)
of the Clean Air Act

FINAL ORDER


Complainant, the Director of the Air Protection Division, U.S. Environmental Protection Agency, Region III, and Respondent, Avco Corporation, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representation of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's Clean Air Act Stationary Source Civil Penalty Policy (1991) and the statutory factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

NOW, THEREFORE, PURSUANT TO Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of twenty seven thousand, five hundred dollars (\$27,500.00), in accordance with the payment provisions set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

March 14, 2018
Date



Joseph Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

CERTIFICATION OF SERVICE

I certify that the foregoing "Consent Agreement" and "Final Order," in the Matter of Avco Corporation d/b/a Lycoming Engines, Docket No. CAA-03-2018-0067, were filed and copies of the same were mailed to the parties as indicated below.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Jamieson Schiff, Esq.
Senior Associate General Counsel-EHS
Textron Inc.
40 Westminster St.
Providence, RI 02903

Via Hand-Delivery

Regional Hearing Clerk
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

3/15/18

Date



Daniel Boehmcke
Senior Assistant Regional Counsel
U.S. EPA – Region III