

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Rivera for Gregory Dain
Name of Case Attorney

9/24/08
Date

in the ORC (RAA) at 918-1113
Office, & Mail Code Phone number

Case Docket Number TSCA-01-2008-0047

Site-specific Superfund (SF) Acct. Number _____

This is an original debt This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Honeywell International, Inc.
101 Columbia Road
Morristown, New Jersey

Total Dollar Amount of Receivable \$ 20,000 Due Date: 10/22/08

SEP due? Yes _____ No Date Due _____

Installment Method (if applicable)

INSTALLMENTS OF:

- 1st \$ _____ on _____
- 2nd \$ _____ on _____
- 3rd \$ _____ on _____
- 4th \$ _____ on _____
- 5th \$ _____ on _____

For RHC Tracking Purposes:

Copy of Check Received by RHC _____ Notice Sent to Finance _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

IFMS Accounts Receivable Control Number _____

If you have any questions call: _____
in the Financial Management Office

Phone Number _____

Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

RECEIVED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2008 SEP 24 P 8:50

EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

In the Matter of:)
)
Honeywell International, Inc.)
101 Columbia Road)
Morristown, New Jersey)
)
)
Respondent)

Docket No. TSCA-1-2008-0047

CONSENT AGREEMENT AND FINAL ORDER

This Consent Agreement and Order ("CAFO") is being filed pursuant to 40 C.F.R. § 22.13(b) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22. This CAFO resolves Honeywell International Inc.'s ("Respondent") liability under the Toxic Substances Control Act ("TSCA"), 15 U.S.C. §§ 2601 *et seq.*, and the Act's implementing regulations, "Polychlorinated Biphenyls ("PCBs") Manufacturing, Processing, Distribution in Commerce and Use Prohibitions," 40 C.F.R. Part 761, for alleged violations at the property located at 95 Edgewood Avenue, New Britain, Connecticut (the "Property"). Complainant is the Enforcement Manager, Office of Environmental Stewardship, U.S. Environmental Protection Agency, Region 1 ("EPA").

EPA and Respondent agree to settlement of this matter through this CAFO without the filing of an administrative complaint, as authorized under 40 CFR § 22.13(b).

EPA and Respondent agree that settlement of this matter is in the public interest and that entry of this CAFO without litigation is the most appropriate means of resolving this matter.

Therefore, without taking any testimony, upon the pleadings, without adjudication of any

issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

A. PRELIMINARY STATEMENT

1. This is an administrative action for the assessment of monetary penalties pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), for alleged violations of Section 15 of TSCA, 15 U.S.C. § 2614. Section 15(1)(C) states that it shall be unlawful for any person to fail to comply with any rule promulgated under Section 6 of TSCA, 15 U.S.C. § 2605.
2. The PCB regulations were promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(e).
3. The PCB regulations “establish prohibitions of, and requirements for, the manufacturing, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.” 40 C.F.R. § 761.1(a).
4. Respondent is a corporation organized under the laws of the State of Delaware.
5. Respondent is a "person" as defined by 40 C.F.R. § 761.3 and as such is subject to TSCA and the regulations promulgated thereunder.
6. At all times relevant to EPA's allegations, Respondent, through its contractor, MACTEC Engineering and Consulting Inc. ("MACTEC"), was undertaking an investigation and implementing certain remediation at the Property pursuant to the State of Connecticut's Property

Transfer Act.

7. EPA alleges that at some time during the period June 12, 2007 through July 2, 2007, Respondent removed PCB-contaminated concrete and asphalt from the Property and shipped it off-site for recycling. Based on Respondent's sampling, Respondent did not believe that the concrete and asphalt were PCB-contaminated.

8. EPA alleges that the activities referenced in paragraph 7, above, constitute an illegal distribution in commerce of PCBs, in violation of Section 6 (e) of TSCA, 15 U.S.C. § 2605(e) and 40 C.F.R. § 761.20(c).

9. As required by 40 C.F.R. § 22.18(b)(2), Respondent neither admits nor denies the allegations in paragraph 7 above.

B. TERMS OF SETTLEMENT

10. The provisions of this CAFO shall apply to and be binding on EPA and on Respondent, its officers, directors, successors and assigns, and MACTEC.

11. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in this CAFO, consents to its terms.

12. Respondent hereby waives its right to contest, for purposes of this settlement, any issue of law or fact set forth in the CAFO and its right to appeal the Final Order accompanying this Consent Agreement.

13. Pursuant to Section 16 of TSCA, taking into account the penalty assessment

Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

criteria of Section 16(a), and taking into account the facts recounted in this CAFO and such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty in the amount of twenty thousand dollars (\$20,000) for the violation alleged in this CAFO.

14. Respondent shall pay the penalty of twenty thousand dollars (\$20,000) within thirty (30) calendar days of the effective date of this CAFO as set forth in the Final Order.

15. Respondent shall pay the penalty by submitting a certified or cashier's check to the order of the "Treasurer, United States of America" and in the required amount to:

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

Respondent shall note the case name and docket number of this action on the check, and

shall provide copies of the check to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 1
Suite 1100, Mail Code RCH
One Congress Street
Boston, MA 02114-2023

and

Gregory Dain
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1
Suite 1100, Mail Code SEL
One Congress Street
Boston, MA 02114-2023

16. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 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. Interest will therefore begin to accrue on the civil penalty if it is not paid within thirty (30) calendar days of the effective date of this CAFO as set forth in the Final Order. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees in accordance with 31 C.F.R. § 901.9(c). In addition, a penalty charge of six percent per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due in accordance with 31 C.F.R. § 901.9(d). Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due.

17. The civil penalty under this CAFO, and any interest, nonpayment penalties and charges described in this CAFO, shall represent penalties assessed by EPA and shall not be

deductible for purposes of federal, state or local taxes.

18. This CAFO constitutes a full and final settlement by EPA of all claims for civil penalties against Respondent, its officers, directors, successors and assigns, and MACTEC, pursuant to Section 16(a) of TSCA with regard to the facts alleged in this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state or local law. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

19. The parties shall bear their own costs and fees in this action.

20. The undersigned representative of the Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and to execute and legally bind Respondent to it.

Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

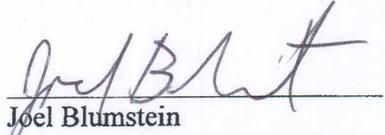
For Respondent Honeywell International, Inc.:

John J. Moran
Name

Remediation Portfolio Dir
Title

9/16/08
Date

For Complainant:



Joel Blumstein
Manager, Enforcement Office
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

9/18/08
Date

C. FINAL ORDER

In accordance with 40 C.F.R. Part 22, the forgoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of the referenced Consent Agreement. This Final Order shall become effective upon filing, in accordance with 40 C.F.R. § 22.31(b).



LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

4/2/09

9/22/08
Date

RECEIVED

Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

2008 SEP 24 P 8:50

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA ORC
OFFICE OF
REGISTRAR/HEARING CLERK

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Morristown, New Jersey)
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Respondent)

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Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

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Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall note the case name and docket number of this action on the check, and

shall provide copies of the check to:

Ms. Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region 1
Suite 1100, Mail Code RCH
One Congress Street
Boston, MA 02114-2023

and

Gregory Dain
Senior Enforcement Counsel
U.S. Environmental Protection
Agency, Region 1
Suite 1100, Mail Code SEL
One Congress Street
Boston, MA 02114-2023

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Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

For Respondent Honeywell International, Inc.:

John J. Moran
Name

Remediation Portfolio Dir
Title

9/16/08
Date

Honeywell International, Inc.; EPA Docket No. TSCA-1-2008-0047

For Complainant:

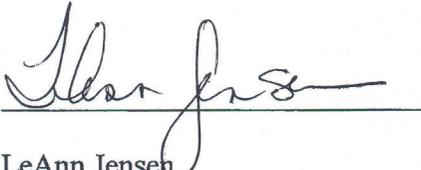


Joel Blumstein
Manager, Enforcement Office
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1

9/18/08
Date

C. FINAL ORDER

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Acting
LeAnn Jensen
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

9/22/08
Date

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 1

BEFORE THE ADMINISTRATOR

In the Matter of:)
) Docket No. TSCA -01-2008-0047
)
Honeywell International Inc.,)
)
)
Respondent)
_____)

CERTIFICATE OF SERVICE

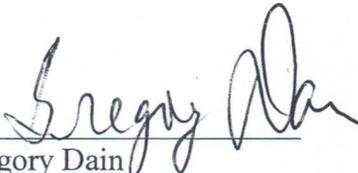
I hereby certify that the foregoing Consent Agreement and Final Order has been distributed on the date indicated below, in the following manner:

Original and One Copy,
Hand Delivered:

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

Copy by Certified Mail, Return
Receipt Requested:

Daniel A. Cantor
Arnold & Porter LLP
555 Twelfth Street, NW
Washington, DC 20004-1206



Gregory Dain

9/24/08

Date