



and Goodrich Corporation, (“Respondent”) agrees to issuance of, the Final Order attached to this Consent Agreement (“Final Order”).

## **II. PRELIMINARY STATEMENT**

2.1. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b), issuance of this Consent Agreement commences this proceeding, which will conclude when the Final Order becomes effective.

2.2. The Director of the Office of Compliance and Enforcement, EPA Region 10 (“Complainant”) has been delegated the authority pursuant to Section 325 of EPCRA, 42 U.S.C. § 11045, and Section 109 of CERCLA, 42 U.S.C. § 9609, to sign consent agreements between EPA and the party against whom an administrative penalty for violations of EPCRA and CERCLA are proposed to be assessed.

2.3. Part III of this Consent Agreement contains a concise statement of the factual and legal basis for the alleged violations of EPCRA and CERCLA together with the specific provisions of EPCRA and CERCLA and the implementing regulations that Respondent is alleged to have violated.

## **III. ALLEGATIONS**

3.1 Respondent, a UTC Aerospace Systems company, is a corporation incorporated in the State of New York.

3.2 Under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), “person” means, among other things, any firm or commercial entity.

3.3 Under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), “facility” means, among other things, any building, structure, installation, storage container, equipment, or any site or area where a hazardous substance has been deposited, stored, disposed of or placed, or otherwise come to be located.

3.4 Under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), “facility” means all buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled, or under common control with, such person).

3.5 Under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), “release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.

3.6 Section 329(8) of EPCRA, 42 U.S.C. § 11049(8), defines “release” as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.

3.7 Hydrogen cyanide is a hazardous substance listed in 40 C.F.R. § 302.4 with an Reportable Quantity of 10 pounds.

3.8 Pursuant to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2), extremely hazardous substances are listed in 40 C.F.R. Part 355, Appendices A and B.

3.9 Hydrogen cyanide is an extremely hazardous substance listed in 40 C.F.R. Part 355, Appendices A and B as “hydrocyanic acid,” with the Chemical Abstracts Service registry number 74-90-8.

3.10 Respondent is a "person" as defined in CERCLA Section 101(21), 42 U.S.C. § 9601(21), and EPCRA Section 329(7), 42 U.S.C. § 11049(7).

3.11 Respondent is the "owner and operator" of a "facility" as defined by Section 101(9)(A) of CERCLA, 42 U.S.C. § 9601(9)(A), and Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), located at 11135 W. Westbow Blvd., Spokane, Washington 99224 ("Facility").

3.12 On October 6, 2014, Respondent released 25.5 pounds of hydrogen cyanide over the time duration between 5:19 am and 7:23 am PST.

3.13 EPA alleges that Respondent had knowledge of the release of hydrogen cyanide in quantities equal to or greater than 10 pounds, the RQ for hydrogen cyanide, at or around 6:13 am, October 6, 2014.

#### COUNT I

3.14 Under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, any person in charge of a facility shall, as soon as he has knowledge of any release of a hazardous substance from such facility in quantities equal to or greater than the RQ listed in 40 C.F.R. § 302.4, shall immediately notify the National Response Center (NRC) of such release.

3.15 On November 21, 2014, Respondent notified the NRC of the hydrogen cyanide release.

3.16 Respondent's failure to immediately notify the NRC of the release of hydrogen cyanide is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a) and 40 C.F.R. § 302.6.

## COUNT II

3.17 Under Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. § 355.42(a)(2), if a release of an extremely hazardous substance occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under Section 103(a) of CERCLA, 42 U.S.C. § 9603, the owner or operator of the facility shall immediately provide notice of the release to the State Emergency Response Commission (SERC) of any state likely to be affected by the release.

3.18 On November 21, 2014, Respondent notified the SERC for the State of Washington of the release of hydrogen cyanide from the Facility.

3.19 Respondent's failure to immediately notify the SERC of the release of hydrogen cyanide is a violation of Section 304 of EPCRA, 42 U.S.C. § 11004, and 40 C.F.R. § 355.42(a)(2).

## COUNT III

3.20 Under Section 304(a) and (b) of EPCRA, 42 U.S.C. § 11004(a) and (b), and 40 C.F.R. § 355.42(a)(1), if a release of an extremely hazardous substance occurs from a facility at which a hazardous chemical is produced, used, or stored, and such release requires notification under Section 103(a) of CERCLA, the owner or operator of the facility shall immediately provide notice of the release to the community emergency coordinator for the Local Emergency Planning Committee (LEPC).

3.21 Respondent notified the community emergency coordinator for the LEPC on November 19, 2014, of the hydrogen cyanide release.

3.22 Respondent's failure to immediately notify the community emergency coordinator for the LEPC of the release of hydrogen cyanide is a violation of Sections 304 of EPCRA, 42 U.S.C. § 11004, and 40 C.F.R. § 355.42(a)(1)

#### COUNT IV.

3.23 Under Section 304(c) of EPCRA, 42 U.S.C. § 11004(C) and 40 C.F.R. § 355.40(b), if a release of an extremely hazardous substance occurs from a facility at which a hazardous chemical is produced used, or stored, and such release requires notification under EPCRA § 304(a), 42 U.S.C. § 11004(a) the owner or operator of the facility shall provide a written follow-up emergency notification to the SERC and LEPC as soon as practicable after the release.

3.24 On December 5, 2014, Respondent provided the community emergency coordinator for the LEPC with a written follow-up emergency notification of the hydrogen cyanide release, approximately 60 days after the October 6 release.

3.25 Respondent's failure to provide a written follow-up emergency notification to the community emergency coordinator LEPC of the release of hydrogen cyanide as soon as practicable is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.42(a)(1).

#### COUNT V

3.26 Under Section 304(c) of EPCRA, 42 U.S.C. § 11004(C) and 40 C.F.R. § 355.40(b), if a release of an extremely hazardous substance occurs from a facility at which a hazardous chemical is produced used, or stored, and such release requires notification under EPCRA § 304(a), 42 U.S.C. § 11004(a) the owner or operator of the facility shall provide a

written follow-up emergency notification to the SERC and LEPC as soon as practicable after the release.

3.27 On December 5, 2014, Respondent provided the SERC with a written follow-up emergency notification of the hydrogen cyanide release, approximately 60 days after the October 6 release.

3.28 Respondent's failure to provide a written follow-up emergency notification to the SERC of the release of hydrogen cyanide as soon as practicable is a violation of Section 304(c) of EPCRA, 42 U.S.C. § 11004(c), and 40 C.F.R. § 355.42(a)(2).

#### **Enforcement Authority**

3.29 Under Section 325 of EPCRA, 42 U.S.C. § 11045, Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 C.F.R. Part 19, EPA may assess a civil penalty of not more than \$37,500 per violation.

#### **IV. TERMS OF SETTLEMENT**

4.1. Respondent admits the jurisdictional allegations of this Consent Agreement.

4.2. Respondent neither admits nor denies the specific factual and legal allegations contained in this Consent Agreement.

4.3. As required by Section 325(b)(1)(C) of EPCRA, 42 U.S.C. § 11045(b)(1)(C), and Section 109(a)(3) of CERCLA, 42 U.S.C. § 9609(a)(3), EPA has taken into account the nature, circumstances, extent and gravity of the violation, and with respect to Respondent, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require. After considering these factors, EPA has determined and Respondent agrees that an appropriate

penalty to settle this action is \$52,000, \$10,400 of which reflects violations of CERCLA, and \$41,600 of which reflects violations of EPCRA.

4.4. Respondent agrees to pay the total civil penalty set forth in Paragraph 4.3 within 30 days of the effective date of the Final Order.

4.5. Payment under this Consent Agreement and the Final Order may be paid by check (mail or overnight delivery), wire transfer, ACH, or online payment. Payment instructions are available at: <http://www2.epa.gov/financial/makepayment>. Payments made by a cashier's check or certified check must be payable to the order of "Treasurer, United States of America" and delivered to the following address:

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

Respondent must note on the check the title and docket number of this action. Respondent must also include a note with the payment indicating that \$10,400 is for the CERCLA penalty and \$41,600 is for the EPCRA penalty.

4.6. Concurrently with payment, Respondent must serve photocopies of the check, or proof of other payment method, described in Paragraph 4.5 on the Regional Hearing Clerk and EPA Region 10 at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ORC-113  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
[Smith.candace@epa.gov](mailto:Smith.candace@epa.gov)

Suzanne Powers  
U.S. Environmental Protection Agency  
Region 10, Mail Stop OCE-133  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
[Powers.Suzanne@epa.gov](mailto:Powers.Suzanne@epa.gov)

4.7. If Respondent fails to pay any portion of the penalty assessed by this Consent Agreement and the Final Order in full by its due date, the entire unpaid balance of penalty and accrued interest shall become immediately due and owing. If such a failure to pay occurs, Respondent may be subject to a civil action under Section 325(f)(1) of EPCRA, 42 U.S.C. § 11045(f)(1), and/or Section 109 of CERCLA, 42 U.S.C. § 9609, to collect any unpaid penalties, together with interest, handling charges, and nonpayment penalties, as set forth below.

4.8. If Respondent fails to pay any portion of the penalty assessed by this Consent Agreement and the Final Order in full by its due date, Respondent shall also be responsible for payment of the following amounts:

4.8.1. Interest. Pursuant to 31 U.S.C. § 3717(a)(1), any unpaid portion of the assessed penalty shall bear interest at the rate established by the Secretary of the Treasury from the effective date of the Final Order contained herein, provided, however, that no interest shall be payable on any portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order contained herein.

4.8.2. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid if any portion of the assessed penalty is more than 30 days past due.

4.8.3. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6% per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due, which nonpayment shall be calculated as of the date the underlying penalty first becomes past due.

4.9. The penalty described in Paragraph 4.3, including any additional costs incurred under Paragraph 4.8, represents an administrative civil penalty assessed by EPA and shall not be deductible for purposes of federal taxes.

4.10. The undersigned representative of Respondent certifies that he or she is authorized to enter into the terms and conditions of this Consent Agreement and to bind Respondent to this document.

4.11. The undersigned representative of Respondent also certifies that, as of the date of Respondent's signature of this Consent Agreement, Respondent has corrected the violation(s) alleged in Part III.

4.12. Except as described in Paragraph 4.8, each party shall bear its own costs and attorneys fees in bringing or defending this action.

4.13. Respondent expressly waives any right to contest the allegations contained in this Consent Agreement and to appeal the Final Order.

4.14. The provisions of this Consent Agreement and the Final Order shall bind Respondent and its agents, servants, employees, successors, and assigns.

4.15. Respondent consents to the issuance of any specified compliance or corrective action order, and to any stated permit action.

4.16. The above provisions in Part IV are STIPULATED AND AGREED upon by

Respondent and EPA Region 10.

DATED:

June 16, 2015

FOR RESPONDENT:



CHRISTOPH FEDDERSEN, VP & GEN. COUNSEL

Signatory's Name, Signatory's Position  
GOODRICH CORPORATION

DATED:

6/25/2015

FOR COMPLAINANT:



EDWARD J. ROWALSKI, Director  
Office of Compliance and Enforcement  
EPA Region 10

BEFORE THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Goodrich Corporation,

Spokane, Washington

Respondent.

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) DOCKET NO. EPCRA-10-2015-0117  
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**FINAL ORDER**

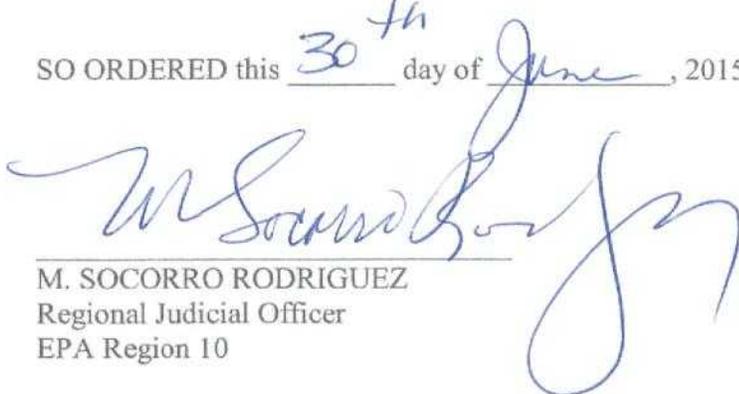
1.1. The Administrator has delegated the authority to issue this Final Order to the Regional Administrator of EPA Region 10, who has redelegated this authority to the Regional Judicial Officer in EPA Region 10.

1.2. The terms of the foregoing Consent Agreement are ratified and incorporated by reference into this Final Order. Respondent is ordered to comply with the terms of settlement.

1.3. The Consent Agreement and this Final Order constitute a settlement by EPA of all claims for civil penalties under CERCLA and EPCRA for the violations alleged in Part III of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(a), nothing in this Final Order shall affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Final Order does not waive, extinguish, or otherwise affect Respondent's obligations to comply with all applicable provisions of EPCRA and regulations promulgated or permits issued thereunder.

1.4. This Final Order shall become effective upon filing with the Regional Hearing Clerk.

SO ORDERED this 30<sup>th</sup> day of June, 2015.



M. SOCORRO RODRIGUEZ  
Regional Judicial Officer  
EPA Region 10

**CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER** in: **In the Matter of: GOODRICH CORPORATION, Docket No. EPCRA-10-2015-0117**, was filed, and served as follows, on the signature date below.

The undersigned certifies that a true and correct electronic copy of the document was delivered to:

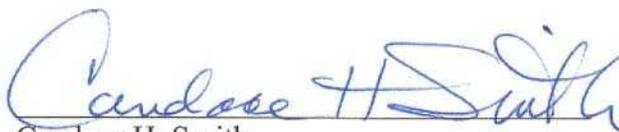
Robert Hartman  
U.S. Environmental Protection Agency  
Region 10, M/S: ORC-113  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of this document was placed in the United States mail, certified/return receipt, to:

Kristen W. Sherman  
Assistant General Counsel  
UTC Aerospace Systems  
One Hamilton Road, MS 1-1-BC18  
Windsor Locks, CT 06096

Dated

1 July 2015



Candace H. Smith  
Regional Hearing Clerk  
EPA Region 10