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REGISTRATION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5 '99 SEP 29 12:55

IN THE MATTER OF:)	Docket No. CAA-5-99-045
)	
Textron Automotive Company--)	Proceeding to Assess an
Rantoul Products,)	Administrative Penalty
Rantoul, Illinois)	under Section 113(d) of the
)	Clean Air Act,
Respondent.)	42 U.S.C. § 7413(d)
_____)	

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d).

2. On SEP 29 1999, EPA filed the complaint in this action against Respondent, Textron Automotive Company-Rantoul Products. The complaint alleges that Respondent violated Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23 at its facility in Rantoul, Illinois.

Stipulations

3. Respondent admits the jurisdictional allegations in the complaint but neither admits nor denies the factual allegations in the complaint.

4. Respondent waives its right to a hearing pursuant to 40 C.F.R. § 22.15(c), and waives its right to appeal pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

5. Respondent certifies that it has taken all necessary measures to come into full compliance with Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. § 52.23. Respondent shall proceed diligently to obtain new or amended Construction Permits, Federally Enforceable State Operating Permits, or a Title V Permit. Respondent further certifies that if it does not obtain new or amended Construction Permits, Federally Enforceable State Operating Permits, or a Title V Permit then it will comply with the limits in the existing Construction Permits for Facility #2 at 707 Veterans Parkway, Rantoul, Illinois.

6. Before the taking of any testimony, without an adjudication of any issues of law or fact herein, or an admission of liability on any specific question of fact or law by Respondent, the parties consent to the terms of this Consent Agreement and Final Order (CAFO).

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

8. Pursuant to 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. 22.18(b)(3) and (c), a proceeding is disposed of once the Regional Administrator issues a final order, although the Respondent must then comply with the requirements of the CAFO.

Therefore, upon the filing of this CAFO, Respondent does not need to file an answer to the complaint.

Civil Penalty

9. In consideration of Respondent's good faith cooperation and a litigation risk, EPA agrees to mitigate the proposed penalty of \$187,775 to \$80,500.

10. Respondent shall pay the \$80,500 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

11. Respondent shall send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

12. A transmittal letter, stating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. Respondent shall write the case docket number and the billing document number on the face of the check. Respondent shall send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Robert H. Smith, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

13. This civil penalty is not deductible for federal tax purposes.

14. Respondent's failure to comply with any provision of this CAFO, including the timely payment of the civil penalty, shall render the entire proposed penalty from the complaint of \$187,775, less any payment already made, due upon demand. Interest shall accrue on any amount overdue from the date the payment was due at a rate established pursuant to 26 U.S.C. § 6621(a)(2). Respondent shall pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Respondent shall pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty shall be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

15. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action

under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

General Provisions

16. This CAFO fully settles EPA's claims for civil penalties for the violations alleged in the complaint.

17. Nothing in this CAFO shall restrict EPA's authority to seek Respondent's compliance with the Act and other applicable laws and regulations.

18. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws and regulations.

19. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Respondent's "full compliance history" pursuant to Section 113(e) of the Act, 42 U.S.C. § 7413(e).

20. The terms of this CAFO bind Respondent and U.S. EPA, as well as both of their officers, directors, agents, successors, authorized representatives, and assigns.

21. Each person signing this Consent Agreement certifies that he or she has the authority to sign this Consent Agreement for the party whom he or she represents and to bind that party to its terms.

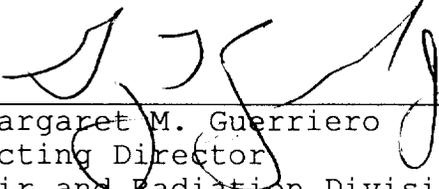
22. Each party shall bear its own costs and fees in this action.

23. This CAFO constitutes the entire agreement between the parties.

CONSENT AGREEMENT AND Final Order
Textron Automotive Company--Rantoul Products
Docket No. : ~~EPA-5-99-045~~

U.S. Environmental Protection
Agency, Complainant

Date: 9/27/99

By:  FOR
Margaret M. Guerriero
Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Textron Automotive Company--Rantoul
Products, Respondent

Date: 9/20/99

By: Eric J. White

Print Name: Eric J. White

Title: Vice President of Operations
Textron Automotive Company--Rantoul
Products

CONSENT AGREEMENT AND Final Order
Textron Automotive Company--Rantoul Products
Docket No. CAA-5-99-045

Final Order

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk. This Order disposes of the matter pursuant to 40 C.F.R. § 22.18(b)(3).

Date: 9/28/99



Francis X. Lyons
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

REC-111

Re: Textron Automotive Company--Rantoul Products

Docket No. CAR-5 99-045

'99 SEP 29 12:55

CERTIFICATE OF SERVICE

I, Betty Williams, certify that I hand delivered one original of the Consent Agreement and Final Order, to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed the other original by first-class, postage prepaid, certified mail, return receipt requested, to Textron Automotive Company--Rantoul Products by placing them in the custody of the United States Postal Service addressed as follows:

Jeffrey T. Sedgwick
Environmental Health and Safety Coordinator
Rantoul Products
Textron Automotive Trim
707 Veterans Parkway
Rantoul, Illinois 61866

David Kolaz, Manager
Compliance Systems Management Section
Bureau of Air
Illinois environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager
Illinois Environmental Protection Agency
Chicago Regional Office
1701 First Avenue - Suite 1202
Maywood, Illinois 60153

on the 29th day of September, 1999.



Betty Williams, Secretary
AECAS (IL/IN Section)

CAA-5-99-045

CERTIFIED MAIL RECEIPT NUMBER: P140 895453