



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Certified Mail No. 7001 2510 5943 3928  
Return Receipt Requested

Mr. Karl Trowbridge  
Chief Executive Officer  
AeroTurbine, Inc.  
100 NE 3<sup>rd</sup> Ave. #800  
Fort Lauderdale, Florida 33301

JUL 11 2017

**RE: Consent Agreement and Final Order  
In the Matter of AeroTurbine, Inc.**

Dear Mr. Trowbridge:

Please find enclosed a copy of the final executed Consent Agreement and Final Order (CA/FO) negotiated between the United States Environmental Protection Agency, Region IX (EPA) and AeroTurbine, Inc. (AeroTurbine).

This CA/FO sets out the terms for resolution of the Resource Conservation and Recovery Act (RCRA) administrative civil penalty action against AeroTurbine for alleged violations of the hazardous waste management regulations at your facility in Goodyear, Arizona.

AeroTurbine's full compliance with the payment terms of this CA/FO will close this case. If you have any questions regarding the RCRA hazardous waste regulations governing your operations or the rules which govern the proceedings terminated by the enclosed document, please contact Rick Sakow of my staff at (415) 972-3495 or Rebecca Sugeran, in the Office of Regional Counsel, at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas McDaniel".

Douglas McDaniel  
Chief, Waste and Chemical Section  
Enforcement Division

Enclosure

cc with enclosure: Terry Baer, ADEQ Solid and Hazardous Waste Unit Supervisor

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

\*\* FILED \*\*  
11 JUL 2017 - 02:22 PM  
U.S. EPA - Region 09

In the matter of	)	U.S. EPA Docket No.
	)	RCRA-9-2017- 0001
Aeroturbine, Inc.	)	
	)	CONSENT AGREEMENT AND
EPA ID No. AZR 000003483	)	FINAL ORDER PURSUANT TO
	)	40 C.F.R. SECTIONS 22.13 AND
<u>Respondent.</u>	)	22.18

CONSENT AGREEMENT

A. PRELIMINARY STATEMENT

1. This is a civil administrative enforcement action instituted pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 Code of Federal Regulations ("C.F.R.") Part 22, as revised by 64 Fed. Reg. 141 (July 23, 1999). Complainant is the United States Environmental Protection Agency, Region 9 ("EPA"). Respondent is AeroTurbine, Inc. ("AeroTurbine" or "Respondent").
2. Respondent owned and operated a facility located at 1658 S. Litchfield Road, in Goodyear, Arizona, 85338 (the "Facility"). The Facility's EPA Identification Number is AZR000003483. Respondent operated a modification, repair and overhaul facility providing heavy maintenance on commercial airplanes. The primary activities include aircraft engine removal and reinstallation, aircraft parts recycling and resale, component repair, and aircraft stripping and painting.
3. This Consent Agreement and Final Order pursuant to 40 C.F.R. §§ 22.13 and 22.18 ("CA/FO"), simultaneously commences and concludes this proceeding, wherein EPA alleges that Respondent failed to: (1) obtain a permit or grant of interim status for storage of hazardous waste, a violation of Arizona Administrative Code ("A.A.C.") R18-8-270.A [see also 40 C.F.R. § 270.1(c)]; (2) make a hazardous waste determination, a violation of A.A.C. R18-8-262.A [see also 40 C.F.R. § 262.11]; (3) prepare a manifest for transport of hazardous waste, a violation of A.A.C. R18-8-262.A [see also 40 C.F.R. § 262.12]; (4) keep containers of hazardous waste closed, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.173]; (5) maintain adequate aisle space between containers of hazardous waste, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.35];

(6) meet training requirements, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.16]; (7) maintain required emergency equipment, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. §§ 265.32-34]; and (8) maintain and operate the facility to minimize the possibility of an unplanned release of hazardous waste, a violation of A.A.C. R18-8-265.A [see also 40 C.F.R. § 265.31]. These are all in violation of Section 3001 et seq. of RCRA, 42 U.S.C. § 6921 et seq., and state regulations adopted pursuant thereto.<sup>1</sup>

## B. JURISDICTION

4. On November 20, 1985, the State of Arizona initially received authorization to administer the hazardous waste management program in lieu of the federal program pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926 and 40 C.F.R. § 271, effective December 4, 1985. The authorized program is established pursuant to the Arizona Laws Relating to Environmental Quality, Title 49, (Arizona Revised Statutes ("A.R.S.") 49-921, et seq.), and the regulations promulgated thereunder in the Arizona Administrative Code, Title 18, Chapter 8, Article 2. The State of Arizona has been authorized for all the regulations referenced in this CA/FO.
5. Respondent is a "person" as defined in A.R.S. 49-921 and A.A.C. R18-8-260.F.5 [see also 40 C.F.R. § 260.10].
6. Respondent was the "operator" of a facility as defined in A.A.C. R18-8-260.C and 270.A [see also 40 C.F.R. § 260.10].
7. Respondent's hazardous waste manifests indicate that at the time of the violations it was a large quantity "generator" of hazardous waste as defined in A.A.C. R18-8-260.C [40 C.F.R. § 260.10].
8. Respondent generates or has generated hazardous waste including but not limited to: paint debris and paint stripper sludge (including RCRA F003, F005, D001, D006, D007 and D035); Alodine rinse wastewater (RCRA D002 and D007); and waste with cadmium and chromium (D006 and D007). These are all "hazardous wastes" as defined in A.R.S.

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<sup>1</sup> All citations to the "A.A.C." refer to the Arizona Administrative Code, contained in Title 18, Chapter 8, Department of Environmental Quality Waste Management, Article 2, Hazardous Waste. EPA is enforcing Arizona hazardous waste management program requirements as approved and authorized by the United States on October 7, 1991.



49-921(5), A.A.C. R18-8-260.C and 261.A [*see also* Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. §§ 260.10 and 261.3].

9. On March 16, 2016, EPA conducted a RCRA Compliance Evaluation Inspection (“CEI”) at the Facility. Based upon the findings EPA made during the inspection, and additional information obtained subsequent to the inspection, EPA determined that Respondent had violated A.R.S. 49-922, and regulations adopted pursuant thereto [*see also* Sections 3001, 3004 and 3005 of RCRA, 42 U.S.C. §§ 6921, 6924 and 6925].
10. Section 3006 of RCRA, 42 U.S.C. § 6926 provides, *inter alia*, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, a violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.
11. A violation of Arizona’s authorized hazardous waste program, found at A.R.S. 49-921, et seq., and the regulations promulgated thereunder in the Arizona Administrative Code, Title 18, Chapter 8, Article 2, constitutes a violation of Subtitle C of RCRA and, therefore, a person who violates Arizona’s authorized hazardous waste program is subject to the powers vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928.
12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the EPA Administrator to issue orders assessing a civil penalty for any past or current violation, or requiring compliance immediately or within a specified time for violation of any requirement of Subtitle C of RCRA, Section 3001 of RCRA *et seq.*, 42 U.S.C. § 6921 *et seq.*
13. Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), provides that when a violation of Subtitle C of RCRA occurs in a state which has been authorized under Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator must notify an authorized state prior to issuing an order under Section 3008 of RCRA in that state. EPA notified the State of Arizona as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
14. The Administrator has delegated the authority under Section 3008 of RCRA to the EPA Regional Administrator for Region 9, who has redelegated this authority to the signatory below.



C. ALLEGED VIOLATIONS

COUNT I

Storage of hazardous waste without a permit

15. Paragraphs 1 through 14 above are incorporated herein by this reference as if they were set forth here in their entirety.
16. A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1(c)] and A.R.S. 49-922 [*see also* RCRA Section 3005(e) (42 U.S.C. § 6925(e))] require that each person owning or operating a facility where hazardous waste is transferred, treated, stored, or disposed must have a permit. At the time of the inspection, Respondent did not have a permit or grant of interim status to store hazardous waste.
17. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including that generators label containers with the words "hazardous waste" and with the date accumulation of the waste begins. Large quantity generators who accumulate waste beyond 90 days, or fail to label containers of hazardous waste appropriately, fail to meet the requirements of A.A.C. R18-8-262.A, and are subject to the permitting requirements of A.A.C. R18-8-270.A [*see also* 40 C.F.R. §§ 262.34 and 270.1].
18. During the CEI, the EPA Inspector observed several containers of hazardous waste that were stored over 90 days, including two 55-gallon containers of paint stripper sludge and one 55-gallon container of waste paint stripper (RCRA F003, F005, D006, D007 and D035).
19. During the CEI, the EPA Inspector observed approximately 29 containers that were not labelled appropriately, either lacking a label or lacking the accumulation start date.
20. Respondent's failure to meet the requirements set forth or referenced by A.A.C. R18-8-262.A subject it to the permit requirements of A.A.C. R18-8-270.A [*see also* 40 C.F.R. §§ 262.34 and 270.1]. Therefore, EPA alleges that Respondent stored hazardous waste without a permit, a violation of A.A.C. R18-8-270.A [*see also* 40 C.F.R. § 270.1(c)].

COUNT II

Failure to determine if solid waste generated is hazardous

21. Paragraphs 1 through 20 above are incorporated herein by this reference as if they were set forth here in their entirety.
22. A.A.C. R18-8-262.A provides that a person who generates a solid waste must determine if that waste is hazardous [*see also* 40 C.F.R. § 262.11].
23. During the CEI, facility personnel indicated paint debris on the Paint Bay floor was non-hazardous. Facility personnel managed the waste as non-hazardous.
24. After sampling the waste, AeroTurbine determined the waste was hazardous.
25. Therefore, EPA alleges that Respondent failed to determine if solid waste generated was hazardous, a violation of A.A.C. R18-8-262.A [*see also* 40 C.F.R. § 262.11].

Count III

Failure to use a manifest when offering hazardous waste for transport

26. Paragraphs 1 through 25 above are incorporated herein by this reference as if they were set forth here in their entirety.
27. A.A.C. R18-8-262.A provides that a generator who transports, or offers for transport, a hazardous waste for offsite treatment, storage, or disposal must prepare a manifest [*see also* 40 C.F.R. § 262.20].
28. During the CEI, the EPA Inspector observed paint stripping waste in two 35-gallon trash cans. This waste was identical to a waste stream AeroTurbine had identified as hazardous (Waste Stream 13: Paint Stripper Sludge – Paint Chips), but AeroTurbine disposed of the waste observed without a hazardous waste manifest, with the general trash.
29. In addition, AeroTurbine shipped hazardous wastewater to a Publicly-Owned Treatment Works for disposal without a hazardous waste manifest.
30. Therefore, EPA alleges that Respondent failed to use a hazardous waste manifest to transport hazardous waste, a violation of A.A.C. R18-8-262.A [*see also* 40 C.F.R. § 262.20].

#### Count IV

##### Failure to close containers of hazardous waste

31. Paragraphs 1 through 30 above are incorporated herein by this reference as if they were set forth here in their entirety.
32. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including A.A.C. R18-8-265.A, which requires that generators keep containers holding hazardous waste closed during transfer and storage, except when it is necessary to add or remove waste [*see also* 40 C.F.R. § 265.173].
33. During the CEI, the EPA Inspector observed several containers of hazardous waste, including two 275-gallon totes of aircraft wash water, one cubic yard box of paint filters, two 55-gallon containers of “paint stripper sludge – paint chips,” and two 55-gallon containers of waste flammable solids, that were not properly closed when waste was not being added or removed.
34. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.173].

#### Count V

##### Failure to maintain adequate aisle space

35. Paragraphs 1 through 34 above are incorporated herein by this reference as if they were set forth here in their entirety.
36. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including A.A.C. R18-8-265.A, which requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes [*see also* 40 C.F.R. § 265.35].
37. During the inspection, the EPA inspector observed several 275-gallon totes of hazardous waste, including aircraft wash and several boxes of paint debris waste, stored too closely together to allow access.
38. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.35].



Count VI

Failure to meet training requirements

39. Paragraphs 1 through 38 above are incorporated herein by this reference as if they were set forth here in their entirety.
40. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including A.A.C. R18-8-265.A, which requires that employees receive training, including annual refresher training, to perform duties in a way that ensures the facility's compliance with hazardous waste management requirements [*see also* 40 C.F.R. § 265.16].
41. During the CEI, the EPA Inspector noted that contractors managing hazardous waste at the facility had not received annual training in several years.
42. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.16].

Count VII

Failure to maintain required emergency equipment

43. Paragraphs 1 through 42 above are incorporated herein by this reference as if they were set forth here in their entirety.
44. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including A.A.C. R18-8-265.A, which requires that areas where hazardous waste is managed must have certain equipment, including an internal communications or alarm system, portable fire extinguishers, and decontamination equipment [*see also* 40 C.F.R. §§ 265.32-265.34].
45. At the time of the CEI, the EPA Inspector observed that AeroTurbine did not have an eyewash at the hazardous waste accumulation area (HWAA) in the Paint Bay.
46. In addition, AeroTurbine accumulated more than 55-gallons of hazardous waste outside of the HWAA, but that area did not have the required emergency equipment.
47. Therefore, EPA alleges that Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. §§ 265.32-265.34].

Count VIII  
Maintenance and Operation of the Facility

48. Paragraphs 1 through 47 above are incorporated herein by this reference as if they were set forth here in their entirety.
49. A.A.C. R18-8-262.A provides that a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status provided the generator meets certain conditions, including A.A.C. R18-8-265.A, which requires that facilities must be maintained and operated to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment [*see also* 40 C.F.R. § 265.31].
50. During the CEI the EPA Inspector observed the following: hazardous waste paint filters that were placed on the ground; hazardous paint debris and paint stripper sludge waste had accumulated on the floor and horizontal surfaces in the Paint Bay; and hazardous waste rinse water had migrated beyond secondary containment and the paint Bay and had pooled in the Hangar 52 hazardous waste accumulation area.
51. Therefore, EPA alleges Respondent has violated A.A.C. R18-8-265.A [*see also* 40 C.F.R. § 265.31].

D. CIVIL PENALTY

52. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), as adjusted by the Federal Civil Penalties Inflation Adjustment Act, as amended, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, authorizes a civil penalty of up to NINETY-FIVE THOUSAND, TWO HUNDRED EIGHTY-FOUR DOLLARS (\$95,284) per day for violations of Subtitle C of RCRA, 42 U.S.C. § 6921 *et seq.*, occurring after November 2, 2015 and assessed on or after January 15, 2017. Based upon the facts alleged herein and upon those factors which EPA must consider pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), and the RCRA Civil Penalty Policy, including the seriousness of the violations, any good faith efforts by Respondent to comply with applicable requirements, and any economic benefit accruing to Respondent, as well as such other matters as justice may require, EPA proposes that Respondent be assessed ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) as the civil penalty for the violations alleged herein. The proposed penalties were calculated in accordance with the "June 2003 RCRA Civil Penalty Policy." Under the penalty policy, EPA uses a penalty assessment matrix to determine a gravity-based penalty. That penalty amount is then adjusted to take into account multi-day violations, and for case-specific circumstances.



E. ADMISSIONS AND WAIVERS OF RIGHTS

53. For the purposes of this proceeding, Respondent admits to the jurisdictional allegations set forth in Section B of this CA/FO. Respondent consents to and agrees not to contest EPA's jurisdiction and authority to enter into and issue this CA/FO and to enforce its terms. Further, Respondent will not contest EPA's jurisdiction and authority to compel compliance with this CA/FO in any enforcement proceedings, either administrative or judicial, or to impose sanctions for violations of this CA/FO.
54. Respondent neither admits nor denies any allegations of fact or law set forth in Section C of this CA/FO. Respondent hereby waives any rights Respondent may have to contest the allegations set forth in this CA/FO, waives any rights Respondent may have to a hearing on any issue relating to the factual allegations or legal conclusions set forth in this CA/FO, including without limitation a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), and hereby consents to the issuance of this CA/FO without adjudication. In addition, Respondent hereby waives any rights Respondent may have to appeal the Final Order attached to this Consent Agreement and made part of this CA/FO.

F. PARTIES BOUND

55. This CA/FO shall apply to and be binding upon Respondent and its agents, successors and assigns, until the civil penalty required under Sections D and G has been paid in accordance with Section G, and any delays in performance and/or stipulated penalties have been resolved. When those matters are concluded, this CA/FO shall terminate and constitute full settlement of the violations alleged herein.
56. No change in ownership or corporate, partnership or legal status relating to the Facility will in any way alter Respondent's obligations and responsibilities under this CA/FO.
57. The undersigned representative of Respondent hereby certifies that he or she is fully authorized by Respondent to enter into this CA/FO, to execute and to legally bind Respondent to it.

G. PAYMENT OF CIVIL PENALTY

58. Respondent consents to the assessment of and agrees to pay a civil penalty of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) in full settlement of the federal civil penalty claims set forth in this CA/FO.
59. Respondent shall submit payment of the ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) within thirty (30) calendar days of the Effective Date of this CA/FO, in accordance with one of the options set forth below. The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed with the



Regional Hearing Clerk. All payments shall indicate the name of the Facility, EPA identification number of the Facility, the Respondent's name and address, and the EPA docket number of this action.

Regular Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:

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

Overnight Mail:

Payment shall be made by certified or cashier's check payable to "Treasurer, United States of America," and sent as follows:

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
ATTN Box 979077  
St. Louis, MO 63101

Wire Transfers:

Wire transfers must be sent directly to the Federal Reserve Bank in New York City with the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727 Environmental Protection Agency"

ACH (also known as REX or remittance express):

Automated Clearinghouse (ACH) for receiving US currency  
PNC Bank  
808 17<sup>th</sup> Street, NW  
Washington, DC 20074  
ABA = 051036706  
Transaction Code 22 – checking  
Environmental Protection Agency  
Account 31006

CTX Format

On Line Payment:

This payment option can be accessed from the information below:

[www.pay.gov](http://www.pay.gov)

Enter "sfo1.1" in the search field

Open form and complete required fields

**If clarification regarding a particular method of payment remittance is needed, contact the EPA Cincinnati Finance Center at 513-487-2091.**

60. At the time payment is made, a copy of the check shall be sent to:

Regional Hearing Clerk  
Office of Regional Counsel (ORC-1)  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105

and

Rick Sakow (ENF-2-2)  
Enforcement Division  
U.S. Environmental Protection Agency - Region 9  
75 Hawthorne Street  
San Francisco, CA 94105.

61. In accordance with the Debt Collection Act of 1982 and U.S. Treasury directive (TFRM 6-8000), each payment must be received by the due date set forth in this CA/FO to avoid additional charges. If payment is not received by the due date, interest will accrue from the Effective Date of this CA/FO at the current rate published by the United States Treasury as described at 40 C.F.R. § 13.11. A late penalty charge of \$15.00 will be imposed after thirty (30) calendar days with an additional \$15.00 charge for each subsequent 30-day period. A 6% per annum penalty will further apply on any principal amount not paid within ninety (90) calendar days of its due date. Respondent further will be liable for stipulated penalties as set forth below for any payment not received by its due date.

H. DELAY IN PERFORMANCE/STIPULATED PENALTIES

62. In the event Respondent fails to submit payment to EPA by the time required in this CA/FO, Respondent shall pay stipulated penalties as set forth below:



FIVE HUNDRED DOLLARS (\$500) per day for first to fifteenth day of delay, ONE THOUSAND DOLLARS (\$1,000) per day for sixteenth to thirtieth day of delay, and ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500) per day for each day of delay thereafter.

63. All penalties owed to EPA under this Section shall be due within thirty (30) days of receipt of a notification of noncompliance. Such notification shall describe the noncompliance and shall indicate the amount of penalties due. Interest at the current rate published by the United States Treasury, as described at 40 C.F.R. §13.11, shall begin to accrue on the unpaid balance at the end of the thirty-day period.
64. All penalties shall be made payable by certified or cashier's check to "Treasurer of the United States" and shall be remitted as described in Paragraph 59.
65. The payment of stipulated penalties shall not alter in any way Respondent's obligation to complete the performance required hereunder.
66. The stipulated penalties set forth in this Section do not preclude EPA from pursuing any other remedies or sanctions which may be available to EPA because of Respondent's failure to comply with any of the requirements of this CA/FO.

I. CERTIFICATION OF COMPLIANCE

67. By signing this consent agreement, Respondent certifies under penalty of law to EPA that the Respondent has fully complied with RCRA Hazardous Waste Management requirements, 42 U.S.C. §§ 6921–6939e, and the federally authorized Arizona hazardous waste management program that formed the basis for the violations alleged in this CA/FO. This certification of compliance is based upon true, accurate, and complete information, which the signatory can verify personally or regarding which the signatory has inquired of the person or persons directly responsible for gathering the information.

J. RESERVATION OF RIGHTS

68. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including the right to require that Respondent perform tasks in addition to those required by this CA/FO. EPA further reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any of the requirements of this CA/FO, including without limitation, the assessment of penalties under Section 3008(c) of RCRA, 42 U.S.C. § 6928(c). This CA/FO shall not be construed as a covenant not to sue, release, waiver or limitation of any rights, remedies, powers or authorities, civil or criminal, which EPA has under RCRA, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), or any other statutory, regulatory or common law enforcement authority of the United States.



69. Compliance by Respondent with the terms of this CA/FO shall not relieve Respondent of its obligations to comply with RCRA or any other applicable local, State or federal laws and regulations.
70. The entry of this CA/FO and Respondent's consent to comply shall not limit or otherwise preclude EPA from taking additional enforcement actions should EPA determine that such actions are warranted except as they relate to Respondent's liability for federal civil penalties for the specific alleged violations and facts as set forth in Section C of this CA/FO.
71. This CA/FO is not intended to be nor shall it be construed as a permit. This CA/FO does not relieve Respondent of any obligation to obtain and comply with any local, State or federal permits.

K. OTHER CLAIMS

72. Nothing in this CA/FO shall constitute or be construed as a release from any other claim, cause of action or demand in law or equity by or against any person, firm, partnership, entity or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous constituents, hazardous substances, hazardous wastes, pollutants, or contaminants found at, taken to, or taken from the Facility.

L. MISCELLANEOUS

73. This CA/FO may be amended or modified only by written agreement executed by both EPA and Respondent.
74. The headings in this CA/FO are for convenience of reference only and shall not affect interpretation of this CA/FO.

The Effective Date of this CA/FO is the date the Final Order, signed by the Regional Judicial Officer, is filed by the Regional Hearing Clerk.

IT IS SO AGREED.

June 21, 2017

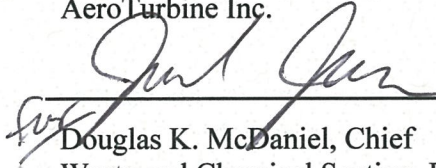
Date

July 3, 2017

Date



Name, Title: Amanda Cutler, Chief Legal Officer  
AeroTurbine Inc.



Douglas K. McDaniel, Chief  
Waste and Chemical Section, Enforcement Division  
U.S. Environmental Protection Agency, Region 9


FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order pursuant to 40 C.F.R. Sections 22.13 and 22.18 (U.S. EPA Docket No. RCRA-9-2017-0001 ) be entered and that AeroTurbine pay a civil penalty of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) due within thirty (30) days from the Effective Date of this Consent Agreement and Final Order. Payment must be made pursuant to Section G of the Consent Agreement.

This Final Order shall be effective upon filing by the Regional Hearing Clerk.

07/11/17

Date

  
\_\_\_\_\_  
Steven Jawgiel  
Regional Judicial Officer  
United States Environmental Protection Agency,  
Region 9



CERTIFICATE OF SERVICE

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of **AeroTurbine, Inc. (Docket #: RCRA-09-2017-00 01 )** was filed with the Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was sent to the following parties:

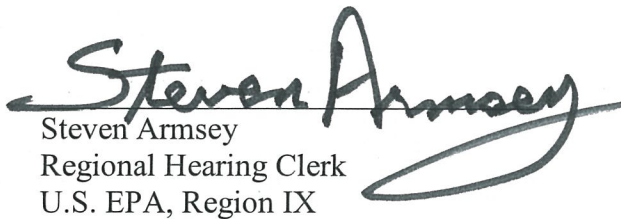
A copy was mailed via CERTIFIED MAIL to:

Karl Trowbridge, CEO  
AeroTurbine, Inc.  
100 NE 3<sup>rd</sup> Ave. #800  
Fort Lauderdale, Florida 33301

**CERTIFIED MAIL NUMBER:** 7001 2510 5943 3928  
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And additional copy was hand-delivered to the following U.S. EPA case attorney:

Rebecca Sugerman, Esq.  
Office of Regional Counsel  
U.S. EPA, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

  
Steven Armsey  
Regional Hearing Clerk  
U.S. EPA, Region IX

July 11, 2017  
Date