

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

International Aerospace Coatings, Inc.
102 SE Academic Avenue
Hangar 9 Building 831
Lake City, Florida 32025
EPA ID No.: FLR000224386

Respondent.

Docket No. RCRA-04-2020-2108(b)

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

CONSENT AGREEMENT

I. NATURE OF ACTION

1. This is a civil administrative penalty assessment proceeding brought under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a) (RCRA or the Act) and Sections 22.13(b) and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), as codified at Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without adjudication of any issues of law or fact herein.

II. PARTIES

4. Complainant is the Chief of the Chemical Safety and Land Enforcement Branch, Enforcement and Compliance Assurance Division, United States Environmental Protection Agency Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 3008(a) of the Act.
5. Respondent is International Aerospace Coatings, Inc., a corporation doing business in the state of Florida. This proceeding pertains to Respondent's facility located at 102 SE Academic Avenue, Hangar 9, Building 831 in Lake City, Florida 32025 (Facility).

III. GOVERNING LAW

6. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the State of Florida (State) has received final authorization to carry out a hazardous waste program in lieu of the federal program set forth in RCRA. The requirements of the authorized State program are found at Fla. Stat. § 403.702 *et seq* [Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g] and to Fla. Admin. Code Ann. r. 62-730 *et seq* [40 C.F.R. Parts 260 through 270, 273 and 279].
7. Pursuant to Section 3006(g) of RCRA, 42 U.S.C. § 6926(g), the requirements established by the Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub. L. 98-616, are immediately effective in all states regardless of their authorization status and are implemented by the EPA until a state is granted final authorization with respect to those requirements. The State has received final authorization for certain portions of HSWA, including those recited herein.
8. Although the EPA has granted the State authority to enforce its own hazardous waste program, the EPA retains jurisdiction and authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). This authority is exercised by the EPA in the manner set forth in the Memorandum of Agreement between the EPA and the State.
9. As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations for the violations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.
10. Pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), Complainant has given notice of this action to the State before issuance of this CAFO.
11. Section 403.721 of the Florida Statutes, Fla. Stat. § 403.721 [Section 3002(a) of RCRA, 42 U.S.C. § 6922(a)], requires the promulgation of standards applicable to generators of hazardous waste. The implementing regulations for these standards are found at Fla. Admin. Code Ann. r. 62-730.160 [40 C.F.R. Part 262].
12. Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] sets forth the requirement that a facility treating, storing, or disposing of hazardous waste must have a permit or interim status. The implementing regulations for this requirement are found at Fla. Admin. Code Ann. r. 62-730.180(1) (permitted) and Fla. Admin. Code Ann. r. 62-730.180(2) (interim status)] [40 C.F.R. Parts 264 (permitted) and 265 (interim status)].
13. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], a "solid waste" is any discarded material that is not otherwise excluded from the regulations. A discarded material includes any material that is abandoned by being stored in lieu of being disposed.
14. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3], a solid waste is a "hazardous waste" if it meets any of the criteria set forth in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.3(a)(2)] and is not otherwise excluded from regulation as a hazardous waste by Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)].
15. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(i) and 261.20], solid wastes that exhibit any of the characteristics identified in Fla. Admin. Code Ann. r. 62-

730.030(1) [40 C.F.R. §§ 261.21-24] are characteristic hazardous waste and are provided with the EPA Hazardous Waste Numbers D001 through D043.

16. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.21], a solid waste that exhibits the characteristic of ignitability is a hazardous waste and is identified with the EPA Hazardous Waste Number D001.
17. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.22], a solid waste that exhibits the characteristic of corrosivity is a hazardous waste and is identified with the EPA Hazardous Waste Number D002.
18. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.20 and 261.24], a solid waste that exhibits the characteristic of toxicity is a hazardous waste and is identified with the EPA Hazardous Waste Number associated with the toxic contaminant causing it to be hazardous.
19. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for barium is identified with the EPA Hazardous Waste Number D005.
20. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for cadmium is identified with the EPA Hazardous Waste Number D006.
21. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for chromium is identified with the EPA Hazardous Waste Number D007.
22. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for benzene is identified with the EPA Hazardous Waste Number D018.
23. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.24], a solid waste that exhibits the characteristic of toxicity for o-Cresol is identified with the EPA Hazardous Waste Number D023.
24. Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. §§ 261.3(a)(2)(ii) and 261.30], a solid waste is a listed "hazardous waste" if it is listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261, Subpart D].
25. Listed hazardous wastes include the F-Listed wastes from nonspecific sources identified in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.31].
26. Pursuant to Fla. Admin. Code Ann. R. 62-730.030(1) [40 C.F.R. §261.31], the following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and all spent solvent mixtures/blends containing, before use, only the above non-halogenated solvents are listed hazardous wastes identified with the EPA Hazardous Waste Number F003.

27. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “generator” is defined as any person, by site, whose act or process produces hazardous waste identified or listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. Part 261], or whose act first causes a hazardous waste to become subject to regulation.
28. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “facility” includes “all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.”
29. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a “person” includes a corporation.
30. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], an “owner” is “the person who owns a facility or part of a facility” and an “operator” is “the person responsible for the overall operation of a facility.”
31. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “discharge or hazardous waste discharge” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.
32. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “sludge” means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.
33. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “storage” means the holding of a hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.
34. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “tank” is defined as a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.
35. Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], “treatment” means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.
36. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11].

37. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a) (2016)]¹, a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the “LQG Permit Exemption”).
38. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.172], and is a condition of the LQG Permit Exemption, a generator is required to use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.
39. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.
40. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: “Hazardous Waste.”
41. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.16(a)], and is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the regulations.
42. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
43. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.52 (c-f)], and is a condition of the LQG Permit Exemption, a generator is required to have a contingency plan that includes the following: (c) a description of the arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee; (d) a list of names and emergency telephone numbers of all persons qualified to act as emergency coordinator, this list must be kept up to date; (e) a list of all emergency equipment at the facility

¹ Florida’s newly adopted Generator Improvements Rule (GIR) regulations were effective in Florida as of June 18, 2018, but were not authorized by EPA and were not federally enforceable until May 10, 2019. Regardless, the federal and state inspections at IAC, and matters described in this CAFO, occurred prior to the State having been authorized for the GIR. As such, and for ease of reference and consistency with the State’s Inspection Report, this CAFO will cite to the Florida hazardous waste regulations in effect at the time of the State inspection, and the corresponding federal regulations, prior to the amendments by the GIR. The requirements prior to the GIR are noted with their most recent effective date.

where this equipment is required, this list must be kept up to date; and (f) an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.

44. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)], and is a condition of the LQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.
45. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1) (2016)], a generator may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i)-(ii) (2016)] (hereinafter referred to as the “SAA Permit Exemption”).
46. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(i) (2016)], which incorporates Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)], and is a condition of the SAA Permit Exemption, a generator is required to keep satellite accumulation containers of hazardous waste closed when waste is not being added or removed.
47. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii) (2016)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.
48. Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.17(a)], the owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

IV. FINDINGS OF FACTS

49. Respondent is a specialist aviation services company that designs and supplies graphics for aircraft exteriors and interiors. Its services include paint, custom vinyl liner kits, mandatory maintenance markings, unique decals, placards and stencils.
50. Respondent is located at 102 SE Academic Avenue, Hangar 9, Building 831 in Lake City, Florida 32025.
51. Respondent’s Hazardous Waste Generator Notification Form (EPA Form 8700-12) dated April 3, 2018, characterized the Facility as a large quantity generator (LQG) of hazardous waste and a small quantity handler of universal waste.
52. Respondent generates hazardous waste, used oil and universal wastes (such as spent batteries, certain types of lamps and mercury containing devices or equipment).

53. On April 4, 2019, the EPA conducted a compliance evaluation inspection (CEI) at Respondent's Facility. The findings of the CEI were documented in a Report mailed to Respondent, dated June 14, 2019.
54. At the time of the CEI, the EPA inspector observed the Respondent had not made hazardous waste determinations on discarded PPE, paper, plastic and tape in a gray trash can marked "Regular Trash Only" in the Hangar 9 Front Aircraft Area and an accumulation of waste paint in the Product Storage Area.
55. At the time of the CEI, the EPA inspector observed the Respondent had a closed 55-gallon container in the Hangar 9 Rear Aircraft Area that was bulging. The Respondent identified the container as storing hazardous waste D001, D007, D018, and F003 Spent Peroxide Paint (Stripper). During the CEI, the Respondent manually removed the bung cap. The container off-gassed and white smoke emitted from the drum.
56. At the time of the CEI, the EPA inspector observed the Respondent failed to clearly mark the following containers in the less than 90-day hazardous waste storage areas with the date upon which each period of hazardous waste accumulation began:
 - a. Two 55-gallon containers of D006 hazardous waste Wastewater Treatment Plant Sludge (Filter Cake) in the Wastewater Treatment Plant;
 - b. Two 55-gallon containers of D002 and D007 hazardous waste Alodine, one 55-gallon container of D001 and F003 hazardous waste storing Spent Solvent Rags (Acetone), and one 55-gallon container of D001, D005, and D007 hazardous waste storing Paint Related Materials (Liquids) in the General Area;
 - c. One 55-gallon container of D001 and F003 hazardous waste Spent Solvent Rags (Acetone) container in the General Area; and
 - d. One 55-gallon container of D001, D005, and D007 hazardous waste Paint Related Materials (Liquids) in the General Area.
57. At the time of the CEI, the EPA inspector observed the Respondent did not label or mark the following containers in less than 90-day hazardous waste storage areas with the words "Hazardous Waste":
 - a. Two 55-gallon containers of discarded D002 and D007 hazardous waste Alodine in the General Area;
 - b. One 55-gallon container of D001 and F003 hazardous waste Spent Solvent Rags (Acetone) drum in the General Area; and
 - c. One 55-gallon container of D001, D005, and D007 hazardous waste Paint Related Materials (Liquids) in the General Area.
58. At the time of the CEI, the Respondent could not provide records to demonstrate that its employees had received training that would allow them to perform their duties in a way that ensured the Facility's compliance with the regulations.

59. At the time of the CEI, the EPA inspector observed the Respondent failed to minimize the possibility of an unplanned sudden or non-sudden release of hazardous waste in the following instances:
- a. Green dust, which was also found in hazardous waste Filter Blankets (EPA Hazardous Waste Code D007), was covering the walls, ceiling, and locker of the Hangar 9 Women's Locker Room;
 - b. The exhaust fan of the Hangar 9 Women's Locker Room did not have a filter;
 - c. Hazardous waste stripper wash wastewater (EPA Hazardous Waste Codes D007 and D023) from the Hangar 9 Front Aircraft Area was running across the concrete floor and accumulating on the floor in the Product Storage Area;
 - d. Hazardous waste stripper wash wastewater (EPA Hazardous Waste Codes D007 and D023) from a 6,500-gallon auxiliary tank, which was behind the Hazardous Waste Storage Area (HWSA), was discharged to the ground outside Hangar 9; and
 - e. Hazardous waste Paint Container Debris (Solids)(EPA Hazardous Waste Codes D007) was accumulating on the Hangar 9 Front Aircraft Area hangar floor.
60. At the time of the CEI, the EPA inspector observed that the Respondent's RCRA contingency plan did not:
- a. Describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee;
 - b. Include an up-to-date list of the names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date;
 - c. Include an up-to-date list of all emergency equipment at the Facility where this equipment is required; and
 - d. Include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.
61. At the time of the CEI, the EPA inspector observed the Respondent failed to ensure the following containers of hazardous waste in the less than 90-day hazardous waste storage areas were kept closed:
- a. A Gaylord box with an orange liner in the Hangar 9 Front Aircraft Area storing hazardous waste Paint Container Debris (Solids)(EPA Hazardous Waste Code D007);
 - b. A wooden box in the Hangar 9 Front Aircraft Area storing hazardous waste Paint Container Debris (Solids)(EPA Hazardous Waste Code D007);
 - c. Four 55-gallon containers of hazardous waste Spent Peroxide Paint (Stripper)(EPA Hazardous Waste Code D001, D007, D018, and F003) and one 55-gallon drum of

hazardous waste (EPA Hazardous Waste Code D002) and Spent Acid Stripper (EPA Hazardous Waste Code D007) in the HWSA; and

- d. One Gaylord box of hazardous waste Paint Container Debris (Solids)(EPA Hazardous Waste Code D007) in the HWSA.
62. At the time of the CEI, the EPA inspector observed the Respondent failed to ensure the following containers of hazardous waste in satellite accumulation areas (SAA) were kept closed:
- a. Two 55-gallons containers of hazardous waste Paint Container Debris (Solids) (EPA Hazardous Waste Code D007) in the Hangar 9 Front Aircraft Area; and
 - b. One 55-gallon container of hazardous waste Spent Solvent Rags (Acetone) (EPA Hazardous Waste Codes D001 and F003) in the General Area.
63. At the time of the CEI, the EPA inspector observed the Respondent failed to mark the following containers of hazardous waste in SAAs with the words “Hazardous Waste” or with other words that identify the contents of the containers:
- a. Two 55-gallon containers containing hazardous waste Spent Solvent Rags (Acetone) (EPA Hazardous Waste Codes D001 and F003) in two SAAs in the Small Paint Area;
 - b. One 55-gallon container of hazardous waste Spent Solvent Rags (Acetone) (EPA Hazardous Waste Codes D001 and F003) in the Mixing Area; and
 - c. One 55-gallon container of hazardous waste Paint Related Materials (Liquids) (EPA Hazardous Waste Codes D001, D005, and F003) in the Mixing Area.
64. At the time of the CEI, the EPA inspector observed the Respondent was storing ignitable waste in the HWSA and the Respondent had not conspicuously placed “No Smoking” signs in the area.
65. Subsequent to the CEI, the Respondent sampled the wastewater directly from the 6,500-gallon auxiliary tank behind the HWSA. Samples of the wastewater were sent to a Pace Analytical on March 8 and 12, 2019, to be analyzed for metals, volatiles and semi-volatiles. The March 8, 2019, sample showed the chromium concentration was 6.88 mg/L. The March 12, 2019, sample showed the 2-Methylphenol (o-Cresol) concentration was 699 mg/L.

V. ALLEGED VIOLATIONS

66. Respondent is a “person” as defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
67. Respondent is the “owner” and “operator” of a “facility” located at 102 SE Academic Avenue, Hangar 9, Building 831 in Lake City, Florida 32025, as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].
68. Respondent is a “generator” as that term is defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10].

69. Respondent generates wastes that are “solid wastes” and “hazardous waste” as those terms are defined in Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. §§ 261.2 and 261.3].
70. Respondent failed to make a hazardous waste determination on discarded PPE, paper, plastic and tape in a gray trash can marked “Regular Trash Only” in the Hangar 9 Front Aircraft Area and an accumulation of waste paint in the Product Storage Area. The EPA therefore alleges that Respondent violated Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.11] by failing to make a hazardous waste determination on solid waste generated at its Facility.
71. Respondent failed to store hazardous waste Spent Peroxide Paint (Stripper)(EPA Hazardous Waste Code D001, D007, D018, and F003) in a compatible container. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the container compatibility requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.172].
72. Respondent failed to clearly mark containers storing hazardous waste in the General Area and Wastewater Treatment Plant with the date upon which each period of hazardous waste accumulation began. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption by not complying with the dating requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(2) (2016)].
73. Respondent failed to label or mark containers in the General Area with the words “Hazardous Waste”. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption by not complying with the labeling requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(3) (2016)].
74. Respondent could not provide records to demonstrate that its employees had received training that would allow them to perform their duties in a way that ensured the Facility’s compliance with the regulations. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the personnel training requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.16(a)].
75. Respondent failed to minimize the possibility of an unplanned sudden or non-sudden release of hazardous waste in the Hanger 9 Women’s Locker Room, Hangar 9 Front Aircraft Area and from a 6,500-gallon auxiliary tank behind the HWSA. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin.

Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the maintenance and operation requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.31].

76. Respondent failed to provide a complete contingency plan. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(4) (2016)], by not complying with the contingency plan requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.52(c-f)].
77. Respondent failed to ensure containers of hazardous waste were kept closed in the less than 90-day hazardous waste storage areas in the Hangar 9 Front Aircraft Area and the HSWA. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the LQG Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], by not complying with the container management requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)].
78. Respondent failed to ensure containers of hazardous waste in the SAA in the Hangar 9 Front Aircraft Area and General Area were kept closed. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption set forth in Fla. Admin. Code Ann. r. 62-730.160(1) (2016) [40 C.F.R. § 262.34(c)(1)(i) (2016)], by not complying with the container management requirements of Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.173(a)].
79. Respondent failed to mark the following containers of hazardous waste in the SAA in the Small Paint Area and Mixing Area with the words “Hazardous Waste” or with other words that identify the contents of the containers. The EPA therefore alleges Respondent violated Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925] by storing hazardous waste without a permit or interim status, because Respondent failed to meet a condition of the SAA Permit Exemption by not complying with the labeling requirements of Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.34(c)(1)(ii) (2016)].
80. Respondent failed to conspicuously place “No Smoking” signs in the HWSA where ignitable wastes were being stored. The EPA therefore alleges Respondent failed to comply with the ignitable and reactive wastes requirement in Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 265.17(a)].

VI. STIPULATIONS

81. The issuance of this CAFO simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
82. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
- f. waives its rights to appeal the Final Order accompanying this CAFO.

83. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706;
- d. waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;
- e. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to the EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO; and
- f. agrees to comply with the terms of this CAFO.

84. By executing this CAFO, Respondent certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected.

85. In accordance with 40 C.F.R. § 22.5, the individuals named in the certificate of service are authorized to receive service related to this proceeding and the parties agree to receive service by electronic means.

VII. TERMS OF PAYMENT

86. Based on the Respondent’s certified statement that COVID-19 has negatively impacted its financial health, and in accordance with the Act, the EPA has determined that **SEVENTY FOUR THOUSAND SIX HUNDRED DOLLARS (\$74,600.00)** is an appropriate civil penalty to settle this action, which Respondent consents to pay as follows:

a. The civil penalty will be paid in two equal installments in order to complete payment of the entire civil penalty including interest. Including the civil penalty and interest, the total amount that will be paid upon completion of all payments will be **\$77,733.03**. The first payment is due within five hundred forty-eight (548) days of the Effective Date of this CAFO, which is upon its filing with the Regional Hearing Clerk. Respondent’s second payment and final payment is due within one-thousand ninety-five (1,095) days of the Effective Date of this CAFO.

b. Respondent shall make payments in accordance with the following schedule:

Payment Number	Payment shall be made <i>no later than</i>	Principal Amount	Interest Amount	Total Payment Amount
1	Five hundred forty-eight (548) calendar days following the Effective Date of this CAFO.	U.S. \$36,746.50	U.S. \$1,991.75	U.S. \$38,738.25
2	One-thousand ninety-five (1,095) calendar days following the Effective Date of this CAFO.	U.S. \$37,853.50	U.S. \$1,141.28	U.S. \$38,994.78

c. If Respondent fails to make one of the installment payments in accordance with the schedule set forth above, the entire unpaid balance of the penalty and all accrued interest shall become due immediately upon such failure, and Respondent shall immediately pay the entire remaining principal balance of the civil penalty along with any interest that has accrued up to the time of such payment. In addition, Respondent shall be liable for and shall pay administrative handling charges and late payment penalty charges as described below in Paragraph 90 in the event of any such failure or default.

d. Further, if Respondent fails to pay the installment payments in accordance with the schedule set forth above, the EPA may take action as set forth below in Paragraph 91.

e. Notwithstanding Respondent’s agreement to pay the assessed civil penalty in accordance with the installment schedule set forth above, Respondent may pay the entire civil penalty of **\$74,600.00** within thirty (30) calendar days of the Effective Date of this CAFO and,

thereby, avoid the payment of interest pursuant to 40 C.F.R. § 13.11(a). In addition, Respondent may, at any time after commencement of payments under the installment schedule, elect to pay the entire principal balance remaining, together with interest accrued up to the date of such full payment.

87. Payments shall be made by cashier's check, certified check, by electronic funds transfer (EFT), or by Automated Clearing House (ACH) (also known as REX or remittance express). If paying by check, the check shall be payable to: Treasurer, United States of America, and the Facility name and docket number for this matter shall be referenced on the face of the check.

a. If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

United States Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000

b. If Respondent sends payment by non-U.S. Postal express mail delivery, the payment shall be sent to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines & Penalties
1005 Convention Plaza
Mail Station: SL-MO-C2-GL
St. Louis, Missouri 63101
Contact Number: (314) 425-1819

c. If paying by EFT, Respondent shall transfer the payment to:

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

d. If paying by ACH, Respondent shall remit payment to:

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, Maryland 20737
Contact: Craig Steffen, (513) 487-2091
REX (Remittance Express): 1-866-234-5681

88. Respondent shall send proof of each payment within 24 hours of payment of the civil penalty, to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
R4_Regional_Hearing_Clerk@epa.gov

and

Kimberly L. Bingham
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW, 10th Floor
Atlanta, Georgia 30303
bingham.kimberly@epa.gov

89. “Proof of payment” means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the Facility name and “Docket No. RCRA-04-2020-2108(b).”
90. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to remit the civil penalty as agreed to herein, the EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the costs of processing and handling the delinquent claim. Accordingly, the EPA may require the Respondent to pay the following amounts on any amount overdue:
- a. Interest. Interest will begin to accrue on the civil penalty from the Effective Date of this CAFO. If the civil penalty is paid within 30 days of the Effective Date of this CAFO, Interest is waived. However, if the civil penalty is not paid in full within 30 days, Interest will continue to accrue on any unpaid portion until the unpaid portion of the civil penalty and accrued Interest are paid. Interest will be assessed at the rate of the United States Treasury tax and loan rate, as established by the Secretary of the Treasury, in accordance with 31 U.S.C. § 3717(a)(1), 31 C.F.R. § 901.9(b)(2), and 40 C.F.R. § 13.11(a).
 - b. Non-Payment Penalty. On any portion of a civil penalty or a stipulated penalty more than ninety (90) calendar days past due, Respondent must pay a non-payment penalty of not more than six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid, as provided in 31 U.S.C. § 3717(e)(2) and 31

C.F.R. § 901.9(d). This non-payment penalty is in addition to charges which accrue or may accrue under subparagraphs (a) and (c) and will be assessed monthly. 40 C.F.R. § 13.11(c).

- c. Monthly Handling Charge. Respondent must pay a late payment handling charge to cover the administrative costs of processing and handling the delinquent claim, based on either actual or average cost incurred. 31 C.F.R. § 901.9(b)(c), and 40 C.F.R. § 13.11(b). Administrative costs will be assessed monthly throughout the period the debt is overdue except as provided by 40 C.F.R. § 13.12.

91. In addition to what is stated in the prior Paragraph, if Respondent fails to timely pay any portion of the penalty assessed under this CAFO, the EPA may:
 - a. refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13, 13.14;
 - b. collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H;
 - c. suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17; and/or
 - d. refer the debt to the Department of Justice as provided in 40 C.F.R. § 13.33. In any such judicial action, the validity, amount, and appropriateness of the penalty and of this CAFO shall not be subject to review.

92. Penalties paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

VIII. EFFECT OF CAFO

93. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged above.
94. Full payment of the civil penalty, as provided in Section VII (Terms of Payment), shall not in any case affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law, 40 C.F.R. § 22.18(c).
95. Any violation of this CAFO may result in a civil penalty for each day of continued noncompliance with the CAFO and/or the suspension or revocation of any federal or state permit issued to the violator, as provided in Section 3008(c) of the Act, 42 U.S.C § 6928(c).
96. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be

construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.

97. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment as provided under the Act.
98. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
99. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.
100. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
101. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.
102. By signing this Consent Agreement, the Complainant and the undersigned representative of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents to this CAFO.
103. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
104. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be, true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.
105. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the EPA finds, after signing this CAFO, that any information provided by Respondent, including Respondent's certified statement that COVID-19 has negatively impacted its financial health, was materially false or inaccurate at the time such information was provided to the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
106. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

107. It is the intent of the parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other parties or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.

IX. EFFECTIVE DATE

108. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Hearing Clerk.

[Remainder of Page Intentionally Left Blank

Complainant and Respondent will Each Sign on Separate Pages.]

The foregoing Consent Agreement in the Matter of **International Aerospace Coatings, Inc.**, Docket No. **RCRA-04-2020-2108(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:



Signature

12/2/2020

Date

Printed Name: Scott Olson

Title: General Counsel

Address: 5251 California Ave. #170, Irvine, CA 92617

The foregoing Consent Agreement in the Matter of **International Aerospace Coatings, Inc., Docket No. RCRA-04-2020-2108(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

for _____
Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

International Aerospace Coatings, Inc.
102 SE Academic Avenue
Hangar 9 Building 831
Lake City, Florida 32025
EPA ID No.: FLR000224386

Respondent.

Docket No. RCRA-04-2020-2108(b)

Proceeding Under Section 3008(a) of the
Resource Conservation and Recovery Act,
42 U.S.C. § 6928(a)

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

The Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

BEING AGREED, IT IS SO ORDERED.

Tanya Floyd
Regional Judicial Officer

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order, in the Matter of **International Aerospace Coatings, Inc., Docket No. RCRA-04-2020-2108(b)**, were filed and copies of the same were emailed to the parties as indicated below.

Via email to all parties at the following email addresses:

To Respondent: Scott Olson
 Chief Compliance Officer and General Counsel
 scott.olson@iac.aero
 International Aerospace Coatings, Inc.
 5251 California Ave. #170
 Irvine, California 92617
 (714) 881-1888

To EPA: Alan A. Annicella, Supervisory Physical Scientist
 annicella.alan@epa.gov
 (404) 562-8610

 Ximena Vasquez, Associate Regional Counsel
 vasquez.maria-ximena@epa.gov
 (404) 562-9548

 U.S. Environmental Protection Agency, Region 4
 61 Forsyth Street, S.W.
 Atlanta, Georgia 30303

Saundi Wilson, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960