

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
)
HAGERSTOWN AIRCRAFT)
SERVICES, INC.,)
)
Respondent)
)
Docket No. RCRA-03-2011-0112)

MOTION TO SET ASIDE DEFAULT ORDER AND
TEMPORARILY STAY PROCEEDINGS

Exhibit A



Maryland Department of Environment
Land Management Administration
Hazardous Waste Program
1800 Washington Blvd, Baltimore MD 21230
(410) 537-3400

Report of Observations

RCRA ID #:	MDD042682398	Generator Status:	LQG
Facility Name:	Hagerstown Aircraft Services (HAS)		
Address:	14235 Oak Springs Road		
City:	Hagerstown	State:	MD Zip: 21742
County:	Washington		
Site Contact:	Kim Potter		
Title:	Owner/Operator	Phone #:	(301) 733-7604
Inspection Type:	CEI-On-Site	Activity #:	
Inspection Start Date:	May 3 rd , 2013		
End Date:	May 3 rd , 2013		
MDE Lead Inspector:	Anthony Enweze		
Other Inspector:	Paul Sudano		

Documentation

<input checked="" type="checkbox"/> Photos/Videos taken	<input type="checkbox"/> Other documentation
<input type="checkbox"/> Documents obtained from facility	<input type="checkbox"/> Request for submission of documents
<input type="checkbox"/> Samples taken by outside source	<input type="checkbox"/> Samples taken by the Department

Checklist: Generator TSD Facility

Introduction

MDE at the request of EPA conducted the CEI on May 3rd, 2013. I arrived at the facility with Mr. Paul Sudano at 10:50 AM and met with Ms. Kim Porter, the facility owner. After a brief introduction, Ms. Potter called her staff, Andy Shanholtz and Keith Sheffler to join us for the pre-inspection.

Hagerstown Aircraft Services (referred to as HAS or Facility) was formerly Alphin Aircraft, Inc until 1996 when it was purchased by HAS. After the acquisition, HAS did not notify the Maryland Department of the Environment (MDE) and the EPA Identification Number for hazardous waste disposal still shows Alphin Aircraft, Inc., as the facility operator.

MDE record review shows that on April 28th, 2010, EPA led a joint compliance evaluation inspection (CEI) with MDE because of a citizen complaint alleging that the facility was dumping hazardous waste into the environment. The report of observation written by EPA after the inspection is on file and no action was taken thereafter even though there were violations observed at that time.

On May 3rd, 2012, MDE conducted another compliance valuation inspection (CEI) at the request of EPA. I, Mr. Anthony Enweze, as the MDE lead inspector, accompanied by Mr. Paul Sudano of MDE conducted the inspection.

Facility Background

HAS is a privately owned company located within the property line of Hagerstown Regional Airport with complete access to airport runways. The company occupies rented space of six building areas from the airport administration. Mr. Tracey Potter, owner operated the facility since 1996 as a small aircraft maintenance company. The facility layout includes the administrative building, engine, structural repair, painting, stripping, preparation, and equipment maintenance shops. HAS company has about 13 employees, according to Mr. Sheffler.

Inspection

The pre-inspection meeting discussion started with the tragic story of Mr. Tracey Potter, owner about two months ago by Ms. Kim Potter, his wife. Ms. Potter stated that in the aftermath of her husband's death she is left with a business that she knows nothing about. Then she introduced Mr. Andy Shanholtz whom she employed to help organize things and Mr. Keith Sheffler, longtime manager at HAS that worked with her late husband for some years. Ms. Potter stated that Mr. Sheffler will guide and answer MDE questions during the inspections as the most informed of the HAS operations. I briefed the facility on the inspection process and commenced the inspection activities. Shortly after, Ms. Potter excused herself to attend other scheduled appointments.

Processes

Mr. Sheffler explained the company business and layout of its operations. He stated that HAS business is in maintenance of small aircraft with emphasis on engines, avionics and structural repairs analogous to the activities at autobody shops. The paint shop uses solvent based paints and mineral spirits (lacquer thinner) for cleaning. Mr. Sheffler stated that stripping and washing are an integral part of the processes from which the facility generates hazardous waste.

Waste Stream

On inquiries about the hazardous waste generated HAS business operations, Mr. Sheffler stated that hazardous wastes are generated from:

1. Aerosol from painting and cleaning
2. Solvent based paints unused or discarded
3. Mineral spirits (lacquer thinner) from cleaning
4. Stripping of old paints with caustic stripper (SPC 909) solution
5. Used fluorescent bulbs, universal waste (UW) from facility lighting

Mr. Sheffler stated that painting and stripping are the two primary sources of hazardous waste in all cases of its business processes.

Document Review

Hazardous waste management documents and the outcomes are:

1. Manifests – No manifest was available for review at the facility
2. Inspection logs – Such practices and Mr. Sheffler could not provide them.
3. Contingency plan – Mr. Sheffler said that contingency plan for hazardous waste management does not exist but the facility has safety plan.
4. Material Safety Data Sheet (MSDS) – Mr. Sheffler had none during inspection
5. Employee training records – Mr. Sheffler stated that he is only aware of training for safety but not hazardous waste management

Mr. Sheffler stated that the above listed documents will take time to find since they were handled by the late Mr. Tracey Potter.

MDE requested to see the facility assigned EPA Hazardous Waste Identification Number and Mr. Sheffler could not provide any.

Facility Tour

Mr. Sheffler of HAS, Mr. Paul Sudano and I, Anthony Enweze toured the facility and observed:

1. Two large tanks each of 500-gallon capacity used for storage and separation of wastewater from stripping operations. Mr. Sheffler stated that the first serves as the holding tank where water is separated leaving behind the bottom tank sludge. He stated that pH adjustment of the wastewater takes place in the tank by addition of corrosive liquid as needed. The tank sludge is pumped into a bath tub container where it is dried by heat into solid blocks and disposed in the trash as solid waste. I inquired if waste determination was done and Mr. Sheffler said no. In the same room were containers of Muriatic acid and bags of ferrous sulfate heptahydrate used to form the solid blocks from the tank bottom sludge.
2. Seven 55-gallon drums were lined up on one side of the room containing the wastewater tanks. Three drums were labeled, “stripper wastes only (no paint waste)”, two labeled, “paint waste (no stripper), and another two seemingly empty without label.
3. Five of the 55-gallon drums containing hazardous waste in the storage area had no accumulation start date posted on them.
4. All liquid hazardous waste drums were kept in storage without containment.
5. Weekly inspection of the hazardous waste drums were not performed nor was record made available to MDE at the time of the inspection. Mr. Sheffler confirmed he is unaware of it.
6. Facility has no assigned EPA Identification number (notification of ownership and name change was not done)
7. Universal waste (UW) is not managed at the facility as Mr. Sheffler stated that used lamps are generally disposed in the trash as solid waste.
8. Aerosol cans containing hazardous waste are disposed in the trash as solid waste.
9. Paint cans with remnant of solvent based paints were disposed in trash as solid waste.

Violations

Based on the findings of this inspection, MDE has determined that Hagerstown Aircraft Services is in violation of Code of Maryland Regulations (COMAR) for Controlled Hazardous Substance (CHS). The specific violations are:

- Storage of CHS on-site for over 90 days without permit in violation of Environment Article, Section 7-224, COMAR 26.13.07.01A, and COMAR 26.13.03.05E(1).

Specifically, the facility did not meet the following required conditions:

- 1) COMAR 26.13.03.02A – Waste determination was not performed;
- 2) COMAR 26.13.03.05E (1) (e) – The date upon which each period of accumulation begins was not clearly marked and visible on each container at 90-day storage area
- 3) COMAR 26.13.03.01 – Generator storage of CHS without permit;
- 4) COMAR 26.13.05.09H – No Containment for liquid CHS containers;
- 5) COMAR 26.13.05.09E – Inspection for hazardous waste in less than 90 days storage is not performed on a weekly basis;
- 6) COMAR 26.13.03.05E (1) (f) (ii) – Hazardous waste containers were not labeled or clearly marked with words “Hazardous Waste”.
- 7) COMAR 26.13.03.03A – No assigned EPA Identification number
- 8) COMAR 26.13.10.15A & B – Universal waste (UW) is not properly managed in a way that prevents releases in to the environment.

Remarks

The above violations included some of those listed in the joint EPA and MDE inspection conducted on April 28th, 2010. EPA was the lead agency for the inspection.

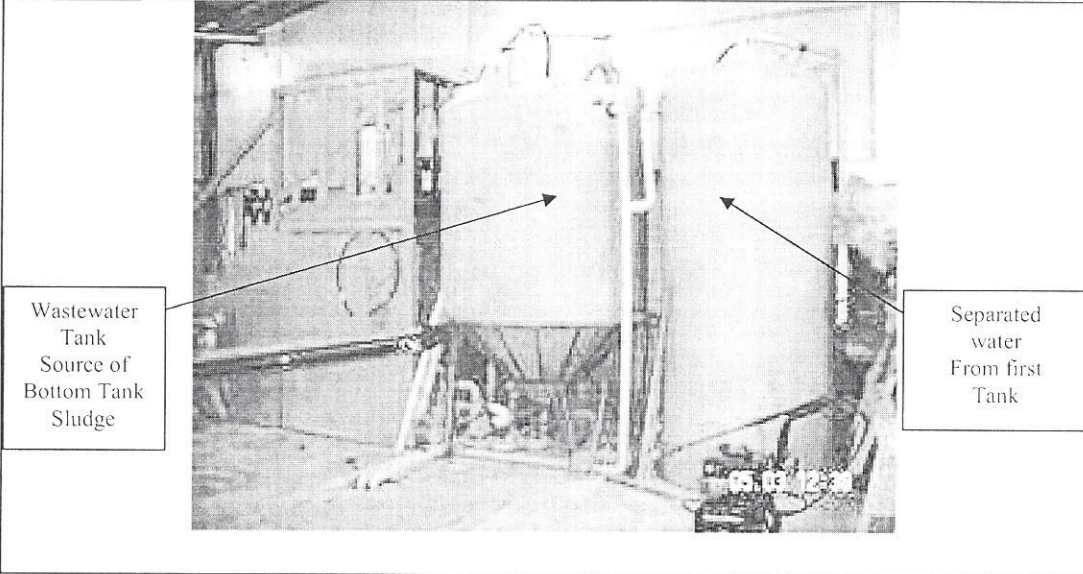
Conclusion

The inspection ended with a post-inspection meeting with Mr. Andy Shanholtz. MDE briefed him on the violations observed and requested immediate correction actions taken to return to full compliance. MDE issued a Site Complaint, number *SC-O-13-HAZ-153* with specifics of the violations and requested immediate corrective measures and return of the facility to full compliance.

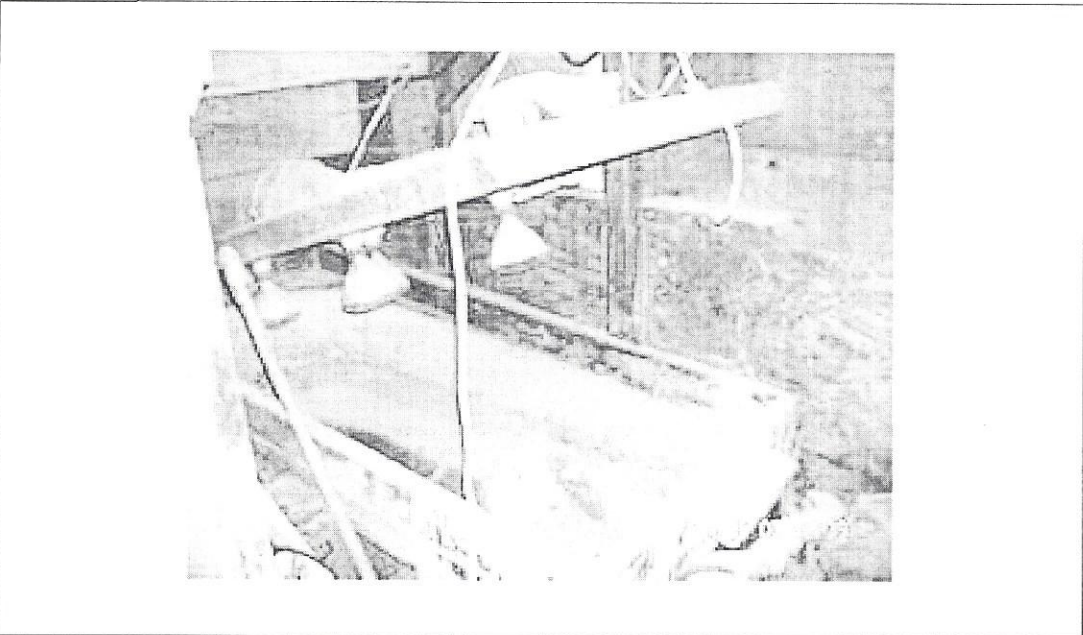
Report by: Anthony N. Enweze, Inspector
Solid Waste Enforcement Program
Hazardous Waste Activities

**Maryland Department of the Environment (MDE)
Hazardous Waste Program
Official Photograph Sheet**

Location:	14235 Oak Springs Road, Hagerstown in Washington County						
Photographer:	Anthony N. Enweze			Witness:			
Photo #	1	of	4	Date:	5/03/2013	Time:	12:38 PM
Description:	Wastewater collection and separation Tanks						

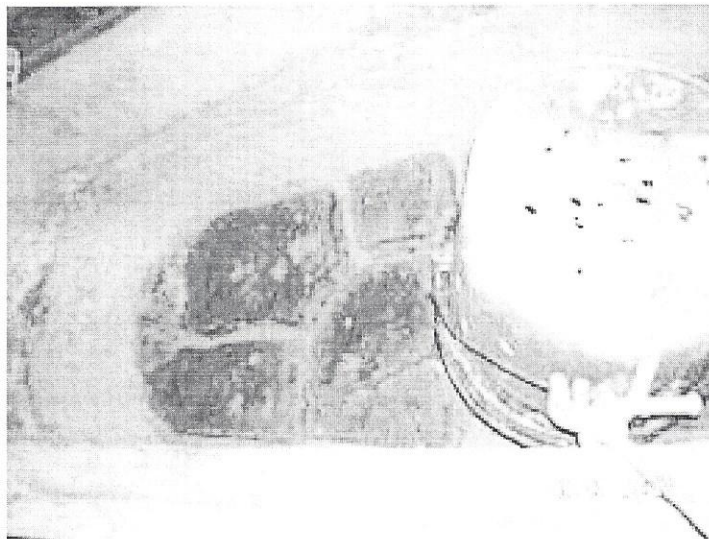


Description:	Sludge Treatment into Solid Blocks before Disposal as Municipal Waste
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**Maryland Department of the Environment (MDE)
Hazardous Waste Program
Official Photograph Sheet**

Location:	14235 Oak Springs Road, Hagerstown in Washington County						
Photographer:	Anthony N. Enweze			Witness:	None		
Photo #	2	of	4	Date:	5/03/2013	Time:	12:39
Description:	Solid Blocks of Sludge after Treatment						



Description:	Muriatic Acid and Ferrous Heptahydrate used for Sludge Treatment
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**Maryland Department of the Environment (MDE)
Hazardous Waste Program
Official Photograph Sheet**

Location:	14235 Oak Springs Road, Hagerstown in Washington County						
Photographer:	Anthony N. Enweze			Witness:	None		
Photo #	3	of	4	Date:	5/03/2013	Time:	12:50
Description:	Hazardous Waste Drums at the less than 90-day Storage Area						



Description:	Close up pictures of one each, Stripper and Paint Waste
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**Maryland Department of the Environment (MDE)
Hazardous Waste Program
Official Photograph Sheet**

Location:	14235 Oak Springs Road, Hagerstown in Washington County						
Photographer:	Anthony N. Enweze			Witness:	None		
Photo #	4	of	4	Date:	5/03/2013	Time:	3:00 PM
Description:	Paint containing cans disposed in Trash as municipal waste						



Description:	Two Large Size Filters in the Paint Booth Area
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